

# Young Workers



“ When I was 17 I got a job at a furniture shop. I was enjoying it to start with, I made friends and was good at the work. It was commission only, so on a good day I made loads of money but other days I made nothing. Most of the other people there were guys and there was a lot of laddish banter going on. It all started to go wrong when my line manager tried it on with me. He backed off when I told him I had a boyfriend, but everyone found out about it and the guys started being really rude about me. It got really out of hand, I started to dread going in to work. One day it got so bad that I just walked out. I didn't get my last months' wages because they said I hadn't given my notice. I was just glad it was all over. ”

Kate, Manchester

What happened to Kate shows how things at work can sometimes turn really nasty. Like Kate, we often put up with unfair treatment at work because we don't realise that we have legal rights to protect us.

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## What rights did Kate have?

- She should not have been paid on commission only; it is illegal not to pay workers a minimum hourly rate.
- The line manager should not be 'trying it on' with workers – that is sexual harassment. The 'banter' could be sexual harassment too, for example if it was about sex or women.
- The insults Kate had to put up with amount to bullying and more sexual harassment.
- Even though Kate didn't give proper notice, her employers should not have withheld her pay – they should have paid her for work she had done up to the point where she walked out.

## What should Kate have done?

It's understandable that Kate just wanted to get out of the situation, but if she knew her rights, Kate could have taken other steps to deal with the problem.

- She could have tried raising her concerns with her employer. Clearly, it would have been difficult talking to her line manager, but she could have spoken to his boss, or someone higher up. This might have put a stop to it.
- If not, she could have considered making a formal complaint. Every employer has to have a complaints procedure.

- If her work still hadn't put a stop to the problem, she should have got legal advice from someone with experience in this area. For example, an employment expert at her local advice agency, law centre, or Citizen's Advice Bureau.

If her employer didn't sort out the harassment and give her the money she was owed she could have taken them to an employment tribunal. She would probably have got some compensation from her employer.

# Getting started

**Are you young and working? Or, thinking about starting work for the first time? Don't let your job become a bad experience you'd rather forget. This guide for Young Workers explains what rights you have at work and how to make sure you are being treated properly by your employer.**

The guide deals with the most common employment problems. It doesn't cover everything, because every work situation is different. You should always get advice if you are unsure of what rights you have, or how you should deal with a problem.

If your workplace has a recognised trade union, you should think carefully about joining as they can help to explain your rights and deal with any problems that may arise in the course of your employment.

It's important to remember that you should act quickly if you have a problem at work. It's better to get things sorted out before it gets worse, or makes you ill, or feel that you have to leave. You might decide to make a claim against your employer at a tribunal (that's the legal term for a court which deals with employment issues). Tribunals have strict time limits and if you delay you could lose your right to make a claim.

There are loads of different types of jobs out there, from working on a building site to sitting behind a desk. You might be hired on a casual basis during the holidays, or your job might be the start of a long career.

No matter what your job is, certain rights always apply to you, like the right to a minimum wage and the right to get breaks and holidays. But you get more rights if you have the status of 'employee' rather than another type of worker.



## How do I know if I am an employee?

It's sometimes difficult to tell. You might be an employee even if your employer says you're not. Agency and casual workers may be employees, depending on the situation. It's important to find out whether you are an employee. If you think you might be, but your employer says that you're not, speak to an adviser at your local advice centre.

**See Finding help for details of how to find an adviser.**

## Your contract of employment

If you are an employee, you have a contract of employment. When you start work, ask your boss to put your contract in writing if it hasn't been done already. The contract will say things like how much you will be paid, what your hours of work are and how much holiday you can have. Read through your contract and keep it in a safe place, you may need it if you have a problem.

# Pay

## Minimum wage

**“I'm 19 and work at a swish hair salon. I get £3 an hour but I'm training so it makes up for the pay.”**

Joe, Plymouth

Joe's employers are breaking the law because they are paying him less than the minimum wage.

### So, how much is the minimum wage?\*

**16–17 year olds: £3.57 per hour**

(But this might not apply to 16–17 year olds who are learning a craft or a skill on the job.)

**18–21 year olds: £4.83 per hour**

**22 or older: £5.80 per hour**

(If you are receiving accredited training and have been in the post for less than 6 months, you can be paid less, but it must be at least £4.83 per hour. Accredited training means it is a government-approved vocational course, like an NVQ. You can find out from your training provider whether your course is accredited.)

\*Rates change in October 2010

**16–17 YEAR OLDS WATCH OUT!** Employers may say that they are giving you training as a way round paying you the minimum wage – if you are not genuinely learning a skill or craft, you should be paid the minimum wage.

### Does it apply to all workers?

The minimum wage applies to almost all workers, it makes no difference if you are an employee or not, if you are full-time or part-time, or if you are only taken on casually. It also applies if you work from home or are paid by commission.

However, you are not entitled to the minimum wage if you are:

- 16–17 years old and on a training programme,
- under 19 and on an apprenticeship,
- over 19 and in the first 12 months of an apprenticeship,
- on a work experience placement that lasts less than 1 year as part of a Higher Education programme.

