



UNITED KINGDOM

Decent Work Check 2019

Iftikhar Ahmad

WageIndicator Foundation - www.wageindicator.org

WageIndicator started in 2001 to contribute to a more transparent labour market for workers and employers by publishing easily accessible information on a website. It collects, compares and shares labour market information through online and face-to-face surveys and desk research. It publishes the collected information on national websites, thereby serving as an online library for wage information, labour law, and career advice, both for workers/employees and employers. The WageIndicator websites and related communication activities reach out to millions of people on a monthly basis. The WageIndicator concept is owned by the independent, non-profit WageIndicator Foundation, established in 2003. The Foundation has offices in Amsterdam (HQ), Ahmedabad, Bratislava, Buenos Aires, Cape Town, Islamabad and Venice.

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Bibliographical information

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INTRODUCTION

Decent Work is the type of work for which all of us aspire. It is done under conditions where people are gainfully employed (and there exist adequate income and employment opportunities); social protection system (labour protection and social security) is fully developed and accessible to all; social dialogue and tripartism are promoted and encouraged; and rights at work, as specified in ILO Declaration on Fundamental principles and Rights at Work and Core ILO Conventions, are practiced, promoted and respected.

WageIndicator Foundation has been working, since late 2007, to raise awareness on workplace rights through a unique tool, i.e., **Decent Work Check**. The Decent Work Check considers different work aspects, which are deemed important in attaining "decent work". The work makes the rather abstract Conventions and legal texts tangible and measurable in practice.

The Decent Work Check employs a double comparison system. It first compares national laws with international labour standards and gives a score to the national regulations (happy or sad face). If national regulations in a country are not consistent with ILO conventions, it receives a sad face and its score decreases (and vice versa). It then allows workers to compare their on-ground situation with national regulations. Workers can compare their own score with national score and see whether their working conditions are consistent with national and international labour standards. The Check is based on de jure labour provisions, as found in the labour legislation.

Decent Work Check is useful both for employees and employers. It gives them knowledge, which is the first step towards any improvement. It informs employees of their rights at the workplace while simultaneously enlightening employers about their obligations. Decent Work Check is also useful for researchers, labour rights organizations conducting surveys on the situation of rights at work and general public wanting to know more about the world of work. WageIndicator teams, around the world, have found out that workers, small employers and even labour inspectors are not, sometimes, fully aware of the labour law. When you are informed - being a workers, self-employed, employee, employer, policy maker, labour inspector - there is a greater possibility that you ask for your rights (as a worker), you comply with rules (as an employer) and you strive to enforce these (as a labour inspector).

The work is relevant to the challenges posed to the future of work especially the effective enforcement of legislation in financially constrained states, rise of precarious employment and measuring the impact of regulatory regimes.

Currently, there are more than 100 countries for which a Decent Work Check is available here: www.decentworkcheck.org During 2019, the team aims to include at least 10 more countries, thus taking the number of countries with a Decent Work Check to 115!

Major Legislation on Employment and Labour

1. Employment Rights Act (ERA), 1996 last amended in 2012
2. National Minimum Wage Act, 1998
3. Working Time Regulations 1998 (as amended by 2009 Amendment Regulations)
4. Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations [FTER], 2002 Date: 30 Jul 2002
5. The Unfair Dismissal and Statement of Reasons for Dismissal (Variation of Qualifying Period) Order 2012
6. Schedule to the Employment Rights (Increase of Limits) Order 2011
7. The Paternity and Adoption Leave (Amendment) (No. 2) Regulations 2014
8. The Management of Health and Safety at Work Regulations 1999
9. The Maternity and Parental Leave etc. Regulations 1999, last amended in 2014
10. Government Emergency Ordinance no. 96 of 14 October 2003 on Maternity Protection at Work Labour Code No. 53/2003, amended in 2011 by Law No. 40/2011
11. Emergency Ordinance No. 158/2005 on the social health insurance leaves and indemnities
12. Personal Protective Equipment at Work Regulations 1992
13. Health and Safety at Work etc. Act
14. Disability Discrimination Act 1995
15. Employment Rights Act 1996
16. The Equal Pay Act
17. Equality Act
18. Equal Opportunities Act 2006
19. Children and Young Persons Act 1933
20. Labour Code No. 53/2003, amended in 2011 by Law No. 40/2011
21. Modern Slavery Act 2015
22. Trade Union and Labour Relations (Consolidation) Act
23. Trade Union Act, 2016
24. Codes of Practice on Picketing, Industrial Action Ballots and Information to Employers

01/13 WORK & WAGES

ILO Conventions

Minimum wage: Convention 131 (1970)

Regular pay & wage protection: Conventions 95 (1949) and 117(1962)

United Kingdom has ratified the Convention 95 only.

Summary of Provisions under ILO Conventions

The minimum wage must cover the living expenses of the employee and his/her family members. Moreover, it must relate reasonably to the general level of wages earned and the living standard of other social groups. Wages must be paid regularly on a daily, weekly, fortnightly or monthly basis.

Regulations on work and wages:

- Employment Rights Act (ERA), 1996 last amended in 2012
- National Minimum Wage Act, 1998

Minimum Wage

Workers in the UK aged 16 (and above school leaving age) or over are legally entitled to a national minimum hourly wage. It does not depend on the location of their work, the size of the firm or the worker's occupation. This includes casual labourers, agency workers, home workers, and agricultural workers, probationary workers, and part-time workers, workers on short-term contracts and workers employed by subcontractors. The minimum age in UK depends on the worker's age and apprenticeship.

If the employer provides the worker with free accommodation, the amount has changed to £6.40 as of April 2017 per day which may be deducted from workers' pay.

The National Minimum Wage rate is determined by the Secretary of State on the recommendation of Low Pay Commission. The Commission comprises an independent chair and 09 members (members representing workers, employers' interests as well as independent experts).

Wages may also be set by collective bargaining agreement, however any provision in an agreement is void if it purports to exclude or limit any provision of the National Minimum Wage Act 1998.

In order to ensure that the piece rate workers are paid the minimum wage rate, a worker and employer may come to a 'fair estimate' of the number of hours required to complete the work, prior to the work being carried out. Alternatively, a worker may keep a record of the hours of work carried out, and then the employer is informed accordingly.

The BIS (Department for Business, Innovation & Skills) has updated its policy on the enforcement of the national minimum wage, which includes the revised scheme for naming and shaming employers (all employers, even if the breaches are minor, provided HM Revenue and Customs (HMRC) has issued an underpayment notice). The financial penalty payable by employers who underpay the NMW has been increased from 100% to 200% of the underpayment.

Sources: The National Minimum Wage (Amendment) (No. 2) Regulations 2014 (SI No. 2485 of 2014); The National Minimum Wage Regulations 1999; National Minimum Wage Act, 1998)

For updated minimum wage rates, kindly refer to the section on minimum wages.

Regular Pay

All employees are entitled to be paid for the work they have done. Workers are also entitled to be paid if they are ready and willing to work but their employer has not provided them with any work to do, unless a worker's employment contract says otherwise. The way that an employee's wages are paid will depend solely on what their contract of employment says about how their wages should be paid. Employment contracts must state the scale or rate of remuneration or the method of calculating remuneration, the intervals at which remuneration is paid (that is, weekly, monthly or other specified intervals), the currency in which remuneration is to be paid and any additional remuneration payable to him. The maximum pay reference period (wage interval) can be one month however; wages can still be paid at daily, weekly or other specified intervals. Employers are legally allowed to make deductions from the wages for Income Tax, Pay as You Earn (PAYE) and National Insurance contributions. Any other deductions made such as contributions to pension schemes have to be agreed with the employee first. An employee has the right to be given by his employer, at or before the time at which any payment of wages or salary is made to him, a written itemized pay statement showing the exact pay and how much has been deducted for National Insurance and tax.

Source: §1 & 8-10 of Employee Rights Act 1996; Regulation 10 of the National Minimum Wage Regulations 1999

02/13 COMPENSATION

ILO Conventions

Compensation overtime: Convention 01 (1919)

Night work: Convention 171 (1990)

United Kingdom has not ratified both Conventions 01 & 171.

Summary of Provisions under ILO Conventions

Working overtime is to be avoided. Whenever it is unavoidable, extra compensation is at stake - minimally the basic hourly wage plus all additional benefits you are entitled to. In accordance with ILO Convention 1, overtime pay rate should not be less than one and a quarter times (125%) the regular rate.

Night work means all work which is performed during a period of not less than seven (07) consecutive hours, including the interval from midnight to 5 a.m. A night worker is a worker whose work requires performance of a substantial number of hours of night work which exceeds a specified limit (at least 3 hours). Convention 171 requires that night workers be compensated with reduced working time or higher pay or similar benefits. Similar provisions are found in the Night Work Recommendation No. 178 of 1990.

If a worker has to work on a national/religious holiday or a weekly rest day, he/she should be entitled to compensation. Not necessarily in the same week, provided that the right to a paid compensation is not.

If a worker has to work during the weekend, he/she should thereby acquire the right to a rest period of 24 uninterrupted hours instead. Not necessarily in the weekend, but at least in the course of the following week. Similarly, if a worker has to work on a public holiday, he/she must be given a compensatory holiday. A higher rate of pay for working on a public holiday or a weekly rest day does not take away the right to a holiday/ rest.

Regulations on compensation:

- Employment Rights Act (ERA), 1996 last amended in 2012
- Working Time Regulations 1998 (as amended by 2009 Amendment Regulations)

Overtime Compensation

The daily working hours are not clearly defined in legislation however, the maximum weekly working hours (including overtime) are 48 hours averaged over a reference period of 17 weeks. There are some special exemptions allowing a 26-week reference period and the possibility of its extension to even one year where a collective or workforce agreement or an agreement between the worker and employer provides for this. Workers can also opt out of the maximum weekly hour limit of 48 hours. For employees that have normal working hours, overtime usually means any time worked beyond these hours. Employers do not have to pay workers a premium rate for overtime. However, employees' average pay for the total hours worked must not fall below the National Minimum Wage. An employee's employment contract will usually include details of any overtime pay rates and how they are worked out. Employees only have to work overtime if their contract says so. Even if it does, by law, they cannot usually be forced to work more than an average of 48 hours per week. An employee can agree to work longer - but this agreement must be in writing and signed by them. Since the overtime rate has not been defined in the legislation, an employment contract must have information whether overtime is compulsory or voluntary, rates of overtime pay, when overtime is payable, etc. Overtime rates are agreed on an industry wide basis or between worker and employer. There is no minimum statutory level and overtime pay rates vary from business to business.

