



This booklet is for people coming to work in the UK from the A8 countries

# LIVING AND WORKING IN THE UK: YOUR RIGHTS



**oneinfive** <sup>TUC</sup>  
A fair deal for vulnerable workers

# WELCOME TO THE UK

This booklet has been written by the Trades Union Congress (TUC) and the Citizens Advice service and is for nationals of the 'AB' countries, which are the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Slovakia, Slovenia and Poland.

The TUC is the organisation that represents Britain's trade unions. The TUC is the only trade union confederation in Britain, with over 60 member unions, which between them have almost 6.5 million members. The TUC is independent of employers, government and any political party.

The Citizens Advice service helps people resolve their legal, money and other problems by providing free information and advice from over 3,000 locations, and by influencing policymakers.

Citizens Advice and each Citizens Advice Bureau are registered charities reliant on over 20,000 volunteers. Bureaux need to raise funds to provide these vital services. The majority of advisers are trained volunteers, helping people to resolve nearly 5.5 million problems every year.

All Citizens Advice Bureaux in England, Wales and Northern Ireland are members of Citizens Advice, the national charity that sets standards for advice and equal opportunities and supports bureaux with an information system, training and other services.

The Citizens Advice service has written the part of the guide on living in the UK, while the TUC is responsible for the part of the guide on working in the UK.

We hope you will find this guide a helpful introduction to living and working in the UK. The subjects that it deals with are often complex, so only basic information can be given here. However, the guide contains contact details for organisations from which you can obtain more detailed advice.



# LIVING IN THE UK

# HOUSING

## Finding rented accommodation

The costs and availability of suitable accommodation vary greatly depending on the area. You might find it useful to look in the local press, shop windows and notice boards, approach private landlords or register with an accommodation agency.

## Accommodation agencies

To register with an agency you will normally be asked to give details of your job and income. You may also be asked to provide references from your employer, bank and previous landlord. This may be difficult if you have just arrived in the country.

## Charges

Agencies can only charge a fee after they have found suitable accommodation and you have a tenancy contract. Once you have signed a contract to accept tenancy of a property, the fee the agency can charge is unlimited. If the fee is too much, your only choice is to pay up or not take the accommodation.

An agency cannot ask payments for:

- putting your name on its list or taking your details
- providing a list of properties available for renting
- deposit which will be returned if no suitable accommodation is found.

## Discrimination by an accommodation agency

An accommodation agency can refuse to register you. It may do this, for example, because:

- you are unemployed
- you are on benefits
- you are looking for accommodation for a family

If you experience discrimination for any of these reasons, you may be able to take action under human rights law. You should seek specialist advice.

In most circumstances it is illegal for an accommodation agency to discriminate on grounds of disability, race (including colour, nationality, ethnic or national origin) or gender. An agency may have discriminated against you by, for example, refusing to register you, giving you a lower priority in finding accommodation or requiring you to pay your rent in a way that it wouldn't otherwise.

## What do I need to know before taking up a tenancy?

- what your tenancy agreement says
- the amount of rent and whether it includes any services, fuel and water charges
- the amount of rent paid in advance

- whether you will have to pay a premium and/or security deposit
- whether the property has a mortgage – you can lose your accommodation if the property is taken away from the landlord due to their failure to keep up their mortgage payments
- name and address of the landlord.

## Deposits

There are two different sorts of deposits:

- **Holding deposit:** Money you pay when you agree to rent a property but have not yet taken up the tenancy. It will probably be deducted from the security deposit you pay when you move into the property. The holding deposit cannot be returned unless you can't move in for reasons beyond your control, e.g. when the landlord asks for more rent than originally agreed.
- **Security deposit:** money paid as security against, for example, rent arrears or damage to property. It is important to check the conditions of the property and its contents and keep a record of it. This is because, when the tenancy ends, you may be held responsible for anything missing or damaged, and may lose all or some of your deposit.

In April 2007, a new tenancy deposit scheme came into force. A tenancy deposit can only be taken by a landlord (or agent) if it is safeguarded by a scheme. Schemes will be either “custodial”, where the money is held by an independent third party during the tenancy, or “insured”, where the landlord will retain the deposit on the basis that they will repay the tenant any agreed amount at the end of the tenancy. If a landlord in an insured scheme fails to comply with this requirement, the scheme administrator will repay the tenant and recover the sums from the landlord. The scheme administrator will be insured against non-compliance by the landlord, and can also terminate a landlord’s membership on these grounds.

## When you have taken up a tenancy

### Council tax

You must pay council tax to the council.

Every local authority sets a rate of council tax each year. There are ways in which your council tax may be reduced:

- if you are disabled or are living with someone who is disabled
- if only one adult is living in the property they will get a 25 per cent discount on their council tax bill

You may be able to get help with paying your council tax – see Section on benefits.

Council tax bills are sent out in April. You have the right to pay by ten installments. Local authorities may accept weekly or fortnightly payment. Some may also offer a reduction if the bill is paid all at once at the beginning of the year.

### **TV licence**

If you use a television set, video recorder or computer, you have to get a television licence if you want to watch television programmes, including programmes on digital and cable TV. The licence allows you and any member of the same household to use one or more television sets or video recorders. To apply for the licence, contact TV Licensing (see Section on contacts) and ask them for a form to complete. You will not be covered until the licence is issued. The licence will last for one year from the first day of the month of issue. You can pay for your licence annually or by installments. If you move to another address, your licence doesn't automatically move with you. It is your responsibility to inform TV Licensing. You can get a refund if you are moving abroad, if the licence is valid for another three months.

### **Repairs**

Both tenants and landlords have responsibilities towards keeping accommodation in a good state of repair. These may be written in your tenancy agreement. The landlord is required to keep in repair the structure and outside of the building and keep in proper working order the installations for the:

- supply of water, gas, electricity, and the toilets and drains.
- heating of the property (e.g. gas fires, central heating) and water (e.g. boiler).

Tenants often have responsibility for minor repairs and maintenance (e.g. internal decorations or garden maintenance) and generally keeping the property in a good state.