### I am not sure if I am being underpaid, how do I find out?

You can call the government's minimum wage help line on **0845 6000 678** (calls charged at local rates). You don't have to give your name or the name of your employer to get advice from them. Alternatively, you could contact your local advice centre or trade union, if you have one.

### What if I am not being paid the minimum wage?

Your employer is breaking the law. See **How to tackle problems at work** on page 14.

## Other pay problems

### I am getting more than the minimum wage, but it's still not enough, what can I do?

If you are being paid less than other people at your work who are doing similar jobs you might be a victim of discrimination – see **Discrimination** on page 11. If others are paid more because they are genuinely more qualified or experienced, that's fair enough.

If your employer pays less than other employers for your type of work, you could try talking to your boss and explain to him or her that they pay less than the going rate. They might agree to give you a pay rise. If not, you might be wise to find a more generous employer.

### My employer wants to pay me cash in hand. Is it a good idea?

It may sound good, you don't have to bother with all those boring payslips and you get a fatter pay packet. But for one thing it is often illegal because it is a way round paying tax and national insurance, also you lose out on a lot of the rights set out in this guide because your employment contract is not valid.

### My employer doesn't give me wage slips

If you are an employee, you have a right to get payslips from your employer showing how your pay has been calculated. Make sure you are getting these and keep them safe. They may be needed if there is a problem in future and they are a useful record of how much tax you have paid. Payslips also provide proof of your income – you may need evidence of your earnings for things like getting a mortgage or renting a flat.

# Working time

Anil is 19, he has been working since 8am and his shift is due to finish at 5pm. It's now nearly 4pm and his boss hasn't let him go to lunch because things have been so manic. Does he:

- A** Put up with it on this occasion, most days he gets at least 10 minutes to scoff down a sandwich so it's not that bad.
- B** Get his coat and spend an hour reading the paper in the sunshine – after all it's called a lunch-hour isn't it?
- C** Speak to his boss and explain that he should be getting at least 20 minutes break per day.

**You are entitled to breaks at work and there are laws to stop you being worked too hard. Find out what you are entitled to – and the answer to Anil's problem – in our low-down on working time:**



WHEN YOU'RE EIGHTEEN...

	16–18 year olds	Over 18s
<b>Lunch Break:</b>	You should get at least 30 minutes break per day if you work continuously for more than four and a half hours. If you are juggling jobs add the hours up, if it is more than four and a half you still get a break.	You should get at least 20 minutes break per day if you work continuously for more than 6 hours. <b>(So the correct answer to Anil's problem is C).</b>
<b>Rest from one day to the next:</b>	You should be getting an uninterrupted rest of 12 hours between working days.	You should be getting an uninterrupted rest of 11 hours between each working day.
<b>Days off between working weeks:</b>	You should get at least 2 days off a week, and they should normally be taken in a row.	You should get at least one day off a week, or alternatively, 2 days off in a row every 2 weeks.
<b>Maximum time at work a week:</b>	You should not be working for more than 8 hours a day or 40 hours a week.	You should not be working for more than 48 hours per week on average, unless you have specifically agreed to work more hours.

There are some exceptions to these rules, but it is much harder to change the rules for 16–17 year olds than for over 18s.

## But remember...

- Your employer doesn't have to pay you for breaks unless your employment contract says you will be paid.
- The daily break should not be right at the beginning or the end of the working day, but other than that, the time of the break is up to the employer to decide.

## Night workers

### Over 18s

If you regularly work for at least 3 hours between 11pm and 6am, you are a night worker. In general, night workers should not be working for more than 8 hours in every 24 hours. There are some exceptions to this rule, for example, it doesn't apply to caretakers, security guards or certain jobs which cannot be interrupted. Just as with daytime work, you should get a 20 minute break if you work for a period of 6 hours or more.

**If you are doing night work which is potentially dangerous or which involves a lot of mental or physical strain, you should not be expected to work for more than 8 hours per night under any circumstances.**

### Under 18s

In general, people under 18 should not be working between 10pm and 6am or between 11pm and 7am. That means you can work up to 11pm but then you should not start work before 7am the next morning.

