



Free, expert advice for small businesses

This information is intended to be a brief introduction to the subject. Legal information is provided for guidance only and should not be regarded as an authoritative statement of the law.

Leaflet 1

August 2015

Know the law

Employees have a range of legal rights derived from national or European legislation and these are summarised below.

- Employers must give their employees a **written statement of their main terms and conditions of employment** within two months of commencing employment. Employers may wish to include these terms within a contract of employment. For further details see Leaflet 6.
- Employees are entitled to rates of pay which comply with the current rate of the **National Minimum Wage**. [See Leaflet 5](#).
- Employees are entitled to an **itemised pay statement** each time they are paid. The statement must specify the gross amount of wages or salary, the amount of any fixed or variable deductions, the reasons for any such deductions and the net amount of wages or salary payable. See [Leaflet 5](#).
- Workers have the right not to have **unlawful deductions** made from their wages.
- Employees qualify for **Statutory Sick Pay** if they are sick for four days in a row and have earnings of at least the national insurance lower earnings limit. Employers therefore do not pay SSP until the fourth qualifying day. Employees may self certify themselves for up to 7 days of illness but thereafter a doctor's certificate must be provided as evidence of illness. Further details can be accessed from the HMRC website (<https://www.gov.uk/statutory-sick-pay>).

- Workers are entitled to **paid annual leave** and entitlement starts to accrue from the first day of employment. During the first year of employment, the amount of leave a worker may take at any time is limited to the amount they have “accrued” at that time. Accrual is at the rate of one-twelfth of the annual entitlement at the beginning of each month. The amount of statutory paid annual leave that a worker is entitled to can be worked out by multiplying their normal working week by 5.6 (e.g. if you work five days per week- $5 \times 5.6 = 28$ days paid annual leave per year). There is no statutory right to have bank or public holidays, with or without pay. Bank or public holidays which the worker has off will count towards the worker’s statutory holiday, unless their contract provides for bank or public holidays in addition to statutory holidays. For more details see [Information note No 3 - Holidays and holiday pay](#)
- A worker’s **average working time**, including overtime, averaged over a 17 week reference period must not exceed 48 hours, unless the worker agrees to work more than this and signs an opt out agreement confirming this. A worker who works more than six hours at a stretch is entitled to a **rest break** of 20 minutes, a worker under 18 who works for more than four and a half hours at a stretch is entitled to a rest break of 30 minutes.
- Employees have the right to time off work for a number of reasons, including:-
 - for **public duties**
 - to look for work if declared **redundant**
 - for **trade union** duties, activities and training.
 - A female employee is entitled to 52 weeks’ **Statutory Maternity Leave** (made up of 26 weeks’ ordinary maternity leave followed by 26 weeks’ additional maternity leave) regardless of her length of service. A female employee is entitled to 39 weeks **Statutory Maternity Pay** if she has been continuously employed for 26 weeks by the 15th week before the expected week of child birth and has average weekly earnings of at least the national insurance lower earnings limit (currently £112 per week). Other maternity rights include: time off for ante-natal care and protection against unfair dismissal on maternity-related grounds.
 - Employees who have worked for their employer regardless of their length of service, may be entitled to 52 weeks **Statutory Adoption Leave** (made up of 26 weeks’ ordinary adoption leave followed by 26 weeks’ additional adoption leave) if they have a child matched or

placed with them for adoption. **Statutory Adoption Pay** is paid for 39 weeks. If the employee's average weekly earnings are £112 or more (before tax) Statutory Adoption Pay is paid at £139.58 or 90 per cent of average weekly earnings if this is less.

- Employees may be entitled to **Shared Parental Leave** (SPL) and **Statutory Shared Parental Pay** (ShPP) if their baby is due on or after 5 April 2015 or they adopt a child on or after 5 April 2015. For more information see nibusinessinfo guide [shared parental leave and pay](#)
- Employees who have completed one year's service are entitled to 18 weeks **unpaid Parental Leave** for each child under the age of 18. Employees who have worked for their employer continuously for 26 weeks, have the right to **request Flexible Working**. For more information see Advisory Guide - [Flexible Working: The right to request and duty to consider](#)
- The right to request flexible working.
- All employees are entitled to reasonable time off work without pay to deal with an **emergency involving a dependant**.
- All **part-time workers** are entitled to the same contractual rights (pro-rata) as comparable full-time workers.
- Employees with at least two years' service are entitled to **statutory redundancy pay**.
- All employees have the right to a **guarantee payment** when laid off work (so long as the contract allows the employee to be laid off, otherwise full pay is due). For more information see [Information note No.5 Temporary lay-off and short-time working](#)
- An employee who has been in continuous employment for one month or more is entitled to receive at least one week's **notice** if the employment has been for less than two years. Thereafter the employee is entitled to receive one week's notice for each year of completed service subject to a maximum of twelve weeks. However, an employee dismissed because of gross misconduct forfeits all notice rights.
- Employees have the right to a **safe system of work**.
- Employees have the right not to be **discriminated against** on the grounds of their sex, religious belief and/ or political opinion, race, disability, sexual orientation, part-time status and age.
- Employees have the **right to belong or not to belong to an independent trade union**. Those who do so benefit from certain bargaining rights if their union is recognised by their employer.

Where an employer with at least 21 employees does not recognise a union voluntarily, the union can follow certain statutory procedures to obtain recognition.

- Employees have the right to be transferred automatically on the same terms and conditions without loss of service related employment rights from one employer to another when a **business is transferred**.

Where can I get more information?

The Agency Helpline 028 9032 1442 gives free advice on employment matters