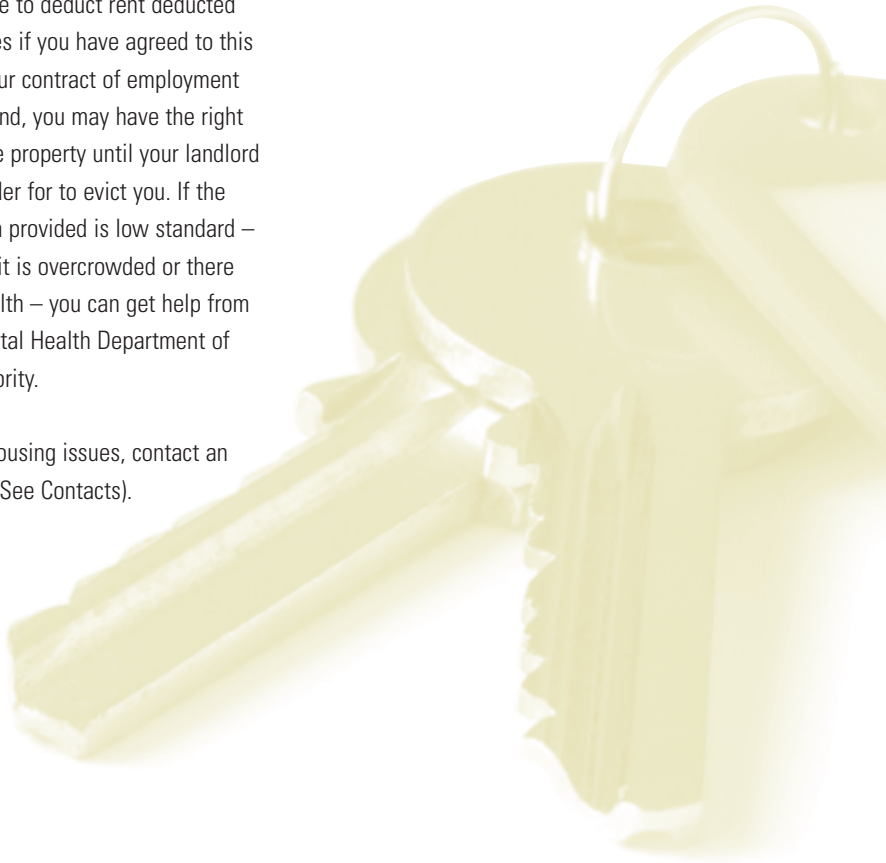
### **Public sector rented accommodation**

You may be able to apply for accommodation from the council, a housing association or from another scheme that provides affordable housing. It can take a long time to find accommodation this way as local authorities and housing associations have waiting lists. It may, however, be an option if you want to stay for a longer period of time.

## Accommodation provided by your employer

There has to be an agreement stating how much will be deducted for accommodation. For the maximum amount that can be deducted, see the Employment section. If you leave the accommodation, your landlord may still be able to deduct rent deducted from your wages if you have agreed to this in writing. If your contract of employment comes to an end, you may have the right to remain in the property until your landlord gets a court order for to evict you. If the accommodation provided is low standard – for example, if it is overcrowded or there are risks to health – you can get help from the Environmental Health Department of your local authority.

For help with housing issues, contact an advice agency (See Contacts).



# SERVICES IN AND FOR THE HOME

## Electricity and gas

When you move into a new property, you will need to contact the current supplier at the property to give your details and the meter reading for the day you moved in. You can change your supplier if you want – prices and services of different suppliers vary and you may find it useful to shop around. You can choose separate companies to supply your gas and electricity, or one company to supply both. You can contact Energywatch for a price comparison sheet or check their website (See Contacts).

## Paying for your energy

There are two types of meter:

- Credit meter – you use energy and pay for it later.
- Prepayment meter – you pay in advance for your energy supply.

Credit meters are more common. You receive regular bills and the charges are normally lower than for a prepayment meter. You can pay your bill by a variety of methods, e.g. quarterly or monthly by cheque or cash at the post office or bank. The cheapest way is often direct debit where a set amount of money is deducted monthly from your bank account.

Your energy company will come to read your meter and send you a bill. However, sometimes your bill might be estimated. If so, you will see a letter 'E' on your bill. If you think your estimate is too high or low, you can return the bill and provide the actual meter reading and they will send you a new bill.

You can ask for a credit meter to be installed instead of prepayment meter. It is usually free of charge, but there may be a fee and/or a security deposit.

Prepayment meters are usually cashless meters that use a prepaid token, key or card. Coin meters are still in use but are no longer being installed. With a prepayment meter, the charges are likely to be higher. You are not likely to fall into arrears, but you might be without energy if you don't charge your card, token or key (although it normally has an emergency credit facility on to it to give you a day or two more). Prepayment meters are usually installed free of charge and without a security deposit.

If you are paying your landlord for your energy, the maximum amount your landlord can charge is the amount they have paid for it, plus VAT. Your landlord can also recover the supplier's standing charge by dividing on a pro-rata basis among tenants



according to their varying levels of their consumption.

## Water supply

Water is supplied by a number of private companies. There is no charge for taking over a water supply which is already connected. However, the company is entitled to make charges if a water supply needs to be connected. There are two different ways you can be charged for water; one is where your water supply is unmeasured, the other where your usage is measured by a meter. You may be able to choose which method is used – for example, you may want to request that a meter is installed if you only use a small amount of water. Your water bill may include a standing charge, a charge for water and a charge for sewerage. Bills are usually sent out once or twice a year. Payment arrangements can be made to allow you to pay monthly, weekly or as a lump sum.

If you are paying water charges to your landlord, the most they can charge is no more than the amount they have paid for it, plus a reasonable administration charge. You can seek help from an advice agency if you think you are being charged too much for energy or water (See Contacts).

## Waste disposal and recycling

The collection and disposal of most types of waste is the responsibility of your local authority. You can contact the authority for information on how waste is collected and what waste should be recycled.

## Telephone services

Prices, services and policies offered by different telephone providers differ. You might find it useful to compare for example charges for calls, rental of equipment, line, installation and connection to find the best deal.



