

Employment Law: Workers' Basic Statutory Rights

Introduction

An employee's rights will depend on:-

- statutory rights, and
- contract of employment.

There are special rules about the employment of agricultural workers, children and young people. (For agricultural rates of pay see [Agricultural Wages: Minimum Rates of Pay](#)).

This information sheet sets out the basic statutory rights to which most employees are entitled. The contract of employment cannot remove such statutory rights. So if, for example, an employee has a contract which states they are only entitled to two weeks paid holiday per year, when by law all employees are entitled to 5.6 weeks paid holiday per year, this part of the contract is void and does not apply. Professional advice should be sought when preparing contracts of employment.

If the contract gives the employee greater rights than they have under law, for example, the contract gives six weeks paid holiday per year, then the contract applies.

Statutory Rights

Nearly all workers, regardless of the number of hours per week they work, have certain legal rights.

Sometimes an employee only gains a right when they have been employed by their employer for a certain length of time, and when this applies, the length of time before the employee gains the right is listed below.

Statutory rights which most employees have are:-

- The right to a written statement of terms of employment within two months of starting work.
- The right to an itemised pay slip. This applies from the day the employee starts work.
- The right to be paid at least the national minimum wage. This applies from the day the employee starts work. Agricultural workers have special rights in relation to rates of pay.
- The right not to have illegal deductions made from pay. This applies from the day the employee starts work.
- The right to at least 5.6 weeks paid holiday per year.
- The right to time off for trade union duties and activities. This applies from the day the employee starts work. The time off does not necessarily have to be paid. Employees also have the right to be accompanied by a trade union representative to a disciplinary or grievance hearing. If an employee takes part in official industrial action and is dismissed as a result, this will be an automatically unfair dismissal.
- The right to paid time off to look for work if being made redundant. This applies once the employee has worked for two years for that employer.
- The right to time off for study or training for 16-17 year olds. This applies from the day the employee starts work.
- The right to paid time off for ante natal care. This applies from the day the employee starts work,
- The right to paid maternity leave. How much maternity leave an employee can get depends on when her baby is due.

- The right to paid paternity leave.
- The right to ask for flexible working to care for children or adult dependants.
- The right to paid adoption leave.
- The right to ask for flexible working.
- The right to take unpaid parental leave for both men and women (if the employee has worked for the employer for one year) and the right to reasonable time off to look after dependants in an emergency (applies from the day the employee starts work).
- The right under Health and Safety law to work a maximum 48 hour working week. This applies from the day the employee starts work.
- The right under Health and Safety law to weekly and daily rest breaks. This applies from the day the employee starts work. There are special rules for night workers.
- The right not to be discriminated against on grounds of sex, race, disability, sexual orientation, age, religion or belief. This applies from the day the employee starts work.
- The right to carry on working until at least 65.
- The right to notice of dismissal, provided the employee has at least one calendar month service.
- The right to written reasons for dismissal from your employer, provided the employee has worked for the employer for one year. Women who are pregnant or on maternity leave are entitled to written reasons without having to have worked for any particular length of time.
- The right to claim compensation if unfairly dismissed. In most cases the employee will have to have worked for one year to be able to claim unfair dismissal.
- The right to claim redundancy pay if made redundant. In most cases the employee will have to have worked for two years to be able to claim redundancy pay.
- The right not to suffer detriment or dismissal for 'blowing the whistle' on a matter of public concern (malpractice) at the workplace. This applies from the day the employee starts work.
- The right of a part-time worker to the same contractual rights (pro-rata) as a comparable full-time worker.
- The right of a fixed-term employee to the same contractual rights as a comparable permanent employee.

Further Information

Direct Gov

<http://www.direct.gov.uk/en/Employment/Employees/index.htm>

Department of Trade and Industry

<http://www.dti.gov.uk/employment/employment-legislation/employment-rights/>

DTi Guide for Employers and Employees

<http://www.dti.gov.uk/files/file34565.pdf>

ACAS

<http://www.acas.org.uk/>

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