



Your Employment Rights

Everything you need to know





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1. Introduction

The average British student leaves university with a total debt of more than £17,000. From the ever increasing cost of tuition to housing costs and living expenses, it is no surprise that students will look for employment to help fund their time here.

This booklet has been written to help you with every aspect of working as a student, with a specific focus on issues affecting students working in St Andrews.

We hope you find it useful, but if you have any questions then please do feel free to get in touch.

James Shield
Director of Representation



2. Looking for work

2.1. Eligibility

The first thing you need to consider is eligibility. For most UK and EU students, this is a simple matter. You can take any employment, and may work and earn as much as you like. However, the Students' Association does not recommend that you work any more than 16 hours a week in total if you are on a full-time course, as this can seriously interfere with your studies.

Overseas students may face stricter criteria. Most students who require a visa will find that they are restricted to working 20 hours per week by law. Some may find that they face other restrictions. In general, students from outside the EU should take advice on their eligibility before seeking or accepting any offer of employment. For comprehensive advice on working in the UK, consult the Students' Association's *Employment Guide for International Students* or visit Student Support Services.

Home students should already have a National Insurance Number: this is a requirement to be allowed to work. If you do not know this number you can obtain it from documents such as payslips, P45 or P60 forms from previous employment. Alternatively, you can call the NI Enquiry Centre on 0845 6000 643 or go to:

www.dwp.gov.uk/lifeevent/benefits/ni_number.asp

EU and other overseas students should also use the contact details above to arrange to be issued with an NI number. You may require proof of your address, etc., and the procedure may take some weeks to conclude. You can normally work temporarily while this is being processed.

2.2. Types of work on offer

Most work available to students in St Andrews is in what might be called



'customer service' – working in bars, supermarkets, coffee shops, etc. The largest employers of students are the University itself and the Students' Association. These tend to be good places to work, since at least your employer should understand the demands of mixing student life with earning a living! Generally they offer relatively good working conditions too.

2.3. Finding a job

It's a good idea to begin as soon as possible. Many places will be looking to recruit before term begins, to allow time for training; some (such as the Students' Association) may even be looking for staff at the end of the previous term.

The internet is usually a good place to start with larger employers. If you have a job at home with a chain represented in St Andrews (for example, a supermarket) they might be able to transfer you or find out about vacancies.

Otherwise, for smaller firms, normally you will need to make contact in person. It helps to have a CV handy that highlights any experience you might have and gives contact details. If you don't have a term-time address yet, this won't always be a problem – but you must have some reliable way that employers can get in touch.

The University Careers Service runs a Job Shop for part-time student vacancies: this can be found at

www.st-andrews.ac.uk/careers/students/jobs/search

Other good places to look are in the local paper (the St Andrews Citizen) and the Job Centre, located on South Street near the West Port.



2.4. Accepting an offer of work

Assuming you have managed to find an offer of work, you need to consider whether to accept it. Before you do so, give some thought to whether the vacancy is really compatible with the demands of your course – are the shifts suitable? Are the expected hours too much? etc.

Don't accept unsuitable offers of work. This would include any offer of work that you suspect may break the law – for example, work that pays less than the minimum wage (see 'Pay and Other Rewards'), or appears to offer unsafe working conditions. Such offers can be reported to the authorities – details of how to do this can be obtained from the Students' Association or Student Support Services.

If you intend to accept an offer, let the employer know as soon as possible, preferably in writing. Make sure you know when you have to begin work, and if there is any training or paperwork you have to do beforehand. Many employers will prefer to get the necessary forms filled out beforehand. Some may have a formal induction session (which might even be paid) to attend to these details, but this is not compulsory. With smaller employers in particular, training and induction is likely to be 'on-the-job'.



3. Starting Work

3.1. Terms and conditions

When you start work, you should be given a statement of your terms and conditions of employment (the 'contract') to sign. Legally your employer *must* give you this within two months of your start date, but most will do so on your first day or two or even before you start work. You should read this carefully before signing and keep a copy for yourself. *Do not sign* if you have questions or doubts about anything in the terms and conditions. Instead, you should either ask your employer about these or seek independent advice.

Your statement of terms and conditions should include information about how much and how often you are paid, the method of payment, arrangements for all types of leave (holidays, sickness absence, etc), and notice periods. It may also include information about trade union recognition, pension arrangements, and other contract issues.

Before you begin work, you should also receive adequate training. In particular, you should receive instruction on any health and safety issues relating to your work. For example, you should be given information about cleaning products used, use of ladders, environmental hazards such as noise (especially if you work in a noisy bar), etc. This is vital both for your own health and safety and for that of your work colleagues and customers.

Your employer may have written risk assessments that you are expected to read and sign, perhaps included in a staff handbook. Smaller employers may give verbal instruction or keep other records. For some tasks, specialist training such as food safety instruction might be required. You might also require protective equipment for some jobs: your employer has a duty to supply this and to ensure it is in good working order.



