

Your Statutory Rights.

As an employee, you have certain rights that are protected by statute. These "statutory rights" are the minimum rights that a person has under employment law. These rights are guaranteed for the majority of workers. These rights are not affected by whether you have a contract for full or part time hours. If your contract differs from the minimum protections and rights you have under law, then the legal rights will prevail. If you have a contract that affords you rights beyond the minimum required by law, then your contract will stand, in the face of any dispute.

Your statutory rights can be broadly divided into two categories.

1. The rights you have by virtue of being an employee which accrue from your first day of employment.
2. The rights which you accrue after you work for your employer for a certain period of time.

You are entitled to the following information from the day you start employment.

- You have the right to a written pay statement. This pay statement should details your gross payment, and any deductions from this. The reason for the deductions should be given. Your employer is entitled to deduct amounts for tax and national insurance contributions and any overpayment of wages without your consent. Beyond this, any deductions you have not authorised may warrant further investigation. Your pay statement should also show your net sum, after deductions.
- You have the right to be paid the national minimum wage (NMW) for your age group. The NMW for workers aged 22 and over is £5.35. The NMW for workers aged between 18 and 22 is £4.45. The NMW for those under 18 is £3.30. Although 16-17 years will be paid less

they have an automatic right to time off for study or training.

- You have the right to time off for union activities. Any disciplinary action that arises due to an employee being involved in an industrial action is automatically unfair. Similarly, if an employee is involved in "whistle-blowing" i.e., reporting a malpractice in the workplace, they have the right not to be dismissed or suffer any detriment as a result.



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- Employees who work part time hours have the same contractual rights (pro-rata) as their full time counterparts. Similarly, employees who are on a fixed terms contract have the same contractual rights as their permanent counterparts.
- There is a 48 hour limit to the number of hours that an employee can be required to work in a week however they can choose to do more than this. This is provided for under Health and Safety law. The 48 hours are calculated from the average amount of hours worked over a 17 week period. The exception to this is workers under 18 who must not work more than 12 hours in a week.
- You are entitled to weekly and daily rest breaks. Each employee should have a minimum of one days rest a week, 11 hours between work periods, and a rest

break for every 6 hours worked. These should be taken as the work period is progressing, but if this is not possible, compensation rest should be given. Special rules apply to night workers.

- You have the right to a minimum of 4 weeks holiday each year however this may include bank and public holidays. This is calculated depending on how many days you are contracted for in a week. If you have only worked for a portion of a year, then your allotted holiday pay is calculated pro rata.
- If you are pregnant, you have the right to paid time off for your ante-natal care. In addition to this, you also have the right to 26 paid maternity leave. When you wish to return to work, your employer has to ensure that you are in the same or an equal position as you had been before you left. If you have been dismissed while pregnant or on maternity leave, you are entitled to a written statement of reasons from your employer. If you have been dismissed because you are pregnant, this will almost always be unfair.
- You will also have the right to take a reasonable amount of time off to look after dependants in an emergency.
- You have the right to be protected from acts of discrimination based on your age, race, sex, sexual orientation, disability, religion or belief. You also have the right to be protected from unfair dismissal based on discriminatory grounds. In conjunction with this, you now also have the right to apply to your employer to work beyond 65, and cannot be discriminated against on grounds of age.

You are entitled to the following rights after you have worked a qualifying period of service.

- After one month of working for your employer, you have the right to one calendar month's notice of dismissal.
- Within two months, you are entitled to a written statement of terms and conditions of employment. The statement of terms and conditions of employment should include; the name of the employer and

employee, job title, rate and interval of pay, date you began employment, the minimum notice period required prior to termination and if the position is not permanent, details of the duration of the contract. In addition to this, details of any relevant company sick schemes, holiday pay, pension schemes and the location of the position should also be included.

- After one year's service under an employer, you have the right to protection from being unfairly dismissed. Once you have worked for your employer for a year, you may claim compensation if you can show that you have been unfairly dismissed.
- After two years service you are entitled to a written statement of the reasons for your dismissal. You must request such a statement in writing. The employer must provide the statement within 14 days.
- After two years, you have the right to claim redundancy pay, if made redundant. You will also have the right to a reasonable amount of paid time off, in order to seek new employment. If you feel that your redundancy was unfair, for example, that the selection criteria as to who should be made redundant, was unfair, you may be able to seek compensation.
- There are additional maternity rights which depend on how long you have worked for your employer. Once you have 26 weeks continual employment you will also be entitled to additional maternity leave of up to 26 weeks in addition to ordinary maternity leave that is applicable from the first day that you start work. This additional leave follows on from ordinary leave, and as with ordinary leave, your job is protected. However, there is no right to remuneration during this time of additional leave.
- A man becomes eligible for paternity leave as long as he has served 26 weeks by the time the woman is 14 weeks before her due date. He must be the father, or married to, or partner of the mother, and expect to have some responsibility for the upbringing of the child. He is entitled to one or two

consecutive weeks of leave. These can be taken after the birth, or for the following 56 days.

- You must also have worked for 26 weeks with your employer to qualify for adoption leave. Ordinary adoption leave is 26 weeks, and additional adoption leave is for a further 26 weeks.
- After one years, service, you can also qualify for parental leave, to a total of 13 weeks off, for each child under 5 years old. This leave should be taken in weekly blocks. If the child is disabled, the leave entitlement is 18 weeks, to be taken by the time that the child is 18.

If you feel that there are rights that you are entitled to that you are not receiving, you must inform your employer. Initially try to do this informally, as it may be nothing more than an oversight, and could be easily resolved. If no action results from speaking to your employer, you should consider more formal grievance procedures.

You should:

1. Put your complaint in writing
2. Have a meeting with your employer
3. If you don't like the decision your employer makes request an appeal.

As these rights are ensured by law, your employer is legally obliged to abide by them. If you satisfy the service criteria for a right, and they fail to provide for it, especially after you have notified them of your right, they may be in breach of their contract with you. Failure to satisfy the minimum statutory rights expected by law could mean that you have the grounds for an action against your employer in an Industrial Tribunal.