

Understanding Your Employment Rights



A guide to **employment law**, including rights and obligations, redundancy, unfair dismissal, and workplace discrimination.

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Introduction

Employment law in England and Wales provides a framework that balances the interests of employees and employers. It encompasses a wide range of topics including contractual terms, workplace rights, redundancy procedures, and protections against unfair dismissal and discrimination. This guide aims to provide an accessible overview of these key areas, helping you to understand your rights and obligations within the workplace.



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Employment Contracts

TYPES OF CONTRACTS:

- **Permanent Contracts:** Offer job security with no end date, typically including benefits like pension schemes and sick pay.
- **Fixed-term Contracts:** Specify an end date or project completion, after which the contract may or may not be renewed.
- **Zero-hours Contracts:** Provide flexibility but lack guaranteed work hours, often used in industries like retail and hospitality.

KEY TERMS AND CONDITIONS:

- **Job Title and Description:** Clearly outlines your role, responsibilities, and reporting lines.
- **Working Hours:** States your weekly working hours and any expectations for overtime or shift work.
- **Salary and Benefits:** Details your pay structure, including any bonuses, health benefits, or pension contributions.
- **Notice Period:** Specifies the duration of notice required by both parties for termination of the contract, ensuring mutual understanding.



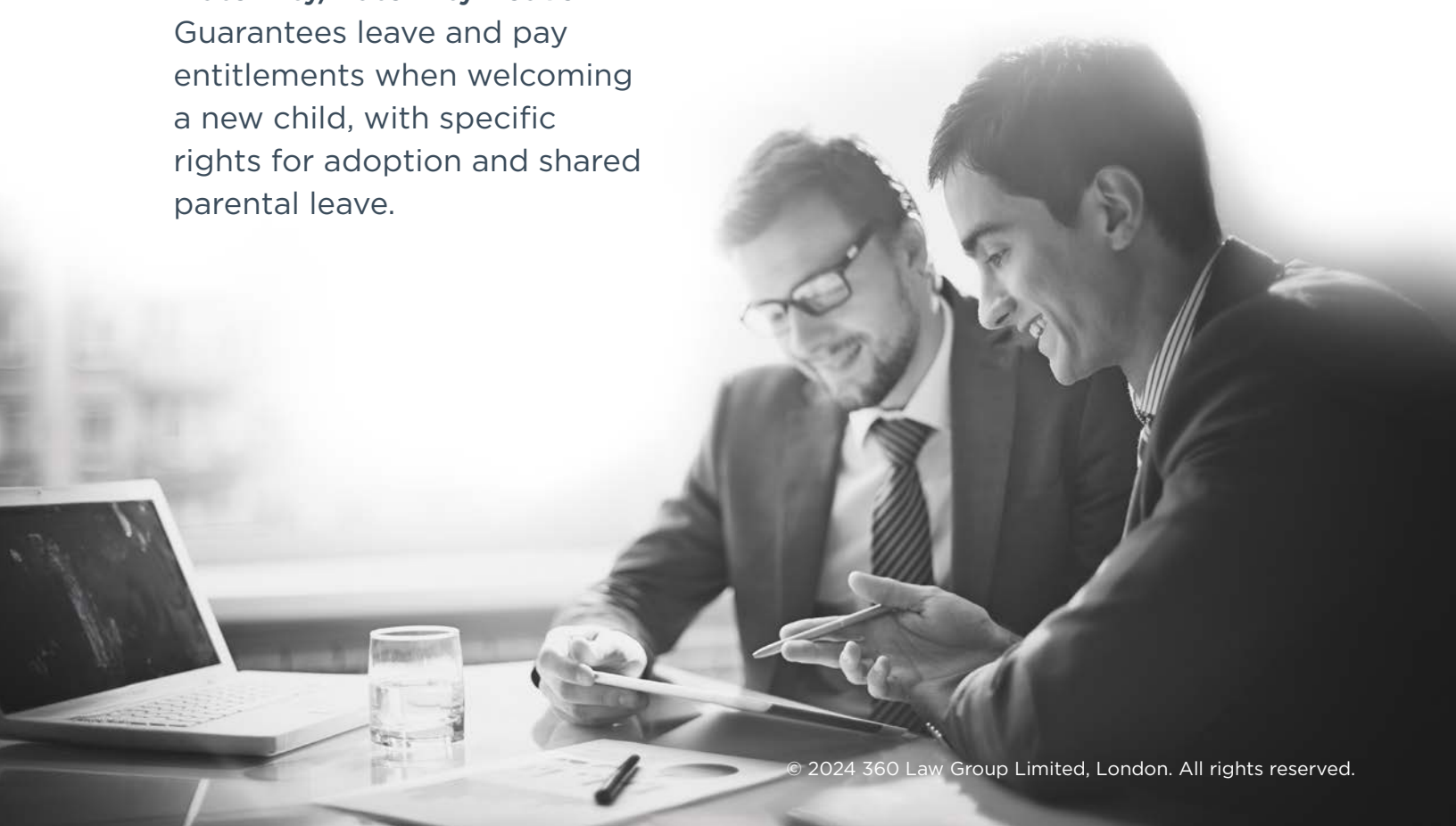
Employee Rights and Obligations

STATUTORY RIGHTS:

- **National Minimum Wage:** Ensures you receive a fair hourly wage as determined by your age and status.
- **Holiday Entitlement:** Grants you paid leave, including a minimum of 28 days (including bank holidays) for full-time workers.
- **Sick Pay:** Provides statutory sick pay (SSP) if you are unable to work due to illness, after a qualifying period.
- **Maternity/Paternity Leave:** Guarantees leave and pay entitlements when welcoming a new child, with specific rights for adoption and shared parental leave.

