

Basic employment rights

Employment contract - if you have been employed for over 1 month you have a right to be given a written statement of your terms and conditions within 2 months of beginning work. Thereafter, your employer will generally need your consent in order to change the terms and conditions of your contract.

The information that the written statement must include are as follows:

- the names of the employer and employee;
- the date that the employment starts;
- details on pay;
- hours of work;
- holiday entitlement and holiday pay;
- job title and/or brief description of work;
- notice periods;
- place of work;
- certain information regarding pensions (see below); and
- certain information regarding disciplinary and grievance procedures.

Pensions – the written statement should specify any terms relating to pensions and pension schemes. The statement should specify if a contracting-out certificate, for the purpose of the state second pension (S2P), is in force in relation to the employment.

National Minimum Wage (NMW) - workers are entitled to be paid at least the NMW. The current rates are - £5.93 an hour for workers aged 21 and over; £4.92 an hour for workers aged 18 to 20; and £3.64 an hour for workers aged 16 to 17. Rates are reviewed annually.

Working hours – your employer may not require you to work more than an average of 48 hours (including overtime) a week unless you agree in writing to do so and you are entitled to withdraw such agreement on giving 3 months notice. You are entitled to at least one day off per week and a rest break of at least 20 minutes if you work for more than 6 hours a day.

Holiday – you are entitled to 28 days paid holiday each year which may be pro rated if you work part time.

Statutory sick pay (SSP) - if you are away from work on sick leave for 4 days or more in a row you may be entitled to SSP.

Health and safety – your employer should provide you with health and safety information, training and protective clothing free of charge.

Work and families - most workers can take paid leave for the birth or adoption of a child. You may also have the right to request flexible working or to take unpaid leave to look after your children.

Protection from unfair dismissal – if you are an employee with at least 1 year's continuous service with the same employer you have the right not to be unfairly dismissed. In certain circumstances you may have this protection even if you do not have 1 year's

service, for example if you are dismissed because you are pregnant or because you have raised health and safety concerns.

Protection from discrimination –workers have the right not to be discriminated against on the grounds of sex, marital status, race, disability, age, gender re-assignment or religion and belief. If you are disabled your employer also has a duty to make reasonable adjustments to enable you to work. There is no service requirement for these protections.

Agency Workers – from 1 October 2011 all agency workers must be able to access the hirer's facilities and have access to information about its job vacancies from the first day of their assignment. In addition, after working on an assignment for 12 weeks, agency workers will be entitled to the same "basic working and employment conditions" (which include pay) that they would have been entitled to had they been recruited directly by the hirer. The new rights will be subject to certain exemptions.

If you are an employee we can –

- bring any employment related claims for you
- negotiate an exit from employment for you on favourable terms
- help you with any issues arising during your employment
- advise you on contractual documentation
- advise you on compromise agreements and negotiate improved terms.

If you are an employer we can –

- identify areas where you may be at risk and help you to address them
- support you with advice on day to day and major issues
- defend you against employment related claims
- revise your employment documentation and procedures
- provide training to your staff
- improve your health and safety compliance
- keep you informed on developments in the law and best practice
- draft compromise agreements for you to give employees and negotiating with their representatives.

For further information

Please call us on 020 7148 7850 or email info@levenesemployment.co.uk.

Alternatively please contact Armen Acemoglu directly on 020 7148 7847 or aacemoglu@levenesemployment.co.uk .

Disclaimer

Our news articles are written to highlight, in general summary form, some of the issues facing employers and employees in the UK. They are not intended to be, and do not constitute either legal advice or an authoritative statement on the law. Advice should always be sought for specific circumstances.

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