

## **Your Basic Employment Rights**

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You have a number of basic rights in the work place. These are enshrined in laws designed to protect you as an employee. Where relevant, this leaflet will explore what these are in some detail as well as some other basic rights contained in your terms of employment. UNISON at the University of Southampton believe it is important that we are all at least broadly aware of what these rights are and how they impact upon us all. After all, knowing your rights is the first step in fighting to make sure that they aren't abused.

Many of these rights were won as a result of long campaigning from trade unions - as trade unionists, we believe that everyone has the right to be treated with dignity and respect at work, to be paid an appropriate living wage and to be treated fairly. We have worked hard for generations to secure these goals through a variety of means.

Unfortunately, particularly in relation to legislation, we still have a way to go. Employment law really is the bottom line when it comes to your rights - and you may be surprised by how basic your basic rights really are. Trade unions like UNISON work hard to make sure that in the industries where we are active, we can negotiate locally and nationally to achieve much more than what the law grants us. This is, on the most basic level, one of the many reasons to join a trade union – together, we can work to secure us all much more than the bare minimum.

When reading this document, it is helpful to bare this in mind. UNISON will have already won you far more than the raw deal that the law grants us. We've put a lot of information relating to this in the leaflet – but this information may vary from job to job and grade to grade and you are advised to read this document in conjunction with looking at your contract. You may be shocked at how much better the rights enshrined in your contract are than your rights in law.

Special thanks to Malc Jones at City College for allowing us to use his [Basic Employment Rights](#) document as a template for this leaflet.

## **Time Line**

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You do not have access to full legal rights, protection and benefits from the first day of being employed; instead, some of these rights – such as the ability to access an employment tribunal or protection against unfair dismissal – are only granted after a lengthy period of employment.

### **Day 1**

- Right to join a Trade Union
- To work in a healthy and safe environment
- Itemised pay statement
- 26 weeks maternity leave (unpaid)
- Time off for antenatal care (unpaid)
- Equal pay
- No discrimination on the basis of sex, race, sexual orientation, religion, and age
- Time off for public duties (unpaid)
- Time off for Trade Union Duties
- No victimisation for Trade Union Activities
- To be represented by a Trade Union in a disciplinary or grievance hearing
- A limit of 48 hours on the maximum average working week
- 28 days paid holiday per year (including bank holidays)
- National minimum wage (if you meet the criteria)

### **1 Month**

- One weeks' notice of dismissal
- Payment if you are suspended on medical grounds
- Guaranteed payment if you are laid off

### **2 Months**

- A written statement of your terms of employment

### **6 Months Service**

- The right to an additional 26 weeks maternity leave (paid as statutory maternity pay – for the first six weeks at 90 per cent of your average gross weekly earnings with no upper limit, for the remaining 33 weeks at the lower of either the standard rate of £123.06, or 90 per cent of your average gross weekly earnings)

- The right to up to 2 weeks paternity leave within 56 days of the birth (unpaid)
- The right to apply for flexible working for people with parental responsibility for a child under 6 or a disabled child under 18

## **1 Years Service**

- The right to 13 weeks unpaid parental leave
- Protection against unfair dismissal
- A written statement from your employer giving reasons for your dismissal
- Access to Employment Tribunal

## **2 Years Service**

- Statutory redundancy pay (see below)

## **Sick Pay**

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You may be able to get Statutory Sick Pay (SSP), if you have:

- Been sick for at least four or more days in row (including weekends, bank holidays and days that you do not normally work)
- Average earnings of at least £95 a week

The standard rate for SSP is £79.15 a week for up to 28 weeks. You can find out more about statutory sick pay at:

[http://www.direct.gov.uk/en/MoneyTaxAndBenefits/BenefitsTaxCreditsAndOtherSupport/Illorinjured/DG\\_10018786](http://www.direct.gov.uk/en/MoneyTaxAndBenefits/BenefitsTaxCreditsAndOtherSupport/Illorinjured/DG_10018786)

