

Students and Employment

With the introduction of top up tuition fees and loans, part time employment will become a way of life for many students in order to fund their way through University.

Employment Law is complex and you should seek assistance from the Citizens Advice Bureau if you are in dispute with your employer. This leaflet provides brief guidance that has been gathered from the acknowledged sources.

National Minimum Wage

There are three levels of minimum wage, and the rates from 1st October 2007 are:

- £5.52 per hour for workers aged 22 years and older
- A development rate of £4.60 per hour for workers aged 18-21 inclusive
- £3.40 per hour for all workers under the age of 18, who are no longer of compulsory school age.

(Source: <http://www.hmrc.gov.uk/nmw/#b>)

Employment Contracts

A contract of employment is an agreement entered into by an employer and an employee under which they have certain mutual obligations.

Contracts of employment may be oral or written. They may be of indefinite duration, or for fixed terms. They may be for training, apprenticeship or other purposes. In law, employees have a contract of employment as soon as they start work even where the written statement of employment particulars required by the legislation has not been given to the employee.

If no contract of employment exists beforehand, one will come into existence as soon as an employee starts work and, by doing so, demonstrates that he or she accepts the job on the terms offered by the employer. The contract need not be in writing, unless it is a contract of apprenticeship (employers should note however that a contract of apprenticeship may be found by the courts to be implied even if it is not in writing). Its terms can be written, oral, implied or a mixture of all three.

Implied terms might include those that are too obvious to be expressly agreed - for example, a term that the employee must accept reasonable instructions from the employer - those that are necessary to make the contract workable and those that are established by custom and practice in the particular organisation or industry concerned.

(Source:
<http://www.berr.gov.uk/employment/employment-legislation/employment-contracts/index.html>)

Terms & Conditions

Employers must give employees a **written statement of terms and conditions of employment** within two months of the beginning of the employment. It should include, among other things, details of pay, hours, holidays, notice period and an additional note on disciplinary and grievance procedures.

(Source:
<http://www.direct.gov.uk/en/Employment/index.htm>)

Holidays

From 1 October 2007, all workers have a right to 24 days paid holiday if they work for 5 days per week but this can include bank and public holidays. Part-time workers are entitled to 24 days paid holiday pro-rata.

Employers can set the times that workers take their leave, for example for a Christmas shutdown. If a worker's employment ends, he or she has a right to be paid for the leave time due and not taken.

(Source:
<http://www.direct.gov.uk/en/Employment/index.htm>)

Breaks

If you work for longer than 6 hours at a stretch, you are entitled to a break of 20 minutes during that time.

(Source:
<http://www.direct.gov.uk/en/Employment/index.htm>)

Discrimination

The law protects you from discrimination at work. For example, it is illegal to discriminate against people on the grounds of age, sex, race, disability, sexual orientation, and religion or belief.

(Source:
<http://www.direct.gov.uk/en/Employment/index.htm>)

Unfair Dismissal

Dismissal is normally fair only if the employer can show that it is for one of the following reasons:

- a reason related to the employee's conduct
- a reason related to the employee's capability or qualifications for the job
- because the employee was redundant
- because a statutory duty or restriction prohibited the employment being continued
- some other substantial reason of a kind which justifies the dismissal
- and that the employer acted reasonably in treating that reason as sufficient for dismissal.

(Source:
<http://www.direct.gov.uk/en/Employment/index.htm>)

Health & Safety

Health at work is no longer just about noise, dust and chemical hazards. There is increasing public concern about the impact of alcohol misuse and passive smoking on people's health.

ACAS (<http://www.acas.org.uk/>) has an advisory booklet which provides practical checklists to help you deal with the problems associated with alcohol and drug misuse, smoking, AIDS and stress at work. It also has a helpful appendix outlining the current law on health and safety in the workplace.

(Source:
<http://www.direct.gov.uk/en/Employment/index.htm>)

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Employment Rights



August 2008

Information correct at time of publication