Source: §234 of Employment Rights Act (ERA), 1996; Regulation 4 of the Working Time Regulations 1998; www.gov.uk/overtime-your-rights

Night Work Compensation

Night is defined as the period, which is not less than 07 hours and includes the period between midnight and 05:00 in the morning. The precise night period can be determined in a collective or individual agreement. However, in the absence of such an agreement, this period will be from 11:00 p.m. to 06:00 a.m. A worker is considered a night worker if he/she works at least 3 hours of his/her daily working time during the night or some other hours, as determined under a collective agreement, if he/she works these hours on majority of days on which he/she works. Employers must make sure that workers do not work more than an average of 8 hours in a 24-hour period. Workers cannot opt out of this working limit. Employers must keep records of night workers' working hours to prove they are not exceeding night working limits. Employers must keep the records for at least 2 years. Before someone starts working at night, they must be offered a free health assessment. There are no premium rates found in UK legislature for night work.

Source: www.gov.uk/night-working-hours/hours-and-limits

The text in this document was last updated in April 2019. For the most recent and updated text on Employment & Labour Legislation in United Kingdom, please refer to: <https://wageindicator.co.uk/>

Compensatory Holidays / Rest Days

When a worker is required to work during a period, which would otherwise be a rest period, or rest break, the worker is entitled wherever possible to take an equivalent period of compensatory rest. In exceptional circumstances when this is not possible, the worker is afforded such protection as appropriate in order to safeguard the worker's health and safety. Compensatory rest breaks are of the same length as the break (or part of it) that the workers have missed.

A worker is entitled to compensatory rest if he/she is involved in following occupations/activities:

- shift workers who cannot take daily or weekly rest breaks
- workplace based in a far-off place (e.g. an oil rig)
- working in two different workplace with considerable distance between them
- involved in security and surveillance-based work
- involved in seasonal industries – like agriculture, retail, postal services or tourism
- workers forced to work due to an exceptional event, force majeure, or accident happened or about to happen
- Medical staff where round-the-clock staffing is required
- workers in rail industry
- workers who working day is split up (a cleaner who works for part of the morning and the evening)
- there is an agreement between management, trade unions or the workforce (a 'collective' or 'workforce' agreement) that has changed or removed rights to these rest breaks for a group of workers

The total rest entitlement for a week is 90 hours a week on average (11 hours daily rest breaks + 24 hours weekly rest period) - this does not include breaks at work, which are additional. (www.gov.uk/rest-breaks-work/compensatory-rest)

Weekend / Public Holiday Work Compensation

There is no provision in the legislation, which requires the employer to pay a higher rate to the workers employed on weekly rest days and public/bank holidays. Employers only have to pay staff a higher rate for working on Sundays if the contract says so. (www.gov.uk/sunday-working)

03/13 ANNUAL LEAVE & HOLIDAYS

ILO Conventions

Convention 132 (1970) on Holidays with Pay Convention
Conventions 14 (1921), 47 (1935) and 106 (1957) for weekly rest days.
In addition, for several industries, different Conventions apply.

United Kingdom has not ratified any of the Conventions mentioned above.

Summary of Provisions under ILO Conventions

An employee is entitled to at least 21 consecutive days of paid annual leave. National and religious holidays are not included. Collective agreements must provide at least one day of annual leave on full remuneration for every 17 days on which the employee worked or was entitled to be paid.

A worker should be entitled to paid leave during national and officially recognized public holidays.

Workers should enjoy a rest period of at least twenty-four consecutive hours in every 7-day period, i.e., a week.

Regulations on annual leave and holidays:

- Employment Rights Act (ERA), 1996 last amended in 2012
- Working Time Regulations 1998 (as amended by 2007 Amendment Regulations)

Paid Vacation / Annual Leave

Almost all workers are legally entitled to 5.6 weeks' (28 days) paid holiday per year (known as statutory leave entitlement or annual leave). Most workers who work a 5-day week must receive 28 days' paid annual leave per year. This is calculated by multiplying a normal working week (5 days) by the annual entitlement of 5.6 weeks. Statutory paid holiday entitlement is limited to 28 days. Staff working 6 days a week is only entitled to 28 days' paid holiday and not 33.6 days (5.6 multiplied by 6). Workers do not have a statutory right to paid leave on bank and public holidays. If paid leave is given on a bank or public holiday, this can count towards the 5.6 weeks minimum holiday entitlement. However, many employers will provide paid leave on bank and public holidays in addition to the worker's annual leave entitlement. During the term of annual leave, workers are paid at their weekly rate of pay for the days of annual leave.

Workers can take annual leave in installments/parts however, the leave must be taken in the year it became due (i.e. it cannot be carried over to next year) and worker may not accept a payment in lieu of leave except in the case of employment termination.

Under New Rules (The Deduction from Wages (Limitation) Regulations 2014 (SI 2014/3322), Where the employer has made any unlawful deductions from holiday pay which the employee is entitled to, the employee can only claim for unlawful deductions made within two years from their pay. This will be applicable to claims starting from 1 July 2015. Furthermore, the new rules also provide that that the right to payment in respect of annual leave provided for by the Regulations is not intended to operate in such a way so as to provide that right under a worker's contract. It is a separate statutory right.

Source: §13 & 13-A, 15, 16 & 18 of Working Time Regulations 1998 (as amended by 2007 Amendment Regulations)

Pay on Public Holidays

Employees in UK are entitled to public holiday benefits for the following eight public holidays: New Year's Day (1st Jan), Good Friday, Easter Monday, Early May Bank Holiday, Spring Bank holiday, Summer Bank holiday, Christmas Day (25 Dec) and Boxing Day. Bank holidays are holidays when banks and many other businesses are closed for the day. However, public holidays are also referred to as bank holidays, with the two terms often used interchangeably. Bank holidays are legally known to observe closures of bank and financial institutions. Even though all banks are closed on official bank holidays, many shops remain open. Workers do not have an automatic right to paid leave on bank and public holidays in the UK. It is the employer's choice to include public holiday in entitled annual leave or provide it in addition to annual leave. (www.gov.uk/bank-holidays)

Weekly Rest Days

Workers have the right to an uninterrupted 24 hours without any work each week, or 48 hours each fortnight. A worker's employment contract may say they are entitled to more or different rights to breaks from work. An employer should give an employee enough breaks to make sure their health and safety is not at risk if that work is 'monotonous' (e.g. work on a production line). Domestic workers in a private house (e.g. a cleaner or au pair) are not entitled to rest breaks for health and safety reasons.

Source: §11 & 23 of the Working Time Regulations 1998; www.gov.uk/rest-breaks-work

04/13 EMPLOYMENT SECURITY

ILO Conventions

Convention 158 (1982) on employment termination

United Kingdom has not ratified the Convention 158.

Summary of Provisions under ILO Convention

The questions under this section measure the security or even flexibility or precariousness of an employment relationship. Although these are not clearly mentioned in a single convention (severance pay and notice requirement are provided in the Termination of Employment Convention No. 158) however, the best practices in the field require that employees be provided with a written contract of employment; workers on fixed term contracts should not be hired for tasks of permanent nature; a reasonable probation period (ideally lower than or equal to 6 months) may be followed to assess the suitability of an employee; a period of notice must be specified in an employment contract before severing the employment relationship; and workers be paid severance allowance on termination of employment relationship.

A contract of employment may be oral or written however workers should be provided with a written statement of employment at the start of their employment.

Fixed Term Contract workers must not be hired for permanent tasks as it leads to precarious employment.

A reasonable probation period must be allowed to let a worker learn new skills. A newly hired employee may be fired during probation period without any negative consequences.

A reasonable notice period, depending on the length of service of an employee, may be required before an employer may sever the employment relationship.

Employers may be required to pay a severance allowance on termination of employment (due to redundancy or any other reason except for lack of capacity or misconduct).

Regulations on employment security:

- Employment Rights Act (ERA), 1996 last amended in 2012
- Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations [FTER], 2002 Date: 30 Jul 2002
- The Unfair Dismissal and Statement of Reasons for Dismissal (Variation of Qualifying Period) Order 2012
- Schedule to the Employment Rights (Increase of Limits) Order 2011

Written Employment Particulars

Contracts of employment do not have to be in writing. However, employees must be provided with a written statement of particulars. All employees, regardless of the number of hours they work per week, are entitled to receive a written statement from their employer, within two months of starting work. The statement describes the main terms of the contract of employment. The statement must give details about the names of the employer and employee, the date when the employment began, the date on which the employee's period of continuous employment began, job of work, holiday entitlement, sick pay, where and employee will be working and whether they might have to relocate, pension schemes, notice grievance, dismissal and disciplinary procedure and reference to any collective agreements, which affect the terms of employment. If, after the material date, there is a change in any of the employment particulars, the employer has to give to the employee a written statement containing particulars of the change.

Source: §1-4 of Employment Rights Act (ERA), 1996 last amended in 2012

Fixed Term Contracts

FTCs are regulated by the Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations. Employees are on a fixed-term contract if they have an employment contract with the organisation they work for which ends on a particular date, or upon the completion of a specific task. There is no limitation on maximum number of successive FTCs. Fixed-term employee shall become a permanent employee after four years of continuous employment under one or successive fixed-term contracts. However, this statutory four-year limit does not apply if employment on a fixed-term contract can be justified on objective grounds, or if the period of four years has been lengthened under a collective or workplace agreement.

