PART FIVE WORKING LIFE

MODULE 18

BASIC EMPLOYMENT RIGHTS



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MODULE 18

Basic employment rights

So, you're entering the world of work!

You will probably be given a lot of information that sounds very formal or complicated including details about your pay, taking holidays and what happens if you're off ill.

As an employee you have certain statutory rights that employers are legally required to provide.

If you know about your rights, it will stop you from being treated unfairly or missing out on what you are entitled to.

"STATUTORY RIGHTS are what you are entitled to according to the law."

1. Right to a contract of employment

When you accept a job offer, you enter into a contract with the employer.

In brief, this is an agreement about what work you will do for the employer and how much they will pay you.

A contract of employment can be made either **verbally** or as a **formal written agreement,** or **partly both**. However, employers must provide employees and workers with a written statement of employment particulars **on or before their first day of work**.

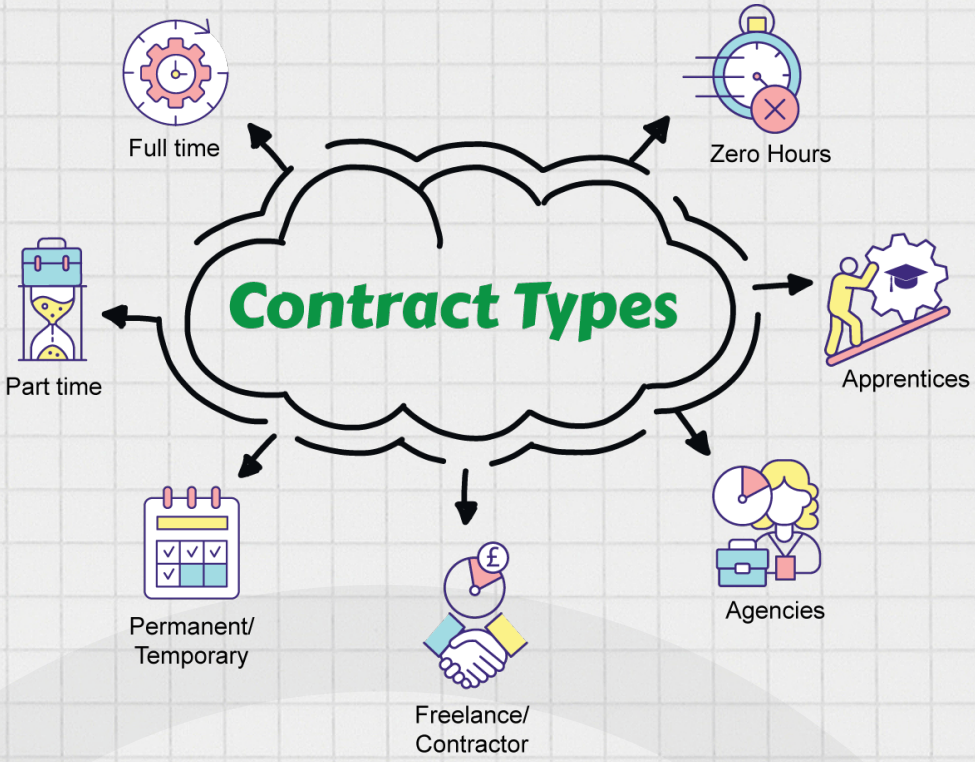
- **Information on pay.** This could be a yearly salary (sometimes referred to as 'per annum'), a weekly/monthly wage or an hourly rate of pay.
- **Terms of employment** (such as the start date and the length of the contract) are included. This helps to protect employees from being released from their job before the contracted period is completed.
- **The hours of employment.** This prevents employees from being asked to do overtime without payment and guarantees a minimum amount of hours each week.
- **Details of other employee entitlements** such as sick leave, holiday pay, and notice period.
- An **outline of disciplinary and grievance procedures**. This details what will happen if an employee gets into a dispute with their employer.

More details of these are covered in the following sections.

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WHAT TYPES OF CONTRACTS ARE THERE?

When you see jobs advertised, you'll see that there are a number of different contract types that employers offer. Here is an explanation.



FULL TIME

This is one of the most common types of contract and is usually permanent, although sometimes they can be temporary for a fixed period, for example, 12 months.

Hours for a full time contract can range between 35 to 40 hours a week (if you are aged 16-17 you must not normally work more than 8 hours a day or 40 hours a week.) You would earn either an hourly rate or annual salary, and usually entitled to employment benefits such as paid holidays, sick pay (if eligible) and a workplace pension.

PART TIME

Here, you would work fewer hours than a full time employee doing the same job. Your contract can be permanent or temporary, and you may be paid an hourly rate or an annual salary.

