

# Employment Rights and Obligations

## (a) A prospective employee must have

- A right to work in the United Kingdom (section 8 of the 1996 Immigration Act). ILR, ELR, Humanitarian or compassionate leave
- P45, National Insurance number. P45 can be obtained from former employer and National Insurance on application to the Benefit Agency, the CAB will assist.

## (b) Employers must give to a new employee

- Contract of employment, describing rates of pay, hours of work, breaks, annual, paternity and maternity leave and disciplinary procedure, any probationary period etc.
- Must pay an employee for work done or hours worked. Failing to pay is a fundamental breach of contract. Employee can refuse to continue working
- Pay a minimum wage £\_\_\_\_\_ per hour if you are aged 22 or over, £\_\_\_\_\_ if you are aged between 18 to 21. There is no requirement in law to pay a minimum wage if you are under 18.

## (c) Dismissal can be fair or unfair.

- An employee would need to have worked continuously for 1 year to claim unfair dismissal.
- Cash in hand has drawbacks. It affects benefits and retirement benefits and pensions.  
Union membership is optional

## (d) Racism.

- No time limit to bring a claim before an employment court.  
But be careful it is usually very difficult to prove.

**NB.** If you experience any problems at work, seek help. Contact the CAB, Law Centre or your Union official if you are a member of a Union.

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## Answer the questions about Employment rights and Regulations.

1. Write down three things you need to have a job.
  - a) \_\_\_\_\_
  - b) \_\_\_\_\_
  - c) \_\_\_\_\_
2. Write down two things an employer must give you as an employee.
  - a) \_\_\_\_\_
  - b) \_\_\_\_\_
3. Write down three things than need to be on your contract.
  - a) \_\_\_\_\_
  - b) \_\_\_\_\_
  - c) \_\_\_\_\_
4. How long do you have to be employed before you can claim 'unfair dismissal'?  
\_\_\_\_\_
5. Who can you contact if you have a problems?  
\_\_\_\_\_

## Are these statements True or False?

1. You can legally work if you don't have a national insurance number.
2. You don't need a contract to legally work in the UK.
3. An employer must pay you for the hours you have worked.
4. You can be paid less than minimum wage if you are over 18.
5. You must be a member of the union to work in the UK.

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