Source: Regulation 8 (2 & 5) of the Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations

Probation Period

The ERA does not regulate the probationary period as such. However, it provides for a "qualifying period of employment" which is comparable to the probationary period insofar as employees are excluded from the protection against unfair dismissal during that period. Maximum probationary (trial) period is 24 months.

Source: §108 of the ERA amended by the Unfair Dismissal and Statement of Reasons for Dismissal (Variation of Qualifying Period) Order 2012)

Notice Requirement

Sec. 86 of ERA establishes minimum notice periods according to the length of service, as follows:

- one week, if the employee has been continuously employed for at least 1 month but less than two years;
- one week for each year of continuous employment if the period of continuous employment is between two and 12 years and
- 12 weeks if the period of continuous employment is 12 years or more.

No notice needs to be given if the employee has been employed for less than 1 month. There is no statutory right to pay in lieu of notice. However, a pay in lieu of notice clause can be inserted in the employment contract or it may be paid to cover any potential damages for breach of contract.

Source: §108 of the Employment Rights Act (ERA), 1996 last amended in 2012

Severance Pay

According to UK legislation, there is no statutory severance pay in the event of non-economic dismissals. The Employment Right Act 1996 only provides for a statutory termination payment in the event of redundancies. Employees are entitled to redundancy payment provided that they have been continuously employed for at least two years with the same employer. The number of weeks' pay due depends on the age of employee, the length of service, and is to be calculated, as follows:

- 0.5 week's pay for each year of service where the employee was below the age of 22;
- 1 week's pay for each year of service where the employee was between 22 to 40 of age;
- 1.5 week's pay for each year of employment where the employee was 41 and over.

For the purposes of calculating redundancy payment, the weekly pay is capped at £489. With effect from 6 April 2016, the maximum amount payable is £14,670, but such maximum limit is increased annually.

Small Employers with less than ten employees may directly consult employees affected concerning entitlement of redundancies where no appropriate representatives exist or where the employers have not invited any affected employees to elect representatives on their behalf. The Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 2014 (SI 2014/16)

Source: §135, 155 & 162 of the Employment Rights Act (ERA), 1996 last amended in 2012; Schedule to the Employment Rights (Increase of Limits) Order 2011

05/13 FAMILY RESPONSIBILITIES

ILO Conventions

Convention 156: Workers with Family Responsibilities Convention (1981)
Recommendation 165: Workers with Family Responsibilities (1981)

United Kingdom has not ratified both Conventions 156 & 165.

Summary of Provisions under ILO Convention

Paternity leave is for the new fathers around the time of childbirth and is usually of shorter duration.

Recommendation (No. 165) provides for parental leave as an option available to either parent to take long leave of absence (paid or unpaid) without resigning from work. Parental leave is usually taken once the maternity and paternity leave have been exhausted. For working parents, laws may define the portion of parental leave that has to be compulsorily taken by fathers or mothers.

Flexible Work Option for Parents / Work-Life Balance Recommendation 165 asks the employers to look into the measures for improving general working conditions through flexible work arrangements.

Regulations on family responsibilities:

- Employment Rights Act (ERA), 1996 last amended in 2012
- The Paternity and Adoption Leave (Amendment) (No. 2) Regulations 2014

Paternity Leave

Eligible fathers (continuously employed for a period of at least 26 weeks ending with the week immediately preceding the 14th week before the expected date of delivery) are entitled to one or two weeks' paternity leave to be taken within the 56 days of child birth and paid at a rate of £136.78 per week (from April 2013). Some employers offer enhanced contractual paternity pay. A right to additional paternity leave gives fathers whose partners have returned to work the right to take between two and 26 weeks' extra leave before a child's first birthday. The father may be entitled to take the balance of the mother's Statutory Maternity Pay entitlement. If a worker is taking paternity leave for a birth, the leave can start either on the day the baby is born or on a date that has been agreed in advance with the employer. Paternity leave cannot start before the baby is born, and, if the worker is agreeing on a date later than the birth of baby, the paternity leave must be completed within 56 of days of the birth.

Source: §80A & 80AA of ERA; §45 of the Paternity and Adoption Leave (Amendment) (No. 2) Regulations 2014

Parental Leave

People who have worked for their employer for one year have the right to unpaid parental leave. Workers are entitled to 18 weeks' unpaid leave before the child is five or before 18 years age if the child is disabled. The employee who is absent on parental leave is entitled to the benefit of the terms and conditions of employment which would have applied if he had not been absent including seniority, pension rights and similar rights. For each adopted child, the unpaid parental leave is allowed up to the child's 18th birthday or 5th anniversary of his/her adoption, whichever comes first.

Parental Bereavement (Leave and Pay) Act 2018, expectedly applicable from 2020, grants employed parents a right to two weeks' paid leave if they lose a child under the age of 18, or suffer a stillbirth from 24 weeks of pregnancy. Parents will also be eligible for statutory parental bereavement pay after fulfilling eligibility criteria (similar to those for paternity pay).

Source: §76-77 of ERA; The Maternity and Parental Leave Regulations; Parental Bereavement (Leave and Pay) Act 2018

Flexible Work Option for Parents / Work-Life Balance

Employees with at least 26 weeks' service are entitled to request flexible working to allow them to care for child or adult dependents. They have the right to ask for flexible working if their child is under 17 or child is under 18 and disabled. There is a specific procedure, which the employer must follow when dealing with such a request. The right to flexible working time is not a statutory right and may or may not be granted. The employer could also face a penalty and indirect discrimination claims if a request is refused.

In more recent times, the right to request flexible working that was previously confined to those employees with caring responsibilities has now been amended and extends to all workers. Rules have also been created with regards to the length of the service requirement, how to make an application and the remedies available (Flexible Working Regulations 2014 (SI 2014/1398). The employee must have 26 weeks of continuous employment to submit an application (Regulation No. 3), which must be dated, in writing and must state whether previously any similar applications were made and when (Regulation 4). If the employer rejects such an application on such a ground not specified in law (Section 80G of the Employment Rights Act 1996 provides the criteria for rejecting), the employee may make a complaint to the employment tribunal who may award the employee a maximum of 8 weeks' pay if it finds that the complaint is well-founded. For this purpose, a week's pay will be calculated in accordance with the criteria already provided in law. (Regulation No.6). A week's pay is subject to a maximum limit as set out in section 227 of the Act of 1996.

This is also further supplemented by The Children and Families Act 2014, which also extends the right to request flexible working to all employees with at least 26 weeks' continuous service. The new duty will require employers to deal with requests in a reasonable manner within a three-month decision period.

Source: §80(F-H) of Employment Rights Act 1996; The Flexible Working (Eligibility, Complaints and Remedies) Regulations 2002

06/13 MATERNITY & WORK

ILO Conventions

An earlier Convention (103 from 1952) prescribed at least 12 weeks maternity leave, 6 weeks before and 6 weeks after birth. However, a later convention (No. 183 from year 2000) requires that maternity leave be at least 14 weeks of which a period of six weeks compulsory leave should be after childbirth.

United Kingdom has not ratified both Conventions 103 & 183.

Summary of Provisions under ILO Convention

During pregnancy and maternity leave, a worker should be entitled to medical and midwife care without any additional cost.

During pregnancy and while breastfeeding, a worker should be exempt from work that might bring harm to you or your baby.

The total maternity leave should last at least 14 weeks.

During maternity leave, a worker's income should amount to at least two thirds of your preceding salary.

During pregnancy and maternity leave, a worker should be protected from dismissal or any other discriminatory treatment.

Workers have the right to return to same or equivalent position after availing maternity leave.

After childbirth and on re-joining work, a worker must be allowed paid nursing breaks for breast-feeding the child.

Regulations on maternity and work:

- Employment Rights Act (ERA), 1996 last amended in 2012
- The Management of Health and Safety at Work Regulations 1999
- The Maternity and Parental Leave etc. Regulations 1999, last amended in 2014
- Government Emergency Ordinance no. 96 of 14 October 2003 on Maternity Protection at Work Labour Code No. 53/2003, amended in 2011 by Law No. 40/2011
- Emergency Ordinance No. 158/2005 on the social health insurance leaves and indemnities

Free Medical Care

Female workers who are pregnant or have had a baby in last 12 months are entitled to National Health Service (NHS) prescriptions. They are also entitled to free NHS dental treatment including routine check-ups. To prove the entitlement, worker has to show a valid maternity exemption certificate. The certificate is valid from one month before the date that the application is received until twelve months after the expected date of the baby's birth, or if the baby has already been born, 12 months after their date of birth.

No Harmful Work

An employer has a legal duty to make the working environment safe for all employees, and particularly for women of childbearing age, to work in. This means that the employer must assess what health and safety risks in the workplace, and specifically, what risks may be poised to pregnant women, women who are breastfeeding and women who have given birth in the past six months. Where there is a health and safety risk in the workplace, the employer must take action to eliminate the risk by:-

- taking any legal action required, for example, ensuring that pregnant women do not come into contact with hazardous chemicals;
- altering the working conditions or hours of work so pregnant and new mothers are not put at risk;
- offering the worker a different work at the same pay;
- suspend the worker on medical grounds and pay the worker full wages (if offering different work is not possible)

If a pregnant worker has been in the job for at least one month, she has the right to be paid for up to 26 weeks of suspension.

Source: Regulation 16-18 of the Management of Health and Safety at Work Regulations 1999; www.gov.uk/working-when-pregnant-your-rights

Maternity Leave

According to section 71-73 of ER, female employees are entitled to a period of six months' ordinary maternity leave (OML) and six months' additional maternity leave (AML). At least two weeks' leave must be taken after a child's birth (compulsory maternity leave) or four weeks' if the mother works in a factory. Usually, the earliest leave can start is 11 weeks before the expected week of childbirth. Worker must give her employer at least 8 weeks' notice if she wants to change her return to work date.

