

standing up for ourselves

Casualisation and so-called flexible working are ways of undermining working conditions and exploiting us more than ever. They also make permanent jobs more vulnerable. So casualisation does not only affect temporary and agency workers, but all workers.

Employers will sack workers they do not like, knowing full well that many are reluctant or unable to go through an employment tribunal. It is not enough having a few statutory and contractual rights at work; we need to stand together to ensure that the rights long fought for are respected.

Only by standing together can we prevent bosses from intimidating and victimising us. We cannot leave it to the Government, the bosses, political parties, or the established trade unions. The most effective way of defending our rights is by organising ourselves and taking collective direct action. By forming our own groups where everyone is equal, we can resist exploitation and enforce our rights at work effectively. Defending our rights is just the start. Once we achieve this, we can start to take the initiative. An injury to one is an injury to all!

Solidarity Federation - IWA - www.solfed.org.uk

This leaflet was produced by the Solidarity Federation as part of an ongoing campaign against casualisation. It was written by workers, for workers, and has been designed to spread the message about the rights we all have. Solidarity Federation is part of the International Workers' Association, which is the global anarcho-syndicalist organisation. The campaign includes actions by IWA groups worldwide against casualisation and for solidarity amongst all workers. Actions speak louder than words. The more we all get together, the louder we will be heard.

Contact us for free leaflets to hand out & more info on the casualisation campaign and/or information about Solidarity Federation. You can also write for free advice on employment and health & safety rights at Solidarity Federation, PO Box 469, Preston PR1 8XF or email: solfed@solfed.org.uk

solidarity federation



the
**STUFF
YOUR
BOSS**

doesn't want you to know

Some key employment rights

Regardless of work status (temporary or permanent, agency, full or part-time) or our contracts of employment, most of us have certain basic rights. These include:

- 1. The right to be told in writing how much and when we are to be paid.** The Minimum Wage rate is set at £5.73 until October 2010, then £5.80. For 18-21 year olds, it is £4.77 then £4.83. For 16-17 year olds it is £3.53 then £3.57. For agency workers, wages must be paid on the agreed day, even if the hiring company has not paid the agency.
- 2. The right to at least 4 weeks paid leave per year.** Any employment contract should set out leave entitlements. If it doesn't, then 4 weeks must be given (which can include public holidays). All workers, agency workers, homeworkers, trainees, so-called casuals and most freelancers are included in this. Holiday entitlement starts immediately, e.g. on day 1, we get 2 days leave, and, after 6 months, we get 10 days (for part time workers it is less, and it applies to jobs started since October 2001).
- 3. The right to breaks of at least 20 minutes after each 6 hours of work.** We are entitled to at least 11 hours' rest in each 24 hours and a minimum of a day a week off. Rest breaks for under 18s are minimum 30 minutes every 4 1/2 hours.
- 4. The right to refuse to work any more than 48 hours each week.** We cannot be forced to work over 48 hours per week unless we have agreed to it in writing (note that this is averaged over any 17 week period, so we can be forced to do more in any one week).
- 5. The right to sick pay when we are ill.** We are entitled to statutory sick pay if we normally earn over £77 per week and we have been working for over 3 months (or are deemed to have been in continuous employment for 13 weeks).
- 6. The right to maternity/paternity leave when we have children.** From April 2003, most mothers are entitled to 26 weeks' paid maternity leave and an additional 26 weeks' unpaid leave. To get maternity pay, we must earn over £77 per week and have been working for over 6 months by the time the baby is 15 weeks from being due. For the first 6 weeks, this should be 90% of average earnings, then a flat rate of £100 for 20 weeks. If pay can't be claimed, Maternity Allowance may be claimed from the DSS. Fathers/male partners get 2 weeks' paid paternity leave (subject to the same qualifying conditions as for maternity).
- 7. The right to be free from harassment.** We are all entitled to a workplace where there is no racial or sexual harassment, bullying, prejudice or discrimination. Agency and part-time workers have the same rights as full-time workers.
- 8. The right to defend ourselves.** We all have the right to protection from dismissal for asserting our statutory employment rights. We also have the right to join with our fellow workers and organise ourselves collectively, and to join a trade union.
- 9. The right to refuse work that is unsafe or where training is not provided.** We all have the right to refuse to work if we find ourselves in imminent danger. Also, laws governing agencies mean they should not send us to jobs for which we are not qualified, and they must ensure that proper training is provided.

Are you safe & healthy?

The working time regulations

The basic rights and protections that the regulations provide are:

- a limit of an average of 48 hours a week which a worker can be required to work (though workers can choose to work more if they want to).
- a limit of an average of 8 hours work in 24 which nightworkers can be required to work.
- a right for night workers to receive free health assessments.
- a right to 11 hours rest a day.
- a right to a day off each week.
- a right to an in-work rest break if the working day is longer than 6 hours.
- a right to 4 weeks paid leave per year.

Health & safety basics

Employers should:

- Provide safe and healthy working conditions;
- Provide proper information and training for everyone in all types of workplaces;
- Draw up and circulate procedures for dealing with risks at work;
- Inform all workers of Health and Safety agreements, policies and practices before we start work.

Health and safety in the workplace costs money and time and hits profits, so bosses inevitably try to avoid their legal responsibilities. By law, they have to provide health and safety for all workers in their employment. **Remember, you have a legal right to walk off the job if you feel in imminent danger.**

Grievance procedures

Since 6th April 2009, the statutory disciplinary and grievance procedures have been repealed - although any ongoing disciplinary or grievance (hereafter D&G) started before that date are still covered. The original intention of making D&G procedures statutory was an expectation that claims for unfair dismissals would be significantly reduced, in fact the reverse happened with year on year percentage increases (last year by about 15%)

So instead ACAS have produced a Code of Practice that sets out what the features of D&G procedures should contain. The code is not legally binding and a failure to follow it will not make any dismissal arising out of a disciplinary matter automatically unfair. However the recommendation set out in the code (not applicable to redundancy dismissals or the non-renewal of fixed term contracts) will be taken into account by

tribunals. Specifically, an employment tribunal will be able to adjust the amount of compensation (by up to, plus or minus 25%, which is down from the 50% previously) if it has not been reasonably followed.

Employees facing disciplinary action should be given **adequate time** to prepare a defence, and should have the opportunity to **give and call evidence** and to **call witnesses**. You have the right to be accompanied and for **you to chose** either a full-time union official (whether or not the union is recognised), a certified lay official (someone the union has trained to accompany individuals to hearings) or a workplace colleague.

The worker and companion have protection against any detrimental act or dismissal in connection with exercising this right of accompaniment. Hearings must be heard within a **reasonable time period**.

