YOUR RIGHTS AT WORK
A GUIDE TO BEING A STUDENT WORKER
INTRODUCTION

The AUSA Communities Committee has written this guide to inform you about your rights as a worker, and how you can ensure they are met. In 2017, we launched a Students’ Workers Rights Campaign, and have done research on campus about how working affects students during their time at University. We found that the vast majority of those employed only had a vague idea about their rights as workers, and wrote this guide to address this issue.

As it is very likely that students are employed in sectors where low pay, long hours and casual exploitation are the norm, this guide should give you a quick overview of the rights that nonetheless apply to you.

All too often we hear stories of students who are employed on dodgy contracts, being paid below what they are entitled to or being treated badly. So we hope knowing more about the law around employment will help you realise when your boss is treating you unfairly. The next time you’re not allowed to take a break at work, or hear about a friend who had to work a trial shift without being paid, remember that there are laws in place to protect your rights as a worker.

All the rights that we’ve listed on the following pages, as well as achievements like the minimum wage have been won by the labour movement in a continuing struggle. Just as the vote was not given to women as a token of goodwill, paid holidays were the result of trade unions uniting workers against their bosses and winning campaigns across the country and the globe. Therefore, we included a list of trade unions and their contact details to this guide, so you can work together with your colleagues to improve working conditions at your workplace. Trade Unions are a great first point of contact when you realise that your employer does not treat their workers properly.

This guide is not designed to help you find a job, if you would like more information on finding a job contact ausaadvice@abdn.ac.uk or go to this webpage: www.abdn.ac.uk/careers/jobs-work-experience/part-time-work-635.php

If you have any further questions, or feedback for us, please get in touch with ausacommunities@abdn.ac.uk

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Please note that this is not a comprehensive list of your rights as worker, but just a general overview.

**WAGE**
In the UK, the government sets the National Minimum Wage every April, and it depends on your age what your minimum hourly wage is.

- Under 18: £4.20
- 18 to 20: £5.90
- 21 to 24: £7.38
- 25 and over: £7.83

The Real Living Wage (www.livingwage.org.uk) is set at £8.75 per hour, and £10.20 in London. The Real Living Wage is a campaign that started in 2001 and aims to introduce wages that enable everyone to live a decent life. Once employers pay the Real Living Wage to all their employers, they can get accredited and will be listed on the Real Living Wage webpage.

**HOLIDAYS**
The vast majority of workers are entitled to 5.6 weeks’ paid holiday a year, but as a part-time worker you may be entitled to less than these 28 days because you work less hours.

You can check how much paid holiday you are entitled to on this webpage, and make sure you check your contract to see if you are entitled to more holiday than the statutory minimum.

**SICK LEAVE**
If you are ill for more than four days in a row (including non-working days), you are entitled to Statutory Sick Pay (SSP). Your employer is entitled to pay it for up to 28 weeks, and SSP can be up to £92.05 per week. If you are sick for more than seven days in a row (including non-working days), you need to hand in a ‘fit note’ from the doctor. This does not apply to zero hours contracts, and in other contracts SSP applies only after a certain amount of time has passed since you first started your job.

You can NOT be forced to take annual leave when you are off work sick, and you can NOT be dismissed for being sick.

**WORKING HOURS AND BREAKS**
You cannot be forced to work more than 48 hours in a single week. Your boss can ask you to work more than this, but this request must be made in writing and in advance. You are also entitled to a rest break of at least 20 minutes for every six hours of continuous work during a single shift. You are allowed at least 11 hours rest in each 24-hour period - if you leave your workplace at 9pm, your next shift is not supposed to start before 8am. If this is not the case, you can inform your employer that they do not follow the law and you will not work a shift without the rest period. You can not be fired for turning down a shift that starts within less than 11 hours to your previous shift.

Breaks do not have to be paid, but you should be informed about this in your contract.
TRIAL SHIFTS
If you are asked to work a trial shift, you have to be paid for it. It is illegal to have you at your workplace during induction or a trial shift without you being paid. The same is true for training, you have to be paid for any hours you spend training for your job.