Source: §71-73 of Employment Rights Act 1996; Maternity Leave and Adoption Leave (Guernsey) Ordinance, 2016

Income

A woman's usual terms and conditions of employment continue throughout Ordinary and Additional maternity leave, except remuneration. Remuneration is replaced by Statutory Maternity Pay (SMP). SMP is paid for up to 39 weeks at a rate of 90 per cent of normal pay for the first six weeks, followed by a flat rate of £140.98 a week (or 90% of their normal weekly pay if lower) for a further 33 weeks. Some employers offer enhanced contractual maternity pay. The remaining 13 weeks of maternity leave are unpaid. To claim SMP, worker must tell her employer, 28 days before she decides to start maternity leave, that she is pregnant and will be off work because of the birth. The employer may want to see a medical certificate (a MATB1) and worker must show it to the employer.

Source: §2-6 of The Statutory Maternity Pay (General) Regulations after amendment & The Maternity; Parental Leave Regulations 1999

Protection from Dismissals

Termination or suspension of employment is unfair if the employee is terminated/suspended on the following grounds:

- a) pregnancy, childbirth or maternity
- b) ordinary, compulsory or additional maternity leave,
- c) ordinary or additional adoption leave,
- d) parental leave,
- e) ordinary or additional paternity leave or
- f) Time off for ante-natal care.

If worker is dismissed or treated unfairly because of pregnancy, she can make a claim for discrimination and unfair dismissal to an employment tribunal.

Under Reforms made to the UK unfair dismissal law, conciliation (a form of dispute resolution) is now mandatory. This will be provided by ACAS (The Advisory, Conciliation and Arbitration Service) which has published a new leaflet, Early

Conciliation explained, which explains how the new early conciliation (EC) procedure is going to work.

Source: §99 of the Employment Rights Act 1996; §20 of the Maternity and Parental Leave etc Regulations 1999, last amended in 2014

Right to Return to Same Position

A woman returning to work from Ordinary Maternity Leave is entitled to return to the job in which she was employed before her maternity leave on the same terms and conditions, and with the benefit of any general improvement in terms and conditions. A woman returning to work from Additional Maternity Leave has the same right, unless it is not reasonably practicable for her to return to the old job, in which case she is entitled to return to a job, which is suitable and appropriate, and on no less favourable terms and conditions.

Source: §71(4c) of the Employment Rights Act 1996; §18 of the Maternity and Parental Leave etc. Regulations 1999, last amended in 2014

Breastfeeding/ Nursing Breaks

There is no statutory right to paid nursing breaks for breastfeeding employees. Employers are obliged under the Workplace (Health, Safety and Welfare) Regulations 1992 to provide "suitable facilities" for a breastfeeding employee to "rest".

Source: Workplace (Health, Safety and Welfare) Regulations 1992

07/13 HEALTH & SAFETY

ILO Conventions

Most ILO OSH Conventions deal with very specific Occupational Safety hazards, such as asbestos and chemicals.

Convention 155 (1981) is the relevant general convention here.

Labour Inspection Convention: 81 (1947)

United Kingdom has ratified the Convention 81 only.

Summary of Provisions under ILO Conventions

The employer, in all fairness, should make sure that the work process is safe.

The employer should provide protective clothing and other necessary safety precautions for free.

Workers should receive training in all work-related safety and health aspects and must have been shown the emergency exits.

In order to ensure workplace safety and health, a central, independent and efficient labour inspection system should be present.

Regulations on health and safety:

- Health and Safety at Work etc. Act
- Personal Protective Equipment at Work Regulations 1992

Employer Cares

Under the Health and Safety at Work etc, Act 1974, Section 2 provides that “It shall be the duty of every employer to ensure; so far as is reasonably practicable, the health, safety and welfare at work of all employees.” Also under section 2, Subsection 2 provides that the employers duty extends to include (so far as is reasonable): maintenance of systems that are safe and without risks to health; safety and absence of risk to health in connection with the use, handling, storage and transport of articles and substance; training and supervision to ensure the health and safety of employees; maintenance of access to work places; and maintenance of a working environment (Section 2(2)a),b),c),d),e).

Source: §1-2 of the Health and Safety at Work etc. Act

Free Protection

The Personal Protective Equipment at Work Regulations 1992 seeks to ensure that where the risks cannot be controlled by other means, Personal Protective Equipment (PPE) is correctly selected and used. Items of PPE (Safety spectacles, goggles, face-shields, visors; helmets, hard hats and bump caps, etc.) have to be provided by the employer to the workers free of charge. Employer is further required to train the workers on the use of PPE and employees must have the equipment readily available, or at the very least have clear instructions on where they can obtain it.

Source: §2(2e) & Schedule III of the Health and Safety at Work etc. Act; Personal Protective Equipment at Work Regulations 1992

Training

The Health and Safety at Work etc. Act 1974 Section 2(2)c) provides that “the provision of such information, instruction, training and supervision as is necessary to ensure, so far as is reasonably practicable, the health and safety at work of his employees. In addition, Section 2 subsection 3 of the Health and Safety at Work etc Act 1974 provides a duty of every employer to prepare and as often as may be appropriate revise a written statement of his general policy with respect to the health and safety at work of his employees and the organization and arrangements for the time being in force for carrying out that policy, and to bring the statement and any revision of it to the notice of all of his employees.

Source: §2(2c & 3) of the Health and Safety at Work etc. Act

Labour Inspection System

Section 10(1) of the Health and Safety at Work etc. Act 1974 provides that a body corporate to be known as the Health and Safety Executive (HSE) shall exist to focus on ensuring on that employers provide adequate training and supervision for their employees. HSE inspectors have a wide range of powers enabling them to inspect premises, serve improvement notices and other notices to ensure employers stick to the HSE's codes of practice.

Source: §10-14 of the Health and Safety at Work etc. Act

08/13 SICK LEAVE & EMPLOYMENT INJURY BENEFIT

ILO Conventions

Convention 102 (1952), Conventions 121 (1964) and 130 (1969) concerning Social Security, Employment Injury Benefits and Medical Care and Sickness Benefits

United Kingdom has ratified the Convention 102 only.

Summary of Provisions under ILO Conventions

A worker's rights to work and income should be protected when illness strikes. The national labour law may provide that sickness benefit may not be paid during the first 3 days of your absence. Minimally, a worker should be entitled to an income during first 6 months of illness. This income should be at least 45 per cent of the minimum wage. (Countries are free to opt for a system which guarantees 60 per cent of the last wages during the first 6 months of illness or even during the first year). A worker must be entitled to paid sick leave.

During illness, a worker should be entitled to medical care without any additional cost. Employees and their family members should have access to the necessary minimal medical care at an affordable cost.

During the first 6 months of illness, a worker should not be fired.

If a worker is disabled due to an occupational disease or accident, he/she must receive a higher benefit. In the case of temporary or total incapacity/disability, a worker may at least be provided 50% of his average wage while in the case of fatal injury, the survivors may be provided with 40% of the deceased worker's average wage in periodical payments.

Regulations on sick leave & Employment Injury Benefits:

- Disability Discrimination Act 1995
- Employment Rights Act 1996

Income

If a worker is unable to attend work due to sickness (with proof of their illness) and has been sick for 4 or more days in a row, he/she may get Statutory Sick Pay (SSP). SSP is money required to be paid by law, whereas contractual sick pay is money a worker may be entitled to according to their contract of employment. SSP is paid at a fixed weekly rate of £86.70, on the condition that the worker has a contract of employment and earns over £113 per week. For contractual sick pay, the amount paid per week may be higher, but cannot be below the statutory rate of £113. If the worker is not eligible for SSP, he or she may qualify for Employment and Support Allowance.

Medical Care

In UK General practitioners (GPs) are self-employed and have contracts to provide services for the National Health Service (NHS). GPs have a measure of discretion in accepting applications to join their patient lists. However, they cannot turn down an applicant on the grounds of race, gender, social class, age, religion, sexual orientation, appearance, disability or medical condition. If an employee needs hospital treatment or to consult a specialist, an NHS doctor will arrange the treatment for them. In an emergency, the employee may be admitted directly to a hospital. Being registered with a GP does not necessarily mean entitlement to free NHS hospital treatment. If a person ordinarily resides in the United Kingdom, then he/she is entitled to free NHS hospital treatment. A person's spouse/civil partner and children under the age of 16 (or under 19 if in full time education) are also entitled to free NHS hospital treatment if they are living with the person on a permanent basis.

Job Security

Under section 6 of the Equality Act, a person has a disability if they have a physical or mental impairment which has a substantial and long term adverse effect on their ability to carry out normal day-to-day activities (Equality Act 2010 Section 1(1), a) and b)). Under the Equality Act 2010 it is unlawful to discriminate against an employee or worker on the grounds of mental or physical disability

Source: §1 & 4 of the Disability Discrimination Act 1995; §4d of Employment Rights Act 1996

Disability / Work Injury Benefit

It may be possible to get benefits for industrial injury if you have an accident at work or a disease that has been caused by work. You can only claim these benefits if your disability/disease was caused by work for an employer or government-approved training schemes – notify you are self-employed.

Industrial Injuries Disablement Benefit is the main industrial injuries benefit. Other allowances that you can get at the same time as, or instead of Disablement Benefit include:

- Reduced Earnings Allowances
- Retirement Allowance
- Constant Attendance Allowance

You might also get benefits for the extra costs of a disability as well as Disablement Benefit, these include:

- Personal Independence Payment
- Disability Living Allowance
- Attendance Allowance

Disablement Benefit

What is Disablement Benefit?

This is for people who are disabled due to an accident at work, or have certain diseases caused by their work. Only industrial diseases qualify, these are diseases caused by chemicals at work or hearing loss caused by work.

Who can get Disablement Benefit?

You are entitled to Disablement Benefit if you were a paid employee or a trainee on a government-approved training scheme, at the time you had your accident at work or contracted the disease. You must also be disabled due to the accident or disease. An assessment will be made on the effect the disability has on you.