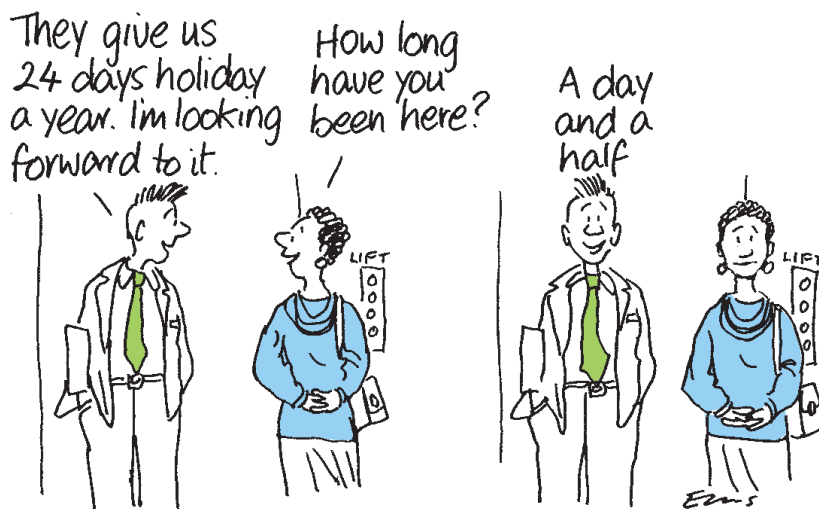
There are exceptions to this rule, for example, if you are working in a hospital or if you are involved in sporting or artistic activities. See the Department for **Business, Innovation and Skills (BIS)** website for more information on working at night (see **Finding help** on page 15).

### I am not getting the time off I am entitled to, what should I do?

See **How to tackle problems at work** on page 14.

If you have lost your job or are treated badly because your employer wanted you to skip breaks or work longer hours than you should, you may have a claim against your employer for unfair dismissal. See **Dismissal** on page 11 and **Bullying** on page 10.

# Taking time off



## Holidays

**"I was gutted that I lost my job, but at least I got an extra lump sum of money because apparently I still had some holiday left."**

Darren, Halifax

**Check you are getting all the holiday you are entitled to. If you miss out on holiday; don't miss out on any money owed.**

### So, how much holiday should I get?

If you are over 16 and work full-time, you are entitled to at least 28 days paid leave a year (if you are in certain jobs, like the police and armed forces you may be treated differently). From 1 April 2009 you should get at least 28 days paid leave a year. This is a minimum set out by law; your employment contract may say that you are entitled to more.

### What if I work part-time?

If you work part-time your annual leave should be in proportion to the amount of days you work per week. You can work out how much you are entitled to by multiplying the number of days you work in a week by 5.6 – the number you get will be the number of days holiday you are

entitled to. For example, if you work 3 days a week you should get 17 days holiday a year. (You round the figure up to the nearest half-day).

### Should I be paid when I am on holiday?

Yes, you should generally be paid the same amount as you are normally paid at work.

Your employer might say that your holiday pay is included in your normal pay. They are not allowed to do this any more.

### What about bank holidays, Christmas etc?

The 28 days can include bank holidays.

### Do I get to choose when to take my holiday?

Generally employers let staff go on holiday when they want. But unless your contract says otherwise, your employer has the final say over when you take your holiday. If your employer tells you to take holiday at a particular time, you must be given at least 2 days notice for every day of holiday you are asked to take.

You need to give your employer notice when you want to go on holiday. Your contract of employment might say how much notice you should give, otherwise you have to give notice of at least twice as long as you want to be away. So, if you want a 2 week holiday you must give at least 4 weeks notice.

## What if I don't use up my holiday?

It depends on the reason why you haven't used your full holiday allowance. If it is because you just never got round to it, that's bad luck. Your employer doesn't have to pay you for unused holiday or let you carry holiday into the next year.

If your employer kept refusing your holiday requests and you missed out as a result, they are breaking the law and you could make a claim for compensation at an employment tribunal. See **How to tackle problems at work** on page 14.

If you lose your job and you have not taken your full annual leave you are entitled to pay instead of the holiday you have missed so far.



it have a look at the Department of Work and Pensions website (see **Finding help**).

## Sickness

**"I was getting really bad chest pains and had breathing problems. When they found out I had a blood clot on my lung I had to take nearly 3 months off work but I still had to pay the rent."**

Mariam, London

Mariam was in a job which paid a full salary during her illness, but not everyone is so lucky.

Problems often arise when you go off sick, particularly if you are off for a long time or if you have to call in sick a number of times over a short period.

Find out what you are entitled to if you get sick:

- Some employers give staff a number of days' paid sick leave per year. Have a look in your employment contract to find out what you are entitled to.
- If you are off sick for more than four days you may be able to claim Statutory Sick Pay (SSP). This is set out by law and is paid to you by your employer. You have to be earning over a certain amount to qualify. To find out more about SSP and how to claim

### I am not an employee, do I get Statutory Sick Pay?

Probably not, but you might do if you are an agency worker. Seek advice from an experienced adviser if you are in this situation.

### What if I lose my holiday because I am off sick?

This is a complicated area of law, if you are in this position it is best to speak to an adviser at your local advice centre.

### Can I be sacked for taking sick leave?

This may be unfair dismissal if your employer has not treated you reasonably (see **Dismissal** on page 9).

If you call in sick often for minor things like colds and headaches your dismissal is unlikely to be treated as unfair.

### What if my job is making me ill?

If you are sick because of conditions at work, your employer could be flouting health and safety requirements, see **Health and Safety at Work** on page 12.

If you are getting stress-related illness because of bullying at work, your employer could be held responsible and you might be entitled to compensation – see **Bullying** on page 10.