HEALTH & SAFETY
You are entitled to have a look at the written health and safety policy of your workplace, as well as risk assessments that are relevant to your position. Your employer has to provide “whatever is reasonably practicable” to ensure workplace safety, and has to fulfill all criteria that is mentioned in the health and safety policy. If you consider yourself to be at risk or that your boss is not fulfilling their responsibilities, you are allowed to refuse to work.

EQUALITY LEGISLATION
Under the Equality Act 2010, you are not allowed to be discriminated against based on the following categories: age, disability, gender reassignment, marriage & civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation.

If your employer treats you differently because of any of these characteristics, they are acting illegally. This applies to the recruitment process, your employment period as well as possible dismissal.

There are specific rights that apply to disabled workers - your employer has a duty to adjust the workplace to your needs and provide any equipment that might help you do your job. Contact liberation@abdn.ac.uk if you have any questions.

CONTRACT
You are entitled to a written copy of your contract, signed by you and your employer. If you are not provided with one, make sure you let your employer know that they are meant to provide you with a copy within two months of you starting your job.

Make sure you read your contract - it’s important that you know what you are signing up to, and it’s good to refer back to the contract if you notice that your boss is not complying with it.

If not otherwise stated in your contract, the statutory notice period applies to you. Your employer has to give you one’s week notice if you had your job for more than one month, and more if you have worked your job continuously for more than two years.

INTERNS
If you are a paid intern, you should get a contract detailing your pay, days off etc. The law also requires employers to pay their interns the national minimum wage if the intern is e.g. given a contract, expected to show up to work even if they don’t want to and if they are promised future employment. If you are required to do an internship as part of your course, you are not necessarily entitled to payment.

UNFAIR DISMISSAL
Unfair dismissal is when your employment contract is terminated and your employer has no fair reason to do so. This does only apply if you are an employee, zero hours contracts to not fall into this category. Unfair dismissal also takes place when your dismissal happened for fair reasons (e.g. misconduct, theft) but your employer does not follow the company’s formal disciplinary or dismissal process. If you believe you have been unfairly dismissed, get in touch with your Trade Union, who will be able to tell you more about your rights.

ZERO HOURS CONTRACTS
A zero hours contract means that you are not contracted for a specific number of hours every week, so you can end up not receiving any hours for a couple of weeks or being asked to work too many hours. With a zero hours contract, you are not obliged to accept any work that is offered to you, but on the other hand your employer is also not obliged to offer you any work.

Many of the rights you are entitled to as a part-time employee on a permanent or temporary contract do not apply to workers on zero hours contracts. However, you are still entitled to the national minimum wage, rest breaks, paid holidays, protection against any form of discrimination and for your employer to pay work-related travel.

Your zero hours contract can NOT have an exclusivity clause in it, which means that you are allowed to have more than one zero hours contract at any one time.
WHY YOU SHOULD JOIN A TRADE UNION

On your own, it is quite likely that your boss will not take your concerns or grievances seriously. If you manage to convince some of your colleagues to come along with you and raise an issue, it is possible that the boss will react differently. And if you can show that the majority of the workplace has democratically backed the issue at hand, and collectively demands action, management will realise that they have to address whatever issue you have brought up. The fundamental purpose of a trade union is to bring workers together to improve their working conditions. Trade Unions are run democratically, and take the side of the workers in any conflict at your workplace.

A unionised workplace has a much stronger workforce that can enter pay negotiation or other contract issues as a united front, and can bargain collectively. This results in higher wages, more holidays and better working conditions.

There are also other benefits of being a member of a Trade Union. They offer a large variety of training courses and seminars, and have legal experts who can advise you on any issues that might come up at work.

They can also represents you during a grievance and make sure you get the right support in any work-related situation.

Outside of the workplace, the trade union movement has been fighting against injustice for centuries, and you can be part of the struggle for equal rights for all. In Aberdeen, trade unions come together every year to e.g. celebrate the 1st of May, and in 2018 they helped organise the first ever Aberdeen Pride.

