

standing up for ourselves

Casualisation and so-called flexible working are ways of worsening working conditions and exploiting us more than ever. They also make permanent jobs more at risk. So casualisation does not only affect temporary and agency workers, but all workers.

Employers will sack workers they do not like, knowing full well that many are unwilling or unable to go through an employment tribunal. It is not enough having a few legal and contractual rights at work; we need to stand together to ensure that the rights we took a long time to win are respected. Only by standing together can we stop bosses from harassing and victimising us. We cannot leave it to the government, the bosses, political parties, or the established trade unions. The most effective way of defending our rights is by organising ourselves and taking collective direct action. By forming our own groups where everyone is equal, we can resist exploitation and enforce our rights at work effectively.

Defending our rights is just the start. Once we achieve this, we can start to take the initiative. An injury to one is an injury to all!

Solidarity Federation



www.solfed.org.uk

This leaflet was produced by the Solidarity Federation as part of a campaign against casualisation. It was written by workers, for workers, and aims to spread the message about the rights we all have. Solidarity Federation is part of the International Workers' Association, which is the global anarcho-syndicalist organisation. The campaign includes actions by IWA groups worldwide against casualisation and for solidarity amongst all workers. Actions speak louder than words. The more we all get together, the louder we will be heard.

Contact us for free leaflets to hand out & more info on the casualisation campaign and/or information about Solidarity Federation. You can also write for free advice on employment and health & safety rights at Solidarity Federation, PO Box 469, Preston PR1 8XF or email: solfed@solfed.org.uk

solidarity federation

2014



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**STUFF
YOUR
BOSS**

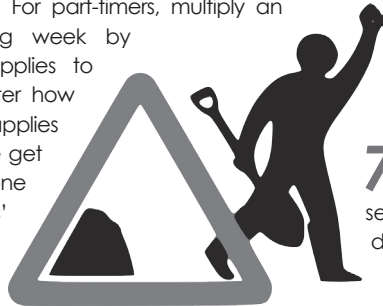
doesn't want you to know

KEY RIGHTS AT WORK

Whether we're working temporarily or permanently, with an agency, full or part-time, we have certain basic rights ...

1 The right to be told in writing how much and when we'll get paid. For over-21s the Minimum Wage is £6.31/hour. For 18-20 years it is £5.03 and for under-18s it is £3.72. For apprentices under 19, or 19 and over and in their first year, it is £2.68. The rates are updated every October

2 The right to at least 5.6 weeks' paid leave (holiday) per year. This amounts to 28 days for a normal working week. Job contracts should say what you get but if they don't, then 28 days is the minimum (including public holidays) unless you're part-time. For part-timers, multiply an average working week by 5.6. The rule applies to all jobs, no matter how casualised. It applies from the day we get a job – on day one we get two days' leave, then after six months that rises to 14.



3 The right to breaks of at least 20 minutes after each six hours of work. We are allowed at least 11 hours' rest in every 24 and a minimum of a day a week off. Rest breaks for under-18s are a minimum of 30 minutes every 4 1/2 hours.

4 The right to refuse to work more than 48 hours a week. We can't be made to go beyond that unless we have agreed in writing. *Note: This is worked out by averaging a 17-week period, so we can be forced to do more in any single week.*

5 The right to sick pay. We get statutory sick pay (where we've been off four days in a row) if we normally earn more than £111 per week before tax and we've been working for over three months (or are thought to have been in continuous employment for 13 weeks).

6 The right to maternity/paternity leave when we have children. Most mothers are allowed 26 weeks' paid maternity leave plus 26 weeks' unpaid leave. To get maternity pay we must earn over £111 per week and have been working continuously for more than 26 weeks by 15 weeks before the baby's due date. For the first six weeks we should be paid 90% of average earnings, then a constant rate of £138.18 for 33 weeks. If the boss won't/can't pay, the Department of Work and Pensions has to. Fathers/male partners get two weeks' paid paternity leave.

7 The right to be free from harassment. We should all work without racial or sexual harassment, bullying, prejudice or discrimination. Agency and part-time workers have the same rights as full-time workers.

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

9 The right to refuse work that is unsafe or where training is not 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:

- One day off in any given week.
- We can't be forced to work more than an average of 48 hours a week (though you can if you want to).
- We can't be made to work more than 13 hours a day.
- We have the right to at least one rest break every six hours.
- At night, work can't take up more than an average of eight hours per day.
- Night workers have the right to free health checks.
- We get a minimum of four weeks' paid leave a year.

HEALTH & SAFETY

Employers should...

- Give us decent working conditions including enough toilets, washing facilities and drinking water.
- Make a health and safety plan, then give staff proper info and training.
- 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.
- Consult on health and safety matters.

Health and safety at work costs money and time, so bosses often try to dodge doing it. By law they must give healthy, safe conditions to everyone they hire. **Remember, we can legally walk out if we feel in instant danger.**

grievance procedures

ACAS (an independent body which sometimes tries to resolve boss vs worker disputes) has a Code of Practice which tells us when we can legally file a grievance (an official complaint).

The Code doesn't apply in court and it won't always protect us from a getting the sack because of a disciplinary (behaviour) issue.

The Code is considered by employment tribunals however, other than for redundancies and when a firm decides not to renew a contract. A tribunal will sometimes be able to change the amount of compensation we're paid for being wrongfully fired (by up to plus or minus 25%) if it has not been reasonably followed.

Employees facing disciplinary action should be given **adequate time** to prepare a defence. **We should be able to give evidence and to call witnesses.**

We have the right to go with someone else and can choose either a full-time union official (whether or not the union is recognised), a registered lay official (someone the union has trained to go to hearings) or a workplace colleague.

The worker and companion have protection against any disciplinary or dismissal in connection with using this right of accompaniment.

Hearings must be heard within a **reasonable** time period.