## Time off work in other circumstances

You also have a right to take reasonable time off work in the following situations:

- **Emergencies** – If something unexpected happens to a close family member, for example if your childcare arrangements have gone wrong. This would also include arranging and attending a family funeral. Your employer doesn't have to pay you for emergency leave, unless your contract says so.
- **Study or training** – If you are 16–18 you are entitled to take time off to continue your study or training. You should get your normal rate of pay. See **Training** on page 13.

### What about if I need to see the doctor or a dentist?

Your employer doesn't have to give you time off for this, check your employment contract. You might have to go outside work hours, take annual leave or make the time up later.

But if you have a medical appointment in relation to your pregnancy or a disability you have, you should get time off.

### My boss won't let me take time off

See **How to tackle problems at work** on page 14.

# Pregnancy and children

This is a difficult and often confusing entitlement to understand and mistakes are easy to make, which can affect your rights. Always seek advice if you are uncertain.

## Rights for pregnant women and new mums

If you are pregnant, what is the minimum time you should be allowed off work when your baby is born?

- A** 26 weeks    **B** 52 weeks    **C** 4 weeks    **D** As long as you need

Find out the answer by reading through this outline of rights for pregnant workers:

- You are entitled to up to a year off work after giving birth, this is called maternity leave. It doesn't matter how long you have worked for your employer or how many hours you work. So the correct answer to the above question is **B**.
- You don't have to take your full maternity leave if you don't want to, but you do have to take at least 2 weeks leave or 4 weeks if you work in a factory.

### Do I get paid during maternity leave?

Yes, there are three possible ways of getting paid during maternity leave. Your employment contract might say that your employer will pay, but it might not be as much as you usually get in your pay packet.

If not you could be entitled to Statutory Maternity Pay, this is a government benefit paid through your employer. You have to have been working for your employer for a certain length of time and be earning a certain amount. It is paid for a maximum of 39 weeks.

If you don't qualify for Statutory Maternity Pay, you might be entitled to another type of government benefit called Maternity Allowance. Again it is paid for a maximum of 39 weeks.

For more information have a look at Advicenow's guide 'Expecting your rights', or the benefits information on the Department of Work and Pensions' website (see **Finding help**).

### How do I take maternity leave?

You can decide to start maternity leave any time from the 11th week before your baby is due. It's essential to give proper notice to your employer – to find out more on how to do this see Advicenow's guide to parental rights or look at the **BIS** website (see **Finding help**).

If you don't give proper notice of your pregnancy you may miss out on certain benefits.

### Do I have to tell my employer if I'm pregnant?

You should tell your employer that you are pregnant at least 15 weeks before the baby is due.

You get certain benefits at work if your employer knows you are pregnant (see **Pregnancy perks** below) – so in some ways the earlier you break the news the better.

### What if they ask if I'm pregnant at a job interview?

You don't have to tell them if you're pregnant. The fact that you are pregnant, or are planning to have children should have nothing to do with whether you get the job. If they ask you questions about pregnancy or children during an interview it could be sex discrimination (see **Discrimination** on page 11).

### Going back to work after having a baby

You usually have an automatic right to return to work after your maternity leave. You have to give your employer a month's notice if you want to come back before your 26 weeks leave. If your employer refuses to have you back you could make a claim for unfair dismissal or sex discrimination (see the sections on **Dismissal** on page 9 and **Discrimination** on page 11).

If you are treated badly or not given opportunities at work because you are pregnant or you are a new mother your employer is breaking the law. See **Discrimination** on page 11.

### Pregnancy perks

- You should be given time off on full pay for medical appointments relating to ante-natal care.
- Your employer should make sure that you are working in conditions which are safe and healthy for pregnant women or recent mothers. This includes things like not having to stand for long periods and not having to lift heavy objects.

## Paternity rights

If your partner is having a baby you will be entitled to up to 2 weeks leave after the birth, this is called paternity leave.

Your employment contract might give you a right to pay during paternity leave, if not you might be entitled to Statutory Paternity Pay.

### When can I take paternity leave?

At any time after the birth of your child, but it must be within 56 days of the birth.

**You don't have to be the biological dad. If you are the husband or the partner (including same-sex partner) of the baby's mother and are going to help look after the baby you will be entitled to paternity leave.**

Remember to tell your boss 15 weeks before you have the baby, dear

I'm not going to have a baby dear, I'm going to have a nice little girl!



## Flexible working

If you are an employee with a child under the age of 6, or you care for an adult that has a disability and you have been working for your employer for at least 26 weeks, you can ask to change your hours or the way you work. For example, you might ask to change to part-time work, work different hours, work from home, or move to a workplace nearer your home. Your employer doesn't have to agree to your request but they must take it seriously and give you proper reasons if they say no. If they don't, it may be sex discrimination (see page 11).

## Parental leave

### What is parental leave?

This is a right for parents to take time off to spend time with their children. You get this right as well as the right to maternity or paternity leave. For example, you might use parental leave to spend more time with your child during his or her early years, or to make sure your child settles into nursery or infant school.

