



EMPLOYMENT RIGHTS

A STUDENT'S GUIDE

2022 EDITION



ABOUT

With student finances being what they are, the chances are you'll need a job for at least some of the time you're at university. There are some great employers out there, and some whose practices aren't so great.

It may not be part of your long-term career plan but even in a part-time job you still have some employment rights. This leaflet aims to give you some basic information about those rights.

Employment law can be a complicated area, so if your question isn't answered in this leaflet, or if you are at all unsure, call into the SRC Advice Centre for help.

MORE INFORMATION

For more information about topics covered in this leaflet, visit the SRC Advice Centre website at:

www.glasgowunisrc.org/advice



TERMS & CONDITIONS



SHOULD I HAVE A WRITTEN CONTRACT?

Yes, it's important that you get all your terms and conditions like pay, hours of work etc in writing. Having a written contract is the first step to making sure your rights are respected.

Your employer must give you a written statement of your terms and conditions within 8 weeks of you starting work. Even without a written contract you still have certain legal rights. A contract can add to these rights but never take them away.

AS A STUDENT, HOW MANY HOURS AM I ALLOWED TO WORK?

For most students the upper limit on working hours is governed only by your own common sense – remember to leave enough time to study! However, if you are an international student you may find that you are only allowed to

work up to 20 hours per week during term-time. Check your International Students' Handbook, or contact the International Student Support team at the University for more information about this.

I'M NOT SURE IF I'M GETTING PAID THE RIGHT AMOUNT. WHAT SHOULD I DO?

All part-time, casual and agency workers must be paid at least the National Minimum Wage. This increases each year, and you can find the current rates on the web at www.gov.uk/national-minimum-wage-rates. You have the right to a payslip which details your wage and any deductions like national insurance or income tax, so check this to see what you are being paid. If you want to report your employer for not paying the minimum wage, contact the Pay and Work Rights Helpline on 0300 123 1100. You can also visit the Pay and Work Rights website at: www.gov.uk/pay-and-work-rights

HOW DO I GET A NATIONAL INSURANCE NUMBER?

You can apply for a National Insurance Number via the UK Government website at www.gov.uk/apply-national-insurance-number

I AM EMPLOYED THROUGH AN AGENCY, DO I HAVE ANY RIGHTS?

There is now legislation in place to protect agency workers and give them the same rights as regular employees of the hirer. You have access to facilities and information about job vacancies from day one of the job.

There are other rights such as pay, annual leave and working time which you are entitled to after 12 weeks in the same role with the same hirer. For more information visit: www.gov.uk/agency-workers-your-rights/overview.

WHY DO I HAVE TO PAY TAX? I THOUGHT STUDENTS WERE EXEMPT.

Students are not exempt from paying income tax, but many students don't pay tax because they earn less than the tax-free 'personal allowance'.

Once it looks as though your wages are going to exceed this allowance in any given year, you start paying tax. You can find the amount of the personal allowance for this year online at: www.gov.uk/income-tax-rates.

If you are only working in the summer holidays, you can fill in a form P38(S) to make sure you are not taxed. You can claim back any overpaid tax at the end of the tax year, by filling in form P50. Forms are downloadable from: www.gov.uk/student-jobs-paying-tax

If you are an international student and you have left or are about to leave the UK, you should complete the P85 form.

See: gov.uk/government/publications/income-tax-leaving-the-uk-getting-your-tax-right-p85 for details.

MY EMPLOYER HAS WITHHELD SOME OF MY WAGES – CAN THEY DO THAT?

They can if the deduction is: income tax, national insurance, a wage overpayment, a student loan repayment or a deduction following a court order.

Any other deductions are unlawful, unless you have already agreed to them in writing beforehand. There are special rules for retail workers though; please ask at the SRC Advice Centre.

SHOULD I JOIN A TRADE UNION?

Everyone has the legal right to join a union, or decline to join one, if they want. Employers are not allowed to discriminate against you on the grounds of union membership.

To find out more about Trade Unions, go to: www.worksmart.org.uk/tools/union-finder

MY EMPLOYER SAYS THEY DON'T PAY FOR TRIAL SHIFTS. ARE THEY CORRECT?

There is no such thing as a 'trial shift' in employment law, and you are entitled to be paid for the hours that you have worked.

THE WORKING ENVIRONMENT

I WORK AN EIGHT-HOUR SHIFT – AM I ENTITLED TO A BREAK?

If your shift is six hours or longer, you are entitled to a break of at least twenty minutes, and you are entitled to spend your break away from your workstation. More information:

gov.uk/rest-breaks-work

I'M WORRIED ABOUT HEALTH AND SAFETY ISSUES AT MY WORK. WHERE CAN I REPORT THIS?

If you are a member of a union, you should approach your union representative first of all. If you're not a member of a union you might try:

- Speaking informally to your employer about the problem
- Making a formal complaint (a 'grievance') to your employer
- Reporting your employer (anonymously if you wish) to the Environmental Health Department at your local Council, or to the Health and Safety Executive.
- Calling in to the Advice Centre for discussion and further advice.

SOMEONE AT MY WORK IS BULLYING ME. IS THERE ANYTHING I CAN DO?

Your employer has a duty to protect you from being bullied. If it's another worker who is bullying you, speak with your manager or employer first of all to see if they can put a stop to it. If it's your employer who is bullying you, it's obviously a bit more difficult to deal with. Check your contract to see if your workplace has any policies and procedures which cover this situ-

ation. If you are in a union, speak to your representative. The Advisory, Conciliation and Arbitration Service (www.acas.org.uk) provides some helpful guidance and you can also speak in confidence with the staff at the SRC Advice Centre. If the situation is affecting your health, see your GP or the Student Counselling and Advisory Service.

