

## No-one should be made ill, injured, bullied, sexually harassed, assaulted or killed by work!

There are a number of laws which employers and others have a duty to comply with in the workplace. These ensure that we are not treated unfairly or subjected to conditions which will detrimentally affect our health. Laws like The Equality Act, The Health and Safety at Work Act, and various health and safety regulations.

## Workers who are 18 yrs and over

### Employee, worker or self-employed:

Most employment rights depend on your employment status: whether you are an employee, a worker or self-employed.

### Employees:

Employees have more employment rights, are entitled to a written statement of employment particulars within 8 weeks of starting employment and it has to include specific information. There is always a contract of employment between an employee and an employer and it includes expressed and implied terms. Things like pay, hours of work, holiday pay, sick pay, redundancy pay etc.

## Young Workers (16-17 years):

There are a number of employment rights all workers have when they start a job, but young workers – those under 18 years old – usually have a few additional or different rights to protect them at work.

### Key Points:

- Entitled to at least 48 hours of rest each week
- A daily rest break of 12 consecutive hours

- A rest break of at least 30 minutes if the working day lasts more than 4.5 hours
- Normally not work more than 8 hours a day and 40 hours a week
- Not normally work at night – however, there are some exceptions
- Entitled to be paid National Minimum Wage at relevant rate

**England only:** Young people who do not hold a level 3 qualification have to stay in education or training until they are 18 years old.

## Working Time Regulations

- A worker should not work more than 48 hours a week over a period of time. If anyone opts out of this, it MUST be entirely voluntary and in writing and workers can opt back in at any time.
- Workers are entitled to an uninterrupted rest break away from their work station of at least 20 minutes after 6 hours.
- Workers are entitled to a daily rest period of at least 11 consecutive hours between shifts/periods of work
- Workers should have a weekly rest of not less than 24 hours. (only modified by collective agreement)
- **All workers are entitled to a minimum of 5.6 weeks paid holiday a year (28 days for someone who works 5 days a week) this includes public holidays.**

## Night Work Limits

In general workers should not work more than 8 hours a night averaged over 4 months and employers must provide free health assessments.

Workers under 18 are not usually allowed to work at night, however, exceptions can apply in some circumstances. Younger workers may work during the night if they are employed in a hospital or similar workplace, or in advertising, sporting or cultural activities. Younger workers may work between 10 or 11pm to midnight and between 4-6/7am if they are employed in: Agriculture, retail trading, postal or newspaper deliveries, catering or

hospitality or a bakery. Where they can work as necessary to maintain continuity of service or production, or respond to demand for services or product.

## Health and Safety

Employers have a duty to ensure the safety, health and welfare of their employees. Many young workers will be unfamiliar with risks and the behaviours expected of them. They may need additional help and training to allow them to carry out their work without putting themselves and others at risk. This is why age limits are in place on using some equipment and machinery.

Employers have a duty to control the health and safety risks in their workplace by assessing risks and then eliminating or controlling them. They do this by deciding who and how people could be harmed by their activities and where possible the risks should be removed at source. If this is not possible then workers need to be isolated from dangerous work, work should be adapted to people, dangerous practices should be replaced by something less dangerous and collective protective measures prioritised. Personal Protective Equipment (PPE) should only be used as a last resort to control any residual risk. Workers should know what is in the risk assessments (RA) and be **trained in the safe system of work**. RA must be carried out for work involving: working at height, electricity, gas, fire safety, manual handling and lifting operations and equipment, noise, asbestos and hazardous substances, confined spaces, vibrations, working in compressed air, display screens, etc.

**There is also a duty on employees to take reasonable care to ensure they don't endanger themselves or others.** Employers must provide the right **workplace facilities** for everyone: including toilets, hand-basins and washing products, drinking water, clothes storage and if necessary somewhere to rest and eat meals.

## Workplace Stress

Under the Health and Safety at Work Act the employer has a duty to ensure the health, safety and welfare of employees. This is the same for mental and physical health. If you are experiencing occupational stress ask your safety rep to get the employer to carry out a stress RA. The HSE have developed a set of Management Standards to support employers with conducting a stress RA.

<http://www.hse.gov.uk/stress/standards/>

## Asbestos and Other Dangerous substances

Asbestos is one of the biggest workplace killers in the UK. Workplaces built or refurbished before 2000 are likely to contain asbestos. It is dangerous when it is disturbed or damaged. Other dangerous substances include diesel, pesticides, silica, dust, or organic and inorganic chemicals, elements like lead and arsenic, metals, biological agents, and bacteria. All exposure to hazardous substances should be assessed using COSHH (Control of Substances Hazardous to Health) Regulations and employers must prevent exposure to all substances assessed to harm workers health.

## National Minimum Wage and National Living Wage Rates:

The National Minimum Wage (NMW) From 1 April 2019. Most workers will be entitled to receive the NMW. Young people must be paid the rate for their age.

Apprentice under 19 or 19 and over in the first year of apprenticeship	£3.90
16-17 years	£4.35
18-20 years	£6.15
21-24 years	£7.70
25 years and over	£8.21

Some people are exempted and not entitled to the NMW, these include: self-employed.

volunteers or voluntary workers, company directors, family members or people who live in the family home of the employer who undertake household tasks.

All other workers including pieceworkers, home workers, agency workers, commission workers, part-time workers and casual workers must receive at least the NMW. The NMW is called the National Living Wage (NLW) for workers aged 25 and over

## Equality Act

All workers including job applicants and former employees have the right not to be discriminated against on the grounds of: age, disability, gender reassignment, marriage and civil partnership, race, religion and belief, sex, sexual orientation and pregnancy and maternity. Unlawful acts include direct and indirect discrimination, victimisation and harassment.