The Department for Work and Pensions states the extent of your disablement as a percentage. Usually you must have at least 14% disablement to receive benefits (although there can be exceptions). A medical professional will assess you after you have made the claim. Based on the assessment, the Disablement Benefit will be paid for a fixed period or for life depending on the percentage disablement and your age.

You can receive the Disablement Benefit whether or not you have had time off work. It will not be affected if you go into hospital. You do not need to have paid national insurance contributions to receive Disablement Benefit.

Guideline of amounts paid based on assessed level of disablement

Assessed level of disablement	Weekly amount
100%	£169.70
90%	£152.73
80%	£135.76
70%	£118.79
60%	£101.82
50%	£80.85
40%	£67.88
30%	£50.91
20%	£33.94

Diseases covered for claiming Industrial Injuries Disablement Benefit

The scheme covers more than 70 diseases including:

- Asthma
- Chronic bronchitis or emphysema - also known as chronic obstructive pulmonary disease (COPD)
- Deafness
- Pneumoconiosis (including silicosis and asbestosis)
- Osteoarthritis of the knee in coal miners
- Prescribed disease A11 (previously known as vibration white finger)
- Diffuse mesothelioma and a number of other asbestos-related diseases such as primary carcinoma of the lung

The scheme also covers asbestos related diseases including:

- Pneumoconiosis (asbestosis)
- Diffuse mesothelioma
- Primary carcinoma of the lung with asbestosis
- Primary carcinoma of the lung without asbestosis but where there has been extensive occupational exposure to asbestos in specified occupations
- Unilateral or bilateral diffuse pleural thickening

How to apply for Disablement Benefit?

You can claim Disablement Benefit by phoning the Industrial Injuries Benefit Centre. The number can be found on the GOV UK website. You can also fill in a claim form also found on the GOV UK website.

Is there a time limit for claiming Disablement Benefit?

There is no time limit for claiming Disablement Benefit. You can also claim if the accident happened or disease started years ago. If you are refused an earlier claim, you can claim again if your disease or the effect of your accident has got worse.

How will Disablement Benefit be paid?

Disablement Benefit is usually paid directly into your bank, building society or Post Office card account. If this is not possible, you can be paid by Simple Payment. The

Department of Work and Pensions will provide you with a Simple Payment card which can be used at a PayPoint outlet.

Allowances paid with or instead of Disablement Benefit

There are also other industrial injuries benefits that can be paid with or instead of Disablement Benefit.

Reduced Earnings Allowance

This is when your earnings are reduced due to your accident or disease, or if you cannot work at all. You can only get Reduced Earnings Allowances for accidents that happened or diseases that started before 1 October 1990. You may be entitled to this but not Disablement Benefit, or both. This will depend on how much your earnings were reduced. There is a maximum that can be paid each week is £67.88. What you receive is based on how much you earn in your regular employment. It will be paid into your bank, building society or credit union account.

Retirement Allowance

This is for people who have been getting Reduced Earnings Allowance and who stop working after they reach state pension age. You will get Retirement Allowance at 25% of the rate of your reduced earnings allowance when you stopped work.

Constant Attendance Allowance

This is paid with Disablement Benefit if you need care and attention due to your disability and if you have a 100% disablement assessment. There are four rates of benefit. The amount you will receive will depend on what level of care you need and how often you need it. Normally you must have these needs for at least six months.

There are four different rates of Constant Attendance Allowance. How much you get depends on the extent of your disability and the amount of care you need.

Rate	Weekly amount
Exceptional rate	£135.80
Intermediate rate	£101.85
Full day rate	£67.90
Part day rate	33.95

Benefits for people injured in the Armed Forces

If you are injured while serving in the Armed forces, you may be entitled to financial help from the Armed Forces Compensation Scheme. This provides for injuries, illnesses or deaths caused by service in the Armed Forces on or after 6 April 2005. You do not need to have fought in a war or seen active service to get financial help from the Armed Forces Compensation Scheme. The amount you are entitled to will depend on how severely you have been hurt or disabled and how your earnings are affected.

From 8 April 2013, if you have been awarded a Guaranteed Income Payment of 50% or more under the Armed Forces Compensation Scheme, you will be eligible to claim an Armed Forces Independence Payment instead of Personal Independence Payment, Disability Living Allowance or Attendance Allowance.

09/13 SOCIAL SECURITY

ILO Conventions

Social Security (minimum standards): Convention 102 (1952). For several benefits somewhat, higher standards have been set in subsequent Conventions

Employment Injury Benefits: Conventions 121 (1964),

Invalidity, Old age and survivors' benefits: Convention 128(1967)

Medical Care and Sickness Benefits: Convention 130 (1969)

Unemployment Benefits: Convention 168 (1988).

United Kingdom has ratified the Convention 102 only.

Summary of Provisions under ILO Conventions

In the normal circumstances, the pensionable age may not be set higher than 65 years of age. If retirement age is fixed above 65 years, it should give "due regard to the working ability of elderly persons" and "demographic, economic and social criteria, which shall be demonstrated statistically". Pension can be set as a percentage of the minimum wage or a percentage of the earned wage.

When the breadwinner has died, the spouse and children are entitled to a benefit, expressed as a percentage of the minimum wage, or a percentage of the earned wage. This must at least be 40% of the reference wage.

For a limited period of time, the unemployed has a right to unemployment benefit set as a percentage of the minimum wage or a percentage of the earned wage.

Invalidity benefit is provided when a protected person is unable to engage in a gainful employment, before standard retirement age, due to a non-occupational chronic condition resulting in disease, injury or disability. Invalidity Benefit must at least be 40% of the reference wage.

Regulations on social security:

Pension Rights

You will be able to claim the new State Pension if you are:

- A man born on or after 6 April 1951
- A woman born on or after 6 April 1953

The earliest you can get the new State Pension is when you reach State Pension age (the State Pension age is under review and may change in the future). You can check your State Pension age on the GOV UK website.

If you reached State Pension age before 6 April 2016, you will get the State Pension under the old rules instead.

You will usually need at least 10 qualifying years on your National Insurance record to get any State Pension. They do not have to be 10 consecutive years. This means that for 10 years at least one or more of the following applied to you:

- You were working and paid National Insurance contributions
- You were getting National Insurance credits (e.g. you were unemployed, ill or a parent or carer)
- You were paying voluntary National Insurance contributions

You do not have to stop working when you reach State Pension age but you will no longer have to pay National Insurance.

What you are entitled to

The full new State Pension is £159.55 per week. The actual amount depends on your National Insurance record.

The amount can be higher if you have over a certain amount of Additional State Pension or if you delay taking your State Pension.

How it will be paid

The new State Pension is usually paid every 4 weeks into an account of your choice. You are paid in arrears for the last 4 weeks, not the coming 4 weeks.

You should get your first payment within 5 weeks of reaching State Pension age.

How to get your State Pension

This will not happen automatically. You have to claim it. You will get a letter 4 months before your State Pension age explaining what to do. There are four ways to claim: online, over the phone, downloading the State Pension claim form and you can also claim from abroad

Survivor's Benefits

Bereavement Payment

You be able to get a £2,000 Bereavement Payment if your spouse or civil partner died before 6 April 2017. This is a one-off, tax-free, lump-sum payment. If your spouse or civil partner died on or after 6 April 2017, you may be eligible for Bereavement Support Payment instead.

You may be able to get Bereavement Payment if, when your spouse or civil partner died, you were either:

- Under State Pension age
- Over State Pension age and your spouse or civil partner was not entitled to a State Pension based on their own national insurance contributions

Additionally, your spouse or civil partner must have either:

- Paid enough National Insurance contributions
- Died because of an industrial accident or disease

You cannot get Bereavement Payment if you were divorced, you're living with another as a spouse or civil partner, or you are in prison.

You may also be eligible for Widowed Parent's Allowance if you are bringing up children or Bereavement Allowance. You do not have to apply more than once, you will be considered for all bereavement benefits when you apply for one.

You can claim Bereavement Payment up to 12 months after the death. You should claim within 3 months if you are also claiming Widowed Parent's Allowance or Bereavement Allowance.

Bereavement Allowance

You can get Bereavement Allowance up to 52 weeks from the date of the death. The amount you will receive depends on the overall level of National Insurance contributions from your spouse or civil partner and your age at the time of their death.

Your age at your spouse of civil partner's death	Maximum weekly rate
45 years old	£34.11
46 years old	£42.07
47 years old	£50.03
48 years old	£57.99
49 years old	£65.95
50 years old	£73.91
51 years old	£81.86
52 years old	£89.82
53 years old	£97.78
54 years old	£105.71
55 years old to State Pension age	£113.70

You can make a claim by applying using a form or over the phone.

Widowed Parent's Allowance

You may be entitled to Widowed Parent's Allowance if all of the following apply:

- Your spouse or civil partner died before 6 April 2017
- You are under State Pension age
- You are entitled to Child Benefit for at least one child and your late spouse or civil partner was their parent
- Your late spouse or civil partner paid National Insurance contributions, or they died as a result of an industrial accident or disease

You may also claim Widowed Parent's Allowance if you are pregnant and your husband has died, or you are pregnant after fertility treatment and your civil partner has died.

If your spouse or civil partner died on or after 6 April 2017 you may be eligible for Bereavement Support Payment instead.

You cannot claim if you:

- Were divorced from your husband, wife or civil partner when they died
- Remarry or are living with another person as if you're married to them or as if you've formed a civil partnership
- Were over State Pension age when you were widowed or became a surviving civil partner - you may be able to get extra State Pension
- Are in prison

The maximum Widowed Parent's Allowance is £113.70 a week.

Incapacity Benefit

Incapacity Benefit is being replaced with Employment and Support Allowance. You will be reassessed if you are already claiming Incapacity Benefit to decide whether you are capable of work or eligible for Employment and Support Allowance.

Employment and Support Allowance

You can use the benefits calculator found on the GOV UK website before you apply.

If you are ill or disabled, Employment and Support Allowance offers you financial support if you are unable to work and personalised help so that you can work if you are able to.

You can apply for Employment and Support Allowance if you are employed, self-employed or unemployed.

