

Part time work: know your rights

Considering working part time, either as an employee or worker, self-employed, or in the gig economy? Know your rights so you can make informed choices about your workplace.

Many students are looking for work, to earn money and gain experience and skills. However, working conditions and rights can vary considerably from employer to employer. With recent well-publicised cases involving the gig economy and zero hours contracts, it can be difficult to know how to choose the employers and sector that best suits your needs. This leaflet summarises some of your working rights.



Workers and employees

All employees are workers but not all workers are employees. Employees have traditional contracts of employment, the employer pays tax and national insurance on their behalf, arranges the work for them, and can expect the employee to carry out the work in a certain way or at a certain time. An employee should provide the service personally rather than ask someone else to cover.

You may be deemed a worker if the employer has less control over when and where the work is done. Workers have some employment rights but not as many as employees.

Some basic employment rights for workers/employees:

- National Minimum/Living Wage: part time workers have the right to NM/LW pay rates no matter how many hours are worked
- Holiday pay: you are legally entitled to certain amount of paid holiday. This is currently 5.6 weeks a year, or a proportion of this for part time workers.
- Breaks: you are legally entitled to breaks, depending on your age and the length of shift. It is at the employer's discretion whether they pay you for your breaks. There should also be 11-hour break between shifts, and an entitlement to an uninterrupted 24 hours a week or 48 hours per fortnight.
- Employees, although not workers, have some additional rights, e.g. for sick pay and protection against unfair dismissal.

Self-employment

Self-employed people will get none of the rights above, and in addition will be liable for their own tax, national insurance, sickness and holiday arrangements, and insurance related to their work.

Students may work in a self-employed capacity in areas such as care work, sports coaching, personal training, blogging, or the creative industries.

Self-employment can offer flexibility and control over working hours and work taken on, but there is no guarantee of work, and time spent looking for contracts and organising finances considered.

For more information about self-employment go to <http://www.worcesterenterprise.org>

Zero Hours Contracts

More people than ever are being employed on a zero-hour contract basis. Also known as casual contracts, these enable employers to take people on without guaranteeing work. The employer is not obliged to offer you a minimum number of hours and you are not obliged to accept any hours offered. As they are considered 'workers' people on zero hours contracts have basic rights such as holiday pay calculated on hours worked, but unless they are 'employees' they will not be entitled to sick pay.

Zero hours contracts exist in many sectors, particularly hospitality, retail, warehousing, catering, and call centres – all areas where students find part time work. In theory they should offer flexibility to both employers and workers, as neither side is obliged to either offer hours, or to accept the hours on offer. In practice, the flexibility may suit some students but others would prefer the security of guaranteed hours.

The 'gig economy'

This is an expression used to describe a form of payment where instead of a salary you may be paid by 'gig', e.g. the delivery of food or a taxi journey. Some students found this beneficial as it offers flexibility and control as you can choose your own hours to fit in around your study commitments. However, these positions generally offer very little employment protection, such as unfair dismissal processes, redundancy payment, national minimum wage, holiday or sick pay. Many feel that companies have adopted these processes essentially to avoid the costs of conventional employment.

Unlike zero hours contracts arrangements, people working in the gig economy are generally treated as self-employed rather than as workers so are not entitled to holiday pay.

Top Tips:

- Get feedback from other students about what hours and take-home pay you might reasonably expect. Message boards and sites such as www.savethestudent.org can be helpful.
- Be aware of any upfront costs you may have to make, such as for uniforms, equipment etc. (don't get involved in any scheme involving a substantial outlay, such as franchises or pyramid selling)
- Check out your own insurance requirements, e.g. for your bike or phone.
- Consider your own health and safety. If it is cycle deliveries or nightclub promotion work be aware of your personal safety. Don't take on anything where you feel unsafe in any way
- For more information about how to protect yourself from scam jobs and find a part time job see our 'Quick Guide to Finding Part time Work'.

Further Information

www.gov.uk/pay-and-work-rights

www.citizensadvice.org.uk/work/

www.acas.org.uk

Quick guide to finding part time work. Available from Firstpoint or

https://www.worc.ac.uk/careers/documents/EAYL_Finding_Part_Time_Work_-Web_Version.pdf

If you would like to book a careers appointment, please visit:

<https://worchester.targetconnect.net>

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