

Your rights at work

Making sure you
are treated fairly

*Can I be sacked
because I'm
pregnant?*

*How should
my employer
help me if I'm
disabled?*

*Can I work
part-time
because I need
to look after
my child?*

0845 345 4 345

www.communitylegaladvice.org.uk

See page 10 for useful phone
numbers and website addresses

A free and confidential advice
service paid for by Legal Aid

community
legal advice

The Community Legal Service

This guide has been produced by the Community Legal Service (CLS), an organisation that has been set up by the government to help you find the right legal information and solve your problems.

The CLS:

- provides leaflets with advice on a range of problems, and
- can help you find people and organisations that can help you with your legal problems.

To find out more about how the CLS can help, call us or visit our website.

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*Community
Legal Service*



How should I be treated by my employer?

Problems at work can come in many different forms. You may feel you've been treated unfairly when you were turned down for a job, or in the way your manager behaves towards you, or because your employer wants to sack you or make you redundant.

There are laws that say what your employer must do (and not do) in all these situations. This leaflet looks at some common questions and concerns about problems at work.

To find out where to get more information and advice, see 'Where can I get help and advice?' on page 10.

Does my employer have to give me a written employment contract?

Yes – they should give you a written statement setting out the terms and conditions of your job (including such things as the hours you work, your pay, and what your job involves). You should receive this within two months of starting work.

If you've been working for two months or more, and haven't yet got a contract, ask your employer to give you one. If they refuse to, or just don't do it, you should get some expert advice from:

- your trade union
- **Community Legal Advice**, or
- **Citizens Advice**.

You can find contact details on page 10.

I'm being harassed by one of the managers at work. What can I do?

No-one has to put up with harassment at work, whether it is by your boss, the people you work with, customers or other organisations you deal with at work.

In many cases, harassment counts as unfair discrimination, which is against the law. Discrimination is where you are treated worse than someone else because:

- of your sex
- you are married or not married (including being in a civil partnership)
- of your race
- of your religious beliefs
- of a disability you have
- you are lesbian or gay, or
- of your age.

If you feel you can, you should talk to your employer about the harassment. They will not have been aware of it, and may do what they can to stop it. But if it's very serious, or you feel a discussion won't be enough, you should send your employer a letter of complaint (also called a grievance).

By law, your employer should do what they can to stop the harassment. If you don't believe your employer has done enough, you could take a claim to an employment tribunal. An employment tribunal is a type of court that deals with workplace problems. If you win your case, your employer may have to pay you compensation.

You should seek advice about how to deal with your problem. See 'Where can I get help and advice?' on page 10 for organisations that can help.

I've been suspended and told that I'm going to be disciplined – what can I do?

Although your employer has a right to discipline you if you've done something wrong, they should have suspended you only if what you did was:

- very serious, or
- something you have been warned about in the past.

You should seek advice straight away, normally from the grievance officer in your trade union if you are a member. Otherwise, contact **Community Legal Advice** or **Citizens Advice**, which both have advisers who specialise in employment problems. Their contact details are on page 10.

Your employer must write to you explaining why they have suspended you and then invite you to a disciplinary hearing. This is a meeting where the person who has a complaint about you (your manager, say) will explain what they believe you did wrong, and you will be able to put your side of the story. Your employer will then decide what action (if any) to take.

If your employer doesn't follow a disciplinary procedure where you are given a chance to explain or defend yourself, and you are later sacked, you may be able to claim for 'automatic unfair dismissal' through an employment tribunal.

Is my employer allowed to sack me because I'm pregnant?

No – this counts as sex discrimination and is against the law.

There are rules covering how employers must treat you if you are having a baby, which include:

- allowing you time off before you have your baby to go to, for example, antenatal appointments
- allowing you paid maternity leave for a certain period
- the right to have your job back (or an equivalent one) when you return to work.

The rules about how much maternity leave you can take, when you can take it, and how much pay you will receive while on it, are complicated. If you want to know more, ask your employer or contact one of the organisations listed on page 10.

Can I change my hours and shifts at work so I can care for my child?

In many cases, yes. By law, you have the right to ask your employer for a flexible working pattern if you care for children. This could mean, for example, working fewer hours, working different times or shifts, or working at home for some of the time.

You have to write to your employer explaining what you would like to do, and why. If they don't allow you to do what you want (or come up with some other plan that you are happy with), they have to give you good reasons.

Not allowing you to change your working pattern may count as sex discrimination, which is against law.

How much time can I take to look after my child, who has a long-term health problem?

The law says you can take a 'reasonable' amount of time off work to care for your child – but this 'carer's leave' is unpaid. What is a 'reasonable' amount will depend on you and your child's situation.

If you think your employer is being unfair by not letting you take as much time off as you need, you may have to take a claim to an employment tribunal. You will probably need expert legal help to do this, so speak to:

- your trade union
- **Community Legal Advice**, or
- **Citizens Advice**.

You can find contact details on page 10.

Can I be sacked because of something my last employer said in my reference?

When employers provide references, they must be correct and give a fair picture of your work and behaviour at your job.