# BENEFITS AND TAX CREDITS

Your social security rights in the United Kingdom are the same as those that apply elsewhere within the European Economic Area. When you start work in the UK, you will contribute to the British social security system and consequently gain the right to benefits. You will gain the rights to benefits if you are self-employed. If you have to register for work, you will also gain the rights to these benefits if:

- you are in registered employment; or
- when you've completed 12 months of registered employment.

Once you have gained the right to benefits, you will still have to meet qualifying criteria in order to get benefits. The rules around claiming benefits are often complicated. You should therefore get help from an advice agency like the Citizens Advice Bureaux.

Before you come to the UK, you should get a certificate from your local social security office showing the amount of social security insurance you have paid in your home country. You will need this certificate to claim benefits like unemployment benefit, maternity benefits and sickness benefit in the UK. However, this certificate in itself won't give you an automatic right to benefits in the UK.

If you are entitled to unemployment benefit and have normally been claiming this for at least four weeks in your own country, you may continue to get it for up to three months in the United Kingdom, while you actively seek work here. You should obtain form E303 in your home country before you leave to come to the United Kingdom. This form, which means you'll be eligible for benefit in the UK, should be taken to your nearest Jobcentre/Jobcentre Plus as soon as possible after your arrival. For more details, contact the employment service in your own country or once you have arrived in the UK.

Depending on whether you meet the strict criteria, you might be able to claim the following benefits once you are working and registered:

- **Working Tax Credit** – payment to top-up earnings of people working at least 16 hours a week on low income, including those who don't have children.
- **Child Tax Credit** – payment for people responsible for a child or young person, who have income below a certain level (all households with an annual income of £50,000 or less will qualify for some Child Tax Credit).

Tax credits are usually paid for a year, from April to April, but the amount you get may change if your circumstances change during that year, for example if you have another child. HM Revenue and Customs (HMRC), who administer the scheme, need to be informed of any changes. If you are a member of a couple, you must make a joint claim. You claim both tax credits on the same form. You can obtain the claim form from enquiry centres, tax credit helpline, or at local office of the Department for Work and Pensions (See Contacts).

- **Housing benefit:** Benefit for people on a low income to help them pay their rent.
- **Council Tax Benefit:** Benefit for people on a low income to help them pay council tax. Second Adult Rebate can be paid instead of Council Tax Benefit. You may be able to claim Second Adult Rebate if you live with somebody other than your partner.

For more information, or to claim Housing Benefit and Council Tax Benefit, contact your local authority or advice agency.

- **Child Benefit:** Benefit for people bringing up children. It is paid for each child and is not affected by income or savings. The general rule is that the claimant and the child must be in Great

Britain. You might be entitled to Child Benefit if the child lives in another EEA state (if child benefits paid in that country are less than the UK amount, you might be entitled have the difference paid). You can get a claim pack at your local Jobcentre Plus office, by calling the Child Benefit Office or from the HMRC website. You can make a claim online.

- **Childcare costs:** If you are working and are on a low income, you might be entitled to Working Tax Credit, which includes some help towards registered childcare costs.

For more information on your entitlement to benefits and tax credits, consult an advice agency like the Citizens Advice Bureaux (see Contacts).

# HEALTHCARE

## Emergency

- Call 999 and ask for an ambulance. The call is free of charge.
- If you have had a minor accident go to the Accident and Emergency department at your local hospital.

## Entitlement to NHS treatment

Health services are provided by the National Health Service (NHS). Your entitlement to free treatment depends on how long you've been living in the UK and why you are living in the UK, not your nationality.

If you have legally come to the UK to work, either as an employee or self-employed person, you can get free NHS treatment. This also applies to your spouse, civil partner and children (under the age of 16 or 19 in further education) if they are living with you in the UK on a permanent basis. If you are in the UK temporarily, the treatment will take into account the nature of the care and the length of time you expect to stay in the UK. You have to pay for certain things like prescriptions, glasses, and visits to the dentist, but some people can get help with these costs.

## Treatment which is always free of charge

The following treatment is available to anyone who needs it, regardless of how long they been in the UK and how long they intend to stay:

- accident and emergency treatment in an out-patient accident and emergency department
- compulsory psychiatric treatment
- treatment for certain communicable diseases
- family planning services.

## Registering with a GP

Family doctors in the UK are known as General Practitioners (GPs). It is advisable to register with a GP when you arrive in the UK.

Anyone coming to live in the UK will qualify for free GP services. A GP may, in practice, be flexible in deciding whether you are resident in the UK. You may be asked to provide a proof that your stay in the UK has some degree of permanence and stability, e.g. a council tax bill, a utility bill or a letter from an employer.

If you are a visitor in the UK for less than three months, a GP may accept you as a temporary resident. Otherwise, you might be accepted as a private patient and you will have to pay for treatment.

Registration is free of charge. You will be asked to complete a form. You will then be sent an NHS medical card containing your NHS number, name, address and date of birth.

The practice may refuse to register you, for example if you are living outside their practice area. Your application cannot be refused on the grounds of your nationality, gender, age, religion, sexuality, disability or medical condition.

Through your GP, you will access services such as:

- advice on health problems
- vaccinations
- examinations and treatment
- prescriptions for medicines
- referrals to other health services and social services.

You may also use the services of other health professionals like dentists, opticians and audiologists. There may be charges for these services but you may be entitled to help with them. Any free NHS treatment, or any help with NHS costs, doesn't affect your immigration status. For more information on health care, contact NHS Direct or an advice agency (See Contacts).



# EDUCATION

As European Union nationals, your children have the right to a free place in school. Local education authorities (LEAs) are responsible for finding a free school place for all children of compulsory school age. They must also find a school or sixth form college place for people aged 16 to 19 who want one. You have the responsibility to ensure that your child receives education during the compulsory school age years.

## Compulsory education

Most LEAs have a policy of accepting children into school at the beginning of the term during which the child becomes five. However, the child does not have to attend school until the beginning of the term following their fifth birthday. All young people can leave school on the last Friday in June of the school year, if they reach the age of 16 before the first day of the following (September) term. This is the end of compulsory education.

