

Do you know your rights?

Basic Rights

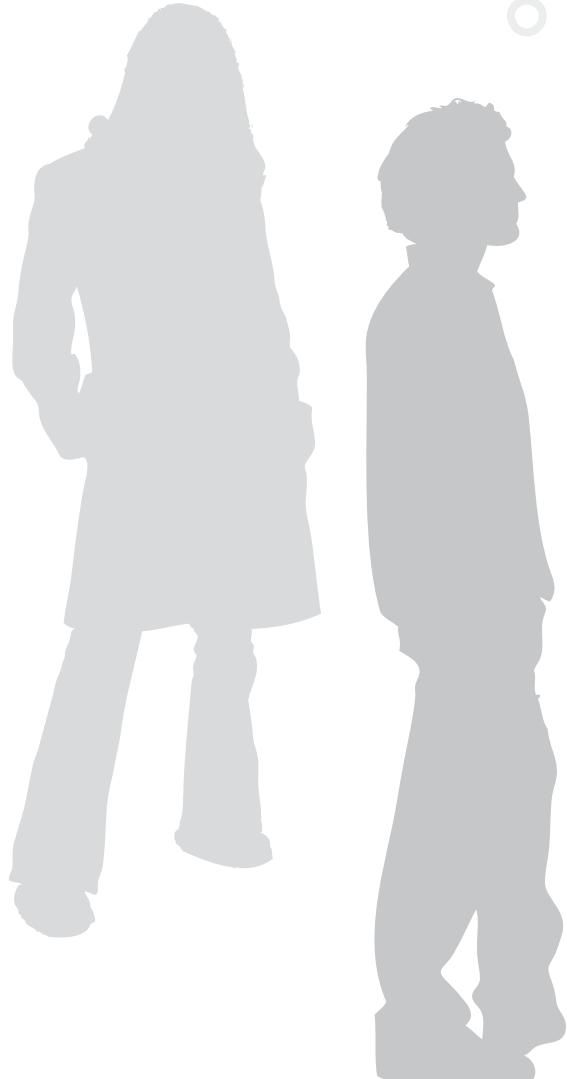
Health and Safety

Bullying in the Workplace

Discrimination Issues

Work Experience

Information Sources



BIS | Department for Business
Innovation & Skills

**STARTING OUT:
YOUR EMPLOYMENT RIGHTS
AND RESPONSIBILITIES**

STARTING OUT: YOUR EMPLOYMENT RIGHTS & RESPONSIBILITIES



Welcome to **Starting Out: your employment rights and responsibilities**

Starting Out: your employment rights and responsibilities is designed to raise young people's awareness of their employment rights and responsibilities. Created for Key Stage 4, *Starting Out* encourages learners to engage with work-related issues at a significant stage in their lives. Many young people will undertake work experience or part-time work from the age of 14, and also begin exploring their longer-term career plans. Through a combination of pre-filmed scenarios and classroom-based activities, *Starting Out* examines legal requirements, anti-discrimination rules and health and safety principles in an informative and entertaining way. *Starting Out* directly promotes the Every Child Matters programme by helping learners to achieve economic well-being and stay safe in the workplace. In addition, it supports the provision of PSHE, Citizenship and Work-related Learning and the development of PLTS and Functional Skills in English and ICT.



know yoR Rights

How to use

The resource consists of a DVD, featuring twenty work-related scenarios, and six 60-minute lesson plans with supporting worksheets. The six lesson plans cover the following topics:

1. Basic Rights: An introduction to the national minimum wage, sick leave and pay, holiday leave and pay, part-time workers' rights and agency workers' rights
2. Discrimination Issues: Understanding how to identify and overcome discrimination and harassment and learn more about identifying employment rights
3. Information Sources: Exploring where to find information about employment rights and responsibilities
4. Work Experience: Identifying and applying work experience expectations and responsibilities
5. Health and Safety: An introduction to health and safety principles and procedures
6. Bullying in the Workplace: Investigating and resolving workplace bullying

Lesson plans include activities based on the pre-filmed scenarios, which learners complete on an individual, paired or group work basis. Teachers are encouraged to tailor the lesson plans according to learners' needs and time available, and use them flexibly to support curriculum requirements.

Each lesson plan includes:

- Aim
- Learning Objectives
- Learning Outcomes
- PLTS Framework Links
- Resource List
- Key Words
- Web Links
- Lesson Introduction
- Lesson Activities
(including Starter Activity and Plenary)
- Extension Activities

Fair's
Fair!

all in the
details
details
details
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details

SAFETY
FIRST!

BEAT
BULLYING

Subject applications

The following table provides an overview of links to Citizenship, PSHE: Economic Wellbeing and Financial Capability, and PSHE: Personal Wellbeing:

	Citizenship	PSHE: Economic Wellbeing and Financial Capability	PSHE: Personal Wellbeing
Key Concepts	Exploring different kinds of rights and obligations (1.2 a)	Understanding the qualities, attitudes and skills needed for employability (1.1 c)	Understanding that individuals need to manage risk to themselves and others in a range of situations (1.3 a) Understanding that all forms of prejudice and discrimination must be challenged at every level in our lives (1.5 b)
Key Processes	Research, plan and undertake enquiries into issues and problems (2.1 b)	Develop and maintain self-esteem and envisage a positive future in work (2.1 a)	Use knowledge and understanding to make informed choices about safety, health and wellbeing (2.2 a)
	Explain viewpoints, drawing on conclusions learnt through research, discussion and actions (2.2 b)	Identify, select and use a range of information sources (2.2 a)	Use the social skill of negotiation within relationships, recognising their rights and responsibilities and that their actions have consequences (2.3 b)
	Explore creative approaches to taking action on problems and issues (2.3 b)	Identify the main qualities and skills needed to enter and thrive in the working world (2.3 a)	
Range and Content	The rights and responsibilities of employers and employees (k)	Rights and responsibilities at work and attitudes and values in relation to work (c)	Way of recognising and reducing risk and minimising harm (g)
Curriculum Opportunities	Debate topical and controversial issues (a)	Use case studies, simulations, scenarios, role play and drama to explore work issues (a)	Identify sources of help and support and take responsibility for providing accurate information to others (g)
	Work individually and in groups (c)		

Economic wellbeing

The following table indicates how *Starting Out* meets the framework for economic wellbeing 11-19 (Source QCA)

Framework Point	Lesson 1	Lesson 2	Lesson 3	Lesson 4	Lesson 5	Lesson 6
1. Recognise, develop and apply skills for enterprise and employability				*	*	*
4. Use their experience of work to extend their understanding of work and career				*		
5. Learn from contact with people who work				*		
6. Learn about how and why businesses operate		*	*	*	*	*
7. Learn about working practices and environments	*	*	*	*	*	*
8. Undertake tasks and activities set in work contexts	*	*	*	*	*	*
9. Engage with ideas, challenges and applications from the business world	*	*	*	*	*	*

PLTS framework

The following table indicates how *Starting Out* meets the PLTS framework (Source QCA):

Type	Key Points	Lessons
Independent Enquirers	Analyse and evaluate information	1, 3, 5
	Support conclusions using reasoned arguments and evidence	
Creative Thinkers	Generate ideas and explore possibilities	2, 3, 4, 5, 6
	Try out alternatives or new solutions and follow ideas through	
Reflective Learners	Evaluate experiences and learning	1, 3, 4, 5, 6
	Communicate learning in relevant ways for different audiences	
Team Workers	Collaborate with others to work toward common goals	1, 2, 4, 6
	Adapt behaviour to suit different roles and situations	
Self-managers	Work towards goals, showing initiative, commitment and perseverance	4
	Organise time and resources, prioritising actions	
Effective Participants	Discuss issues of concern, seeking resolution where needed	2, 4, 6
	Propose practical ways forward	

Additional Notes

Employment rights and responsibilities are subject to change. It is recommended that information sources, including websites listed in the lesson plans held in the resource pack, are consulted regularly to ensure accuracy. The national minimum wage, for example, usually increases every October.