Sick pay that a member of staff can access at the University of Southampton depends on the grade their job is matched to as well as their length of service. Academic Staff and those on grades 4 and above are entitled, from the very first day of their employment, to:

**Six month's full pay in any period of 12 months and thereafter half pay. After 12 months, further allowance is at the discretion of the University.**

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However, staff at levels 1 - 3 have a scale of allowances as follows:

Length of Service	Full Pay	Half Pay
During the first 3 months service	2 weeks	2 weeks
3 months to 1 year	2 months	2 months
Second and third year	3 months	3 months
Fourth and fifth year	5 months	5 months
After five years of service	6 months	6 months

**UNISON at the University of Southampton believe that there is no justifiable reason for this difference in sick pay entitlement and are campaigning in 2010 to address this inequality.**

## **Redundancy**

Minimum redundancy payments depend on length of service, age and your pay:

- Aged 18 - 21 half a weeks pay for each full year of service
- Aged 22 - 40 one weeks pay for each full year of service
- Aged 40 – 65 one and a half weeks pay for each full year of service

Redundancy is a classic example of where the law fails to protect workers equally. How fair do you think it is that someone who is old enough to vote, smoke, drink, drive or work only gets half of the redundancy pay of someone else doing the same job for the same employer simply because of their age?

In redundancy situations, trade unions such as UNISON are sometimes successful able to secure more than the bare minimum in redundancy payments for their members. We also have worked hard in the past to secure generous voluntary severance payments for our members who wish to take it and guided and supported them through the process of achieving it. The University traditionally seeks to minimise compulsory redundancies through the natural

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wastage and voluntary severance. You can find the University's redundancy procedures can be found online on the HR website at:

<http://www.soton.ac.uk/hr/working/policies/index.html>.

## Hours of Work

Your hours of work will be dictated by your contract, with the provision that there is a limit of 48 hours on the maximum average working week. You are entitled legally to one 20 minute "rest" break for every 6 hours worked (typically a lunch break that may be longer than 20 minutes depending on your contract or working practice). This break must be in one block and it cannot be taken off one end of the working day. You are also allowed to spend it away from the place on your employer's premises where you work. Your employer can say when the break must be taken, as long as it meets these conditions. There is also a requirement in law that there is at least 11 hours between shifts and an uninterrupted 24 hours clear of work each week or an uninterrupted 48 hours clear each fortnight. Failure to take the required breaks or over work is a clear breach of health and safety.

Staff on levels 2b and below work a 36 hour week, an hour longer than many of the colleagues they work alongside. Staff on grades 4 and above do not have fixed hours and frequently put in far longer hours than is healthy.

**In 2010 UNISON are campaigning for a basic 35 hour week for ALL staff regardless of their level.**

Staff on grades 1 -3 who work over their contracted hours are covered by the document Pay and Grading: Enhanced Payments available online at:

[http://www.soton.ac.uk/hr/working/pay/paypages/Overtime%20Shift%20and%20Unsocial%20Hours%20\(2\).pdf](http://www.soton.ac.uk/hr/working/pay/paypages/Overtime%20Shift%20and%20Unsocial%20Hours%20(2).pdf)

The University's policy is that time off in lieu is normally given to staff who are required to work overtime.

**UNISON at the University of Southampton are aware that there is a culture of overwork, with many of our members**

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routinely working longer than contracted hours. As a union, we are strongly opposed to cuts and low staffing levels that contribute to this problem. If over work and unpaid overtime is an issue that concerns you, please contact us on [unison@soton.ac.uk](mailto:unison@soton.ac.uk) for advice.

## **Part Time Working**

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As part time worker you are entitled to the same rights as full time workers. You should also be paid the same amount per hour and enjoy the same company benefits as full time workers – you are also entitled to access the same amount of holiday as a full time worker, calculated on a pro rata basis based on a FTE.

