

Right To Paid Holidays

From 1st October 2008, workers in the UK are entitled to 28 days paid holiday each year. Employers can include public holidays within this. You should check your contract of employment. Your contract of employment cannot reduce your holiday entitlement below 28 days although it can give you more.

If you work part time or are working for a fixed period you will be entitled to the pro-rata equivalent. For example, if you are on a fixed term contract for six months your holiday entitlement would be 14 days for the six month period you work.

You must be paid holiday pay at the same daily rate you would normally receive while working.

Your employer can require you to take holidays at a specific date. However they must give you notice of twice the period you will be required to take as holiday leave. For example if they ask you to take one day of your entitlement they must give you two days notice.

If your employer refuses to allow you paid holidays you should seek advice immediately.

Scottish Trade Unions

Joining a Scottish Trade Union will give you access to a range of high quality services including employment law advice and legal representation for employment law disputes and accidents at work. Trade Unions protect your rights in the workplace and negotiate with employers and the government.

Getting Help

You may be able to get free advice and representation from a law centre. If you are on a low income you may be able to get free help from a local firm of solicitors. If you are a member of a trade union you may be able to get assistance from them. It is always best to get help as soon as possible. If you live in Govanhill you may be able to get free help from Govanhill Law Centre.

Contact Details

Govanhill Law Centre
168 Butterbiggins Road
Govanhill, Glasgow, G42 7AL
Telephone: 0141 433 2665
Fax: 0141 433 2984



Govanhill Law Centre is part of Govan Law Centre Trust, an independent community controlled organisation. Registered Charity No. SCO30193. It's legal work is undertaken by the independent legal practice of Dailly & Co. Solicitors, a partnership between Mike Dailly and Iain Nisbet. It is funded by the Scottish Government and receives financial support from Govanhill Housing Association, Govanhill Community Development Trust, Oxfam and UNISON.

GOVANHILL
LAW
CENTRE

EMPLOYMENT RIGHTS: TERMS AND CONDITIONS OF EMPLOYMENT AND PAY



EMPLOYMENT RIGHTS

Written Contract of Employment

You are not entitled under UK employment law to a full written employment contract (agreement) but you are entitled to a written statement of the main terms and conditions of your employment within two months of starting work.

The statement must include information about:

- Pay
- Hours of work
- Holiday entitlement
- Sick pay arrangements
- Notice periods
- Information about disciplinary and grievance procedures

If your employer refuses to provide you with this written statement you should seek advice.

UK National Minimum Wage

There are different levels of Minimum Wage, depending on the age of the worker. The rates from 1st October 2008 are:

- Adults (people aged 22 and over) receive the full rate of £5.73 an hour (rising to £5.80 from October 2009)
- A “development rate” of £4.77 an hour is paid to workers aged 18-21 inclusive (rising to £4.83 from October 2009)
- Young People under 18 but older than school leaving age (you are under school leaving age until the end of the summer of the school year in which you turn 16) receive £3.53 an hour (rising to £3.57 from October 2009)

Apprentices under the age of 19 are not entitled to the Minimum Wage. Apprentices who are 19 or over and in the first 12 months of their apprenticeship are not entitled to the Minimum Wage.

All types of workers are entitled to the Minimum Wage - that includes agency workers, part time workers and casual workers.

National Minimum Wage compliance officers at HM Revenue & Customs can investigate upon your behalf and take action to obtain payment from your employer. Employers who refuse to pay the Minimum Wage can be fined £200 per employee and could face prosecution risking a criminal record and fine of £5000. The failure to pay the Minimum Wage can also count as a unlawful deduction from wages and you should seek immediate legal advice.

Unpaid Wages

If you have not received your full pay, check your pay slip. By law your employer must give you a pay statement (known as a “pay slip”) which must set out your gross pay, net pay and list any deductions such as tax and national insurance.

Ask your employer why you haven't received what you think you are entitled to. If your employer has made “deductions” other than national insurance and tax, check to see whether these are lawful. Your employer is not allowed to make a deduction unless:

- It is required or authorised by law, for example income tax or national insurance
- Your employment contract says they can, and you have been given a copy of this contract or given a written explanation before the deduction was made; or
- You have agreed to the deduction in writing

If you have been underpaid or have had unlawful deductions made from your wages you should seek advice immediately.