You have the right to say which school you want your child to go to. In the case of secondary schools, you can make at least three choices which you can put in order of preference, giving reasons for the choices. You don't need to choose schools in your LEA's area, but if a school has more application than places, it may give preference to pupils from their local 'catchment area'.

You can arrange education out of school for your child if you wish, including home education. You don't have to tell the LEA, but it is advisable to check the rules for providing suitable education.

## Three- and four-year-old children

Every three- or four-year-old child is entitled to a free early education place. The place should be at least two-and-a-half hours a day, five days a week, during normal term times. Your LEA should hold lists of places that provide early education. You will not have to pay for at least two-and-a-half hours a day, but if your child attends for longer you may have to pay extra hours.

For more information on the UK education system visit [www.directgov.gov.uk](http://www.directgov.gov.uk) or contact your Local Education Authority (details can be found in the local telephone directory) or an advice agency.

## Adult education

The choice of adult education courses, like English language courses or vocational courses, will depend on the area where you live. Information on local adult education is available from colleges, libraries and your LEA. There are a number of organisations which give advice, information, or run various adult education courses (See Contacts).

Bank accounts can help you have more control of your money. Most employers will require you to have a bank account into which your wages will be paid. To open a bank account the bank will need evidence:

- of your identity, e.g. passport, driving licence or ID photo card
- of your UK address, e.g. recent utility or council tax bill.

If you don't have any of the documents, the bank might be able to accept a letter from a responsible person who knows you, e.g. your employer. Each bank has its own policy and should explain what documents they require.

When you first arrive in the UK, you might not be able to open a current account. Instead, the bank will offer you a basic bank account. A basic bank account will allow you to:

- have wages and other money paid in
- pay your bills by direct debit
- cash cheques for free
- pay in cash
- withdraw without charge from cash machines.

It will not allow you to go overdrawn.

Some basic bank accounts may offer you access to the account at the post office, cheque book or debit card. It doesn't cost anything to open a basic bank account.

However, if there is not enough money to pay a direct debit you have set up, you may be charged.

## Current account

This type of account allows you to get money out using a cheque book and guarantee card, or a cash card. You may also get a debit card which you can use in shops and cash machines. The bank may let you have an overdraft and access to other kinds of credit. Most banks can transfer money overseas. Charges can be checked at the time of opening an account.

## Cash machines

Most withdrawals are free. However, a growing number of cash machines make charges. If so, a warning on the screen will tell you and ask if you want to continue.

## Cashback

Facility offered by supermarkets, you can withdraw cash free of charge when paying for your shopping by cash card.

## Cheques

If you receive a cheque and you don't have a bank account, you can cash it at a cheque encashment centre. You will be asked for identification and proof of entitlement. They usually charge a high proportion of the cheque's value for this service.

# DRIVING

To drive in the UK you must hold a valid driving licence. You can drive on a European Union licence as long as it is valid; alternatively, you can exchange your licence for a British one at any time. There are special licence rules for different types of vehicles or for work purposes.

You can bring a vehicle from another country on a temporary basis without having to register it in the UK, usually for six months in a 12-month period. If you are working in the UK, this time limit is nine months. A vehicle that is permanently imported must be registered and licensed as soon as possible after it arrives in the country.

If you're a visitor to the UK you may use a vehicle displaying foreign plates, provided that all taxes (including vehicle excise duty) are paid in your own country. If your vehicle has foreign plates and is stopped by the police, it is your responsibility to prove that you are eligible to use the vehicle in the UK without registering and taxing it.

## **Vehicle Excise duty (road tax)**

A vehicle which is being used or allowed to stand on a public road must display a current valid tax disc on the front windscreen. You can get a tax disc for six or 12 months from some post offices. If you have a vehicle which is not used you will need to let the Drivers and Vehicles Licensing Agency know or you may be prosecuted. This can be done by completing a SORN declaration. See DVLA in Contacts.

## **Insurance**

Every person who drives a vehicle in the UK must hold at least 'third party' insurance policy. 'Third party' insurance covers you for injuries that you may cause to others (including passengers) and for damage to other persons' property, including their vehicle, resulting from use of a vehicle on a public road or in other public places. You can also obtain 'comprehensive' insurance which also covers damage to your own vehicle. Insurance policies will normally state the name of the person who is insured to drive the vehicle. If other people drive the vehicle, they have to be named as a driver, or hold their own insurance to drive other vehicles.



## **MOT certificate**

A vehicle which is three years old or older must be tested for an MOT (Ministry of Transport) certificate if it is to be used on the road. The certificate must be renewed every 12 months.

## **Police powers**

Police have the power to stop any vehicle being driven on a road and ask the driver for their driving licence, insurance certificate and MOT certificate. You do not need to carry these documents with you, but have to produce them within seven days at any police station.

Many councils provide interpretation and translation services. You can contact your local council if you need an interpreter e.g. for your medical, or benefits appointment. You might also ask for printed information to be translated into your language. Also, if you need to talk to the police, interpreting services (over the phone, or face-to-face) should be available. Jobcentre Plus offices and HMRC can provide information in your language and interpreters if you need them, although you will have to ask for them. NHS Direct can also provide information in your language.



# IMMIGRATION AND NATIONALITY

Migrant workers may be nationals of the European Union, nationals of Commonwealth countries, nationals of other non-European, or nationals of non-Commonwealth countries. There are three main categories of European Union nationals: people who come from the countries which were members of the EU before 2004, people who come from countries which joined the EU in May 2004 (the A8 countries) and people from Bulgaria and Romania (which joined on 1 January 2007). This information is aimed at people from the A8 countries. Nationals of other countries should get expert advice.

## People from Bulgaria and Romania

People from Bulgaria and Romania can enter the UK to work but they must sort out work and apply for visas before they leave their countries. Nationals of these countries should get expert advice.

## People who come from countries which joined the EU in May 2004 (the A8 countries)

People from Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia can enter the UK to work, but must register with the Home Office through the Worker Registration Scheme within a month of starting their job. Some people from these countries (for example, people who are self employed or people who have been settled in the UK before their country joined the EU) do not have to register.