DUTIES OF EMPLOYEES:

- **Performance:** You are expected to perform your duties to a reasonable standard, adhering to company policies and procedures.
- **Fiduciary Duty:** Requires you to act in good faith and in the best interests of your employer, avoiding conflicts of interest.
- **Confidentiality:** Obligates you to protect sensitive company information, both during and after your employment.



Employer Rights and Obligations

STATUTORY DUTIES:

- **Pay and Benefits:** Employers must ensure all employees receive at least the national minimum wage and statutory benefits like holiday pay.
- **Holiday and Leave:** Employers are responsible for granting employees their statutory entitlements to annual leave and other forms of leave such as maternity or paternity leave.

HEALTH AND SAFETY OBLIGATIONS:

- **Safe Workplace:** Employers must provide a safe working environment, compliant with health and safety regulations.
- **Risk Assessments:** Regular assessments to identify and mitigate workplace hazards are mandatory.
- **Training:** Employers must provide relevant health and safety training to ensure employees can perform their duties safely.



Redundancy

DEFINITION AND PROCESS:

- **Definition:** Redundancy occurs when an employer needs to reduce their workforce due to economic pressures, restructuring, or technological changes.
- **Consultation:** Employers must consult with employees or their representatives before making redundancies, especially in collective redundancy situations.
- **Selection Criteria:** Redundancy selection must be fair, objective, and non-discriminatory, often based on skills, experience, and performance.



EMPLOYEE RIGHTS DURING REDUNDANCY:

- **Notice Period:** Employees are entitled to a notice period or pay in lieu of notice, depending on the length of service.
 - **Alternative Employment:** Employers should consider employees for alternative roles within the organization before finalizing redundancies.

REDUNDANCY PAY:

- **Statutory Redundancy Pay:** Calculated based on age, length of service, and weekly pay, with a cap on the amount per week and the total amount payable.

Unfair Dismissal

DEFINITION AND CRITERIA:

- **Definition:** Unfair dismissal occurs when an employee is terminated without a fair reason or proper procedure. This includes dismissals that are harsh, unjust, or unreasonable.
- **Qualifying Period:** Typically, employees must have two years of continuous service to claim unfair dismissal, although there are exceptions (e.g., dismissals for discriminatory reasons).

FAIR REASONS FOR DISMISSAL:

- **Conduct:** Includes serious misconduct like theft, fraud, or repeated breaches of company policy.
- **Capability:** Relates to the employee's ability to perform their job due to lack of skills, qualifications, or health issues.
- **Redundancy:** A genuine redundancy situation where the job role is no longer needed.
- **Statutory Requirement:** Situations where continuing employment would breach legal requirements.
- **Some Other Substantial Reason:** Covers other valid reasons such as business reorganization or conflict of interest.

REMEDIES AND COMPENSATION:

- **Reinstatement:** Returning the employee to their former position.
- **Re-engagement:** Offering a different position within the company.
- **Compensation:** Financial awards can include loss of earnings, benefits, and other related losses, often capped by statutory limits.

Workplace Discrimination

PROTECTED CHARACTERISTICS:

- **Age:** Protects against age-based discrimination, whether young or old.
- **Disability:** Covers physical and mental disabilities, requiring reasonable adjustments.
- **Gender Reassignment:** Includes those undergoing or having undergone gender reassignment.
- **Marriage and Civil Partnership:** Protects individuals in these unions.
- **Pregnancy and Maternity:** Covers pregnancy, maternity leave, and related conditions.
- **Race:** Encompasses colour, nationality, ethnic or national origins.
- **Religion or Belief:** Protects diverse religious beliefs and non-belief.
- **Sex:** Covers discrimination based on sex, including sexual harassment.
- **Sexual Orientation:** Protects heterosexual, homosexual, and bisexual individuals.

TYPES OF DISCRIMINATION:

- **Direct Discrimination:** Treating someone less favourably because of a protected characteristic.
- **Indirect Discrimination:** Policies or practices that apply to everyone but disadvantage a particular group.
- **Harassment:** Unwanted behaviour related to a protected characteristic that violates dignity or creates a hostile environment.
- **Victimisation:** Treating someone unfairly because they have made or supported a complaint about discrimination.

DEALING WITH DISCRIMINATION:

- **Internal Procedures:** Encourages resolving issues through the employer's grievance procedure.
- **Legal Action:** Employees can bring claims to an Employment Tribunal if internal resolution fails, with potential remedies including compensation and reinstatement.

Summary



Understanding your employment rights is essential for ensuring fair treatment and navigating workplace challenges.

If you have any employment issues, whether you are an employer or an employee, please contact us. One of our qualified employment law experts will call you to provide assistance.

You can email us at
info@360lawgroup.co.uk or call us on **0333 772 7736**.

Resources and Further Reading

- **ACAS (Advisory, Conciliation and Arbitration Service):**
[acas.org.uk](https://www.acas.org.uk)
Offers guidance on workplace disputes and rights.
- **Gov.uk Employment:**
[gov.uk/browse/working](https://www.gov.uk/browse/working)
Official government site with comprehensive information on employment rights.
- **Citizens Advice:**
[citizensadvice.org.uk](https://www.citizensadvice.org.uk)
Provides free advice on a wide range of issues, including employment.
- **Equality and Human Rights Commission:**
[equalityhumanrights.com](https://www.equalityhumanrights.com)
Offers information on discrimination and human rights protections.

This e-book is intended as a guide and should not be considered legal advice.
For specific issues, consult a qualified legal professional.