Work Capability Assessment

This must be complete while your Employment and Support Allowance claim is being assessed. This will decide to what extent your illness or disability affects your ability to work.

Entitlement

You will normally get the assessment rate 13 weeks after your claim. This will be up to £57.90 a week if you are under 25, and up to £73.10 a week if you are over 25.

After that, if you are entitled to Employment and Support Allowance, you will be placed into one of two groups and will receive up to £73.10 a week if you are in the work-related activity group and up to £109.65 a week if you are in the support group.

If you are in the work-related activity group you must go to regular interviews with an advisor who can help with job goals and improving your skills. If you are in the support group you do not have to go to interviews but can ask to talk to a personal advisor. You will usually be in this group if your illness or disability severely limits what you can do.

There are two types of Employment and Support Allowance:

- Contribution based Employment and Support Allowance
 - o Usually you will get this if you have paid enough National Insurance Contributions
- Income related Employment and Support Allowance
 - o Usually you will get this on its own or on top of contribution based Employment and Support Allowance if you are on a low income

Contribution Based Employment and Support Allowance

This lasts one year if you are in the work-related activity group. You may be able to re-apply at least 12 weeks after your contribution-based Employment and Support Allowance ends. You may qualify again depending on:

- National Insurance contributions you paid in the last 2 full tax years before the tax year you are claiming in
- Whether your health deteriorates and you are placed in the support group

There is no time limit on how long you can claim contribution based Employment and Support Allowance if you are in the support group.

'New Style Employment and Support Allowance

You can apply for this if you are entitled to apply for Universal Credit. You are entitled if you are either a single person anywhere in England, Wales and Scotland or a couple or family living in a Universal Credit area.

The new style Employment and Support Allowance works in the same way as contribution-based Employment and Support Allowance. Your partners income and savings will not affect how much you are paid.

You can get Employment and Support Allowance on its own or at the same time as Universal Credit. If you get both at the same time your new style Employment and Support Allowance will be deducted from your Universal Credit payment, you are not guaranteed to get any extra money.

Income related Employment and Support Allowance

You may qualify for income related Employment and Support Allowance if you no longer qualify for contribution-based Employment and Support Allowance. How much you get depends on your circumstances. There is no time limit on income related Employment and Support Allowance. You cannot get income related Employment and Support Allowance and Universal Credit at the same time.

Eligibility

You may get Employment and Support Allowance if your illness or disability affects your ability to work and you are under State Pension age, not getting Statutory Sick pay or Statutory Maternity Pay and you have not gone back to work and you are not getting Jobseeker's Allowance.

You can apply for ESA if you are employed, self-employed, unemployed or a student living on Disability Living Allowance or Personal Independence Payment.

You may still be able to work and claim Employment and Support Allowance. It depends on how much you'll get paid and the hours you do.

Your income and savings may affect your income related or contribution based Employment and Support Allowance. Income can include:

- You and your partners income
- Savings over £6,000
- Pension income

You will not qualify for income related Employment and Support Allowance if you have savings over £16,000.

Making a Claim

You will need:

- National Insurance number
- Medical certificate
- GP's address and phone number
- Home and mobile telephone numbers
- Mortgage or landlord details
- Council tax bill
- Employer's address and telephone number and dates of employment or last day worked
- Bank account details
- Details of any other money you are getting, such as benefits or sick pay

Unemployment Benefit

Unemployed people can get two types of Jobseeker's Allowance, if they meet following conditions:

- i. must be 18 years or over but below the state pension age;
- ii. not in full time education;
- iii. be available for work and actively seeking work

Only National Insurance Contributions paid by employees can qualify for these benefits. Contribution-based Jobseeker's Allowance is paid for up to 182 days, if a person is unemployed, capable of and available for work, and is actively seeking work. The maximum weekly rate is £56.80 (age 16-24) and £71.70 (age 25 or over). Contribution based Job Seekers' Allowance is paid only if the worker has paid enough class 01 national insurance contributions in the last 2 tax years. A person is eligible for income based job seekers' allowance if he/she has not enough national insurance contributions as an employee and is on a low income. The income based allowance is £56.80 (for Singles under 25), £71.70 (for singles over 25), £112.55 (couples aged 18 or over), £71.70 (lone parent 18 or over) and £56.80 (lone parent under 18). Payment is made every two weeks.

Invalidity Benefits

Employment and Support Allowance has replaced the Incapacity Benefit and Income Support that is paid because of an illness or disability for new claimants from 27 October 2008. Employment and Support Allowance consists of two phases 1) the assessment phase rate is paid for the first 13 weeks of a claim while a decision is made on capability for work through the Work Capability Assessment (£56.80 for persons under 25 years and £71.70 for persons 25 years and over) 2) the main phase starts from week 14 of the claim, if the Work Capability Assessment shows that the illness or disability does limit ability to work. There are two groups within the main phase 1) Work Related Activity Group (paid at the weekly rate of £100.15) in which the worker is expected to take part in work focused interviews with a personal adviser. The workers get support to help prepare for suitable work. 2) Support Group (paid at the weekly rate of £106.50) in case when illness or disability has a severe effect on worker's ability to work. The contribution based benefit lasts one year for workers in work related activity group and a benefit cap also applies.

10/13 FAIR TREATMENT

ILO Conventions

Convention 111 (1958) lists the discrimination grounds which are forbidden.

Convention 100 (1952) is about Equal Remuneration for Work of Equal Value.

United Kingdom has ratified both Conventions 100 & 111.

Summary of Provisions under ILO Conventions

At workplaces, equal pay for men and women for work of equal value is a must, regardless of marital status. Pay inequality based on race, colour, sex, religion, political opinion, national extraction/place of birth or social origin is also forbidden. A transparent remuneration system and the clear matching of pay and position should be in place and to help prevent wage discrimination.

Not clearly provided in ILO Conventions. However, sexual intimidation/harassment is gender discrimination.

An employer can't discriminate against you on in any aspect of employment (appointment, promotion, training and transfer) on the basis of union membership or participation in union activities, filing of a complaint against an employer, race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin, temporary absence due to illness, age, trade union membership, disability/HIV-AIDS, or absence from work during maternity leave. (Conventions 111, 156, 158, 159 and 183)

People have the right to work and there can't be occupational segregation on the basis of gender.

Regulations on fair treatment:

- The Equal Pay Act
- Equality Act
- Equal Opportunities Act 2006

Equal Pay

The employer must comply with the principle of equal pay between men and women who do the same job. Employers must not discriminate in the amount that they pay their workers, for example, by paying black workers less than white workers who are doing the same job, or by paying women less than men when they are doing work of equal value. The Equal Pay Act also requires that for men and women employed on like work the terms and conditions of one sex are not in any respect less favourable than those of the other; and for men and women employed on work rated as equivalent the terms and conditions of one sex are not less favourable than those of the other in any respect in which the terms and conditions of both are determined by the rating of their work.

Source: §64-71 of the Equality Act; Equal Opportunities Act 2006

Sexual Harassment

Harassment is any form of unwanted conduct related to any of the discriminatory grounds. Sexual harassment is any form of unwanted verbal, non-verbal, or physical conduct of a sexual nature. The test of whether conduct amounts to harassment is a subjective one. If the conduct has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating, or offensive environment, then it is considered harassment for which the employer is responsible. Employers must take all reasonable steps to ensure a workplace free from harassment and sexual harassment by either preventative or reactive measures. An employer will be liable for harassment by its employees, clients, customers or other business contacts, if the employer does not take reasonable steps to prevent it. Protection from Harassment Act 1997 also provides civil remedies and criminal punishments in respect of harassment. The 1997 Act applies regardless of whether the 'harassment' in question is related to any protected ground.

Source: §26 of the Equality Act; §26 of the Employment Rights Act 1996

Non-Discrimination

The Equality Act (sec. 4 of Equality Act) prohibits discrimination by an employer on the grounds of age, disability, gender reassignment, pregnancy, race, religion or belief, sex or sexual orientation. Discrimination is prohibited at every stage of the employment relationship, including recruitment and after termination. Direct discrimination occurs if an employee is less favourably treated because of a protected characteristic. Only direct age discrimination can be justified. Indirect discrimination occurs where an employer

The text in this document was last updated in April 2019. For the most recent and updated text on Employment & Labour Legislation in United Kingdom, please refer to: <https://wageindicator.co.uk/>

adopts a "provision, criterion or practice" which puts people who share a protected characteristic at a particular disadvantage. For example, requiring all employees to work full-time might be indirect sex discrimination because it places women (who are more likely to have child care responsibilities) at a particular disadvantage. If employers can justify the treatment by showing it is a proportionate means of achieving a legitimate aim, the treatment is not unlawful. Employees can bring discrimination claims before the Employment Tribunal.

Employment (Sex Discrimination) Act 2000 prevents discrimination between men and women in relation to employment.

Source: §4, 13 & 19 of the Equality Act; §13 & 19 of the Employment Rights Act 1996; Employment (Sex Discrimination) Act 2000

Equal Choice of Profession

Women can work in the same industries as men as no restrictive provisions could be located in the laws.

11/13 MINORS & YOUTH

ILO Conventions

Minimum Age: Convention 138 (1973)

Worst Forms of Child labour: Convention 182 (1999)

United Kingdom has ratified both Conventions 138 & 182.

Summary of Provisions under ILO Conventions

At workplaces, children may not be forced to perform work that could harm their health and hampers their physical and mental development.

All children should be able to attend school. Once this is safeguarded, there is no objection against children performing light jobs between the ages of 12 and 14. The general minimum age is 15 years however developing countries may set this at 14 years. The minimum age for hazardous work, work that is likely to jeopardize the health, safety or morals of young persons, is 18 years. It can also be set at a lower level of 16 years under certain circumstances

Children should not be employed in a work that is likely to harm the health, safety or morals of children. It is considered one of the worst forms of child labour. The minimum age for such hazardous work is 18 years.

