

On Bambis Mind
Collage, Art & Zines



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Barbie has had a lot of jobs and careers over the years. She has learnt that not all workplaces respect her and her rights.

She has learned that she needs to know her rights as a worker/employee to protect herself and her colleagues from bad business practices and bad management.

So lets learn our rights and how we can defend ourselves and our colleagues!



A worker is a person who has a contract or arrangement to do the work or services personally for an award, which may be money or a benefit.

An employee is a person who has a contract with his or her employer to perform regular work.



What's the difference between a worker and an employee?

Employee and workers' rights



- Getting the National Minimum Wage
- Protection against unlawful deductions from wages
- The statutory minimum level of paid holiday
- The statutory minimum length of rest breaks
- To work no more than 48 hours on average per week or to opt out of this right if they choose
- Protection against unlawful discrimination
- Protection for 'whistleblowers' who report wrongdoing in the workplace
- Not to be treated less favourably if they work part-time
- Health and safety laws apply to your working environment

All employees are workers, but an employee has extra employment rights and responsibilities that do not apply to workers who are not employees.

- Statutory Sick Pay
- Statutory maternity pay and leave (workers only get paid, not leave)
- Statutory paternity pay and leave (workers only get paid, not leave)
- Statutory adoption pay and leave (workers only get paid, not leave)
- Statutory shared parental pay and leave (workers only get paid, not leave)
- Minimum notice periods if their employment will be ending, for example if an employer is dismissing them
- Protection against unfair dismissal, you have to work there for at least two years to qualify
- The right to request flexible working
- Time off for emergencies
- You must receive a payslip
- Statutory Redundancy Pay

If you would like to learn more, we suggest going to the 'Gov. UK' website or visiting 'yourrights.org.uk'.

Unlawful discrimination

Discrimination is when someone is treated unfairly in the workplace because of characteristics protected under the Equality Act 2010.

These protected characteristics are:

- Age
- Disability
- Gender reassignment
- Marriage or civil partnership
- Pregnancy or maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

Discrimination can be direct or indirect.

Direct discrimination - treating someone with a protected characteristic less favourably than others.

Indirect discrimination - putting rules or arrangements in place that apply to everyone, but that put someone with a protected characteristic at an unfair disadvantage.

Harassment - unwanted behaviour linked to a protected characteristic that violates someone's dignity or creates an offensive environment for them

Victimisation - treating someone unfairly because they've complained about discrimination or harassment



Protection against unfair dismissal

Employers must give a lawful reason if they choose to terminate an employment contract. They must also give the agreed amount of notice in the contract (unless this is lower than the statutory minimum notice period), and follow a fair procedure throughout the process.

A fair dismissal occurs for one of the following reasons:

- Your conduct
- Your ability to do the job
- Redundancy
- You no longer meet a legal requirement necessary to carry out your job (for example, if you had to drive but lost your license)
- You can also have your contract terminated for some other substantial reason outside of these four. There are some cases where the dismissal would be considered unfair.

You must have been continuously employed by your employer for a minimum of two years in order to be legally protected against unfair dismissal. However, there are some instances of unfair dismissal where you're protected from your first day.

These include:

- Being a member of a trade union/taking part in union activities
- Refusing to give up a statutory right, such as the right to a break or asking for flexible working hours
- Whistleblowing (if you report wrongdoing you've seen at work)
- Being dismissed because of a protected characteristic (ie. Discrimination)

Taking action

You should start by talking to your employer about the problem. If that doesn't work, you can raise a grievance. You can also take your employer to an employment tribunal.



Before you go to the employment tribunal you have to go through early conciliation. This is a process to try to help you and your employer reach an agreement. You need to apply for early conciliation within 3 months minus 1 day of the detriment you're claiming about. For example if your employer treats you badly on 4 June, you must apply for early conciliation by 3 September.

If you're treated badly after using your employment rights

Your employer isn't allowed to treat you unfairly because you used a protected employment right. This is called 'subjecting you to a detriment'.

There are things you can do if your employer subjects you to a detriment, including claiming in the employment tribunal. To make a claim for detriment, you need to show that you did something to assert a protected right. These are the rights we talked about on previous pages.

Detriment is treatment by your employer that's demeaning or detrimental. It can include your employer:

- Denying you training opportunities
- Giving you harder or more mundane work
- Making demeaning or humiliating comments
- Highlighting insignificant issues about the conduct
- Not taking grievances and disciplinary issues seriously or dealing with them properly
- Withholding a reference

What do you do if your worried about your rights at your workplace?

Join a union

A trade union is an organisation with members who are usually workers or employees. It looks after their interests at work by doing things like:

- Negotiating agreements with employers on pay and conditions
- Discussing major changes to the workplace such as large scale redundancy
- Discussing members' concerns with employers
- Accompanying members in disciplinary and grievance meetings
- Provide members with legal and financial advice
- Providing education facilities and certain consumer benefits such as discounted insurance

What is a recognised trade union and collective bargaining?

When an employer and a union agree to negotiate on pay, terms and conditions, this agreement is called 'recognition' of the union. The negotiations are called 'collective bargaining'.

Your employer...

- Does recognise a Union, it is
- Does not recognise a Union
- Unknown

If your employer does not recognise a union, you can still join one to help protect you! Your colleagues recommend joining

Other ways to protect yourself and assist your colleagues



- If you're not a part of a union and you have to attend a disciplinary / dismissal / absence meeting, bring a co-worker with you as support and as a witness.
- Be prepared for discipline / dismissal / absence meeting, bring evidence and any documents you need to support you.
- Use the voice memo feature on your phone to record interactions with colleges / higher ups that cause issues regarding your rights / bullying.
- Read about the procedures your employer has to follow so you can get familiar with how they work, you can do so at acas.org.uk

Sources

- <https://www.gov.uk/browse/working>
- <https://www.gov.uk/browse/working/rights-trade-unions>
- <https://www.gov.uk/browse/working/redundancies-dismissals>
- <https://www.yourrights.org.uk/>
- <https://www.citizensadvice.org.uk/work/detriment/check-when-you-can-make-a-claim-for-detriment/>
- <https://www.nidirect.gov.uk/articles/introduction-trade-unions>
- <https://www.bigissue.com/news/employment/employee-rights-in-the-uk-everything-you-need-to-know/>
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- <https://www.acas.org.uk/acas-guide-to-disciplinary-and-grievances-at-work>