As an Accession state national you are not subject to immigration control in the UK. You can apply for a registration certificate confirming your status as a UK resident if you have full rights of movement, for example:

- you are working but not required to register (e.g. if you have complied with the Worker Registration Scheme regulations)
- you are working as a self-employed person
- you are living in the UK as a full-time student, or as a retired or self-sufficient person.

You can apply for registration certificate on form EEA1, available from the Application Forms Unit (or contact the Immigration and Nationality Enquiry Bureau for more information (see Contacts). A registration certificate will usually last for five years or less. If you are a non-European Economic Area (EEA) or non-Swiss national family member of an EEA or Swiss national then you would use Form EEA2 to apply for a residence card. For more information on registration certificates and residence cards see <http://www.ind.homeoffice.gov.uk/applying/applicationforms/>

If you are an EU national, you are entitled to vote in European and local elections. For more information and to register contact the electoral registration department of your local authority.



# CHALLENGING DISCRIMINATION

The UK has legislation which protects people against discrimination on various grounds, including nationality, disability, age, religion (or faith), sexuality, gender and race.

## Race discrimination

It is against the law to treat a person less favourably on racial grounds than another person would be treated in the same circumstances. Racial grounds include: colour, race, nationality, ethnic or national origins. It is against the law to discriminate on grounds of race in:

- employment and training
- education
- goods and services, for example, financial matters, entertainment and transport
- housing.

If you think you have been treated unfairly, contact an advice agency for information on challenging discrimination.

## Reporting hate incidents

A hate incident is an incident motivated by hatred of someone because of their: nationality; race; religion; gender or gender identity; sexuality; or disability. It can take many forms, including physical attacks (e.g. physical assault or damage to property), threat of attack or verbal abuse. You can report incidents by contacting your local police. In an emergency, call 999.



The legal system of any country is always complex. We cannot explain every detail of UK employment law in a booklet. You should treat this as a guide to the basics. If you think you are losing out, or your employer or employment agency is breaking the law, you should take further advice. We give some suggestions about where you can get more help later in this booklet.

# STARTING WORK IN THE UK

As soon as you start work you need to register with the authorities. The Home Office is the name of the government department that registers workers from the A8 member states. Register at: [www.workingintheuk.gov.uk/working\\_in\\_the\\_uk/en/homepage/schemes\\_and\\_programmes/worker\\_registration.html](http://www.workingintheuk.gov.uk/working_in_the_uk/en/homepage/schemes_and_programmes/worker_registration.html) You also need a National Insurance number in order to work legally. You will need to get this when you have got a job.

## **National Insurance and tax**

To get a National Insurance number, you must make an appointment for an “evidence of identity” interview at the nearest Job Centre. This is a government office that can be found in most large towns or city districts. You will need to take proof of your identity (such as a passport) as well as evidence that you are working. More details can be found at [www.dwp.gov.uk/lifeevent/benefits/ni\\_number.asp](http://www.dwp.gov.uk/lifeevent/benefits/ni_number.asp)

Some employers may offer you a job without paying National Insurance or tax (known as “cash in hand”). This is against the law. If they are breaking this law, it is very likely they will break other employment laws as well, especially those that protect workers. It will be very hard for you to enforce any of your legal rights if you are

not working legally. You should avoid this type of job.

Every worker in the UK has a National Insurance number. It is used to keep track of social security contributions. If you earn more than about £80 a week, then both you and your employer have to pay what are called National Insurance contributions. These are a kind of tax. In return workers gain entitlements to various social security benefits. Paying National Insurance contributions in the UK can also help you build up entitlements in your home country.

You will also have to pay income tax. The amount of tax you have to pay depends on a number of different factors. Every worker in the UK has a tax code, which an employer uses to work out how much tax they should pay on your behalf. If you are starting your first job in the UK you will probably start to pay “emergency tax” until you have been given a tax code.

Note that your employer does not need to keep your passport or identity documents, and has no right to hold them. They may make copies of them for their records.

# WORKER OR EMPLOYEE?

## WORKING

Most people at work in the UK enjoy some basic rights, such as the minimum wage and a right to paid holidays.

There are special rights that apply to those who use an employment agency (sometimes called gangmasters) to find work – see below. Many workers get better rights because they have the legal status of an employee. We will explain this below.

All these employment rights can be enforced in law. This can be done in an employment tribunal – a special court that deals with most work-related issues – or with the assistance of a trade union, if you are a member. We say more about this later in this booklet.

Most people at work in the UK are employees, and therefore get better rights. But many of the jobs likely to be done by those coming to this country to work for short periods – including almost all those provided by employment agencies – may not count as employees. Look at the table below. If you answer ‘yes’ to most of the questions in the employee column you are probably an employee. If you answer ‘yes’ to most of the questions in the worker column you are probably a worker.

If there is any doubt you will need to take advice. Trade unions and advice agencies understand the legal difficulties, but some cases may need to be determined by an employment tribunal.

### Employee

Does your employer require you to work specific hours and pay you for these whether or not there is work to be done?

#### **Does your employer control what you do and lay down how and when you do it?**

Do you have to carry out the work personally, (ie. you cannot ask another worker to carry it out on your behalf)?

#### **Does your employer supply the tools or other equipment for the job?**

Do they pay tax and National Insurance on your behalf? (Although many workers also have tax and NI deducted from their pay so this alone does not prove that you are an employee.)

#### **Do you have a written agreement with your employer that includes the phrase “contract of employment”?**

### Worker

Does your employer only offer and pay for work when they need it?

#### **Can you decide when you will work, and even turn down work when offered?**

Can you provide another worker to carry out the work in your place if you want?

#### **Do you have to provide your own tools?**

Are you left to pay your own tax and National Insurance?

#### **Do you have a written agreement with your employer that includes the phrase “contract for services”?**

# YOUR RIGHTS AS A WORKER

Most people at work, including all agency workers, enjoys these rights from their first day of work:

- the National Minimum Wage
- working time rights (including breaks, holidays and holiday pay and a limit on the working week)
- health and safety protection
- the right to join a union
- protection from unfair discrimination.