Regulations on minors and youth:

- Children and Young Persons Act 1933
- Labour Code No. 53/2003, amended in 2011 by Law No. 40/2011

Minimum Age for Employment

The youngest age a child can work part-time is 13, except children involved in areas like television, theatre or modelling. Children working in these areas need a performance license/permit. If the child will be without their parent, school teacher or home tutor, then they will need to be supervised by a chaperone approved by the council. Children aged 14–16 may only do light work. Jobs that they must not do include delivering milk; selling alcohol, cigarettes, or medicines; working in a kitchen or chip shop; using dangerous machinery; or work that may cause them any kind of injury. Children can only start full-time work once they have reached the minimum school leaving age. Most employers recruiting workers from abroad will only consider applications from people aged 18 or over. A child may not be employed before 7.00 a.m. or after 7.00 p.m. In England, a young person must be in part-time education or training until they are 18.

There are certain restrictions on child employment. Children cannot work without an employment permit issued by the education department of the local council; in places like a factory or industrial site; during school hours; before 7am or after 7pm; for more than one hour before school; for more than 4 hours without taking a break of at least 1 hour, in pubs and casinos/gambling places; in any work that may be harmful to their health, well-being or education. During the school term, children can work a maximum of 12 hours a week while during school holidays, the maximum weekly working hours are 25 hours (for 14 and 15-year-olds) and 35 hours (for 15 and 16-year-olds).

Source: Children and Young Persons Act 1933 (www.gov.uk/childemployment/minimum-ages-children-can-work)

Minimum Age for Hazardous Work

Minimum Age for Hazardous Work is set as 18 years. Minors under 18 may not be engaged in work that is likely to be harmful to the safety, health and development of the children and the work that is harmful to their attendance at school.

A young person who is over school leaving age and under 18 cannot be employed in work which he/she is not physically or mentally capable of doing; brings him/her into contact with chemical agents, toxic material or radiation; and/or involves a health risk because of extreme cold, heat or vibration.

The 16-18 years old must not work more than eight hours a day, or more than 40 hours a week. Children can only start full-time work once they've reach minimum school leaving age, then they can work up to 40 hours a week. When a child reaches 18, normal adult employment rights and laws apply.

They must have twelve hours' rest between each working day, and 48 hours' rest per working week. They are also entitled to a 30-minute rest break when they work for more than four and a half hours. Young person cannot usually work between 10pm and 6am. The 16 to 18-year old are also entitled to annual leave like other workers depending on the days they work in a week. The minimum wage rate applicable to 16 to 18-year workers is £4.05 an hour. School aged children are not entitled to National Minimum Wage.

12/13 FORCED LABOUR

ILO Conventions

Forced labour: Conventions 29 (1930)

Abolition of Forced labour: Conventions 105 (1957)

Forced labour is the work one has to perform under threat of punishment: forfeit of wages, dismissal, harassment or violence, even corporal punishment. Forced labour means violation of human rights.

United Kingdom has ratified both Conventions 29 & 105.

Summary of Provisions under ILO Conventions

Except for certain cases, forced or compulsory labour (exacted under the threat of punishment and for which you may not have offered voluntarily) is prohibited.

Employers have to allow workers to look for work elsewhere. If a worker is looking for work elsewhere, he/she should not be shortened on wages or threatened with dismissal. (In the reverse cases, international law considers this as forced labour).

If the total working hours, inclusive of overtime exceed 56 hours per week, the worker is considered to be working under inhumane working conditions.

Regulations on forced labour:

- Employment Rights Act 1996
- Working Time Regulations 1998
- Employment Rights Act 1996

Prohibition on Forced and Compulsory Labour

The International Labour Organisation (ILO) defined forced labour as: 'all work or service that is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily'. Simply, it means that the person does not work out of freedom of choice but rather feels like there is no other option but work for someone. This definition is embedded in the European Convention on Human Rights (ECHR), which has been confirmed by UK legislation

The ILO definition covers all employment, irrespective of formality or legality; no one is excluded through age, gender, nationality, citizenship or immigration status. However, significant challenges remain in applying this definition in the contemporary economy.

Specifically victims of forced labour may have been manipulated or coerced; some may have knowingly accepted conditions and/or risks associated with particular forms of work (at least initially), often motivated by monetary gain; or forced labour may develop from situations where employers and workers knowingly engage in illegal activity. Almost always, workers become vulnerable and fearful of complaining.

Section 71 of the Coroners and Justice Act 2009 introduces a new offence of holding someone in slavery or servitude, or requiring a person to perform forced or compulsory labour. The offence applies to anyone holding a person in such circumstances and the maximum penalty is 14 years imprisonment or a fine or both.

Modern Slavery Act 2015 deals with the slavery, servitude and forced or compulsory labour and about human trafficking, including provision for the protection of victims; to make provision for an Independent Anti-slavery Commissioner; and for connected purposes. Section 1(b) states that a person commits an offence if the person requires another person to perform forced or compulsory labour and the circumstances are such that the culprit knows or ought to know that the victim is being required to perform forced or compulsory labour. In addition to this definition, the act states that regard may be had to the victim's personal circumstances, which may make that person more vulnerable, and also to the specific working situations

The penalty of committing an offence of forced labour is imprisonment for life or a lesser penalty of imprisonment for less than 12 months or a fine or both.

Source: Employment Rights Act 1996; Regulation 4 of the Working Time Regulations 1998

Freedom to Change Jobs and Right to Quit

There is no provision in UK Legislature, which restrict the workers to change or quit job. If a worker decides to terminate the employment, he/she may resign by giving notice to the employer as specified in the employee's contract of employment.

Otherwise, section 86 (2) states that statutory notice period is one week if you have been continuously employed for more than one month

Source: §1(4e); §86(2) of the Employment Rights Act 1996

Inhumane Working Conditions

Working time is handled under the Working Time Regulations 1998 The maximum weekly working hours (including overtime) are 48 hours averaged over a reference period of 17 weeks. Workers can also opt out of the maximum weekly hour limit of 48 hours.

For employees that have normal working hours, overtime usually means any time worked beyond these hours. An employee's employment contract will usually include details of any overtime pay rates and how they are worked out. Employees only have to work overtime if their contract says so.

If you're aged 18 or over and work for more than 6 hours a day, you're entitled to:

- An uninterrupted rest break of at least 20 minutes, taken during the day rather than at the beginning or end (e.g., tea or lunch break)
- 11 consecutive hours of resting each 24-hour period
- 1 rest day in each working week - this could be averaged out over 2 weeks, so you'd be entitled to 2 days off in a fortnight

Your contract might say you're entitled to more than this, for example you might get an hour for a lunch break.

Source: §234 of Employment Rights Act 1996; Regulation 4 of the Working Time Regulations 1998

13/13 TRADE UNION

ILO Conventions

Freedom of association and protection of the right to organize:
Convention 87 (1948)

Right to Organize and Collective Bargaining: Convention 98 (1949)

United Kingdom has ratified both Conventions 87 & 98.

Summary of Provisions under ILO Conventions

Freedom of association means freedom to join a trade union. This is part of the fundamental human rights. Employees may not be put at a disadvantage when they are active in the trade union outside working hours. The list of exclusions for sectors of economic activity and workers in an organization should be short.

Trade unions are entitled to negotiate with employers on term of employment without hindrance. The freedom of a trade union to negotiate with employers to try and conclude collective agreements is protected. (The ILO has a special procedure for handling complaints from unions about violation of this principle).

Workers have the right to strike in order to defend their social and economic interests. It is incidental and corollary to the right to organize provided in ILO convention 87.

Regulations on trade unions:

- Trade Union and Labour Relations (Consolidation) Act
- Trade Union Act, 2016

Freedom to Join and Form a Union

An employee has the right to join a trade union, and should not be refused a job, dismissed, harassed or selected for redundancy because they are a member of or wish to join a trade union. A member of a trade union has the right to take part in trade union activities, for example, recruiting members, collecting subscriptions and attending meetings. Trade union activities must take place either outside the employee's normal working hours or at a time agreed with the employer. An employee has no right to be paid for this time off work unless their contract allows for this.

The definition of a trade union is found in s1 of the Trade Union and Labour Relations (Consolidation) Act 1992.

It looks after their interests at work by doing things like:

- negotiating agreements with employers on pay and conditions
- discussing major changes like large-scale redundancies
- discussing members' concerns with employers
- going with members to disciplinary and grievance meetings

Your union will charge a union membership fee ('membership sub') to finance the work of the union. This can be the same amount for all employees or based on how much you are paid.

Employers, which recognise a union, will negotiate with it over members' pay and conditions. Many recognition agreements are reached voluntarily, sometimes with the help of the Labour Relations Agency. If agreement cannot be reached and the organisation employs more than 20 people, a union may apply for statutory recognition. To do so, it must first request recognition from the employer in writing.

Source: §47 of the Employment Rights Act 1996; Trade Union Act, 2016

Freedom of Collective Bargaining

Trade unions have a variety of rights, including the disclosure of information for collective bargaining, conduct collective bargaining on behalf of a bargaining unit. A method for the conduct of collective bargaining is specified by the Central Arbitration Committee.

If a union is formally recognised by an employer, it can negotiate with the employer over terms and conditions of the employee's contract. This is known as 'collective bargaining'.

For collective bargaining to work, unions and employers need to agree on how the arrangement is to operate. They might, for example, make agreements providing for the deduction of union subscriptions from members' wages; who is to represent workers in negotiations and how often meetings will take place.

Source: §70A-70C and 178 of Trade Union and Labour Relations (Consolidation) Act after amendment; Trade Union Act, 2016

Right to Strike

Industrial action happens when trade union members are in a dispute with their employers that cannot be solved through negotiations. Industrial action is protected by law as long as:

- the dispute relates to a trade dispute between workers and their employer;
- a secret postal ballot has been held and the majority of members voting have supported the action; and
- Detailed notice about the action has been given to the employer at least fourteen days before it commences.