Included at the end of the resource are background notes providing additional information for some of the lessons.

A selection of current leaflets is included with this resource. Further copies of these and other leaflets are available to download or order from www.bis.gov.uk. Click on the publications tab on the front page and use the search facilities.

Consider enhancing *Starting Out* by inviting the involvement of local employers or representatives of advisory organisations in the delivery of the resource. Local education business partnerships can assist in finding suitable business links to match teachers' requirements.

Further information to support the professional practice of PSHE and Citizenship teachers is available from the following websites:

PSHE Association
www.pshe-association.org.uk

Economics, Business and Enterprise Association
www.ebea.org.uk

Association for Careers Education and Guidance
www.aceg.org.uk

Personal Finance Education Group
www.pfeg.org.uk

Association for Citizenship Teaching (ACT)
www.teachingcitizenship.org.uk

Lesson 1

Basic Rights

Length of lesson: 60 minutes **Year group:** KS4

Resources required:

DVD, *Know Your Rights!* worksheets, employment rights leaflets, internet access, whiteboard, whiteboard projector.

Film clips: *National Minimum Wage, Sick Leave and Pay, Holiday Leave and Pay, Part-Time Rights and Agency Workers' Rights.*

Key words:

rights – principles or benefits that you are entitled to exercise or claim

responsibilities – duties that you are expected to fulfil

entitlement – rights that you are allowed or you deserve

statutory – by law

Web links:

Directgov www.direct.gov.uk

CAB Advice Guide www.adviceguide.org.uk

TUC workSMART www.worksmart.org.uk

Aim: To raise awareness of employment rights and responsibilities

Objectives:

By the end of the lesson learners will:

1. understand that employees have rights and responsibilities
2. research basic employment rights: the national minimum wage, sick leave and pay, holiday leave and pay, part-time rights and agency workers' rights

Learning outcomes:

1. Learners will have completed the *Know Your Rights!* worksheet, answering questions about employment rights and responsibilities
2. Learners will have produced and presented research relating to specific rights

PLTS framework: Independent enquirers, reflective learners, team workers

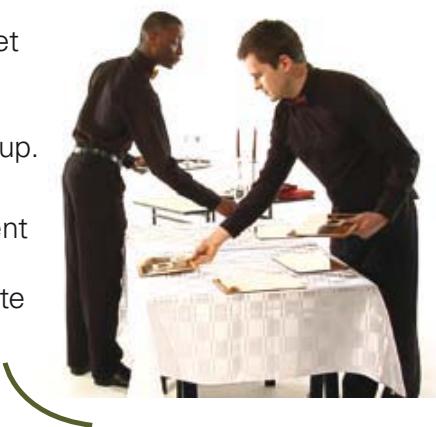
Introduction: It is important to be aware of employment rights and responsibilities.

Both employers and employees have rights and responsibilities at work. If you know about your rights, it will stop you from being treated unfairly or missing out on what you are entitled to. If you understand your responsibilities, then you and your employer know what to expect from each other. This session introduces five areas of basic rights: the national minimum wage, sick leave and pay, holiday leave and pay, part-time rights and agency workers' rights.

Structure	Groupings	Activities
Introduction (10 mins)	Class	KEY WORDS. Find out what learners think when they hear the key words 'rights', 'responsibilities', 'entitlement', 'statutory'. Share the lesson's aims, objectives and learning outcomes with learners.
Activity 1 (20 mins)	Pairs	WORKSHEET. Learners watch <i>National Minimum Wage</i> and complete the first section of the <i>Know Your Rights!</i> worksheet. Repeat with <i>Sick Leave and Pay</i> , <i>Holiday Leave and Pay</i> , <i>Part-Time Rights</i> and <i>Agency Workers' Rights</i> .
	Class	Review answers: 1.a) £28.98 2.a) Yes, because he earns £120 per week 3.a) The same amount 4.a) 14 days 5.a) False
Activity 2 (20 mins)	Small groups	RESEARCH. Learners choose one area of rights. Using leaflets in the teachers' resource pack and the internet, learners research current entitlements. Key questions for each right: <i>National Minimum Wage</i> : What is the current national minimum wage for workers of different ages? <i>Sick Leave and Pay</i> : What is a 'fit note'? <i>Holiday Leave and Pay</i> : How do you work out how many days of paid holiday leave you are entitled to? <i>Part-Time Rights</i> : What does 'pro rata' mean? <i>Agency Workers' Rights</i> : What services can agencies charge you for? Class One group representing each right feeds back to the class.
Plenary (10 mins)	Class	DISCUSSION. Ask learners what one fact they have learned about employment rights and responsibilities that they did not know before. Ask why learners think it is important to know about employment rights and responsibilities.

Extension activities:

1. POSTER/LEAFLET. In pairs, learners create a poster or leaflet informing people about one area of rights. Learners need to decide on their target audience (e.g. young workers, parents returning to work) and make their design relevant to that group.
2. QUIZ. Using each group's research from Activity 2, learners create a quiz to find out how much people know about current employment entitlements. Each learner asks at least three people outside their class (e.g. family and friends) to complete the quiz, sharing the correct answers upon completion. Learners use results to assess general awareness of employment rights.



know your rights

a. National Minimum Wage (NMW)

1.a) If the NMW for workers aged 18 to 21 is £4.83, how much should Aidan get paid for 6 hours' work?

b) Give reasons for and against the NMW.

Sick Leave and Pay

2.a) Ivan works 20 hours a week for £6.00 an hour. If an employee must earn at least £97 a week to be entitled to Statutory Sick Pay (SSP), is Ivan entitled to SSP?

b) What could happen if employees didn't have the right to sick leave and sick pay?

Holiday Leave and Pay

3.a) Janine earns £63.75 for a day's work at the gym. How much will she be paid per day when she's off on paid holiday – more, less or the same amount?

b) Do you think people should get paid while they are on holiday from work? Give reasons for your answer.



Part-Time Rights

4.a) Entitlements for part-time workers are in proportion to the number of hours they work. Eva works half the number of hours of a full-time dental hygienist. If a full-time hygienist gets 28 days of paid holiday a year, how many days is Eva entitled to?

b) Why might someone choose to work part-time?

Agency Workers' Rights

5.a) An agency can make you pay for services (like CV writing) as a requirement for finding you work. True or false?

TRUE FALSE

b) List advantages and disadvantages of working for a temping agency.

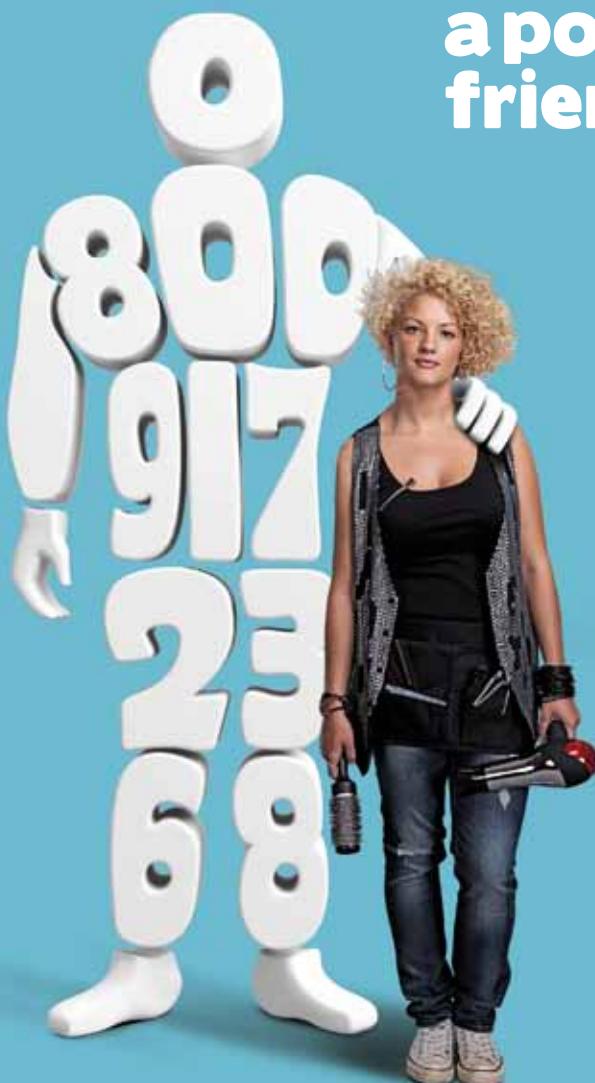
Fun fact

Singer George Michael pocketed £1.78m for a concert that lasted just over an hour on New Year's Day in 2007!

