

# 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](http://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 and more info on the casualisation campaign and/or information about Solidarity Federation. You can write for free advice on employment and health & safety rights at Solidarity Federation, 84b Whitechapel High St, London E9 6NX or email [solfed@solfed.org.uk](mailto:solfed@solfed.org.uk)

solidarity federation

2016-Apr 2017



the  
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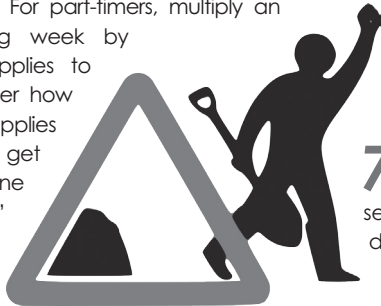
*doesn't want you to know*

# 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-25s the minimum wage is £7.20/hour. Over 21 it is £6.70 rising to £6.90 in Oct 2016. Over-18s get £5.30 and for under-18s it is £3.87. For apprentices under 19, or 19 and over and in their first year, it is £3.30.

**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 in continuous employment for 13 weeks). This applies to casualised work.

**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. This applies to casualised work.

**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.

# grievance & discipline

A **grievance** is when you make an official complaint at work. ACAS, which mediates workplace disputes, has a code of practice specifying what grievance procedures should look like. The employer should follow this code but it is guidance, not law.

The code is considered by employment tribunals, other than for redundancies and when a firm decides not to renew a contract.

A tribunal can sometimes change the amount of compensation 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. You should be able to give evidence and to call witnesses.

You can bring someone with you. They can be a union official (the union needn't be recognised), a registered lay official (who's trained to go to hearings) or a colleague.

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

If you cannot resolve the case within the workplace or you have been dismissed, you can take it to an employment tribunal.

You will have to pay a fee. If you lose and the tribunal decides your case had no chance of success, they may also ask you to pay the employer's legal costs.

You may represent yourself, or a union official may do so, but if you need a legal professional you will have to pay their fees. If you win, you will get cash compensation.

## at a glance

### HEALTH & SAFETY

Employers should offer...

- Decent conditions (enough toilets, washing facilities and drinking water).
- Make a health and safety plan, then give staff proper info and training.
- Procedures for dealing with work risks.
- Tell all workers about health and safety agreements, policies and practices before we start work.
- Consult on health and safety matters.

By law bosses must give healthy, safe conditions to everyone they hire. We can legally walk out if we feel in instant danger.

**NOTE:** This document is accurate at the time of print, but laws change and it is worth checking details

### THE WORKING TIME REGULATIONS

- One day off in any given week.
- We can't be forced to work more than an average of 48 hours a week.
- 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 5.6 weeks' paid leave a year.