If your reference was wrong, completely unfair, or discriminatory, and this means you lose a job, you may be able to claim compensation from the employer who gave the reference. But this is a complicated situation, and you will need advice from a lawyer who knows about employment law to say whether you could do this.

Also, bear in mind that if you have recently started a job, you have fewer rights against being unfairly dismissed than you do if you have been working there for some time. If you've been in your job for less than a year, your employer can sack you as long as they pay you any notice pay due to you.

What should my employer do to help me if I have a disability?

The law says that if you have a disability that your employer knows about, they must make 'reasonable adjustments' so you can do your job. This could be, for example:

- providing a different keyboard, phone or lighting
- providing extra training
- giving you a parking space at work, or
- moving a workstation so you can use it while in a wheelchair.

It can also include shorter working hours or working from home.

However, what is reasonable depends on the circumstances – a large organisation would probably be expected to do more for you than a smaller one.

How much money should I receive if I'm made redundant?

Organisations can make people redundant if they:

- need fewer people in their workforce, or
- are closing down or moving.

If you're being made redundant, you should receive at least the 'statutory' amount of redundancy pay.

This amount will depend on:

- how old you are
- how much you earn, and
- how long you have worked for the organisation.

However, if you've worked for your employer for less than two years, you're not entitled to any statutory redundancy pay.

Your employment contract may set out how much redundancy pay you will receive. This may be more than the statutory amount, but your employer can't pay you less.

Your employment contract may set out the notice period you must work to. If your employer agrees to let you finish work before this time, they must still pay you up to the end of the notice period.

If your employment contract doesn't set out notice periods, your employer will have to follow those set out in law, which vary according to how long you've worked there. If you've been there for more than two years, your notice period is one week per year you have worked, up to a maximum of 12 weeks.

Where can I get help and advice?

Community Legal Advice

If you have a low income and qualify for legal aid, you can call us for free independent advice about employment problems. We can also help you if you have debt, education, benefits or housing problems.

If you do not qualify for legal aid, or if you have another type of problem, we can put you in touch with other organisations, helplines or local advice services that can help. We can also direct you to other legal information resources.

How to contact us

You can speak to our advisers in several ways:

- Call us on **0845 345 4 345** from 9am to 6:30pm Monday to Friday. Calls cost no more than 4p per minute from a BT landline. Calls from mobiles usually cost more. Worried about the cost? Ask an adviser to call you back.
- Request a callback through our website, at www.communitylegaladvice.org.uk
- Text 'legalaid' and your name to 80010 and we'll call you back within 24 hours.

Help on the internet

If you have internet access, our website www.communitylegaladvice.org.uk has lots of help, including:

- our online directory of advisers, organised by areas of law
- more information about legal aid and who can get it
- online factsheets and leaflets that you can download, on lots of topics, and
- links to specialist organisations, charities and support groups in your area.

Citizens Advice

Citizens Advice can give you free, confidential and independent advice about your rights at work, and how to deal with employment problems.

- You can speak to someone in person at your nearest citizens advice bureau. It is listed in the phone book, or you can check the Citizens Advice website, at www.citizensadvice.org.uk
- Citizens Advice has a website with advice and information about benefits, at www.adviceguide.org.uk/index/life/employment.htm

Can I get legal aid?

If you need help with the costs of legal advice, you can apply for legal aid. Whether you will get it will depend on:

- the type of legal problem you have
- your disposable (spare) income and how much disposable capital (money, property, belongings) you have, and
- whether there is a reasonable chance of winning your case and whether it is worth the time and money needed to win.

There is an online calculator on our website, at www.communitylegaladvice.org.uk/en/legalaid/calculator where you can see whether you could be financially eligible for legal aid.

What if I think I am eligible?

If you think you could be eligible for legal aid, you should speak to a legal adviser who can deal with legal aid cases. You can search our directory to find an adviser in your area, at the 'Find a legal adviser' section of our website www.communitylegaladvice.org.uk, or call our helpline 0845 345 4 345.

Help for other problems

This leaflet is one of a series of free leaflets produced by Community Legal Advice giving easy-to-read advice on a range of problem areas. The leaflets in this series are:

- C1 Dealing with rent problems**
- C2 Domestic abuse**
- C3 Fair treatment at work: your rights if you are disabled**
- C4 Your rights at work**
- C5 Dealing with debt**
- C6 Losing your home**
- C7 Claiming benefits**
- C8 Problems with school**
- C9 Mental health laws**
- C10 Community care**
- C11 Divorce and separation**
- C12 Living together**
- C13 Medical accidents**
- C14 Dealing with the police**
- C15 Care proceedings**
- C16 Claiming asylum (available August 09)**
- C17 Removal and deportation (available August 09)**
- C18 Dealing with a will (available August 09)**

You can order any of these leaflets free by:

- phoning **0845 3000 343**
- fax **0845 5438 258**, or
- emailing orderleaflets@communitylegaladvice.org.uk.

All of these leaflets are also available in Welsh, Braille and Audio.

The Legal Services Commission manages the Community Legal Service and Community Legal Service Fund (legal aid). To find out more about us, visit www.legalservices.gov.uk

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