(Source: www.thisislondon.co.uk/showbiz/article-23380203-george-michael-paid-record-15m-for-one-hour-concert.do)

**Want to know
more about
your rights at
work?**

**You have
a powerful
friend**



Find out about your rights on:

- National minimum wage
- Working hours
- Working for an agency
- Working in agriculture
- Working for gangmasters



This leaflet sets out certain employment rights for everyone who works in the UK. If your employer does not follow these rules they are breaking the law.

There is now a Pay and Work Rights Service you can go to online or call to find out more about these rights. You can get advice and help with what you are entitled to.

The rules on pay and working hours apply to all workers. There are also special rules for some kinds of work. These are explained in the rest of the leaflet.

Your employer must also give you other employment rights, like paid holiday and rest breaks, and look after your health and safety at work. If you have concerns about these, or other employment rights not covered here, call Acas for advice on **08457 47 47 47**, or visit **www.direct.gov.uk**

For health and safety queries, contact HSE on **0845 345 0055**.

The rules on national minimum wage pay

- Almost everyone who legally works in the UK is entitled to receive a minimum level of pay. This is called the national minimum wage.
- If you are 21 or over you must be paid at least £5.93 an hour. This is the national minimum wage. From 1 October 2010 the full adult rate must be paid from 21 years old, rather than the previous 22.
- Almost everyone has a right to the national minimum wage. This includes temporary, part-time and casual workers, homeworkers, pieceworkers, and people from other countries.
- Any tips you are paid must be extra, on top of the minimum wage.
- Your employer cannot take money out of your pay for things like equipment, protective clothing, or uniforms, if it reduces your pay to below the minimum wage.

The minimum wage amount can change every October, so check on www.direct.gov.uk to see the latest rates.

Young workers

The minimum wage amounts for people under 21 are;

- £4.92 an hour if they are aged 18 to 20
- £3.64 an hour if they are aged 16 or 17

Apprentices

- If you are an apprentice over 19 years old and have been in your apprenticeship for more than one year, you are entitled to the national minimum wage rate for your age group.
- If you are an apprentice under 19 years old or are in your first year of your apprenticeship you are entitled to the new Apprenticeship Rate of £2.50 per hour.

The rules on national minimum wage pay

Some exceptions

Some people do not need to be paid the national minimum wage, e.g. students on work experience.

Your employer can take up to £32.27 a week out of your national minimum wage pay for accommodation. This is called the 'accommodation offset'.

If you work in any type of agriculture, there are different minimum wage rates that can be found further through this leaflet.

Are you getting the national minimum wage?

You should get a payslip showing what you are paid. It should also show how much is taken out, e.g. for tax.

But it may not be clear if you are getting the minimum wage.

Not all of the money you receive from your employer can be counted towards your minimum wage pay.

Money which cannot be counted includes:

- Additional money over and above basic pay for overtime or shift work
- Allowances (e.g. for hazardous conditions or cost of living)
- Reimbursement of expenses incurred in the performance of the job (e.g. travel)
- Reimbursement of the cost of equipment to do the job (e.g. uniform, tools)

Money which can be counted includes:

- Basic pay (including tax and National Insurance contributions)
- Bonuses
- Commission

In addition sometimes people may be paid by the amount of work they do or for specific tasks, rather than for the hours they work. Under the law your employer must still pay you a certain rate if this applies to you.

To find out more visit
www.direct.gov.uk/nmw
or call the Pay and Work Rights Helpline on **0800 917 2368**.

The rules on working hours

- You do not have to work more than an average of 48 hours each week
- This applies to almost everyone working in the UK
- If you are over 18, you can choose to work longer if you want to – but your employer cannot make you. You must sign a written agreement about this

Working out how many hours you work

Some time you spend on top of your normal work counts as part of your 48 hours, such as:

- training for the job
- travelling time if it is part of the job
- paid overtime

You cannot count in your working hours:

- lunch breaks
- travel to and from work
- unpaid overtime that you choose to do

Young workers

Young people (from school leaving age up to 18) can only work up to eight hours a day, and up to 40 hours a week.

Some jobs are not always covered

There are some jobs where longer hours are allowed under certain circumstances. These include:

- some work in the armed forces, police, fire and ambulance services
- working on seagoing fishing boats, or merchant ships on lakes and inland waters
- servants in private houses

To find out more, call the helpline free on **0800 917 2368**, or visit **www.direct.gov.uk/payandworkrights**

If you work for an agency

- The agency must pay you for every hour you work
- They must not ask for money to find you work
- The agency must tell you in writing how much they are paying you, your terms and conditions and what type of work they will find for you
- The agency cannot take money out of your pay for things like equipment, protective clothing or uniforms unless they tell you and you agree
- They can charge for extra services, but cannot make you use these services as a condition for finding you work

There are different rules for entertainment or modelling agencies. Check with your agency, or look on www.direct.gov.uk

The Employment Agency Standards Inspectorate makes sure agencies keep to the law. They investigate complaints against employment agencies.

Other employment rights

You also have a right to things like paid holiday and rest breaks.

To find out more, call the helpline free on **0800 917 2368**, or visit www.direct.gov.uk/payandworkrights



If you work in agriculture

There are some special rules for people working in agriculture.

Agriculture includes livestock farming, any kind of food production on a farm, horticulture, market gardening or nursery work, food packaging and orchard or woodland management.

- You must be paid at least £5.95 an hour
- You have a right to this, even if you do part-time, seasonal, casual or piecework
- You should normally still be paid the same amount if you are sick or injured at work
- If your home is provided by your employer, they can take some money for this. They can only take up to £32.27 a week
- You can ask to see your pay records, and your employer must show them to you.
Then you can check what you are being paid

To find out more, call the helpline free on **0800 917 2368**, or visit www.direct.gov.uk/payandworkrights

If you work for a gangmaster

Gangmasters are businesses that provide workers for certain industries. These include agriculture, market gardening, collecting shellfish, and processing and packaging food and drink.

- You have the same rights to pay and working hours as other workers
- Your employer must not stop you taking another job, take away your passport or other documents, make you pay to leave the job, or threaten you in any way
- Your employer cannot take money out of your pay for things like equipment, protective clothing or uniforms
- You do not have to stay in a home your employer provides. If your employer provides your home, it must be safe

The Gangmasters Licensing Authority was set up to protect people who work for gangmasters. It can stop a gangmaster trading if they do not treat workers fairly.

Other employment rights

You also have a right to things like paid holiday, sick pay and training. To find out more, call the helpline free on **0800 917 2368**, or visit www.direct.gov.uk/payandworkrights

How to find out more



**PAY & WORK RIGHTS HELPLINE
0800 917 2368**

Direct.gov.uk/payandworkrights

Calls from some mobile phones will be free and others may vary. Check with your mobile phone provider for more information.