Part time workers should not be treated less favourably than full time workers. They are generally entitled to the same benefits, but these are often provided on a pro-rata basis.

Pro-rata means that benefits are worked out in proportion to the hours you work. For example, if you work 17.5 hours a week and a full time employee works 35 hours, you work half the full time hours. If the full-time employee receives 20 days' paid holiday, you would receive 10 days' paid holiday.

PERMANENT/TEMPORARY

Contracts can be permanent or temporary. Temporary contracts, sometimes called fixed term contracts, have an end date. Here, you would generally have the same rights and benefits as permanent employees, although some entitlements, such as holiday pay, may be worked out on a pro-rata basis.

JOB SEEKING SKILLS

FREELANCE/CONTRACTOR

This means that you work for yourself rather than being employed by a company, so you do not usually have a contract of employment. Instead, you agree the work you will do and how much you will be paid. You are not normally entitled to employee benefits such as paid holidays, Statutory Sick Pay (SSP) or a workplace pension.

You are responsible for paying your own Income Tax and National Insurance contributions to HMRC (tax office).

AGENCIES

With agency work, an employment agency finds temporary work for you with different companies. The agency usually arranges your pay, and you are entitled to paid holiday and other basic employment rights.

APPRENTICES

As an apprentice, you are employed and should receive a contract of employment. This will include details of your pay, holidays, working hours and other rights. Most apprentices work at least 30 hours a week, and apprenticeships often last several years.

ZERO HOUR

A zero-hours contract does not guarantee any set hours of work. You are only offered work when it is available, so your hours may vary from week to week. In many cases, you can choose whether to accept or decline the work offered.

2. The National Minimum Wage

The National Minimum Wage (NMW) laws apply to nearly all workers regardless of the type of work they do or the size or type of company they work for. You don't have to be working full time, or on employers' premises. It does not matter whether you are paid weekly or monthly, into your bank account, cash or in any other way.

You are entitled to the NMW if you are:

- employed by an agency
- a home worker
- a part time worker
- a disabled worker
- a casual worker or a worker on a short term contract
- a foreign worker
- a seafarer (except share fishermen)
- a trainee or probationary worker
- an apprentice
- an offshore worker.



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Note that you are not necessarily entitled to the NMW if you are:

- below compulsory school leaving age
- genuinely self-employed
- taking part in certain government employment programmes
- living in your employer's household, for example an au pair
- in the armed services
- a voluntary worker
- a student in further or higher education
- on a work placement of up to 12 months.

Agricultural workers have separate pay rates, set by the **Scottish Agricultural Wages Board.**

National Minimum Wage
Low Pay Commission

The Low Pay Commission, an independent advisory body, monitors the **National Minimum Wage (NMW),** called the **National Living Wage (NLW)** for those aged 21 and over, and advises the government on rates.

The National Living Wage (for those aged 21 and over) and the National Minimum Wage

The rates from **1 April 2026** are:

- adult rate 21 and over: £12.71 an hour
- age 18-20: £10.85 an hour
- under 18: £8.00 an hour
- the minimum pay rate for apprentices, including Modern Apprentices: £8.00 an hour.

The apprentice rate applies to:

- apprentices under 19
- apprentices aged 19 and over who are in the first year of their apprenticeship.

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3. Right to an itemised payslip

You are entitled to an individual, itemised, written pay statement (payslip), on or before your pay date.

Your payslip can be provided on paper, by email or through an online payroll system

We cover exactly what your pay statement should include in Module 21.

4. Right to time off work

HOLIDAYS

Apart from pay, this is usually what employees want to know!

Almost all employees are entitled to 5.6 weeks' (if you work full time 5 days a week this equals 28 days) paid holiday a year. This is known as **statutory leave entitlement,** but often referred to as annual leave or holiday allowance.

This amount is based on those working full time. If you work part time, your holiday allowance is calculated pro-rata depending on the number of hours or days you work.

There are also a number of **public holidays** throughout the year and an employer can include these as part of the statutory allowance. Some generous employers may give them as extra days!

WHEN CAN YOU TAKE YOUR HOLIDAYS?

When you can take your holiday is usually decided by your employer. When requesting time off, you should give notice.

This is twice as long as the amount of time you want off. So, if you want 5 days off, you must give 10 working days' notice to your employer. Where possible, it's good practice to try and give as much notice as possible. Your contract may state something different to this, and many employers will try and accommodate your needs.

Employers can:

- refuse a request for time off, but must give the correct notice period
- tell employees when to take holidays, for example during a Christmas shutdown
- restrict when leave can be taken, for example during particularly busy periods.



