

standing up for ourselves

It can be useful to know the law because many employers don't follow basic legal requirements. But we also need to remember that the law is not going to be on the side of working people most of the time. We shouldn't rely on it to make sure we're treated fairly.

Always remember that standing together is the best way to force bosses to treat us fairly. We cannot leave it to the government, managers, political parties, or even the mainstream trade unions to change things.

The most effective way of defending our rights is by organising ourselves and standing together with our workmates. Once we're organised to defend ourselves, we can then begin to take the initiative to improve our lives at work by fighting for things like better pay and conditions.

WHO ARE WE AND WHY DO WE CARE?

The Solidarity Federation is an organisation that encourages workers' self-organisation and collective action. Besides organising in our own workplaces, we are happy to support anyone facing problems at work. So if you're a worker and looking to get organised, get in touch!

This leaflet was produced as part of a campaign against the casualisation many of us experience when the only jobs we can find are part-time, short-term, or through an employment agency. It was written by workers, for workers, and aims to make sure all us know what rights we have.

Solidarity Federation is part of the International Workers' Association. The campaign includes actions by IWA groups worldwide, all of whom promote solidarity between agency workers, directly employed workers, part-time workers, outsourced workers, as well as non-union and unionised workers.

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solidarity federation



the
**STUFF
YOUR
BOSS**

doesn't want you to know

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Some key employment rights

Whether you're working temporarily or permanently, or if you're with an agency, and if you're full or part-time, most of us have certain basic rights.

1. The right to be told in writing how much and when we are to be paid. The minimum wage for those over 21 it is currently £6.08/hour, although it is regularly updated. For 18-20 year olds, it is £4.98 and for 16-17 year olds it is £3.68. Apprentices under 19: £2.60. 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 paid leave (holiday). Any employment contract should include holiday time. If it doesn't, then 28 days 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. On day 1, we get 2 days leave, and, after 6 months, we get 14 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 allowed 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 made to work over 48 hours per week (note that this is done by calculating an average over a 17 week period, so we can be forced to do more in any one week). However, employers can request employees sign an "opt out" form and work over 48 hours a week. Although few employers will tell you this, just because you've "opted out", you always have the right to "opt back into" the 48 hour week, although you may have to wait up to three months for your request to be processed.

5. The right to sick pay when we are ill. We are allowed statutory sick pay (where we get sick pay from the 4th day off work in a row) if we normally earn over £77 per week and we have been working for over 3 months.

6. The right to maternity/paternity leave when we have children. From April 2003, most mothers are allowed 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 15 weeks before the baby's due date. For the first 6 weeks, this should be 90% of average earnings, then a constant rate of £100 for 20 weeks. If pay can't be claimed, Maternity Allowance may be claimed from the Department of Work and Pensions. Fathers/male partners get 2 weeks' paid paternity leave.

7. The right to be free from harassment. All workplaces should be free of racial or sexual harassment, bullying, prejudice or discrimination.

8. The right to defend ourselves. We all have the right to protection from being dismissed for using our legal employment rights. We also have the right to join with our fellow workers, organise ourselves collectively, and to join a trade union.

9. The right to refuse work that is unsafe or if proper training has not been given. We all have the right to refuse to work if we find ourselves fearful of danger. Also, agencies are not allowed to send us to jobs for which we are not qualified, and they must see that proper training is given.

Are you safe & healthy?

The working time regulations

The basic rights and protections that the Regulations give us are:

- A limit of an average of 48 hours a week which a worker can be made to work (though workers can choose to work more if they want to).
- A limit of an average of 8 hours work in 24 at night-time.
- A right for night workers to receive free health check ups.
- A right to 11 hours rest a day.
- A right to a day off each week.
- A right to a rest break at work if the working day is longer than 6 hours.
- A right to 28 days paid leave per year.

Health & safety basics

Employers should:

- Give us safe and healthy working conditions;
- Make and then give us proper information and training for everyone in all types of workplaces;
- Give us procedures (what to do) for dealing with risks at work;
- Tell all workers about Health and Safety agreements, policies and practices before we start work.

Health and safety in the workplace costs money and time and makes their profits smaller, so bosses often try to avoid their legal responsibilities. They must give healthy, safe conditions to all workers in their employment. **Remember, you have a legal right to leave a shift if you feel in instant danger.**

Grievance procedures

Every employer in the UK must have disciplinary and grievance procedures. These should follow the rules laid out by an organisation called ACAS. ACAS works very closely with the British government on issues of industrial relations.

Disciplinary and grievance law is very complicated and is there to help the bosses, not us. The means that, by law, employers don't have to follow the ACAS guidelines.

But if your case goes to an employment tribunal and your employer hasn't followed the regulations, it can be used against them.

Employees expecting disciplinary action should be given a reasonable amount of time to prepare a defence, and should be able to give and call evidence and to call

witnesses. You have the right to go

with someone else and you can choose either a full-time union official (whether or not the the employer recognises the union), a registered lay official (someone trained by the union for disciplinaries and grievances) or a co-worker.

The worker and companion have protection against any disciplinary or dismissal in connection with using this right of accompaniment. Bosses, however, will try to get around your right to accompaniment. So if you have a meeting with a manager, always clarify that's it's not disciplinary related. If it is, refuse to say anything without a representative present.

Hearings for both disciplinaries and grievances must be heard within a reasonable time period.