Your employer doesn't have to pay you while you take parental leave, unless it says they will in your contract.

### How long is it?

You get 13 weeks leave for each child. It doesn't have to be taken in one go, you can split it up into weekly blocks.

### Who can take parental leave?

You are entitled to parental leave if you are a parent and you have been working for the same employer for a year or more.

### When can I take parental leave?

Any time up to your child's 5th birthday.

## Changing my contract of employment

Some employers may try to change the terms you are employed on (for example, by paying you less or requiring you to work at another factory or office).

In most cases, an employer can only make changes to your terms and conditions if you agree to them or there is something in your contract that allows for the change.

Never agree to a change to your contract without taking advice first unless it is something that is obviously to your advantage or you are happy with (for example, a pay rise or promotion).

# Ending your job

## Dismissal

**“I was sacked because I called my boyfriend in Australia from work but I only did it once and it was an emergency.”**

Louise, Essex

**If your employer gives you the sack, it is called a dismissal. It is only legal for your employer to sack you if it's done fairly. Otherwise it's against the law and is called “unfair dismissal”.**

### When would it be fair to sack a worker?

The three main situations are:

- **Misconduct** – This is when you behave badly at work. But your employer should give you proper warnings before sacking you for misconduct. If you do something so bad that the employment relationship breaks down, like stealing from the cash till or assaulting someone, it is called “gross misconduct” and you could be dismissed without warnings (as long as you had a chance to explain your behaviour).
- **You aren't capable of doing the job** – If you aren't able to do the job you are being paid to do, your employer can dismiss you. But your employer must have given you proper warnings about your poor work and given you opportunities to improve.
- **Redundancy** – This is when there is no need for someone to be doing your job any more, for example if your employer is closing down the part of the business you work in. There are complicated rules about redundancy and employers sometimes use it as an excuse to get rid of people unfairly. If you have any doubt whether your redundancy is genuine, you should speak to an employment expert at a nearby advice centre.

### When would it be unfair to sack someone?

There are some situations when it is always unfair dismissal. For example, if you are sacked because you are pregnant. There is a full list of these on the **BIS** website (see **Finding help**).

If your employer has just picked on something as an excuse to sack you and/or they have been unreasonable in the way they have gone about it (like not giving you warnings, or a chance to improve), it could be unfair dismissal.

You have to have been working for your employer for at least a year to complain about unfair dismissal to an employment tribunal (see **How to tackle problems at work** on page 14). But if you think the real reason you are being sacked relates to your race, nationality, gender, religion, sexuality or because you have a disability, you have a right to complain no matter how long you have been in the job – see **Discrimination** on page 11.

**Remember: If you have a ‘fixed term’ contract and it comes to an end, your employer doesn't have to keep you on afterwards.**

### What should I do if I think I have been sacked unfairly?

See **How to tackle problems at work** on page 14.

### If I am sacked will I have to leave work immediately?

Only if you're sacked for “gross misconduct”. Otherwise, you should be given what is known as a notice period – it's a set period of time between being told you are dismissed and actually leaving. See the section on **Notice periods**.

## Leaving your job

### I want to leave my job, how do I go about it?

You need to make sure that you tell your employer that you are leaving

and give them enough notice. You may have to put the notice in writing. See the section on **Notice periods**.

### How do I go about making sure I get a decent reference?

In most jobs the employer doesn't have to provide a reference to a new employer. But they should give you a reference if they normally give them.

If your employer does give a reference, remember that they have to tell the truth about you, so if they have valid criticisms of your work they may come up.

### What money should I get when I leave my job?

Normally you should get full pay up to the day you finish working for your employer, including any accrued holiday pay, overtime and commission etc. If you are being made redundant and you qualify for a redundancy payment you should also get this when you leave.

If you quit without giving proper notice, your employer should give you the money you earned up to the day you left. But they may be able to withhold money if you have signed a contract that says they don't have to pay you if you don't give proper notice.

## Notice periods

### If you are giving notice to your employer:

You have to give at least 1 week's notice if you have been working in the job for a month or more. You might have to give a longer notice period if it says so in your contract.

### If your employer is giving you notice:

You should be given at least 1 week's notice if you have been working in your job for more than a month but less than 2 years.

If you have been in the job for 2 years or more, you should get a week's notice for every year you have worked, up to a maximum of 12 weeks. This is the minimum notice you should get – your contract might say you are entitled to more.

# Bullying

“I was doing fine at work until we got this new manager. Everything I did seemed to be wrong and she kept criticising me in front of everyone. In the end it got me down so much that I quit.”

Anya, Reading

Unfortunately bullying doesn't only happen at school. It can also happen in the workplace. If you are being bullied you don't have to put up with it.

## What is workplace bullying?

There is no set list of bullying behaviour, but it includes constant unfair criticism like in Anya's case, as well as things like shouting at staff, making someone the butt of jokes, making offensive personal comments, and setting someone up to fail by overloading them with work.

