

A TUC guide to rights for
16- and 17-year-olds

workSMART

Know
Your
Rights

www.worksmart.org.uk

Young people^{at} work



October 2012 Edition

TUC 



This leaflet explains how you may benefit from:

- protection against working long hours
- the right to better rest breaks than your older colleagues
- a rest period every working day
- time off every week
- the minimum wage.

Are you a young worker?

If you are aged 16 or 17 and in work then special rules about working time apply to you.

There are different rules for the minimum wage, which we explain later in this leaflet.

Many other rights at work do not depend on your age. They are the same for everyone. You can find out about these at the TUC website www.worksmart.org.uk or in the TUC leaflet *Your Job and the Law* which you can get from TUC Publications. This leaflet only deals with rights that are different for young people.

Maximum working hours

There are rules to protect you against working too long each week and working at night. Normally you should not work:

- more than eight hours a day
- more than 40 hours a week
- or at night (but see below for more about night work)

But your employer can ask you to work longer hours if they are needed for what the law calls “maintaining continuity of service or production”, or to respond to a surge in demand.

You can only do these extra hours if all these conditions are met:

- an adult is not available to perform the duties
- any training you are doing is not neglected or adversely affected
- you must be properly supervised if the work is at night.

Over-18s can agree to opt out of the 48-hour average weekly limit that applies to them. Under-18s cannot do this. Even if you want to work longer hours, you cannot.

Not every job is covered by this protection, though the list of exempted jobs is getting smaller. Members of the armed forces are not covered by these

rules; and young seafarers are covered by a separate set of rules (the Seafarers Directive 2002).

Time off

You should get a proper break between stopping and starting work each day and a longer period off every week.

You should get at least 12 hours of rest in every 24-hour period, and this should be a single 12-hour break.

You should also get a rest period of at least 48 hours in every seven-day period – again this should be a single break.





This two-day rest break per week is twice as long as workers over 18 enjoy.

Again you cannot choose to give these up.

Meal breaks

You should get an uninterrupted break of 30 minutes if you are working for four and a half hours or more. You should be able to take this away from where you work.

Night work

Normally you should not work at night.

For these purposes 'night' starts at 10pm and ends at 6am, though you can still be contracted to work past 10pm providing that you don't then work between 11pm and 7pm.

There are some exceptions, however. Some young people will still be able to work at night, but only as long as the following conditions are met:

- the work is needed "to maintain continuity of service or production", or to respond to a surge in demand
- an adult is not available to perform the duties
- your training is not adversely affected
- you are properly supervised
- you are given compensatory rest.

If all of these conditions apply then you can work throughout the night if:

- you are working in a hospital or somewhere similar; or
- you are working in connection with cultural, artistic, sporting or advertising activities.

In addition you can work up until midnight or from 4am if you work in:

- agriculture
- a shop
- a hotel or catering business
- restaurants and bars
- a bakery
- postal or newspaper deliveries

The minimum wage

The national minimum wage for young people varies according to age.

Minimum wage rates usually increase each year in October.

For the latest rates visit www.gov.uk/national-minimum-wage-rates

Apprentices

For the current minimum wage rate for an apprentice can be found at www.gov.uk/apprenticeships-guide/pay-and-conditions

This rate applies to apprentices under 19 and those aged 19 or over who are in their first year.



Safety at work



If you are doing work experience or work-based learning this may well be their first time you have worked, so special care needs to be taken.

Also, in the first six months of a job all people are at particular risk of injury. Many young people will be in this category.

The law says that employers must be extra careful with young workers.

Before taking on any young worker, employers have to assess the risks to health and the suitability of the proposed work. They should take into account a young person's relative lack of experience in the workplace.

Contacts

Acas helpline

08457 47 47 47

www.acas.org.uk

Acas is a public body that promotes good workplace relations. Its national helpline can provide general advice on rights at work for employees and employers.

Citizens Advice

Your local CABx office will be listed in your telephone directory. You can also visit **www.citizensadvice.org.uk** to find advice and information online.

Equality and Human Rights Commission

www.equalityhumanrights.com

Rights, responsibilities and good practice, based on equality law and human rights.

Health and Safety Executive

www.hse.gov.uk

Has information on health and safety at work issues, and rest breaks and working time.

Pay and Work Rights Helpline

0800 917 2368

This government-funded service provides advice on the minimum wage and working time issues.

www.direct.gov.uk

This government site has pages on employment rights for young people.

Unions today your friend at work

There are times when we all need advice or support in connection with our job.

Everyone has the right to join a union – it costs less than you think and your employer doesn't need to know you are thinking of joining up.

To find out more about how to join a union and which union is the right one for you, visit:

www.worksmart.org.uk/unionfinder

www.worksmart.org.uk

Worksmart at is a one-stop site for everyone at work. It gives a range of information about working life and your rights at work – whether you are a union member or not.

You'll find the full text of this leaflet, plus the whole range of other rights materials, on the site.



Published by
Trades Union Congress
Congress House
Great Russell Street
London
WC1B 3LS

www.tuc.org.uk