A trade union calls industrial action by telling members and the employer when and how this action will be taken. This should be done by a trade union official or committee that has the legal right to do so. Unions must give a minimum of 14 days' notice to the employer of the intention to hold a ballot, of the results of the ballot, and of the intention to strike. Unions are also required to set a six-month time limit on a strike, which may be increased to 9 months if the union and the employer agree. Trade Unions must provide a clear description of the trade dispute and the planned industrial action on the ballot paper so that all members know what they are voting for. Trade Unions must provide detailed information to union members about ballot results, including how many union members were entitled to vote and whether the relevant thresholds have been met. An employer can seek an injunction against a union before a strike has begun if any of the above steps are not observed. If striking workers are dismissed within 12 weeks of taking part in a legal strike, they can claim unfair dismissal.

Trade Unions must also now ensure supervision of picket lines to ensure they are peaceful, and implement an opt-in system for new members on contributing to political funds within 12 months. Unions have until 1 March 2018 to ensure all members joining will have to make an active choice to opt into their union's political fund. Previously new members will have to opt out of contributing to a union's political fund.

Source: §229, 237 & 238 of Trade Union and Labour Relations (Consolidation) Act after amendment; Trade Union Act, 2016, Codes of Practice on Picketing, Industrial Action Ballots and Information to Employers)



DECENT WORK QUESTIONNAIRE

DECENTWORKCHECK.ORG

Check

Decent Work Check United Kingdom is a product of WageIndicator.org and
www.paywizard.co.uk



National Regulation exists



National Regulation does not exist

01/13 Work & Wages

	NR	Yes	No
1. I earn at least the minimum wage announced by the Government		<input type="checkbox"/>	<input type="checkbox"/>
2. I get my pay on a regular basis. (daily, weekly, fortnightly, monthly)		<input type="checkbox"/>	<input type="checkbox"/>

02/13 Compensation

3. Whenever I work overtime, I always get compensation <i>(Overtime rate is fixed at a higher rate)</i>		<input type="checkbox"/>	<input type="checkbox"/>
4. Whenever I work at night, I get higher compensation for night work		<input type="checkbox"/>	<input type="checkbox"/>
5. I get compensatory holiday when I have to work on a public holiday or weekly rest day		<input type="checkbox"/>	<input type="checkbox"/>
6. Whenever I work on a weekly rest day or public holiday, I get due compensation for it		<input type="checkbox"/>	<input type="checkbox"/>

03/13 Annual Leave & Holidays

7. How many weeks of paid annual leave are you entitled to?*		<input type="checkbox"/> 1 <input type="checkbox"/> 2	<input type="checkbox"/> 3 <input type="checkbox"/> 4+
8. I get paid during public (national and religious) holidays		<input type="checkbox"/>	<input type="checkbox"/>
9. I get a weekly rest period of at least one day (i.e. 24 hours) in a week		<input type="checkbox"/>	<input type="checkbox"/>

04/13 Employment Security





10. I was provided a written statement of particulars at the start of my employment		<input type="checkbox"/>	<input type="checkbox"/>
11. My employer does not hire workers on fixed terms contracts for tasks of permanent nature <i>Please tick "NO" if your employer hires contract workers for permanent tasks</i>		<input type="checkbox"/>	<input type="checkbox"/>
12. My probation period is only 06 months		<input type="checkbox"/>	<input type="checkbox"/>
13. My employer gives due notice before terminating my employment contract (or pays in lieu of notice)		<input type="checkbox"/>	<input type="checkbox"/>
14. My employer offers severance pay in case of termination of employment <i>Severance pay is provided under the law. It is dependent on wages of an employee and length of service</i>		<input type="checkbox"/>	<input type="checkbox"/>

05/13 Family Responsibilities





15. My employer provides paid paternity leave <i>This leave is for new fathers/partners and is given at the time of child birth</i>		<input type="checkbox"/>	<input type="checkbox"/>
16. My employer provides (paid or unpaid) parental leave <i>This leave is provided once maternity and paternity leaves have been exhausted. Can be taken by either parent or both the parents consecutively.</i>		<input type="checkbox"/>	<input type="checkbox"/>
17. My work schedule is flexible enough to combine work with family responsibilities <i>Through part-time work or other flex time options</i>		<input type="checkbox"/>	<input type="checkbox"/>

06/13 Maternity & Work





18. I get free ante and post natal medical care		<input type="checkbox"/>	<input type="checkbox"/>
19. During pregnancy, I am exempted from nightshifts (night work) or hazardous work		<input type="checkbox"/>	<input type="checkbox"/>
20. My maternity leave lasts at least 14 weeks		<input type="checkbox"/>	<input type="checkbox"/>

- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 21. | During my maternity leave, I get at least 2/3rd of my former salary |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 22. | I am protected from dismissal during the period of pregnancy
<i>Workers can still be dismissed for reasons not related to pregnancy like conduct or capacity</i> |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 23. | I have the right to get same/similar job when I return from maternity leave |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 24. | My employer allows nursing breaks, during working hours, to feed my child |  | <input type="checkbox"/> | <input type="checkbox"/> |





07/13 Health & Safety

- | | | | | |
|-----|--|---|--------------------------|--------------------------|
| 25. | My employer makes sure my workplace is safe and healthy |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 26. | My employer provides protective equipment, including protective clothing, free of cost |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 27. | My employer provides adequate health and safety training and ensures that workers know the health hazards and different emergency exits in the case of an accident |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 28. | My workplace is visited by the labour inspector at least once a year to check compliance of labour laws at my workplace |  | <input type="checkbox"/> | <input type="checkbox"/> |









08/13 Sick Leave & Employment Injury Benefits

- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 29. | My employer provides paid sick leave and I get at least 45% of my wage during the first 6 months of illness |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 30. | I have access to free medical care during my sickness and work injury |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 31. | My employment is secure during the first 6 months of my illness |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 32. | I get adequate compensation in the case of an occupational accident/work injury or occupational disease |  | <input type="checkbox"/> | <input type="checkbox"/> |













09/13 Social Security

- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 33. | I am entitled to a pension when I turn 60 |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 34. | When I, as a worker, die, my next of kin/survivors get some benefit |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 35. | I get unemployment benefit in case I lose my job |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 36. | I have access to invalidity benefit in case I am unable to earn due to a nonoccupational sickness, injury or accident |  | <input type="checkbox"/> | <input type="checkbox"/> |



10/13 Fair Treatment

- | | | | | |
|-----|--|---|--------------------------|--------------------------|
| 37. | My employer ensure equal pay for equal/similar work (work of equal value) without any discrimination |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 38. | My employer take strict action against sexual harassment at workplace |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 39. | I am treated equally in employment opportunities (appointment,promotion, training and transfer) without discrimination on the basis of:* |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Sex/Gender |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Race |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Colour |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Religion |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Political Opinion |  | <input type="checkbox"/> | <input type="checkbox"/> |




* For a composite positive score on question 39, you must have answered "yes" to at least 9 of the choices.

Nationality/Place of Birth		<input type="checkbox"/>	<input type="checkbox"/>
Social Origin/Caste		<input type="checkbox"/>	<input type="checkbox"/>
Family responsibilities/family status		<input type="checkbox"/>	<input type="checkbox"/>
Age		<input type="checkbox"/>	<input type="checkbox"/>
Disability/HIV-AIDS		<input type="checkbox"/>	<input type="checkbox"/>
Trade union membership and related activities		<input type="checkbox"/>	<input type="checkbox"/>
Language		<input type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation (homosexual, bisexual or heterosexual orientation)		<input type="checkbox"/>	<input type="checkbox"/>
Marital Status		<input type="checkbox"/>	<input type="checkbox"/>
Physical Appearance		<input type="checkbox"/>	<input type="checkbox"/>
Pregnancy/Maternity		<input type="checkbox"/>	<input type="checkbox"/>
40 I, as a woman, can work in the same industries as men and have the freedom to choose my profession		<input type="checkbox"/>	<input type="checkbox"/>





11/13 Minors & Youth

41. In my workplace, children under 15 are forbidden		<input type="checkbox"/>	<input type="checkbox"/>
42. In my workplace, children under 18 are forbidden for hazardous work		<input type="checkbox"/>	<input type="checkbox"/>

12/13 Forced Labour

43. I have the right to terminate employment at will or after serving a notice		<input type="checkbox"/>	<input type="checkbox"/>
44. My employer keeps my workplace free of forced or bonded labour		<input type="checkbox"/>	<input type="checkbox"/>
45. My total hours of work, inclusive of overtime, do not exceed 56 hours per week		<input type="checkbox"/>	<input type="checkbox"/>

13/13 Trade Union Rights

46. I have a labour union at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
47. I have the right to join a union at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
48. My employer allows collective bargaining at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
49. I can defend, with my colleagues, our social and economic interests through "strike" without any fear of discrimination		<input type="checkbox"/>	<input type="checkbox"/>

Results

Your personal score tells how much your employer lives up to national legal standards regarding work. To calculate your DecentWorkCheck, you must accumulate 1 point for each YES answer marked. Then compare it with the values in Table below:



is your amount of "YES" accumulated.

UK scored 39 times "YES" on 49 questions related to International Labour Standards

If your score is between 1 - 18

This score is unbelievable! Does your employer know we live in the 21st century? Ask for your rights. If there is a union active in your company or branch of industry, join it and appeal for help.

If your score is between 19 - 38

As you can see, there is ample room for improvement. But please don't tackle all these issues at once. Start where it hurts most. In the meantime, notify your union or WageIndicator about your situation, so they may help to improve it. When sending an email to us, please be specific about your complaint and if possible name your employer as well. Also, try and find out if your company officially adheres to a code known as Corporate Social Responsibility. If they do, they should live up to at least ILO standards. If they don't adhere to such a code yet, they should. Many companies do by now. You may bring this up.

If your score is between 39 - 49

You're pretty much out of the danger zone. Your employer adheres to most of the existing labour laws and regulations. But there is always room for improvement. So next time you talk to management about your work conditions, prepare well and consult this DecentWorkCheck as a checklist.