Call the helpline if:

- you want more help or advice
- you think you are not being paid the right amount, or the rules on your pay and work rights are being broken
- you want to find out if you are getting the minimum wage

Calls to the helpline are free and in confidence. You can get help and advice in over 100 different languages. If you want to make a complaint, you do not have to say who you are.

There is also a lot of helpful information on **www.direct.gov.uk/payandworkrights** or you may find it helpful to talk to your employer.

For all other employment rights issues not covered here, talk to Acas for advice on **08457 47 47 47**, or visit **www.direct.gov.uk**

Alternatively you can visit your local Citizens Advice Bureau. To find your nearest office see your local phone book or visit **www.citizensadvice.org.uk**





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A GUIDE TO
AGENCY WORKERS' RIGHTS

If you are an agency worker, you are entitled to a number of rights at work. This leaflet provides you with information on what rights you are entitled to.

Where you do not receive these rights, then you can contact a powerful friend - the **Pay and Work Rights Helpline** on **0800 917 2368** or textphone 0800 121 4042.

The helpline will provide you with help and guidance. You can also make a confidential complaint if these rights have been breached, which we can take forward on your behalf.

The helpline also provides information and advice on the minimum wage, working hour limits and gangmasters.

Information is also available on **direct.gov.uk/payandworkrights**

You are entitled to:

- End an assignment without penalty
 - Take a permanent job with a company where you temped if the hirer wants to take you on permanently. A fee may be payable by the hirer to the agency in limited circumstances (sometimes called 'temp to perm' or 'transfer fees') or an extended period of hire may be agreed. You should not be charged a fee for this or suffer any form of penalty
 - Register with other agencies
 - Paid holiday, rest breaks and limits on working time
 - Receive at least the national minimum wage²
 - Not be discriminated against on grounds of age, gender, religion, race, sexual orientation or disability
 - Protection under health and safety laws
- However, 'workers' (who are usually agency workers, short term casual workers, some freelancers) as distinct from 'employees' are not generally entitled to redundancy pay or to make a claim for unfair dismissal. More information is available on **direct.gov.uk/payandworkrights**. For further information on these and other employment rights, contact Acas whose details are shown at the end of this leaflet.

¹ There are a few exceptions including agencies operating in the entertainment and modelling sectors.

² Further information on the national minimum wage can be obtained from the Pay and Work Rights Helpline or website.

Unfair deductions

Agencies cannot:

- Charge fees for finding or seeking to find you work¹
- Make you use fee paying services (e.g. CV writing) as a requirement for finding you work
- Deduct money for protective equipment or clothing unless you have agreed to this in writing

Allowable deductions and cancellation periods

Agencies may charge you for certain services such as obtaining a Criminal Records Bureau check. If they do so, you must be given full written details of the service(s) which will include information on your rights to cancel or withdraw, together with the length of the notice period you must give.

An agency can charge you for accommodation, transport or training. However, you can cancel or withdraw from the service at any time without suffering any penalty, providing you give 10 working days written notice to the agency to cancel your accommodation and 5 working days notice for all other services.

How do I know if I am employed by an employment agency?

Employment agency' or 'agency' is a general term used to cover two specific types of work finding activity:

An 'employment agency' finds work for work seekers who are employed and paid by employers. This is often referred to as 'permanent employment' as once the worker has been taken on they are an employee of the company they are working for.

An 'employment business' employs or engages a work seeker under a contract and then places you under the direct control and supervision of a hirer. This is known as 'temporary agency work' or 'temping'. The workers under these arrangements will be paid by the agency (or through an umbrella company or payroll service), rather than by the hirer they are supplied to.

Confidentiality

An agency can't disclose information about you to anyone, without your consent, except:

- If the purpose is finding you work
- For legal proceedings
- To any professional body of which you are a member
- To the Employment Agency Standards Inspectorate during the course of an inspection of the agency's records

Before introducing you to a hirer your agency must confirm your identity and you will be asked to provide documentation, such as your birth certificate or passport, for this purpose.

Useful contacts



**PAY & WORK RIGHTS HELPLINE
0800 917 2368**

Direct.gov.uk/payandworkrights

Textphone 0800 121 4042

Calls from some mobile phones will be free and others may vary.
Check with your mobile phone provider for more information.

Acas

A public body promoting good workplace relations, providing free advice on employment rights and contractual matters.

Call the helpline on **08457 474747**

or visit www.acas.org.uk

Citizens Advice Bureau

CABs offer free and confidential advice on a range of issues. For your nearest office look under 'C' in your phone book or visit www.citizensadvice.org.uk

Trades Union Congress

Call the 'Know Your Rights' Line on **0870 600 4882**
or visit www.worksmart.org.uk

In Northern Ireland

Department for Employment and Learning (NI)

Employment Relations Policy and Legislation Branch
Call **028 9025 7493** or visit www.delni.gov.uk

Labour Relations Agency (LRA) Northern Ireland

Call **028 9032 1442** or visit www.lra.org.uk

The Pay and Work Rights Helpline in Northern Ireland deals with the national minimum wage and GLA (Gangmaster Licensing Authority) only. Call **0800 917 2368**

Northern Ireland Committee of the Irish Congress of Trade Unions

Call **028 902 47940** or visit www.ictuni.org



Lesson 2

Discrimination Issues

Length of lesson: 60 minutes **Year group:** KS4

Resources required:

DVD, *Fair's Fair!* worksheets, whiteboard, whiteboard projector.

Film clips: *Working Hours, Maternity Leave and Pay, Harassment and Discrimination.*

Key words:

discrimination – treating different people in different ways

harassment – unwanted behaviour that offends or humiliates someone

Web links:

Directgov www.direct.gov.uk

Acas www.acas.org.uk

EHRC www.equalityhumanrights.com

Business Link www.businesslink.gov.uk

Aim: To promote understanding about discrimination and harassment in the workplace and learn more about identifying employment rights

Objectives:

By the end of the lesson learners will:

1. understand what discrimination and harassment are
2. research problems and solutions relating to discrimination and harassment

Learning outcomes:

1. Learners will have discussed different types of discrimination and harassment
2. Learners will have reported on the issues facing a particular group of people who may be discriminated against

PLTS framework: Creative thinkers, team workers, effective participators

Introduction: Everyone should be treated fairly and with respect at work. It is unlawful to treat someone differently for a reason unconnected to the job, for example because of their gender or nationality. No one should be made to feel humiliated or offended by the behaviour of another employee. This session looks at discrimination and harassment in the workplace and how problems relating to discrimination and harassment can be avoided or resolved.

Structure	Groupings	Activities
Introduction (10 mins)	Class	CONCEPTS. Ask learners to suggest reasons why people might face discrimination. Now hand out the <i>Fair's Fair!</i> worksheet. Compare the reasons given with the list on the worksheet. Share the lesson's aims, objectives and learning outcomes with learners.
Activity 1 (20 mins)	Class Pairs Class Pairs Class Pairs Class	DISCUSSION. Learners watch <i>Working Hours</i> . Learners discuss the <i>Working Hours</i> question on the <i>Fair's Fair!</i> worksheet. Learners watch <i>Maternity Leave and Pay</i> . Learners discuss the <i>Maternity Leave and Pay</i> question on the worksheet. Learners watch <i>Harassment</i> . Learners discuss the <i>Harassment</i> question on the worksheet. Learners feedback their conclusions for each question: 1. It is indirect discrimination because workers under the age of 18 are not allowed to work for more than eight hours a day. 2. It is direct discrimination on the basis of gender. 3. It is harassment because it is unwanted behaviour that humiliates and offends Paul.
Activity 2 (5 mins)	Groups Class	IDENTIFY. Learners watch <i>Discrimination</i> and list the six types of discrimination shown in the scene. Review answers: marital status, sexual orientation, age, disability, ethnic background, religion or belief.
Activity 3 (20 mins)	Groups	REPORT. Learners choose one type of discrimination from the previous activity. They prepare a report exploring: a) the issues faced by people affected by this type of discrimination b) ways to avoid and/or solve problems raised by issues c) a specific example of this type of discrimination d) how it would feel to be discriminated against in this way
Plenary (5 mins)	Class	SHARE. Ask one group for each type of discrimination to share one main issue and one solution from their report.