If you genuinely feel like you are being picked on unfairly by your boss or another colleague, you are probably being bullied.

Bullying can also be discrimination. If you feel that the reason you are being singled out is because of your race, nationality, religion, gender, sexuality, or because you have a disability, see the **Discrimination** section on page 11.



## I am being bullied – what should I do?

Dealing with bullying takes courage, especially because the bully is often someone in a position of authority. But remember that you have the right not to be bullied at work. See **How to tackle problems at work**.

You could contact The Andrea Adams Trust which offers confidential advice and support for people who are bullied at work (see **Finding help**).

## What if I walk out of my job because of bullying?

If you have done all you can to try to stop the bullying at work and it is still happening you might feel that the only option you have is to leave your job. If this happens you could make a claim for “constructive dismissal” (see **Dismissal** for more). But remember, you have to have been in the post for at least a year if you want to bring a tribunal claim for constructive dismissal. If you are in this situation, or are thinking about quitting, speak to an experienced adviser at your local advice agency or law centre.

## Bullying can be so serious that it makes people ill

If bullying is causing physical or mental health problems like depression and anxiety, make an appointment to see your GP. Keep a record of what your doctor says and your symptoms. If your health problems persist, contact your local advice centre, you might be able to make a claim against your employer.

# Discrimination

**“I was working for a fast food chain and they sent this memo round saying that everyone had to wear the company baseball cap – which is difficult when you wear a turban! They said I could like it or lump it. In the end I got some cash out of them for discrimination.”**

Balwinder, London

## What is discrimination?

Discrimination is against the law and you don't have to put up with it. Discrimination is when someone is treated worse than other people because of their:

- Sex
- Race
- Disability
- Colour
- Nationality
- Ethnic/National origin
- Religion or Belief
- Age
- Sexual orientation

There are different kinds of discrimination: direct discrimination, indirect discrimination, victimisation and harassment. You could be discriminated against before you even start work – for example, if your application for a job is rejected because you are too young or because of the colour of your skin.

## Direct discrimination

This is the obvious kind of discrimination, for example, if you are not given a pay rise like other workers because you have a disability, or if you are sacked because you are pregnant.

## Indirect discrimination

This can be more difficult to spot. If your employer makes a rule at work that puts someone at a disadvantage because of any of the reasons listed above, it can be indirect discrimination. In Balwinder's case, the rule about baseball caps discriminated against him because he couldn't wear the cap as well as his turban.

Another example of indirect discrimination would be if training is only offered to full-time workers and not part-time workers. Most part-time workers are usually women so this could be sex discrimination.

## Victimisation

If you have complained of discrimination or helped a colleague who has complained and you are singled out or treated worse than other colleagues as a result, this could amount to victimisation. It could include your employer giving

you a bad reference after you have left, particularly if your work and conduct had been good. Victimisation is unlawful and you can make a claim to a tribunal.

## Harassment

This is a form of discrimination. Harassment includes things like verbal abuse, suggestive comments, refusing to talk to you, touching or physical closeness. For example, if your boss is giving you unwanted sexual attention or tries to intimidate you, that is harassment.

## My boss isn't a problem, it's the other workers...

Employers are responsible for the actions of their staff. It's up to your employer to show that they took all steps possible to prevent other workers from discriminating against you. So, as long as you tell your employer that there is a problem, it's up to them to put a stop to it.

## If you feel that you are a victim of discrimination at work:

Have a look at **How to tackle problems at work** on page 14.



# Health and safety at work

**“I started getting really itchy red patches in between my fingers. My doctor said it was a skin condition called dermatitis and I probably got it from the cleaning products I was using at work.”**

Jasmine, London

When you think about it, most of us spend a large part of our lives at work. So it makes sense that the conditions we work in have a big impact on our health. At one extreme, sloppy health and safety procedures at work can kill or seriously injure people. At the other, things like uncomfortable seating and computer screens can cause aches and pains, which make life miserable.

You could be at risk from psychological illness as well as physical injury. For example, being over-stretched or bullied at work can lead to stress and depression.

To avoid these things, both you and your employer should take action to make sure your workplace is a safe and comfortable place for you to be.

## What should my employer be doing to make sure I am safe at work?

Your employer should do everything they reasonably can to protect you from any harm to your health while you are at work. What is reasonable will depend on the type of job you have.

People who work in places like factories or building sites should be given proper training and safe equipment, protective clothing, and hard hats if appropriate. If you are sitting at a workstation all day, you should be in a chair that is comfortable, and have regular breaks from looking at a computer screen.

All workers should have access to a first aid kit and there should be an



**HEALTH AND SAFETY : MAKE SURE YOU UNDERSTAND INSTRUCTIONS.**

accessible emergency exit in case of a fire. There are lots more rules about work conditions, like the temperature of the office, hygiene standards and access to drinking water and toilets. To find out more about these have a look at the Health and Safety Executive (HSE) website (see **Finding help**).

