

**Basic Rights at work\***

This is intended to provide general information only and should not be taken as a full statement of the law on the subject. This information was last updated on 19/10/2016. It is always advisable to contact your local Citizens Advice Bureau to check if it is still correct.

## Wages

You have the right to be paid for **any work** you do, with no illegal deductions.

National Minimum Wage: below are current levels, levels normally change every year in October Under 18: £4.00

Aged 18-20: £5.55

Aged 21-24: £6.95

25+: £7.20

Apprentice rate under 19 or 19 and over in their first year: £3.40

For advice on and enforcement of the National Minimum Wage: call ACAS 0300 123 1100

You have the right to an **itemised pay slip**.

## Hours

Unless otherwise agreed, you shouldn’t work more than an average of 48 hours a week.

## Sick pay

If you are off sick for four days in a row and earn more than £112 per week, you are entitled to Statutory Sick Pay. This is currently at £88.45 per week. The rates normally change every year in April.

## Breaks

If you are over 18, when working more than 6 hours you are entitled to a 20 minute break.

## Holidays

You have a statutory right to 28 days of paid holiday each year, or the pro rata equivalent if you are part-time. You can go on [www.gov.uk/calculate-your-holiday-entitlement](http://www.gov.uk/calculate-your-holiday-entitlement) to calculate your holiday pay entitlement.

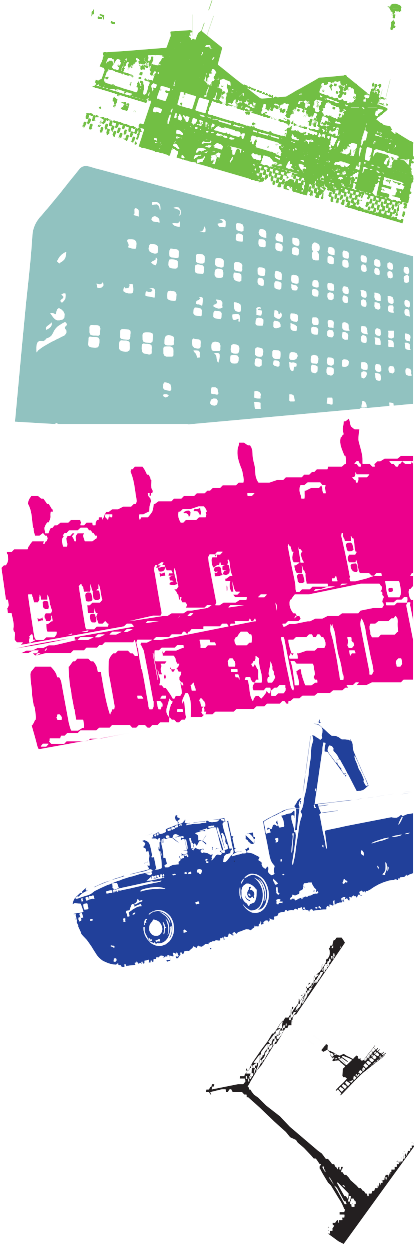
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**Parental Leave**

Ordinary Maternity Leave is 26 weeks. A further 26 weeks of Additional Maternity Leave can be taken. From April 2015, leave can be shared with your partner.

\*Some workers are not entitled to some statutory rights. Check your employment rights by asking at your local Citizens Advice Bureau or search: [www.adviceguide.org.uk](http://www.adviceguide.org.uk/) for more details.

**Fair Treatment.**

You have the right not to be discriminated against: Discrimination means unfair treatment which is, in some way, related to a personal characteristic. It can be unlawful, if it is to do with one of the following ‘protected’ characteristics: age, disability, gender identity, marriage or civil partnership, pregnancy or maternity leave, race, religion or belief, sex, sexual orientation.

# Taking action about your rights at work: a step by step quick guide

* Speak to a CAB adviser and establish what your employment rights are
* Take informal steps e.g. chat with employer if appropriate
* Raise a formal grievance in writing or, in the case of dismissal, appeal against the dismissal
* There should be a meeting to discuss the issue at which you have the right to be accompanied
* Appeal if grievance outcome unsatisfactory
* Use free, compulsory ACAS Early Conciliation scheme - notification must be sent to ACAS (online or phone) within 3 months of the incident/problem occurring e.g. for unpaid wages, within 3 months of the date the money should have been paid
* If necessary raise a claim at employment tribunal. You will have at least one month from the end of EC to do this. There is a fee for this but you may qualify for a fee remission, meaning you would not have to pay part or all of the fee (refer to separate fact sheet)

# Fees and Help with fees at the Employment Tribunal

You may not have to go to the ET as your case may be solved through Early Conciliation.