## The National Minimum Wage

This is the minimum that you can be paid for each hour that you work:

- If you are 22 or over you should get at least £5.52 an hour (since October 2007).
- If you are aged 18 to 21 you should get at least £4.60 an hour (since October 2007).
- If you are 16 or 17 you should get at least £3.40 an hour (since October 2007).

Tips given directly to you do not count, but any paid through your pay packet do.

But there are two complications:

**Deductions:** Deductions from wages for goods and services provided by the employer, such as meals or transport, must not take your pay below the minimum wage rates. There is one exception to this rule. If accommodation is provided for you, a maximum of £30.10 a week can be deducted, or £4.30 per day where less than a

full week's accommodation is provided (since October 2007). This doesn't mean you can't be charged more, but only this amount can be taken off your pay before working out whether you are getting the minimum wage.

**No set hours:** Some people are paid by the amount of work they do, rather than how long they work. You still get some minimum wage protection, but the system used to work it out is different.

If you think that you are not being paid the minimum wage you can make a complaint directly to the NMW Helpline on 0845 6000 678 (England, Scotland or Wales) or 0845 6500 207 (Northern Ireland). You can also seek further advice from your union if you are a member, or from an advice agency.

## Working time rights

These cover rest breaks, holidays and holiday pay, night work and how many hours you can work each week. There are leaflets that cover these rights available from the TUC's Know Your Rights line on 0870 600 4 882.



## Rest breaks

You have the right to a rest break of 20 minutes where your working day is longer than six hours. If you are under 18, however, you are entitled to a 30-minute break after working four and a half hours.

## Holidays

You should receive at least 24 days' paid annual leave (or the pro-rata equivalent if you work part time). Public holidays are counted as part of this entitlement. To calculate your holiday entitlement multiply the number of days you work per week by 4.8.

Some employment agencies have been getting round this by saying that your hourly pay rate includes holiday pay and that they therefore do not have to give extra pay if you take a break. At the very least, your contract must clearly state that your pay includes a sum for holiday pay and what amount that is.

Note that practices which you may be used to, such as 13th (or 14th) month payments, and holiday subsidy, are not normal in Britain.

## Night work

Regular night workers should not work more than eight hours in each 24-hour period. The Working Time Regulations

allow for night work to be averaged over a 17-week period in the same way as weekly hours of work. Night workers are also entitled to a free health assessment.

## Working week

You have the right not to work more than 48 hours a week on average. This limit is averaged over a 17-week period. You can sign away this right, but cannot be pressured to opt out, and can opt back in again at any time though you may have to wait for up to three months to gain protection.



## **Agriculture**

If you are working in the agricultural sector, you will be covered by the Agricultural Wages Board. This sets rates of pay (which may be higher than the National Minimum Wage), as well as hours, holidays and overtime rates. For more information phone the Defra agricultural wages helpline on 0845 0000 134.

## **Health and safety protection**

Your employer has a duty to provide you with a safe and healthy working environment. This should include training you about the health and safety issues in your workplace. There are many special rules that will apply in any workplace where there are special risks to workers.

## **Protection from discrimination**

You have the right not to be treated less favourably than other workers by your agency or the hiring company on the grounds of sex, race, disability, pregnancy, sexual orientation and religion or belief. From October 2006 it also became unlawful for employers to discriminate against workers and job seekers on grounds of age.

## **Union membership**

You are allowed to join a union. You do not have to tell your employer if you are a member. You cannot be discriminated against for being a union member.

# SPECIAL RIGHTS FOR AGENCY WORKERS

## WORKING

### No fees

- An employment agency cannot charge you a fee simply for finding you work or putting you on their books.
- An employment agency cannot insist that you buy other products or services such as CV writing, training, or personal protective equipment as a condition of using the work-finding services of the agency.

Employment agencies are meant to make their money from employers who need workers, not from those seeking work.

### Getting your wages

An agency cannot withhold your pay simply because they have not received their payment from the company or organisation where you worked, or because you cannot produce a signed time sheet. Where the hiring company refuses to sign a time sheet, it is the agency's responsibility to establish the hours that you actually worked. You should be paid for these.

### A written statement of terms and conditions

When you sign on with an agency you should be given a written statement of terms and conditions before you start any work. This applies whether the agency is trying to find you temporary work or a new

permanent job. Once terms have been agreed and confirmed in writing, they should not be changed unless you agree. Any agreed changes must be confirmed in writing within five working days.

If your agency is finding you temporary work then the written agreement must cover:

- whether you are classed as an employee of the agency, or a worker who is 'contracted for services'. You will usually be a worker (see above for more about this important difference)
- the fact that you will be paid for all work carried out
- how much notice you are required to give and entitled to receive in order to end the contract
- the rate of pay that will be paid or the minimum rate of pay that the agency reasonably expects to achieve for you – this must be at least the hourly National Minimum Wage rate
- whether you will be paid weekly or monthly
- the amount of paid leave that will be given – most agency workers are covered by the Working Time Regulations and are entitled to at least four weeks' holiday pay per year (see above).

## **Health and safety**

Agencies have a duty to find out about any health and safety risks known to the hirer and the steps taken to prevent or control those risks.

They should check that the hirer has carried out a thorough health and safety risk assessment and ensure that you are made aware of the situation before placing you with the organisation.



# ADDITIONAL RIGHTS FOR EMPLOYEES

## WORKING

If you have the legal status of an 'employee' then you gain extra rights, but you may have to work for a qualifying period. This means the rights do not start on your first day of your job, but only after you have had the same employer for a period of time. This section sets out the extra rights employees enjoy and how long you have to wait for them. You also still have all the workers rights described above.