## Apprentices

Apprentices should have parity of terms and conditions with all other employees. All successful apprenticeships should progress to genuine employment.

Unions agree that particular attention should be given to the unique needs of apprentices and young workers. They should be given full training on health and safety, including relevant legislation and the programme reviewed and updated regularly.

Apprentices must be able to learn new skills in a safe environment. Apprentices and young people are especially vulnerable to health and safety risks as they are working in unfamiliar environments, often with unfamiliar equipment. Safe guarding employees from physical or mental harm is a major priority for unions. Unions should ensure the importance of health and safety in any apprenticeship scheme and in all training.

[www.unionlearn.org.uk/information-and-resources-apprentices](http://www.unionlearn.org.uk/information-and-resources-apprentices)

## International Workers Memorial Day

April 28<sup>th</sup> is an international day of action and remembrance for people who have been killed by work. In the UK over 50,000 people die each year as a result of work. The vast majority of those from work related diseases. The slogan for the day is 'Remember the Dead, Fight for the Living' and events take place all over the world.

### Some Interesting Dates

Day	Month	Title
5-6	Feb	2004 – Morecambe Bay cockle-pickers – 21 killed
15	Feb	2004 - Tebay railway– 4 killed
6	March	1987 – Herald of Free Enterprise Ferry, Zeebrugge – 193 killed
8	March	International Women's Day
	March	National Apprenticeship Week
15	April	1989 Hillsborough Stadium Disaster – 96 killed
24	April	2013 Rana Plaza factory, Bangladesh building collapse >1110 killed
25-26	April	1986 Chernobyl nuclear power plant disaster – 31 killed, 000's of additional cancer deaths
28	April	International Workers Memorial Day
	May	Mental Health Awareness Week
23	May	1984 – Abbeystead pumping station disaster – 16 killed
14	June	2017 – Grenfell Tower fire -72 killed
6-7	July	1988 – Piper Alpha oil platform explosion – 167 killed
22	Aug	1985 – Manchester air disaster flight 28M – 55 killed
21	Oct	1966 – Aberfan mining disaster – 144 killed
	Oct	European Health and Safety Week
	Nov	National Stress Awareness Day
	Nov	Anti-Bullying week
18	Nov	1987 – Kings Cross Underground station fire – 31 killed
2-3	Dec	1984 – Bhopal chemical disaster in India 20,000 killed
27	Dec	2006 - Morecambe Bay helicopter crash – 7 killed

## Useful Links to Employment and Health and Safety Information

- **ACAS – Employment Law**  
<http://www.acas.org.uk/index.aspx?articleid=1339>
  - **Alliance for Cancer Prevention**  
<http://allianceforcancerprevention.org.uk/>
  - **Greater Manchester Hazards Centre**  
<http://www.gmhazards.org.uk> – see below  
Facebook 'Greater Manchester Hazards Centre'
  - **Greener Jobs Alliance –**  
[www.greenerjobsalliance.co.uk](http://www.greenerjobsalliance.co.uk)
  - **Hazards Campaign and Conference**  
[www.hazardscampaign.org.uk](http://www.hazardscampaign.org.uk)  
Twitter @hazardscampaign  
Facebook 'We Didn't Vote to Die at Work'
  - **Hazards Magazine**  
[www.hazards.org](http://www.hazards.org)  
Facebook and Twitter @hazardsmagazine To subscribe from your branch or as an individual email: [sub@hazards.org](mailto:sub@hazards.org)
  - **HSE – Health & Safety Executive**  
[www.hse.gov.uk](http://www.hse.gov.uk)
  - **International Workers Memorial Day**  
resources and information  
<http://www.28april.org>
  - **LOCHER project**  
[www.safetygroupsuk.org.uk/campaigns/locher/](http://www.safetygroupsuk.org.uk/campaigns/locher/)
  - **From Pink to Prevention:**  
<https://frompinktoprevention.org/>
  - **Training Safe**  
Facebook : Training Safe  
App: Training Safe
  - **TUC Worksmart**  
[www.tuc.org.uk/worksmart](http://www.tuc.org.uk/worksmart)  
Joining a trade union -  
<https://www.tuc.org.uk/join-union>  
**TUC Risks -**  
<https://www.tuc.org.uk/news>
- Trade Union websites have lots of health and safety and employment law information.  
**Join a Trade Union – workers in a trade union organised workplace are twice as safe!**
- GMHC, Windrush Millennium Centre,**  
70 Alexandra Rd. Manchester M16 7WD  
Tel: 0161 636 7558  
Email: [janet@gmhazards.org.uk](mailto:janet@gmhazards.org.uk)

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Union Learning Fund  
with unionlearn

## Young Workers Guide

Are you a young worker in a part time job, on an apprenticeship, or are you a trainee, or in full time employment at the start of your working life?

## Unionlearn Charter for Apprenticeships:

An apprenticeship should:

1. Be a job with productive purpose
2. Be paid a fair rate
3. Ensure high quality training and clear individual development
4. Involve the trade union at every level of the programme
5. Ensure Apprentices have regular access to, and support from, trade unions
6. Be accessible to, and achievable by all
7. Be part of, and contribute to a Healthy and Safe environment
8. Have a commitment from the employer to complement the workforce, not supplement it.

See also **Unionlearn charter on Traineeships**

[www.unionlearn.org.uk/youngpeople](http://www.unionlearn.org.uk/youngpeople)