## Fees:

Fee levels depend on what you intend to claim from your employer.

Type A case: Lodging fee £160 Hearing Fee £230

About: Wages, Notice pay, Holiday pay, Redundancy, Equal pay, Paid time off for maternity appointments, Time off for dependents.

Type B case: Lodging fee £250 Hearing Fee £950 About: Unfair dismissal, discrimination, whistleblowing

The hearing fee is payable 4-6 weeks before the hearing and will not be refunded if you settle out of court after payment is made but before the hearing.

## Remission:

Application for help with fees is done at each stage when a payment is due and is assessed in regard to your financial circumstances at that time (usually the previous month). If you’re on a low income or on particular benefits you might get help to pay your fees to make a claim to an employment tribunal. This is called a **fee remission**.

To work out whether you qualify for a fee remission, your income and capital will be assessed. Your income is the money you have coming in each week or month. Your capital is the amount of money you own in savings, investments or other items of value.

If your income and capital are below a certain amount, you may not have to pay all or some of the fees. If you are in receipt of certain benefits you will also qualify for a full fee remission.

Check your employment rights by asking at your local Citizens Advice Bureau.

# Preparing for Early Conciliation

Preparing for Early Conciliation

1. What do you intend to claim at the Employment Tribunal?
2. The date(s) and details of any incident that you are intending to claim for.
3. Where it exists and particularly if Employer is a large company provide your pay number, job title and place of employment. If you were never given a contract and/or a salary slip, have at hand whatever you may have to help prove the existence of the employment relationship, and the hours worked etc, bank statements, texts emails etc….
4. What you are looking for to resolve the matter?

Check your employment rights by asking at your local Citizens Advice Bureau or search: [www.adviceguide.org.uk](http://www.adviceguide.org.uk/) for more details.

# Automatically unfair dismissal, where it does not matter how long you have worked for the employer

There are some reasons for dismissal that are automatically unfair regardless of how long you have worked for your employer. These include:

* If you are dismissed for taking action over a health and safety issue
* If you are dismissed for taking action to enforce one of your statutory rights e.g. pay, working hours
* If you are dismissed because you are pregnant or on maternity leave or a related reason
* If you are dismissed because you have ‘blown the whistle’ on a matter of public concern at work
* If you are dismissed because for being a trade union member or representative or for taking part in trade union activities including protected industrial action

Check your employment rights by asking at your local Citizens Advice Bureau or search: [www.adviceguide.org.uk](http://www.adviceguide.org.uk/) for more details.

# Useful numbers/Useful websites

## [www.adviceguide.org.uk/Scotland](http://www.adviceguide.org.uk/Scotland)

Citizens Advice Bureaux give free, confidential, impartial and independent advice on a range of subjects, including employment rights. They can also refer you to a more specialist source of advice, if needed. If you live in Edinburgh you can find us: [www.citizensadviceedinburgh.org.uk](http://www.citizensadviceedinburgh.org.uk/)

Otherwise to find your nearest CAB, including those that give advice by e-mail, click on: [www.citizensadvice.org.uk/getadvice](http://www.citizensadvice.org.uk/getadvice)

## [www.acas.org.uk](http://www.acas.org.uk/)

Employment law guidance – free to view, download or share

Tools and resources including free-to-download templates, forms and checklists An introduction to other Acas services

ACAS has an interpretation service linked to their Helpline (0300 123 1100), whereby the Helpline Adviser can call in a separate translation service into the call, who can explain anything which the caller does not understand, including going through the guidance documents from their website.

## [www.hse.gov.uk/contact/authority](http://www.hse.gov.uk/contact/authority)

**Health and Safety Executive** - HSE is responsible for enforcing health and safety at workplaces. This page lists the type of workplaces HSE is responsible for and those where Local Authorities have responsibility. It also lists some other enforcing authorities (eg for food, environment).

## For further advice on exposing wrongdoing in the workplace/Whistle-blowing:

Public concern at work - 02074046609 [www.pcaw.org.uk](http://www.pcaw.org.uk/)