**McDonalds workers in England won the biggest pay rise in ten years after their first 24 hour strike ever in Britain in 2017.**

**In 2018, Summerhall, a major employer at the Edinburgh Fringe Festival, has conceded to give their staff 30 contracted hours of work instead of employing them on zero hours contracts, and to allow them to keep 100% of their tip money, after pressure from Better than Zero and Unite.**
LIST OF UNIONS

If your workplace has a recognised trade union, you can find this information in your contract. Otherwise, you can ask your colleagues who the Union rep is, and get in touch with them. If your workplace does not recognise a Trade Union, you can join a union that represents workers with similar jobs elsewhere. If you think you are the first worker in your workplace to join a union, get in touch with the regional office of the union you join and see how they can help you to get your colleagues involved and fight for workers’ rights at your job.

There are general unions, like Unite the Union and GMB, who organise workers across many sectors and run national campaign on issues such as mental health, gender equality and minimum wages. Other Trade Unions specify in certain sectors, e.g. UCU represents workers in Higher Education. The following list is not an exclusive list, as we tried to focus particularly on sectors where students might be employed.

GMB is Scotland’s campaigning trade union. A general union, GMB protect workers in a wide range of industries across the UK. Their priority is the defense of their members interests. For more information about the GMB in Aberdeen, call 01224 582367, or find them on Facebook at www.facebook.com/gmb.scotland

Unite organises in a large variety of workplaces in Aberdeen. If you work in Hospitality, check out their Hospitality campaign where you can find loads of information about fair working conditions. Their office in Aberdeen is at 42-44 King Street, or you can call them on 01224 645271 or visit www.unitetheunion.org

UNISON primarily represents workers in the public sector. If you work e.g. as a carer or for the Council, you are eligible to join UNISON. You can find out more on www.unison.org.uk or contact the Aberdeen Branch by calling 01224 620624.

University and College Union (UCU) is the trade union for staff of Universities, including post-grad and PhD students. If you are a post-grad student planning a career in academia, or if you are an employed post-grad student, you are eligible for a free membership for up to four years. For more info, contact ucu@abdn.ac.uk or visit www.ucu.org.uk

National Education Union (NEU) organises teachers and school staff, and you can join for free while you’re studying for your PGDE or training to be a teacher. Find out more at www.teachers.org.uk

Bakers, Food and Allied Workers Union (BFAWU) represents workers in the catering industry, as well as in fast food places or restaurants. If you want to find out more, drop them a message at www.facebook.com/BFAWUScotland or @BFAWUScotland and see if they can help you or visit their webpage www.bfawu.org
Usdaw organises in most major retailers like Tesco, Morrisons, Sainsbury’s and other shops. Locally, you can reach them at 01224 652820, or check their webpage www.usdaw.org.uk.

Recently, there has also been an increase in campaigns and other organisations who organise workers and fight for better working conditions, but are run as campaigns rather than trade unions.

Better than Zero is a campaign against precarious work and zero hours contracts. They target employers who don’t pay their employees for their trial shifts or who make their staff pay for their training and uniforms. They can also help you with any questions about your contract. Check out their Facebook page for more info: www.facebook.com/bebetterthanzero

If you are a Deliveroo driver, get in touch with Independent Workers’ Union of Great Britain to find out about their fight to unionise Deliveroo driver across the country: www.iwgb.org.uk.

The Citizens Advice network offers free online advice and will be able to provide you with more information on many of your employment rights.

COSTS

Membership fees will depend on the union, and sometimes on your work contract, but usually are around five to ten pounds a month for students, or often even less.

If you have any questions about your work, this guide or anything else, please email ausacommunities@abdn.ac.uk or get in touch with ausaadvice@abdn.ac.uk. You can also drop by at the AUSA Reception, Ground Floor, Student Union Building for a chat at any time from 9am - 5pm during the week.