But, you will always be able to take your holiday allowance at some point during the year.

SICKNESS

Sometimes we get ill. It's a fact of life. But what happens when you are employed?

You can take time off work if you are ill and your contract of employment or your written terms and conditions will outline what you need to do if this happens. For example, who you need to tell and when.

General rules that apply

- ☑ If you are off sick for up to 7 calendar days, this is called self-certification. You do not normally need to provide medical evidence to your employer.
- ☑ If you are ill for more than 7 calendar days in a row, you will usually need to provide your employer with a fit note (sometimes called a sick note) from a healthcare professional.
- ☑ When counting the number of days you have been ill, you should include weekends, bank holidays and other non-working days.



Sick pay

You are entitled to sick pay when you are off ill, but how much depends on your employer and the terms of your contract.

Some employers offer occupational sick pay, which means you may continue to receive some or all of your usual wages while you are off sick.

If your employer does not offer occupational sick pay, you may be entitled to Statutory Sick Pay (SSP).

From April 2026, SSP is available to eligible employees regardless of how much they earn and can be paid from the first day of sickness absence. SSP is paid by your employer at 80% of your average weekly earnings or £123.25 per week, whichever is lower.

SSP can be paid for up to 28 weeks. The amount of SSP is set by the government and may change each year.

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5. Termination of employment and unfair dismissal

If your employer wants to end your employment, they will usually have to give you notice.

This should be at least the amount of notice stated in your contract or the legal minimum notice period, whichever is greater. Fixed term contracts normally end on an agreed date or when the agreed work has been completed.

THE STATUTORY MINIMUM NOTICE PERIOD IS:

- **at least one week's notice** if you've been continuously employed for between one month and two years
- **one weeks' notice for each complete year of service** if you've been continuously employed between two and 12 years
- **12 weeks' notice** if you've been continuously employed for 12 years or more.

The law for dismissal can be complicated, depending on the situation, but the types of dismissal include the following.



- **Constructive dismissal** – when you feel forced to leave your job because of the way your employer has treated you.
- **Unfair dismissal** – when you are dismissed without a fair reason or fair process.
- **Wrongful dismissal** – when your employer breaks your employment contract, for example by not giving the correct notice.

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There are situations where an employer is entitled to end your employment.

For example, if you lied about your qualifications, are unable to do your job properly, behave inappropriately at work, or if your job is made redundant, which we cover next.

Here are some examples of what you can and can't be dismissed for:

- ✗ You're looking for another job
- ✗ You've been late for work a couple of times
- ✓ You've been violent in the workplace
- ✗ You made one mistake in your work
- ✗ You're pregnant
- ✓ You have a long-term illness that prevents you from doing your job
- ✓ You are unable to do your job due to lack of skills or ability
- ✓ It's the end of your contract.

Also note, many jobs have a probation period, usually between 1 and 6 months.

Your employer may be entitled to dismiss you at shorter notice within this period. Details of any probation period and notice requirements should be included in your contract.

6. Redundancy rights

Redundancy happens when an employer needs fewer employees.

If employees are selected for redundancy, the process must be fair.

Employers may consider factors such as skills, qualifications, experience and performance.

Employers must not choose someone for redundancy because of their age, sex, race, disability or other protected characteristics.

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If you're made redundant, you might be eligible for certain things, such as:



- ☑ redundancy pay (if you qualify)
- ☑ a notice period
- ☑ consultation with your employer
- ☑ the chance to apply for suitable alternative jobs within the company
- ☑ reasonable time off to job search or arrange training.

If you find yourself in this situation, your employer should explain the process and your rights.

This is a lot of information to try and understand!

But remember, there is lots of information available online and in the workplace.

You just need to be aware of your basic employment rights and where you can get more information if you need it.

There are other employment rights that we haven't covered here, such as right to equal pay, right to a safe environment and right to parental leave, but you can find more information on these and everything else we've covered in the links below. You can explore more information in your own time.

Information for workers under 18



NMW information

The Low Pay Commission

General advice on employment rights from Acas

GOV.UK information on working, jobs and pensions

There are also a number of agencies that can support you with employment rights, such as your workplace union, Citizens Advice Scotland and Young Scot.

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Activity 1: Quiz

Have a go at the questions on the Activity 1 worksheet to reinforce some of the information you've read.

Activity 2: Case studies

Look at example case studies on the Activity 2 worksheet to see if you can answer some more in-depth questions.

Now you have learned about your basic employment rights, you can move on to

Module 19 - Employee behaviour in the workplace

Or click here to return to the main screen.

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