### Rights from your first day at work

- You should be given a statement showing how much you earn and any deductions that will be made from your pay. (This is not the same as a contract of employment, although a contract of employment can contain this information.)
- You are entitled to 52 weeks' maternity leave even if you were pregnant when you started the job.
- You can take unpaid emergency leave for family emergencies.
- You can have time off for medical appointments if you are pregnant.
- You have protection from dismissal on some limited grounds including pregnancy, whistle-blowing and trade union activity.
- You have the right not to be discriminated against for reasons of your sex (including being pregnant), your race (including your nationality or national origin), sexual orientation, religion/belief, age, or any disability, or for being a member of a trade union.
- You have the right to take a trade union representative or fellow worker into a disciplinary or grievance hearing.
- You have the right for your trade union to be recognised by the employer to negotiate your working conditions if the majority of employees want it.
- You have a right to equal pay with members of the opposite sex doing the same or a comparable job to you.
- You have a right not to have deductions (apart from income tax and National Insurance) made from your pay unless you have agreed to them.
- You can claim breach of contract if your employer sacks you without giving you the agreed notice, or breaks some other term in your contract of employment.
- If you are paying National Insurance contributions, you can claim Statutory Sick Pay after you have been off sick for four days in a row.

### **Rights after a month**

- You must be given one week's notice of dismissal.
- You must be paid if you are suspended on medical grounds.
- You must be paid wages if you are laid off.

### **Rights after two months**

- You are entitled to a written statement of your terms of employment which must include your pay, hours, where you are expected to work, holidays and other benefits such as a pension entitlement. While the written statement is not a contract of employment, it is very important that you have one as it can be used in a court or tribunal if problems do arise.

### **Rights after six months**

- If you are pregnant and it is 15 weeks before your baby is due, you are entitled to 39 weeks' statutory maternity pay.
- You can request flexible working arrangements if you are responsible for bringing up a child aged less than six or less than 18 where the child has a disability.
- You may qualify for two weeks' paternity leave.

### **Rights after one year**

- You are entitled to claim unfair dismissal if your employer sacks you without a good reason or without allowing you to go through a proper dismissal procedure. You are also entitled to written reasons for dismissal from your employer.
- You may be able to request parental leave.

### **Rights after two years**

- You can claim redundancy pay if your job has ended and no one has been taken on to do it. The amount depends on your age, your pay and your length of service.

# ENFORCING YOUR RIGHTS

## Help and information

Employers deny you your rights for a mix of reasons.

Sometimes it is because they don't know what their responsibilities are. Sometimes it is because they have always managed to get away with it, but will back down if challenged. And sometimes it is because they rely on fear and exploitation to make their profits.

There is a legal remedy for all the rights described in this booklet.

But that does not mean it is always an easy process. Bad employers do victimise staff who insist on their legal rights. The best way to proceed is to take advice from your union, or if you are not a member find out the best one for you and your colleagues to join, and then take its advice. Otherwise contact an advice agency like the Citizens Advice Bureaux.

## Taking a case to an employment tribunal

Employment tribunals are a special kind of court that deals with employment issues. They are more informal than courts of law. Sometimes lawyers are involved, but in more straightforward cases people will use a union officer, someone from an advice agency or will decide to present their own cases themselves.

While some people have represented themselves successfully, we would not advise this. Changes in procedures that took place in 2004 have unfortunately made matters more complex and confusing. If you think you have a case to pursue, contact your union, or if you are not a union member then you should take advice about how to proceed.

It is important to understand that most complaints must be made within three calendar months of the event happening. This is extended to six months for redundancy issues.

WORKING

# UNIONS TODAY – YOUR FRIEND AT WORK

The TUC produces a range of free leaflets with more information about the rights at work that we have only described in brief in this booklet. You can get these from the TUC's Know Your Rights helpline on 0870 600 4 882. The TUC's world of work website [www.worksmart.org.uk](http://www.worksmart.org.uk) also contains detailed information on employment rights and health and safety at work.

Everyone has the right to join a union – it costs less than you think and your employer doesn't need to know you are thinking of joining up. The average cost of being in a union is only about £1.50 a week for part-timers and £2.50 for those working full time.

Joining a union can help you to get your rights, and to improve on them. Your boss doesn't need to know that you have joined, and anything you tell a union representative will be treated as confidential.

Many workplaces in the UK have long established trade union organisation. If there are no union members or organisation where you work, a union may well still want to help – especially if there are many of you with the same problems and you want to work together to solve them.

## **Better pay**

The best bosses sit down to agree a fair deal. Unions are democratic organisations, which give working people a strong voice at work.

## **Training**

Unions can help you do that course, get that training or study for that extra qualification. With the union's support, you can make it happen.

## **Health**

Everyone has worked in places where the boss tries to cut corners to keep costs down: union health and safety reps have the power to make employers protect their staff.

## **Opportunities**

Unions take on discrimination and aim to win opportunities for all.

## **Fairness**

With the union, you can win the same rights as everyone else, no matter how many hours you work. And if you get picked on, bullied or sacked, your best bet is calling on union support.

To find out more about how to join a union and which union is the right one for you, phone the TUC's Know Your Rights helpline on 0870 600 4 882, or visit [www.workSMART.org.uk/unionfinder](http://www.workSMART.org.uk/unionfinder).





## **CONTACTS**

## Emergency

Police, fire brigade and ambulance,  
T: 999 – call is free of charge

## General advice

### **Citizens Advice Bureau**

The Citizens Advice service helps people resolve their legal, money and other problems by providing free, independent and confidential advice, and by influencing policymakers. You can find your local bureau in a phone book or search on the Citizens Advice website:  
[www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

### **Adviceguide**

Adviceguide provides information on your rights, including benefits, housing and employment, and on debt, consumer and legal issues. Some information may be available in Polish.  
[www.adviceguide.org.uk](http://www.adviceguide.org.uk)

## Housing

### **Shelter**

Shelter provides independent housing information.  
Free housing advice helpline  
T: 0808 800 4444  
[info@shelter.org.uk](mailto:info@shelter.org.uk)  
[www.shelter.org.uk](http://www.shelter.org.uk)

## TV Licensing

Customer enquiries T: 0870 241 6468  
[www.tvlicensing.co.uk](http://www.tvlicensing.co.uk)

TV Licensing Refund Centre  
Customers enquiries T: 08705 763 763

## Gas and electricity supply

### **Energywatch**

Energywatch provides advice on gas and electricity supply.  
T: 0845 906 0708  
[enquiries@energywatch.org.uk](mailto:enquiries@energywatch.org.uk)  
[www.energywatch.org.uk](http://www.energywatch.org.uk)

## Water and sewerage

### **OFWAT**

Provides advice on your water supply and other water issues  
T: 0121 625 1300/1373  
Textphone: 0121 625 1422  
[enquiries@ofwat.gsi.gov.uk](mailto:enquiries@ofwat.gsi.gov.uk)  
[www.ofwat.gov.uk](http://www.ofwat.gov.uk)

## Health advice

### NHS Direct

Confidential service offering advice and information about health problems and services

T: 0845 46 47 (24-hours service)

You can ask for an interpreter to provide advice in your own language and their leaflets are available in your language.