Extension activities:

1. RESEARCH. In pairs, learners use the worksheet and the internet to research definitions and examples of 'positive action' and 'genuine occupational requirement'.
2. DEBATE. Split the class in half and ask one half to give arguments for, and the other half against, one or both of the following statements:
 "Companies shouldn't employ young women."
 "Teasing people at work is just a bit of fun."

Fair's Fair!

Discrimination means treating different people in different ways.

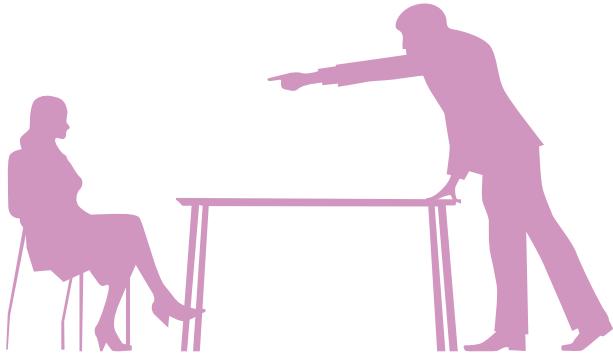
At work, **unlawful discrimination** is when someone is treated worse than others for a reason that has got nothing to do with the job.

Reasons why you can't be discriminated against include:

- gender or gender reassignment
- sexual orientation
- marriage or civil partnership
- disability
- race
- colour
- ethnic background
- nationality
- religion or belief
- age

Direct discrimination is when someone is deliberately treated worse for one or more of these reasons. A man applies for a job as a secretary, but he doesn't get it because the employer thinks only women should be secretaries. That's direct discrimination on the basis of gender.

Indirect discrimination is when a working condition or rule puts one group of people at a disadvantage for one or more of these reasons. Shop assistants, who wear turbans for religious reasons, lose their job because the company's dress code doesn't allow hats or headscarves. That's indirect discrimination on the basis of religion or belief.



Positive action is where an employer gives support to a particular group of people. An employer might encourage someone with a disability to apply for a job. But the employer must still appoint the best person for the job, whether or not they have a disability.

A **genuine occupational requirement** means that a job has to be done by a particular person for a specific reason. It's a genuine occupational requirement that a black actor is employed to play the role of a black character in a film.

Harassment is any unwanted behaviour that makes someone feel intimidated, humiliated or offended. It can happen through e-mails and phone calls as well as in face-to-face situations. Harassment might not be obvious to anyone else.

If employees feel that they are being harassed or discriminated against, they don't have to put up with it. They should talk to their manager or the company's human resource (HR) department and be clear about what has happened. An employee shouldn't get into trouble for complaining about discrimination or harassment.



1. Working Hours

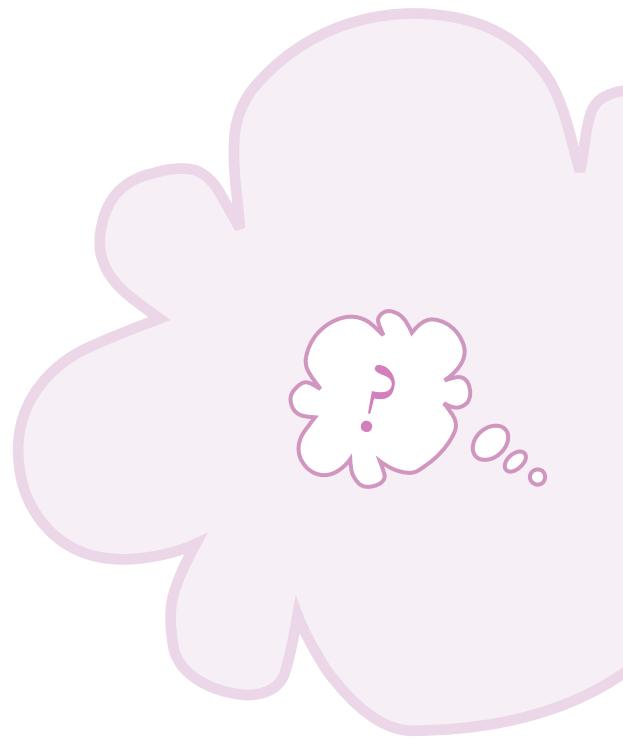
In a job advert, it says that employees must be prepared to work shifts that are nine hours long – even though it's not actually necessary for the job. Why is this indirect discrimination against workers aged under 18?

2. Maternity Leave and Pay

A manager tells a young female employee that she won't be put in charge of a two-year project in case she goes on maternity leave before the project is finished. Is this direct or indirect discrimination?

3. Harassment

Think about the way Sue and Maria treat Paul in this scene. Do you think this is harassment? Explain your answer.



Strange but true

Q: Can you guess the common names of these unusual job titles?

Space Consultant, Knowledge Navigator,
Ambient Replenishment Controller

(Source: <http://www.pleinenglish.co.uk/examples/job-titles.htm>)

A: Estate agent, teacher, shelf stacker

Lesson 3

Information Sources



Length of lesson: 60 minutes **Year group:** KS4

Resources required:

DVD, *All in the Details!* worksheets, internet access, whiteboard, whiteboard projector.

Film clips: *Information Resources*, *Written Statement* and *Rights Revisited*.

Key words:

accessibility – how easy it is to find, understand or use something

written statement of employment particulars – a list of details about a job

grievance – the reason for a problem at work

Web links:

Directgov www.direct.gov.uk

CAB Advice Guide www.adviceguide.org.uk

TUC workSMART www.worksmart.org.uk

Aim: To explore where you can get information about employment rights and responsibilities

Objectives:

By the end of the lesson learners will:

1. investigate sources of employment information accessible to the general public
2. understand the purpose and content of a written statement of employment particulars through the practice of completing a written statement

Learning outcomes:

1. Learners will have produced a chart assessing different sources of information about employment rights
2. Learners will have completed a written statement of employment particulars

PLTS framework: Independent enquirers, creative thinkers, reflective learners

Introduction: There is lots of information available about employment rights and responsibilities. You can use websites, call helplines, read leaflets and visit information centres. When you are employed, you will get information specifically about your job. This session looks at the different sources of information that you can use to find out about employment rights.

Structure	Groupings	Activities			
Introduction (10 mins)	Class	MIND MAP. Learners mind map as many information sources as possible, both official (e.g. Directgov, Citizens Advice Bureau) and informal (e.g. family, friends). Share the lesson's aims, objectives and learning outcomes with learners.			
Activity 1 (10 mins)	Pairs	CHART. Learners watch <i>Information Resources</i> . Learners compare different information sources, including the sources identified in the Mind Map activity:			
Information Source	How easy is it for me to access?	How useful is it for me?	How reliable is the information from this source?		
Directgov					
Pay and Work Rights Helpline					
Class	Ask learners to feedback some of their conclusions.				

Activity 2 (20 mins)	Individual Class	WRITTEN STATEMENT. Learners watch <i>Written Statement</i> . Using the <i>All in the Details!</i> worksheet, learners complete a written statement of employment particulars for Kelly. Review answers: a. Kelly Jones b. Lisa's c. 12 July 2010 d. Hairdresser e. 32 High Street, Dellingham f. Lisa Romero g. £5.80 (check current rate) h. Monday to Friday, 9am to 5pm i. 5.6 weeks or 28 days a year (check current entitlement) j. Telephone Lisa if she's ill. Provide a doctor's note if she's ill for more than seven days. She is entitled to Statutory Sick Pay. k. Permanent l. The company's Disciplinary and Grievance Policy m. The company's Disciplinary and Grievance Policy n. Lisa Romero
Plenary (10 mins)	Class	RIGHTS REVISITED. Learners watch <i>Rights Revisited</i> . Ask learners about their dream job.