If your studies are being affected, make sure you let your Adviser of Studies and/or course co-ordinator know what's happening. Above all, don't just try and deal with it all by yourself – there is support out there to help you.

I THINK I'M BEING DISCRIMINATED AGAINST AT WORK – CAN MY EMPLOYER GET AWAY WITH THIS?

It's unlawful for an employer to discriminate against you on the grounds of sex, race, ethnicity, sexuality, disability, age, religion or belief, or part-time or temporary working.

The Equality Act 2010 extends protections to cover gender identity, marriage and civil partnership, and pregnancy and maternity. Please seek further advice about this. Cases of discrimination tend to be quite complex and involve a lot of emotion, for obvious reasons. Call in to the SRC Advice Centre for a confidential chat with one of the advice workers, who can help you work out your options for what to do next.

For more information about discrimination, your rights, and what to do if you're affected, visit the ACAS website at www.acas.org.uk. Alternatively, you can also check out the Equality and Human Rights Commission at: www.equalityhumanrights.com

TIME OFF WORK

CAN I GET TIME OFF FOR MY EXAMS?

There's nothing in the law that says an employer must give you time off for your exams, but many employers are sympathetic to students around exam time.

Make sure you discuss this with your employer in plenty of time – don't wait until the last minute. If your working hours are affecting your studies, take action – negotiate a change in hours with your employer, and let the academic staff know if you are having problems.

MY EMPLOYER SAYS I'M NOT ENTITLED TO HOLIDAYS UNTIL I'VE WORKED FOR THREE MONTHS. IS THIS RIGHT?

No - your entitlement to paid annual leave (holidays) begins on the first day of employment and builds up gradually over the year.

You should give your employer as much notice as possible when you want to take holidays. Your employer can refuse to let you take a holiday on a particular date, but must allow you to use your holiday entitlement at some point during the year.

When you leave a job, if you have not taken all of the holidays you are due, you may be entitled



to payment for any untaken holidays. On the other hand, if you have taken more than your holiday entitlement, your employer may be entitled to claim it back from you. Please contact the SRC Advice Centre for help if you have a query about this.

I'VE BEEN OFF SICK, AND I HAVEN'T BEEN PAID. HELP!

First of all check your contract to see if it says anything about pay whilst you're off sick. If it doesn't, then you will need to fall back on Statutory Sick Pay - but you can only get this if you earn above the "lower earnings limit" on average each week.

You can check the current threshold at: www.gov.uk/statutory-sick-pay/overview

If you are entitled to Statutory Sick Pay, it's paid by your employer, but you don't get anything for the first three days off work.

LEAVING OR BEING DISMISSED

I WANT TO LEAVE MY JOB – HOW MUCH NOTICE DO I HAVE TO GIVE?

This should be written in your contract of employment. If not, you should give a reasonable amount of notice, and not less than a week.

I THINK I'M GOING TO BE FIRED – DOES MY EMPLOYER HAVE TO GIVE ME SOME NOTICE?

Unless you are being dismissed for 'gross misconduct' (for example theft or violence at work), then you will be entitled to some notice of dismissal. There are minimum amounts of notice laid down by law.

After you have worked for one month, your employer must give you at least one week's notice.

After you have worked for two years, you are entitled to an extra week's notice for every year worked, up to a maximum of 12 weeks' notice. Your contract of employment may allow for more notice than this, but never less.

I'VE BEEN FIRED FROM MY JOB – IT'S NOT FAIR! CAN I DO ANYTHING?

The first thing to do would be to put in an appeal to your employer to try and get the deci-

sion changed. Your employer should tell you how to go about this. If you have worked for two years or more, you have the right to go to an Employment Tribunal to ask for your job back, or claim compensation from your employer if they have dismissed you unfairly. (If you started your job before 1st April 2012, you only need to have worked for one year to have this right).

'Unfair dismissal' is a legal term and it depends upon the circumstances. You can get more information about this from the advice workers in the SRC Advice Centre or from www.acas.org.uk.

In some specific cases, you can claim unfair dismissal even if you have only been employed for a short period. Always ask for advice about this.

MY EMPLOYER SAYS I'M BEING MADE REDUNDANT – WHAT DOES THAT MEAN?

Redundancy is a specific legal term which means that your employer no longer needs someone to do your job. This might be because of a reorganisation, or because the business is closing or moving. If you have worked for two years or more, you should be entitled to some redundancy pay.

Some employers use this term just to get rid of staff, when there's no real redundancy situation. This would be unlawful and could be challenged in an Employment Tribunal.

USEFUL CONTACTS

SRC ADVICE CENTRE

MCINTYRE BUILDING
UNIVERSITY AVENUE
GLASGOW
G12 8QQ

0141 330 5360

advice@src.gla.ac.uk
www.glasgowunsrc.org/advice

ACAS

www.acas.org.uk

GETTING AN NI NUMBER:

www.gov.uk/apply-national-insurance-number

HEALTH AND SAFETY EXECUTIVE

www.hse.gov.uk

INCOME TAX ISSUES

www.gov.uk/student-jobs-paying-tax

PAY AND WORK RIGHTS HELPLINE

0300 123 1100

TRADE UNIONS

www.worksmart.org.uk/tools/union-finder

PLEASE NOTE

Whilst the information in this leaflet was correct at the time of printing, the leaflet is not a full statement of the law and the SRC cannot accept responsibility for decisions made based on this information. Always seek advice.