## **Unfair Dismissal & Disciplinary Procedures**

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Unfair dismissal is when the employer dismisses you without being able to show good reason. A dismissal is usually regarded as fair if it is to do with:

- Capability or qualifications
- Redundancy
- Misconduct
- Legal requirements for the job

Some dismissals are automatically unfair. You do not need 2 years service if you are being sacked because of:

- Pregnancy
- Equal pay
- Sex or race discrimination
- Union Membership or activities
- Enforcing a statutory right

More information on what qualifies as unfair dismissal, including a detailed breakdown of statutory rights, can be found online at:

[http://www.direct.gov.uk/en/Employment/RedundancyAndLeavingYourJob/Dismissal/DG\\_10026692](http://www.direct.gov.uk/en/Employment/RedundancyAndLeavingYourJob/Dismissal/DG_10026692)

An unfair dismissal may result in the employer being forced to reinstate the dismissed member of staff and may result in the employer being taken to an

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employment tribunal and possible compensation. An unfair dismissal may also occur if the employer fails to follow their own disciplinary procedures.

The disciplinary procedures that the University follows depend on your grade. If you are grade 1- 3, you can find the procedures on the HR website at:

<http://www.soton.ac.uk/hr/managing/performance/disciplinary13.html>

For staff grade 4 and above, the procedures can be found at:

<http://www.soton.ac.uk/hr/forms/statute/index35.html>.

You have the right to be accompanied by your trade union representative in any meetings related to a disciplinary. If you are concerned that you are facing a potential disciplinary situation, contact the branch as a matter of urgency on [unison@soton.ac.uk](mailto:unison@soton.ac.uk) or x23237 for detailed advice, support and guidance.

## **Conflict At Work**

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Everyone has a right to work for an employer without facing prejudice based on gender, age, sexuality, pregnancy, parenthood, race or disability. These rights are enshrined in law from day one of employment. As an employee, you may also face situations which you consider to be unfair, either as a result of prejudice, bullying, poor management or miss-application of procedures. If these are not informally resolved, they can lead to a grievance.

Although common practice, there is no legally binding process that you and your employer must follow when raising or handling a grievance at work. However, there are some principles you and your employer should observe and these are explained in more detail at:

[http://www.direct.gov.uk/en/Employment/ResolvingWorkplaceDisputes/Grievanceprocedures/DG\\_10027992](http://www.direct.gov.uk/en/Employment/ResolvingWorkplaceDisputes/Grievanceprocedures/DG_10027992).

A grievance is best described as an official complaint instigated by a member of staff with trade union support advice, support and backing. Your trade

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union representative will advise you if this is an appropriate course of action. This will arise as a matter of course through exploring any concerns you may have. The procedures involve meeting formally with the university to discuss resolution to an issue; if the issue is not resolved satisfactorily, it may eventually lead to an employment tribunal.

You can find the University's procedure online for grades 1 - 3 at:

<http://www.soton.ac.uk/hr/managing/performance/grievance13.html>

For grades 4 and above:

<http://www.soton.ac.uk/hr/forms/statute/index312.html>

You have the right to be accompanied by your trade union representative in any meetings related to a disciplinary. If you are concerned that you are facing a situation where a grievance may be appropriate, contact the branch as a matter of urgency on [unison@soton.ac.uk](mailto:unison@soton.ac.uk) or x23237 for detailed advice, support and guidance.

## **Where To Find Out More**

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Information on your legal rights at work can be found online at [www.direct.gov.uk](http://www.direct.gov.uk) and much of the information in this leaflet is based on this website. For information on the University's own policy and procedures, please see the HR website, particularly the section entitled Policies, Procedures and Guidelines at:

<http://www.soton.ac.uk/hr/working/policies/index.html>

Finally, if you have any concerns or problems, please do not hesitate to contact your trade union representative or email the UNISON branch at [unison@soton.ac.uk](mailto:unison@soton.ac.uk). We're here to support you. In reality, employment law and HR procedures are much more complex than what can be easily reproduced in a document this size. UNISON representatives have access to training, advice and documentation that will enable them to advise you in much more detail.

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