## How do I know what the dangers are and what my employer is doing about them?

Every business must have a health and safety policy. If there are more than 5 employees, the policy must be put in writing, explaining how health and safety will be managed and who is responsible for what. Your employer should identify what the dangers are at your work, how much risk you are at, and what they are doing to minimise the risk.

Your employer should communicate with you about any health and safety issues which arise at work, or if you have a trade union safety representative then they will probably discuss these issues with you instead.

## What should I do to make sure I am safe at work?

Follow safety procedures set down by your employer, for example, use

any protective clothing you are given. If your work involves using machinery or complicated equipment, you should be given proper training about how to use them. Make sure you have understood health and safety instructions before you work with anything which could be dangerous.

Avoid mucking about or practical jokes which could go wrong, cause an accident and result in you facing disciplinary action or even dismissal!

## I am not an employee, do I still get protection?

Yes, everyone in a workplace has a right to work without exposure to unnecessary health risks.

## I had an injury at work – what steps should I take?

Report it to your manager or safety representative. Make sure they record it in the accident book (all work places should have one).

If you feel it is serious enough, go and see your GP and explain how your work caused your injury. Your GP might say that you need treatment and maybe time off work to recover.

If you are losing out on wages or are unable to work for more than a few weeks you might be able to claim

Incapacity Benefit, see the Department for Work and Pensions website to find out more about this (see **Finding help**). You may also be able to claim compensation from your employer. You should speak to an experienced adviser if you are in this position, see below for who to contact.

### What can I do if my working conditions are affecting my health?

If you feel that your health is suffering at work, try speaking to your manager about it, you might be able to solve the problem easily. If you have a safety representative at work you could speak to them too.

If you are unsure about where you stand, you can call the HSE helpline on 0845 345 0055 for confidential help and advice on health and safety issues.

If your work is failing to sort out the problem, you should seek advice from someone with experience in this area about taking the matter further. This could be the HSE helpline or an adviser at your local advice centre. You might be able to get compensation from your employer if your work has made you ill, or if you lost your job because of work-related health problems.

### Special protection for under 18's, pregnant women and new mums

Employers have to be extra-careful about risks to under 18s. If you are in this age group, you are bound to have less experience of the workplace than older workers and will probably be less aware of risks. Your employer should not expose you to dangers you might not have the experience to cope with.

Pregnant women and new mums also need special treatment and any risk assessments should take this into account. For example, pregnant women should not be lifting heavy boxes, or standing up all day.

# Training at work

**Whether you get training at work will depend on your employer, the type of work you are doing, and the skills you already have. If your employer offers you training, it's a good idea to take it, as you can put it down on your CV and it is likely to put you in a better position if you want to move jobs.**

### Do I have any rights to training at work?

No, unless your contract says otherwise. But there are different rules for 16–17 year olds. See below for more information.

### Training for 16–17 year olds

If you are in this age group and you didn't get many qualifications at school, you may be entitled to paid time off work to study or train to get a qualification, like an NVQ. It might be possible to do the training with your employer, or you might have to leave your workplace. It depends on what you are studying and what your employer can offer.

### If you are 18...

... and have already started training or studying towards a qualification, you may be entitled to paid time off work to finish your course.

For more information contact the Learning and Skills Council (LSC) on **0870 900 6800**, or look at their website (see **Finding help**).

# Under 16s

**You are not allowed to work full time until you are 16 and have finished school. If you are 13 to 15 and want to earn a bit of money you can have a job, but there are lots of rules about the length of time you can work for and the type of work you can do. These rules are there to make sure you are being treated fairly by your boss and that your job doesn't interfere with school.**

The main things to remember are:

- Your employer must give you an employment permit from your Local Education Authority.
- Your job mustn't be during school time, and you shouldn't be working before 7am or after 7pm.
- You aren't allowed to work in places like factories or building sites because they could be dangerous.
- There is no minimum wage for under 16s.

Have a look at the **DirectGov** website's information on child employment to find out more about what breaks you should be getting and how long you should be working for (see **Finding help**).

Working should be your decision – if you are being forced into working, it is against the law. If you are in this position you can call Childline on 0800 1111 to get help and advice about what to do. Calls are free and they are open 24 hours a day.

# How to tackle problems at work

**If your employer is treating you in a way you are unhappy with, or not giving you what you are entitled to, don't suffer in silence. You can take action to deal with the problem.**

Every work situation is different, so there isn't just one way of dealing with a problem. What you should do will depend on what kind of relationship you have with your employer and the type of problem you have.

Here is an outline of the steps you could take:

- You could start by talking to your employer; explain that you are not getting what you are entitled to or that you are unhappy with the way you are being treated. You might be able to settle the matter straight away.
- If that doesn't work you should get in touch with your trade union representative, if you have one, or a personnel officer at your work and they will be able to advise you on what to do next. You might have to put your complaint in writing.

- Maybe there isn't any kind of complaints procedure or adviser at your work, or you feel that there is no way you can work things out with your employer. If you are in this position, you should get in touch with an experienced adviser at your local law centre, Citizen's Advice Bureau, or advice agency.
- As a last resort you might decide to make a complaint to an employment tribunal. You should think carefully before doing this as it is likely to create bad feeling between you and your employer no matter what the outcome. If you feel that this is your only option you should speak to an experienced adviser first as there are important rules you must follow before going to a tribunal.