For further information on health and safety requirements, see:

www.hse.gov.uk

You should also be given information about breaks, length and frequency of shifts, etc. There are legal restrictions that apply to these matters. For example, you are entitled by law to a twenty minute rest break if your shift is more than six hours long. The regulations governing working hours can be found at:

www.direct.gov.uk/en/Employment/Employees/WorkingHoursAndTimeOff/DG_10029451

Many employers will in fact offer more generous breaks than this. You should also note rest breaks should be taken away from the place of work, and that larger employers are required to provide a staffroom for this purpose.

If you feel that your employer is not complying with the law in any of these areas, we recommend you seek independent and confidential advice from sources such as the Students' Association, Student Support Services or your trade union (if you are a member).



4. Pay and other rewards

Your rate of pay will largely be a matter between yourself and your employer. However, there are some safeguards in place.

4.1. National Minimum Wage (NMW)

Your employer cannot pay you less than the National Minimum Wage. At present the NMW is:

Age	Hourly rate	From 1st October 2008
16-17	£3.40	£3.53
18-21	£4.60	£4.77
22+	£5.52	£5.73

Although certain classes of work are exempt from NMW (for example, student work placements that are part of a course) almost any work you are likely to undertake is covered by it. There are specific rules about how commission payments, tips, and so on count towards the NMW. You should make sure you are familiar with these.

If you are in doubt about whether you are receiving the NMW or want further information about it, you can call 0845 6000 678 or go to

www.direct.gov.uk/nmw

4.2. Other pay restrictions

Other than the age differential in the NMW, your employer cannot pay you a different hourly rate than another worker in the same job on the grounds of age, full-time vs. part-time status, sex, disability, etc. If you suspect that this is happening you should seek independent advice.



4.3. Deductions

There may be certain deductions made from your pay. These come in two types: deductions by the Inland Revenue (IR), and deductions by your employer.

Inland Revenue Deductions

These consist of income tax and National Insurance payments. Students, just as any other employees, are liable to pay both tax and NI on their earnings. However, employees can earn a certain amount before paying income tax – this is called the tax allowance. Presently, this is about £6,000 per year for an individual student with no other tax allowances. Earnings above this are taxed at 20%. This means that you may not have to pay much or any tax on your term-time earnings.

Crucially, however, you must let the Inland Revenue know about your earnings in order for your employer to apply the correct tax code. This means that you must complete and return to your employer a form P46 (or, if you have one from previous employment, a form P45) when starting work. If you do not do this, you may be placed in an emergency tax code and might wind up paying more tax than you need to. If this happens, you should be refunded the difference once your correct tax code is applied.

Further information about income tax and tax codes can be found here:

www.hmrc.gov.uk/incometax/tax-codes.htm

If you only work during the summer, you may not have to pay any tax at all. More details can be found here:

www.hmrc.gov.uk/payee/employee-student.htm

National Insurance is currently paid at the rate of 11% on all earnings between £105 and £770 per week. This is automatically deducted from your earnings and you do not need a code or other information.



Employer Deductions

Your employer is allowed to make certain deductions from your wages, either on their own behalf or on behalf of others. These include:

- Payments towards costs of uniforms or other equipment that becomes the property of the employee.
- Payments towards the cost of professional training, registration, etc.
- Payments towards stock or till shortages.
- Voluntary contributions to a pension scheme (if you are a member).
- Accommodation costs (if it is provided with the job).
- Legally required deductions on behalf of others such as student loan repayments, earnings arrestment orders, etc.
- Repayments on advances or overpayment of wages.

The first five of these require the consent of the employee. Your terms and conditions might contain information about deductions, so check carefully – if you sign the statement you may be giving consent. Normally deductions for anything other than the last three reasons cannot reduce your hourly rate below the NMW.

If you suspect your employer has made an unfair or unauthorised deduction from your payslip, you should seek independent advice in confidence.

Naturally, you should always be paid in full and without delay. If your employer cannot pay you on the usual date for whatever reason (e.g., bank holidays) you should receive your pay early, rather than late. If you incur bank charges, etc. as a result of being paid late your employer may be liable for these.

4.4. The payslip

You are entitled to a statement of your earnings (often called a ‘payslip’) every time you are paid. This should clearly list the gross amount earned, any deductions and for what purpose they are made (tax, NI, etc.) and the net



amount paid to you.

4.5. Additional income

As well as your basic wages, you may have other sources of income.