Extension activities:

1. ADVERTISEMENT. In pairs, learners create an advertisement promoting one or more information source. Learners decide on their target audience (e.g. people with disabilities, those for whom English is their second language) and design their advertisement's format and content to reach that group.
2. WEBSITE RESEARCH. In groups, learners search for three websites that offer information about employment rights in the UK. Learners compare the websites by researching one right (e.g. the national minimum wage) and rating each site for ease of use and quality of information.



all in the **details** **details** **details** **details** **details**



Kelly Jones, 22, is a hairdresser at Lisa's, 32 High Street, Dellingham. She started working there on 12 July 2010 on a permanent contract. Her line manager is Lisa Romero, the owner of Lisa's. Kelly works Monday to Friday from 9am to 5pm and she's paid weekly – she earns the national minimum wage. Lisa expects Kelly to let her know by telephone if she's ill and, if her illness lasts more than seven days, to provide a note from her doctor. Kelly is entitled to Statutory Sick Pay and to the legal minimum of paid holiday leave each year. Lisa gave Kelly a copy of the company's Disciplinary and Grievance Policy when she started the job and told her to come and see her if she had any problems at work.

Kelly's Written Statement of Employment Particulars

a) Name of employee:

b) Name of organisation:

c) Date employment began:

__ / __ / ____

d) Job title:

e) Address of workplace:

f) Employee's line manager:

g) Pay:

h) Hours of work:

i) Holiday entitlement:

j) Terms of sick leave and sick pay:

k) Type of employment (delete as appropriate):

temporary / permanent

l) Information about the organisation's disciplinary policies can be found in:

m) Information about the organisation's grievance procedure can be found in:

n) In the event of a grievance regarding your employment, contact:

Putting in the hours:

In the eighteenth century, John Harrison worked for over forty years to invent a clock that would accurately keep the time while on board a ship!

(Source: www.nmm.ac.uk/harrison)

Lesson 4

Work Experience

Length of lesson: 60 minutes **Year group:** KS4

Resources required:

DVD, *Play Your Part!* worksheets, whiteboard, whiteboard projector.

Film clips: *Work Experience Responsibilities* and *Work Experience Expectations*.

Key words:

work experience – the opportunity to participate in the world of work

placement – the job or place of employment where you do work experience

Web links:

Directgov www.direct.gov.uk

TUC A Better Way to Work

www.tuc.org.uk/organisation/index.cfm?mins=507&minors=505

Aim: To explore the expectations and responsibilities of learners who undertake work experience

Objectives:

By the end of the lesson learners will:

1. understand work experience expectations and responsibilities
2. practise resolving problems related to work experience expectations and responsibilities

Learning outcomes:

1. Learners will have compiled lists of work experience expectations and responsibilities
2. Learners will have practised resolving problems related to work experience expectations and responsibilities through role play

PLTS framework: Creative thinkers, reflective learners, team workers, self-managers, effective participators

Introduction: Work experience is a valuable introduction to employment. You can find out what type of work is involved in different jobs and what happens in different workplaces. It's important to know what your work experience expectations and responsibilities are so that you can get the most out of your placement. This session will explore those expectations and responsibilities and look at how to resolve problems relating to work experience.

Structure	Groupings	Activities
Introduction (10 mins)	Class	AIMS. Ask learners what they think the aims of work experience are. Share the lesson's aims, objectives and learning outcomes with learners.
Activity 1 (15 mins)	Individual	RESPONSIBILITIES. Learners watch <i>Work Experience Responsibilities</i> . Learners make a list of work experience responsibilities and rate these responsibilities in order of importance.
	Pairs	Learners compare their lists and whether they agree on the order of importance.
	Class	Review list of responsibilities: be punctual, pay attention to health and safety, listen to instructions, treat others with respect, do tasks as well as you can, ask questions if you don't understand, respect workplace rules e.g. no mobile phones, dress appropriately.
Activity 2 (15 mins)	Individual	EXPECTATIONS. Learners watch <i>Work Experience Expectations</i> . Learners make a list of work experience expectations and rate these rights in order of importance.
	Pairs	Learners compare their lists and whether they agree on the order of importance.
	Class	Review list of expectations: be informed about health and safety, be treated with respect, ask questions, to do as varied tasks as possible.
Activity 3 (15 mins)	Groups of 3	ROLE PLAY. Learners use the <i>Play Your Part!</i> worksheet to role play either <i>Responsibilities</i> or <i>Expectations</i> . Learners must refer to the expectations and responsibilities listed in Activity 1 and 2. (If time allows, learners swap roles and complete the other role play)
Plenary (5 mins)	Class	SHARE. Find out what learners are most and least looking forward to about work experience.

Extension activities:

1. SURVEY. Learners survey older students who have already undertaken work experience, including where students went on work experience, how long for, what they did and what they learnt.
2. ADVICE. Invite your school's work experience co-ordinator to share advice about the process of finding work experience placements.
3. Q&A. Learners invite an employer to participate in a 'question and answer' session to find out about life at work and what an employer expects from a learner undertaking a work experience placement. Learners should ask the employer to introduce themselves and their work, and prepare at least five questions to ask.

Play Your Part!

Responsibilities Part 1

EMPLOYER

You're annoyed by the conduct of a work experience student who seems to know nothing about their responsibilities. You arranged to meet the student's TEACHER to discuss what's been happening and to find out what they're going to do about it.



TEACHER

Your student's EMPLOYER asked to meet you because of problems with the student. You need to find out what's been happening and explain what you're going to do about it.



Responsibilities Part 2

TEACHER

After meeting the employer, you now talk to the STUDENT. You need to make sure the STUDENT understands what their work experience responsibilities are and why these are important.



STUDENT

You're surprised to see your TEACHER because you don't realise that you've been causing problems at your work experience placement.



Expectations Part 1

STUDENT

You're having a hard time at your placement because your employer doesn't seem to understand your work experience expectations. You asked to see your TEACHER to talk about what's been happening and you're worried it won't get any better.

TEACHER

Your student has asked to see you because of problems at their work experience placement. You need to find out what's been happening and explain what you're going to do about it.

Expectations Part 2

TEACHER

After talking to your student, you now meet with the EMPLOYER. You need to make sure the EMPLOYER understands what work experience expectations the student has and why these are important.

EMPLOYER

You weren't expecting to see the student's TEACHER as you don't realise that the student has expectations for their work experience.

Quotable quote

"You do your best work if you do a job that makes you happy". (Bob Ross)

(Source: www.quotationspage.com/subjects/work/)

Lesson 5

Health and Safety

Length of lesson: 60 minutes **Year group:** KS4

Resources required:

DVD, *Safety First!* worksheets, paper, whiteboard, whiteboard projector.

Film clips: *Health and Safety Bad Practice* and *Health and Safety Good Practice*.

Key words:

hazard – anything that might cause harm

risk – how likely that something harmful might happen and how serious that harm could be

Web links:

Directgov www.direct.gov.uk

HSE www.hse.gov.uk

IOSH Wise Up 2 Work www.wiseup2work.co.uk

RoSPA www.rospa.com

Aim: To introduce the importance of Health and Safety principles, policies and procedures

Objectives:

By the end of the lesson learners will:

1. understand hazards and risks in the workplace
2. practise completing risk assessments

Learning outcomes:

1. Learners will have identified hazards in a given workplace
2. Learners will have completed a sample risk assessment

PLTS framework: Independent enquirers, creative thinkers, reflective learners

Introduction: It is vital to have a safe environment to work in. Every worker's health is important and that means reducing the risk of injury or illness through work-based activities. Everyone should be aware of health and safety issues both for themselves and for the people they work with. This session will introduce the concepts of hazards and risks in the workplace and demonstrate how completing risk assessments – and acting on their findings – can make work safer.

