



**MWR Solicitors**  
A legal guide

**EMPLOYMENT LAW:**  
The rights of an employee



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## **THE RIGHTS OF AN EMPLOYEE**

This is a guide to your basic rights as an employee. It is not meant to provide an exhaustive list of your rights but it provides a useful overview of your rights throughout the recruitment and employment process.

Always check your contract of employment as it may provide you with extra or better rights than those set out in this booklet.

## **WHEN YOU APPLY FOR A JOB**

If you apply for a job with a new employer, or even if you apply for a new job with your current employer, you have the right not to be discriminated against on the grounds of your sex, race, disability, religion or belief, sexual orientation or your age.

Under UK law, an employer can only employ an individual who has permission to live and work in the UK. If an employer unlawfully employs illegal immigrant workers, they will be liable to pay possible fines of up to £10,000. When you apply for a job or before you start employment, it is likely that an employer will make enquiries of you in this regard and request to see your documents.

## **FROM YOUR FIRST DAY OF EMPLOYMENT**

- You are entitled to receive at least the National Minimum Wage.
- You are entitled to receive a written, itemised pay statement stating the amounts to be paid to you and any deductions that are to be made (such as tax and national insurance contributions).
- You have a right not to have any amounts deducted from your wage by your employer, unless you have agreed the deductions. There are some exceptions in this regard. For example your employer is entitled to make student loan deductions or deductions that are ordered by the Courts.
- You are entitled to protection from discrimination on the grounds of your sex, race, disability, religious belief, sexual orientation and age.
- You are entitled to be paid equally compared to members of the opposite sex who do the same OR a comparable job to you.
- You are entitled to maternity and adoption leave, although you are not entitled to receive maternity pay until after 26 weeks of employment. There are complex rules about this and so if in doubt, seek advice.

- You have protection from unfair dismissal on some very limited grounds, for example:
  - Being a member of a trade union
  - Being an employee representative e.g. Union rep
  - Becoming pregnant
  - Whistle blowing
- You have a right to be accompanied to any disciplinary or grievance meeting by a colleague or a trade union representative
- Under the Working Time regulations, you are entitled to 5.6 days paid holiday per year (pro rata)
- You are entitled to time off to attend for jury service
- You are entitled to reasonable time off in emergencies to care for dependants
- You are entitled to reasonable time off to take part in trade union activities / duties
- You have a right to be protected from harm or from illness caused by the workplace
- If you earn at least £95.00 per week, you are entitled to receive statutory sick pay, usually after your fourth qualifying day of absence in a row.

#### **WITHIN 2 MONTHS OF SERVICE**

An employer must provide written particulars of employment to an employee, which includes the following minimum information:

- Identity of the employer and employee
- The start date of employment
- The employees job title
- The employees place of work
- The employees hours of work
- The employees pay details
- The employees holiday entitlement

#### **AFTER 26 WEEKS SERVICE**

- You are entitled to receive statutory maternity pay, as long as there are more than 15 weeks left before the baby is due at the time you reach 26 weeks service

- You are entitled to receive statutory paternity pay, as long as there are more than 15 weeks left before the baby is due at the time you reach 26 weeks service and you earn more than £95.00 per week
- You are entitled to receive statutory adoption pay, as long as there are more than 15 weeks left before the baby is due at the time you reach 26 weeks service and you earn more than £95.00 per week
- You are entitled to make an application to your employer for flexible working

#### **AFTER 1 YEARS SERVICE**

- You are entitled to claim unfair dismissal if your employer sacks you without a fair reason/without going through a fair procedure
- You are entitled to ask your employer for up to 13 weeks unpaid parental leave to care for each of your children up until their 5th birthdays.
- If you adopt a child, you are entitled to ask your employer for up to 13 weeks unpaid parental leave until the 5th anniversary of the child's placement with you.
- If you are the parent of a disabled child and they are receiving Disability Living Allowance, you are entitled to request up to 18 weeks parental leave in order to care for your child up until their 18th birthday.

#### **AFTER 2 YEARS SERVICE**

- You are entitled to claim statutory redundancy pay if your job becomes redundant. The amount of statutory redundancy pay you can claim depends on your age, your length of service and your gross weekly wage.

## STATUTORY NOTICE REQUIREMENTS

UK law prescribes the minimum notice an employer and an employee should give when terminating an employment relationship. Contracts of employment may require more notice to be given by an employer/employee. However, the following notice periods are those prescribed under the law:

Employees with more than one more service:	1 week
Employees with more than two years service:	1 week for every year that they are employed, up to a maximum of 12 weeks

## RIGHTS OF AN EMPLOYEE

NB - This table is not intended to be exhaustive and advice should be sought from a legal practitioner as required

X denotes entitlement to a right

	<u>Applying for a job</u>	<u>From 1st day of service</u>	<u>After 2 months service</u>	<u>After 26 weeks service</u>	<u>After 1 year service</u>	<u>After 2 years service</u>
Right not to be discriminated against on the grounds of sex, race, disability, religion or belief, sexual orientation or age	X	X	X	X	X	X
Right not to suffer an unlawful deduction of wages		X	X	X	X	X
Right to maternity leave		X	X	X	X	X
Right to maternity/paternity/adoption pay				X	X	X
Right to 5.6 weeks annual leave per annum (pro rata)		X	X	X	X	X
Right to reasonable time off to take part in trade union activities/duties		X	X	X	X	X
Right to receive statutory sick pay (if qualifying conditions met)		X	X	X	X	X
Right to make a request for flexible working				X	X	X
Right not to be unfairly dismissed		In limited circumstances	In limited circumstances		X	X
Right to statutory redundancy pay						X

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