- If you are a parent and are working, you may qualify for tax credits – you should see Student Support Services for advice about applying.
- You may be given tips. As noted above, these may in some circumstances count towards the NMW, but often they will not. Many workplaces have a system for pooling and dividing tips amongst staff (sometimes called a ‘tronc’). Rules for this must be transparent and cannot discriminate unfairly.
- You may get bonuses or commission payments. Again, the rules for these must be made available, and the system for awarding them cannot discriminate on the grounds of age, sex, race, etc.

4.6. Paid holidays

All workers are entitled to paid holidays. This entitlement will accrue from the first day you work. A full-time worker qualifies for 24 days per year, and a part-time worker for the proportionate equivalent – so if you work two shifts per week for five months, you will qualify for four days’ paid holiday.

Some employers will include a holiday allowance in your rate of pay. For example, a bar might pay £5.73 per hour + 7.7% holiday allowance, giving you $£5.73 + £0.44 = £6.17$. This system is legal, but your employer should state clearly what the amount of holiday pay is – it isn’t enough to simply say that pay includes holiday pay.

At the end of a period of employment, you will be able to claim payment for any outstanding holiday leave that you are entitled to but haven’t taken.



5. Problems at work

Hopefully you will not encounter too many of these! However, the Students' Association recommends that students should consider joining a trade union, if your employer recognises one. This is by far the best way to receive expert advice and help if you encounter serious problems in the workplace.

5.1. Grievance and discipline

Problems in the workplace generally fall into two areas – discipline and grievance. If your employer is unhappy with your conduct, this is a disciplinary issue. If you are unhappy with your employer or another employee (for example, if you feel you are being harassed, discriminated against or otherwise mistreated), this is a grievance.

Your employer must have clear procedures to deal with both types of issue. These will usually, but not always, be written procedures. Regardless of the type of procedure used, you should be told how both disciplinary and grievance issues will be dealt with when you start work and given access to a copy of any written procedure.

The procedures themselves must allow you to be given notice of any meeting to consider these issues; to be given a written statement of any allegations to be discussed at such a meeting; to be accompanied to any such meeting; and to have the right of appeal against any decision.

Normally, however, you can expect almost all disciplinary and grievance issues to be dealt with relatively informally by your employer or manager.

For more about disputes at work, go to:

<http://www.acas.org.uk>



5.2. Dismissal

Your employer can dismiss you for several legitimate reasons:

- Your contract has come to an end.
- They no longer have work to offer you.
- You are or have become incapable of doing the job.
- You are guilty of serious misconduct or breaking the law.
- Any other 'substantial' reason.

You cannot be dismissed, however, for:

- Asserting your rights under the Working Time Directive, National Minimum Wage legislation, or any other statutory right.
- Joining a trade union.
- Raising Health and Safety concerns or asserting a right under H&S legislation.
- Any reason discriminating on the grounds of sex, race, etc. – e.g. pregnancy.

In addition, dismissals that don't follow the agreed discipline procedure (see above) will most likely be regarded as unfair or wrongful dismissal. Remember that your employer must give you at least the statutory minimum period of notice, which will depend upon how long you have worked for them.

If you are dismissed for reasons you consider to be wrongful or unfair – or are dismissed ostensibly for fair reasons, but you feel the real reason was an unfair one – you may be entitled to pursue the matter through an Employment Tribunal. You will need to seek expert advice on this. This can be obtained from a trade union, a lawyer, or Citizen's Advice.



7. Leaving

Eventually, for whatever reason, it's almost guaranteed that you will be leaving your employment. (It's quite common for students at St Andrews to take several jobs over the course of their degree.)

There are one or two things to note here. First, you should make sure you resign in writing, stating the date of your resignation. This is especially important if your contract does not have a date on which it ends. Without formal notice of resignation, your employer cannot send out your P45, which you will need when starting your next job. You should normally state your reasons for leaving, too – even if it is just that the term is over!

Make sure that you have given your employer sufficient notice – the required period is normally stated in your terms and conditions. Your employer might agree to take less notice than this, but they might insist on the stated period. If no notice period is stipulated, you should give a week's notice if you have been continuously employed for one month or more.

You should also give some thought to references. Future employers will normally want at least one employment reference – even if it is from a term-time job. You should approach the most appropriate person – normally your line manager – before you leave to confirm that they are happy to give you a reference. (If you have not given the agreed period of notice, they're unlikely to want to do so.)

Remember that employers have a legal duty to both referees and those seeking a reference to tell the truth. This means that employers should not attempt to threaten you with a 'bad reference' – but it also means that poor attendance or conduct issues in term-time jobs could affect your future.



Useful contacts

Student Support Services

Students' Association Building
St Mary's Place
St Andrews KY16 9UZ

sss@st-andrews.ac.uk
(01334 46)2720

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All information is believed to be correct at the time of going to press. If you've spotted any errors, please let us know by emailing union@st-andrews.ac.uk. Our thanks go to Iain Cupples at the Students' Association for putting this guide together.

www.yourunion.net/employment