Structure	Groupings	Activities
Introduction (10 mins)	Class	<p>STATISTICS.</p> <p>Ask learners to guess how many teenagers received major injuries through workplace accidents in 2008/2009. Answer: 1,076.</p> <p>Ask learners to guess how many teenagers were killed by workplace accidents in 2008/2009. Answer: 3.</p> <p>(Sources: www.hse.gov.uk/statistics/tables/agegen1.htm and www.hse.gov.uk/statistics/tables/agegen2.htm).</p> <p>Share the lesson's aims, objectives and learning outcomes with learners.</p>
Activity 1 (10 mins)	Pairs Class	<p>BAD PRACTICE. Learners watch <i>Health and Safety Bad Practice</i>. Learners identify what could go wrong.</p> <p>Review answers: The work area is untidy and poorly lit; hazard of tripping and falling. Need to check that the ladder and sander work properly. Lack of training for the sander. Tiredness due to overwork. Poor ventilation. Worker health condition (asthma) unreported and not managed. No protective equipment e.g. gloves or goggles. Worker left to work alone.</p>
Activity 2 (10 mins)	Pairs Class	<p>RISK ASSESSMENT 1. Using the <i>Safety First!</i> worksheet, learners complete a risk assessment of the hazards they have identified.</p> <p>Review answers.</p>
Activity 3 (10 mins)	Pairs Class	<p>GOOD PRACTICE. Learners watch <i>Health and Safety Good Practice</i>. Learners identify the improvements made.</p> <p>Review answers. Good lighting. Health and safety instructions re: fire drill and First Aid. Worker in good health. Not using sander without training. Ladder checked. Proper ventilation. Protective equipment provided. Worker's health condition (asthma) reported and managed. Not working alone.</p>
Activity 4 (15 mins)	Groups	RISK ASSESSMENT 2. Using the table on the <i>Safety First!</i> worksheet as a template, learners risk assess potential hazards in the school environment e.g. in classrooms, gym, outside the school buildings, etc.
Plenary (5 mins)	Class	SHARE. Ask each group to share one risk that they assessed as part of Activity 4.

Extension activities:

1. HAZARD SIGNS. Learners draw signs for identified hazards e.g. informing workers to wear safety gloves. See www.hse.gov.uk/pubns/priced/I64.pdf for examples.
2. CARTOON STRIP. Learners choose another workplace environment e.g. a shop, an office. Learners draw a cartoon strip to show hazards in this location.

SAFETY FIRST!



Describe the hazard	Who could be harmed? How?	How likely is it to happen?	If it happens, how serious could the harm be?	What can be done to reduce the risk of harm?



Statistically speaking

In 2008/2009, 29.3 million work days were lost as workers took time off due to work-related ill health and workplace injuries.

(Source:
www.hse.gov.uk/statistics/index.htm)

Lesson 6

Bullying in the Workplace

Length of lesson: 60 minutes **Year group:** KS4

Resources required:

DVD, *Beat Bullying!* worksheets, whiteboard, whiteboard projector.

Film clips: *Staff Introductions*, *Bullying*, *Staff Interviews* and *Resolution*.

Key words:

Acas – the Advisory, Conciliation and Arbitration Service who encourage good working relations between employees and employers

CAB – Citizens Advice Bureau – helps people to solve problems by providing free, independent and confidential advice

trade union – an organisation of workers that protects the rights of its members

Web links:

Directgov www.direct.gov.uk

Acas www.acas.org.uk

TUC www.tuc.org.uk

CAB Advice Guide www.adviceguide.org.uk

Aim: To promote understanding of bullying in the workplace

Objectives:

By the end of the lesson learners will:

1. understand what bullying is
2. practise resolving incidents of bullying

Learning outcomes:

1. Learners will have investigated the feelings of employees involved in an incident of bullying
2. Learners will have practised creating an anti-bullying policy

PLTS framework: Creative thinkers, reflective learners, team workers, effective participants

Introduction: No one should be bullied at work. Every employee deserves to be treated with respect. But bullying can take different forms and might not be obvious to anyone else. This session looks at bullying in the workplace and how to deal with it.

Structure	Groupings	Activities
Introduction (10 mins)	Class	CONCEPTS. Ask learners to list different types of bullying behaviour in the workplace. Compare with the list on the <i>Beat Bullying!</i> worksheet. Share the lesson's aims, objectives and learning outcomes with learners.
Activity 1 (5 mins)	Class	SCENARIO. Explain that learners will meet four characters: Aminata, the Human Resources manager; Jacques, the Head Chef; Joe, the kitchen worker; and Lindsey, the Under Chef. Explain that an incident of bullying in the kitchen of Le Grand Fromage restaurant has been reported. Learners will be investigating the incident and helping to resolve it. Learners watch <i>Staff Introductions</i> .
Activity 2 (20 mins)	Four or more groups	QUESTIONS. Groups choose one character to focus on (ensure each character is chosen by at least one group). Learners answer the following questions for their chosen character after watching two more scenes: a) How were they involved in what happened? b) How do they feel? c) What advice do you give them? Learners watch <i>Bullying</i> followed by <i>Staff Interviews</i> and answer the questions. One group representing each character feeds back to the class.
Activity 3 (15 mins)	Groups	ANTI-BULLYING POLICY. Learners watch <i>Resolution</i> . Using the <i>Beat Bullying!</i> worksheet and information from the scenes, learners complete an anti-bullying policy for Le Grand Fromage based on the example on the worksheet.
Plenary (10 mins)	Class	SHARE. Ask learners to share their reasons for why bullying is unacceptable.

Extension activities:

1. MIND MAP. Learners mind map 'golden rules' for effective interaction e.g. don't interrupt, be aware of body language, etc.
2. 'THREE MONTHS LATER'. Learners role play a meeting between the four characters as if three months have passed since the anti-bullying measures were introduced. How has the working environment of the kitchen at Le Grand Fromage improved?



BEAT BULLYING

Bullying at work is when one employee tries to intimidate another employee. It's usually done to someone in a less senior position. Bullying isn't just face-to-face. It can also happen over the phone, by e-mail or by fax.

Examples of bullying behaviour include:

- blaming someone for problems caused by other people
- treating someone unfairly
- picking on someone
- regularly threatening to sack someone
- not giving someone training opportunities
- spreading rumours about someone
- giving someone too much work to do

If you're being bullied at work, talk it over with someone as soon as possible. Speak to your manager or supervisor, or to someone in your company's human resources (HR) department. You can also talk to a representative, like a trade union official.

It's a good idea to keep a diary of incidents. Write down details of where and when the bullying occurred, and what happened.

Bullying isn't always deliberate. The bully might not realise what effect their behaviour is having on you. If possible, talk to the person directly. Describe what has been happening and explain why it is a problem. Stay calm and be polite.

If this doesn't solve the problem and the bullying continues, the next step is to make a formal complaint. Your company will have a grievance policy explaining how to do this.

For further help, go to Directgov or visit Acas online. You can also call the Acas helpline on 08457 474 747 or visit your local Citizens Advice Bureau.



LE GRAND FROMAGE ANTI-BULLYING POLICY

Le Grand Fromage is committed to creating a workplace where everyone is treated with respect. Bullying is unacceptable at Le Grand Fromage.

This anti-bullying policy explains what bullying is, why it is unacceptable and what an employee should do if they are bullied.

Examples of bullying behaviour:

Reasons why bullying is unacceptable:

What to do if you are bullied:

“The best job in the world”

In 2009, Ben Southall was chosen from thousands of applicants for “the best job in the world” - caretaker of a tropical island off the coast of Australia!