### NHS Direct Online

Information about health services, medical conditions and treatment. Includes a search facility for your local GP surgeries, dentists, opticians and pharmacies.

[www.nhsdirect.nhs.uk](http://www.nhsdirect.nhs.uk)

## Specialist advice

### East European Advice Centre

Advice on housing, immigration, benefits and health, support and counselling.

Room 209 –210 Palingswick House  
241 King Street, London, W6 9LP

T: 020 8741 1288

[info@eeac.org.uk](mailto:info@eeac.org.uk)

[www.eeac.org.uk](http://www.eeac.org.uk)

### Kalayaan (for migrant domestic workers)

Kalayaan provides advice, advocacy and support services for migrant domestic workers in the UK. It offers advice on immigration and employment and also emergency assistance for clients who have recently left abusive employers. Kalayaan also provides training in accessing healthcare and other services and courses in English for speakers of other languages.

### St Francis of Assisi Community Centre

13 Hippodrome Place, London, W11 4NQ

T: 020 7243 2942 (Mon-Fri 10.00am-5.00pm)

F: 020 7792 3060

[info@kalayaan.org.uk](mailto:info@kalayaan.org.uk)

[www.kalayaan.org.uk](http://www.kalayaan.org.uk)

## Education

### Advisory Centre for Education

Information on all educational matters

T: 0808 800 5793

[enquiries@ace.dialnet.com](mailto:enquiries@ace.dialnet.com)

[www.ace-ed.org.uk](http://www.ace-ed.org.uk)

## **Adult education**

### **Learndirect**

Learndirect offers courses in basic computer skills, numeracy and literacy. Their website contains details of many other courses, which are not administered through learndirect.

Learndirect helpline T: 0800 101 901  
enquiries@learndirect.net  
www.learndirect.co.uk

### **The National Academic Recognition Information Centre**

Provides information on UK equivalent of your foreign qualification

T: 0870 990 4088  
info@naric.org.uk  
www.naric.org.uk

## **Immigration and Nationality**

### **Immigration and National Directorate**

www.ind.homeoffice.gov.uk

### **Immigration and Nationality Enquiries Bureau (INEB)**

Enquiries: Tel: 0870 606 7766

### **Application forms for residence cards and Registration certificates**

T: 0870 241 0645  
Textphone: 0800 389 8289

## **Driving**

### **Driver and Vehicle Licensing Agency (DVLA)**

All information about driving in the UK  
www.dvla.gov.uk  
T: 0870 240 0009

## **Benefits and tax credits**

### **HM Revenue and Customs**

Child Tax Credit and Working Tax Credit helpline

T: 0845 300 3900  
Textphone: 0845 300 3909  
www.hmrc.gov.uk

### **The Pension Service**

Service for current and future pensioners: provides support to pensioners and helps people to plan and provide for retirement  
www.thepensionservice.gov.uk

### **Jobcentre Plus**

Provides help and advice on jobs, training for people who can work and in some cases financial help for those who looking for work.  
www.jobcentreplus.gov.uk/JCP/index.html

### **Disability and Carers Service**

Supports disabled people and their carers, whether or not they work. It is responsible for delivering Attendance Allowance, Disability Living Allowance and Carer's Allowance.

[www.dwp.gov.uk/dcs](http://www.dwp.gov.uk/dcs)

### **Child Benefit Office**

Administration and payment of child benefit

T: 0845 302 1444

[www.hmrc.gov.uk/childbenefit](http://www.hmrc.gov.uk/childbenefit)

## **Fighting Discrimination**

### **Commission for Equality and Human Rights (CEHR)**

The CEHR is responsible for enforcing anti-discrimination legislation, promoting equality on grounds of sex, race, disability, sexual orientation, religion/belief and age, and human rights.

The number for disability-related questions in England is 08457 622 633 and for all other forms of discrimination in England it is 0845 604 6610.

There are separate helplines for Wales (0845 604 8810) and Scotland (0845 604 5510).

For more information see:

[www.equalityhumanrights.com](http://www.equalityhumanrights.com)

## **Employment Rights**

### **Employment Agency Standards**

#### **Inspectorate**

If you work for an agency that is treating you badly and you think it might be breaking the law you can report it to the government office that regulates agencies.

T: 0845 955 5105

### **Recruitment and Employment Confederation (REC)**

Some agencies (usually the better ones) are members of the REC, which sets standards for its members. If your agency has a REC symbol in its offices or on paperwork then you can complain to the REC if you think it is breaking employment law.

T: 020 7462 3260

### **Health and Safety Executive**

The HSE can provide advice and information on health and safety issues.

T: 08701 545 500 (8am-6pm)

### **National Minimum Wage Helpline**

T: 0845 600 0678

### **Advisory, Conciliation and Arbitration Service (ACAS)**

ACAS is a public body that promotes good workplace relations. Their national helpline answers employment questions and provides general advice on rights at work for employees and employers.

T: 08457 47 47 47 (9am-4.30pm)

### **Employment Tribunal Service Enquiry Line**

Information about making a claim or tribunal procedures

T: 08457 959 775



For more copies of this booklet please contact the  
TUC Migrant Workers Project – contact details below.

Aby otrzymać kopię tej ulotki w języku polskim, proszę napisać  
lub skontaktować się przez pocztę elektroniczną, używając  
poniżej podanego adresu, i podać swoje nazwisko i adres.

Citizens Advice is the operating name of the  
National Association of Citizens Advice Bureaux.  
115-123 Pentonville Road, London N1 9LZ  
Registered Charity Number: 279057

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