**Employment tribunals are set up to resolve disputes between employers and employees. Most complaints must be made within three months of the incident or action you are complaining about.**

## Top tips for dealing with work problems

- If it is an ongoing problem like bullying or discrimination, keep a diary. It's important to have a record of what's happening to you.
- If you decide to talk to your employer directly, go through what you are going to say with a friend first – try to stay calm and polite so you don't lose control of the situation. Immediately after you have talked to them, make a note of what was said by both of you.
- Don't delay in taking steps to deal with a problem, remember there's usually a 3 month deadline for making a claim at an employment tribunal.
- If you decide to make a formal complaint, make sure you are familiar with your employer's complaint procedures.
- If you are having a meeting with your managers about a complaint you have made or because they have complained about your work or behaviour, you can take a fellow worker or a trade union representative with you to the meeting. This is a good idea, as it will give you moral support as well as a witness to what is said.

## PROBLEMS AT WORK: TWO STRONG TIPS...



**1. KEEP A DIARY OF EVENTS.**



**2. WHEN TALKING TO MANAGEMENT TAKE SOMEONE WITH YOU.**

# Finding help

## Finding an adviser

You can usually find an experienced adviser at your nearest advice centre, Citizen's Advice Bureau or law centre. If you cannot find an adviser near you, you may be able to get advice over the phone. Look in Yellow Pages or use Community Legal Advice's directory ([www.communitylegaladvice.org.uk](http://www.communitylegaladvice.org.uk)) or call them on **0845 345 4345**.

If you have children, you could get advice over the phone or email from a charity called **Working families** – [www.workingfamilies.org.uk](http://www.workingfamilies.org.uk)  
Call free on **0800 013 0313**, text **07800 00 4722** or email [advice@workingfamilies.org.uk](mailto:advice@workingfamilies.org.uk)



## General employment queries

**Citizens Advice Bureau Online** – [www.adviceguide.org.uk](http://www.adviceguide.org.uk)

**Department for Business, Innovation and Skills (BIS)** – [www.berr.gov.uk](http://www.berr.gov.uk)

**DirectGov** – [www.direct.gov.uk/Topics/Employment/Employees/fs/en](http://www.direct.gov.uk/Topics/Employment/Employees/fs/en)

**Worksmart** – [www.worksmart.org.uk/](http://www.worksmart.org.uk/)

**ACAS** – [www.acas.org.uk](http://www.acas.org.uk)

## Information about benefits at work

**Department of Work and Pensions** – [www.dwp.gov.uk/lifeevent/benefits](http://www.dwp.gov.uk/lifeevent/benefits)

## Advice about bullying

**The Andrea Adams Trust** – [www.andreaadamstrust.org](http://www.andreaadamstrust.org)

## Information about training for 16–17 year olds

**Learning and Skills Council (LSE)** – [www.lsc.gov.uk](http://www.lsc.gov.uk)



## Information about the employment rights parents have

**Advicenow** – [www.advicenow.org.uk/advicenow-guides/work/](http://www.advicenow.org.uk/advicenow-guides/work/)

## Information and advice about health and safety at work

**Health and Safety Executive (HSE)** – [www.hse.gov.uk/workers/index.htm](http://www.hse.gov.uk/workers/index.htm)

## Information about discrimination at work

**Advicenow** – [www.advicenow.org.uk/is-that-discrimination/](http://www.advicenow.org.uk/is-that-discrimination/)  
and [www.advicenow.org.uk/advicenow-guides/work/dealing-with-discrimination-at-work/](http://www.advicenow.org.uk/advicenow-guides/work/dealing-with-discrimination-at-work/)

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- Parents apart
- 10 steps to sorting out your debts
- LivingTogether
- Family Mediation
- Divorce – a Survival Toolkit
- Working parents
- Trouble at school
- Unfair dismissal
- Is that discrimination?
- Homeless and young?  
Get your foot in the door ...
- How to get good asylum advice
- Support for asylum seekers in the UK
- How to handle an interview under caution
- Turned down for DLA/AA? Think you're not getting enough?
- Claiming compensation
- Dealing with discrimination
- Dealing with bailiffs
- Identity theft
- What's a contract?
- Do I need a lawyer?
- Seven steps to solving a problem

You can read or download all these guides and more at [www.advicenow.org.uk](http://www.advicenow.org.uk)

*“Advicenow is the liveliest, least stuffy, most accessible and understandable website on legal matters that I’ve ever come across.”*

Marcel Berlins, *The Guardian*

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**The information in this guide applies to England and Wales only.**

**The law is complicated and every case is different. Get advice.**

Written by Jane Bowers.

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If you have any comments on this guide,  
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**Advices Services Alliance**  
6th Floor, 63 St Mary Axe, London EC3A 8AA

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