(Source: <http://news.bbc.co.uk/1/hi/8035168.stm>)



EMPLOYMENT RIGHTS – TEACHERS’ BACKGROUND

This note provides additional information for teachers about the key employment rights covered on the DVD. It is not intended as a complete statement of the relevant law, and reflects the position as at April 2010.

Lesson 1: Basic Rights

National Minimum Wage (NMW)

The NMW came into effect in 1999. It sets a minimum floor to wages. The rate is currently reviewed annually with any changes coming into effect on 1 October each year. Three rates are set covering: workers aged 22 and over; workers aged 18 – 21; and workers aged 16 – 17. Up to date rates can be found on the Government’s directgov website.

Almost all workers are entitled to the NMW, including agency workers, part-time workers, casual workers, home workers, and foreign workers - irrespective of experience. There is a separate minimum wage rate for agricultural workers but it is very similar to the NMW.

Categories of workers who do not qualify for the NMW include:

- Apprentices under the age of 19 and those aged 19 or over in their first year of apprenticeship.
- Students on a work placement forming part of a UK higher or further education course if the work placement is for less than one year.

The only time an employer can make a deduction from a worker’s wages which takes their pay below the minimum wage is if they live in accommodation provided by the employer although there is a limit to the amount of pay that can be deducted for this purpose.

Holiday Leave and Pay

A full time worker is currently entitled to a minimum of 5.6 weeks’ (28 days) paid annual holiday a year, which can include bank and public holidays. (There are 8 permanent bank and public holidays each year). Part-time workers are entitled to paid holiday entitlement proportionate to the number of days they work each week.

Holiday entitlement starts building up from a worker’s first day at work accruing at one twelfth of their entitlement for each month worked. Holiday pay must be based on the worker’s average pay. If, for example, their normal pay includes additional money for unsocial hours, so must holiday pay. If someone stops working they are entitled to be paid for any leave not taken.

Sick Leave and Pay

Statutory sick pay (SSP) must be paid to workers who are sick for at least four days in a row (including weekends and bank holidays and days that a worker does not normally work) and is subject to tax and national insurance contributions. Agency workers are entitled to SSP in the same way as employees if the qualifying conditions are met.

SSP is not payable for the first three qualifying days – these days are known as “waiting days”. However, these waiting days do not apply for further periods of illness within 8 weeks of the first illness. The current statutory sick pay rate can be found on the directgov website. It is payable for up to 28 weeks for any one period or series of linked periods of sickness which lasts four days or more.

Employers may have their own sick arrangements that are more generous than the statutory sick pay scheme.

Part-time Rights

Part-time workers must be treated no less favourably than comparable full time equivalents. For example, they should get the same hourly rates of pay, the same leave entitlements proportionate to the number of days they work each week, the same entitlement to parental leave and the same access to promotion opportunities.

Agency Workers' Rights

Agency workers are usually considered to be ‘workers’ (not ‘employees’), but they are entitled to basic employment rights including:

- the national minimum wage
- paid holiday, rest breaks and limits on working time
- not to be discriminated against under any of the equality legislation
- protection under health and safety laws

Employment agencies must also comply with special regulations which provide additional safeguards for temporary workers. Agencies, for example:

- Must provide workers with written terms and conditions setting out the expected rate of pay, the type of work the agency will try to find, the length of notice and other relevant details.
- Pay for any work undertaken regardless of whether the agency has been paid by the hirer or not.
- Must not charge workers fees for finding or seeking work. (There are certain exceptions for agencies operating in the entertainment and modelling sectors).
- Are not allowed to make workers use fee-paying services (e.g. CV writing) as a condition for finding them work.
- Cannot penalise workers for ending an assignment, nor stop a worker from taking a permanent job with a company where they temped. They cannot stop workers registering with more than one agency.

Discrimination Issues

There are two types of discrimination – “direct” and “indirect”. Definitions and examples are provided in the *Fair’s Fair!* worksheet.

It is worth noting that if certain conditions or requirements in a job can be shown to be “genuine occupational qualifications” then they might not be discriminatory. For example, it might be justified for the owner of a Chinese or a Greek restaurant to advertise for a Chinese or a Greek waiter because the restaurant setting requires this. It might be justifiable for a hostel for Asian women who have suffered violence to specify that it wants only Asian women workers on the grounds that the women would find it easier to relate to and communicate with people of the same racial group. It might be justifiable for a care home for elderly women residents with requirements for personal care to advertise for a female nurse when there might be objections to a male nurse undertaking the work.

An employer must avoid discrimination at every stage of the employment process (e.g. in recruitment, selection and promotion through to dismissal, and even post dismissal when writing job references).

Working Hours

The rules on working hours are quite complex, but key elements are:

- Workers aged 18 or over cannot be forced to work more than 48 hours per week on average, unless they give their voluntary consent in writing.
- Drivers (and workers travelling with them) are subject to stricter rules.
- The limits don’t apply to those with the freedom to choose their own hours of work – typically business owners - or to the self employed.
- Hours worked are usually averaged out over 17 weeks. Work related training, travel as part of worker’s duties and working lunches all count as working hours.
- Workers over the minimum school-leaving age but under 18 must not work for more than eight hours a day or 40 hours a week. These hours worked cannot be averaged out and there is no opt-out available. They must also have a break of 30 minutes for every 4 ½ hours worked; a rest period of 12 hours between each working day and 2 days off a week. Young workers may not ordinarily work at night between 22.00 and 06.00.

There are stricter rules for children under the school leaving age on where they can work and working hours – see the directgov website.

Maternity leave and Pay

All pregnant employees – regardless of length of service or the hours they work – are entitled to paid time off for ante-natal care and up to 52 weeks’ statutory maternity leave – made up of 26 weeks ordinary maternity leave and 26 weeks’ additional maternity leave. A minimum of 2 weeks’ leave must be taken after the birth (4 weeks if the employee works in a factory).

They also have the right to benefit from all their contractual terms and conditions (e.g. gym membership) except wages or salary during their entire maternity leave period.

If an employee returns to work during or at the end of ordinary maternity leave, she has the right to return to the same job. If she returns during or at the end of additional maternity leave, she is entitled to return to the same job unless this is impracticable.

In this situation she is entitled to return to a similar suitable job on terms and conditions that are no less favourable.

Lesson 3: Information Services

Written Statement of Employment Particulars

All employers have to give their employees a “written statement of employment particulars” describing their basic terms and conditions within 2 months of their starting work. The content of a written statement is set out in the worksheet, “All in the details!”

Changes can be made subsequently to an employee’s terms and conditions (for example, changes to pay, hours worked, different duties or a new workplace). Any agreed changes must be put in writing.

Many employers provide a written contract of employment, but this is not actually a legal requirement. The minimum requirement is the statement of employment particulars.

Lesson 6: Bullying in the Workplace

There is no specific offence of “bullying” because it would be very difficult to define in law, and overlaps with other protections. Current legislation, for example:

- Provides safeguards for employees on the grounds of e.g. sex, race, disability, religion or belief or sexual orientation and age.
- Makes intentional harassment a criminal offence.
- Places a duty on employers to protect the health, safety and welfare of their employees under the Health and Safety at Work Act.

The Department for Business, Innovation and Skills’ Fair Treatment at Work Survey 2008 provided some evidence on the extent of bullying in the workplace. It found that:

- Around a third of respondents had encountered a problem at work covering mainly problems with employment rights (29%), unfair treatment (13%), discrimination (7%) or bullying/ harassment (7%). Women were slightly more likely to report being bullied than men.
- Taking into account a respondent’s workplace, job and personal characteristics, women were 73% more likely to experience bullying than men, those with long-standing illness or disability were twice as likely to experience bullying and gay/lesbian or bisexual respondents were almost four times as likely to experience bullying.
- Most bullying at work was carried out by an employer, supervisor or senior manager.

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