

the rights of an employee



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This is your guide to your rights as an employee. It is not meant to be exhaustive but is a good overview of what you can expect.

Your contract of employment may also set out your entitlement to extra or better rights.

WHEN YOU APPLY FOR A JOB

You should not be discriminated against in a job selection process because of your sex, race, disability, religious belief, sexual orientation or because you are a member of a Trade Union.

From October 2006, it will also be illegal to discriminate on the grounds of age.

FROM YOUR FIRST DAY AT WORK

- You should be given a statement showing how much you earn and any deductions that will be made from your pay. (This is not the same as a contract of employment, although a contract of employment can also contain this information).
- You are entitled to time off for maternity leave (there are complex rules about this, so if in doubt, seek specific advice).
- You are entitled to emergency leave to deal with family issues
- You are entitled to time off for antenatal care
- You have protection from dismissal on some limited grounds including pregnancy, whistle-blowing and trade union activity.
- You have rights under the Working Time Regulations including four weeks paid holidays per year.
- You have the right not to be discriminated against for reasons of your sex including being pregnant, your race or any disability, or for being a member of a trade union.
- You have a right to equal pay with members of the opposite sex doing the same or a comparable job to you.

- You are entitled to be paid a minimum wage if you are aged 18 to 21. More information on the minimum wage can be obtained from the government's minimum wage help line 0845 845 0360, which can also be used to make an official complaint or provide a tip-off that an employer is breaking the law.
- You are entitled to work in a place which is safe and does not cause you to injure yourself or become ill.
- You have a right to time off for study if you are 16 or 17 years old.
- You have a right not to have deductions made from your pay unless you have agreed to them.
- You have a right to time off for public or trade union duties.
- You can claim breach of contract if your employer sacks you without giving you the agreed notice, or breaks some other term in your contract of employment.
- If you are paying National Insurance contributions, you can claim Statutory Sick Pay after you have been off sick for four days in a row.
- You have a right to be accompanied by your trade union or a workplace colleague at a disciplinary or grievance hearing including appeals.

AFTER A MONTH

- You are entitled to one week's notice of dismissal

AFTER TWO MONTHS

- You are entitled to a written statement of your terms of employment which must include your pay, hours, where you are expected to work, holidays and other benefits such as pension entitlement. While the written statement is not a contract of employment, it is very important that you have one as it can be used if necessary in a court or tribunal if problems do arise.

AFTER TWENTY SIX WEEKS

- You are entitled to paid Paternity leave, if you have worked continuously for your employer for 26 weeks ending with the 15th week before the baby is due.

- You are entitled to paid maternity leave, provided you have worked continuously for the same employer for 26 weeks by the 15th week before the child is due.

AFTER ONE YEAR

- You are entitled to claim unfair dismissal if your employer sacks you without good reason, and/or without going through a proper dismissal procedure at work.
- You are also entitled to written reasons for dismissal from your employer.
- You cannot be made to "waive" your right to claim unfair dismissal, even if you are on a short-term contract.
- You can take up to 13 weeks unpaid parental leave to care for a child during its first five years. Rights also apply to adopted children and are more generous if the child is disabled.

AFTER TWO YEARS

- You can claim statutory redundancy pay if your job has ended and no one has been taken on to do it. The amount depends on your age, your pay and your length of service. You may get more if your contract provides for it.

RIGHTS AS A TRADE UNION MEMBER

Since Spring 2000, there have been additional rights in the workplace:

- The right to take a trade union representative or fellow worker into a disciplinary or grievance hearing.
- The right for your trade union to be recognised by the employer to negotiate your working conditions if the majority of employees want it.
- The right to claim unfair dismissal during the first eight weeks of a lawful strike if you are sacked for taking part in the strike.
- The right to claim compensation if you are discriminated against at work or when applying for a job, as a result of your employer using a "blacklist" of trade union members.

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