



Employing People

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Below are the main obligations that a typical employer can expect to have to address. They are taken from a useful on-line checklist produced by Business Link (www.businesslink.gov.uk).

- Employers must take recruitment decisions in a fair and non-discriminatory way.
- Employers must check the eligibility of new staff to live and work in the UK.
- Employees' tax and NI contributions must be deducted from wages and paid to HM Revenue & Customs. If you are paying someone on a self-employed basis it is the employer's responsibility to ensure that this is their correct status or you could be liable for all their back tax and national insurance. The person saying they are registered as self-employed or are paid elsewhere on that basis is not enough. HM Revenue and Customs gives guidance but if you are unsure you need to get a decision from them. You can either contact them or use an on line decision making tool at www.hmrc.gov.uk/calcs/esi.htm
- Pay rates must comply with the National Minimum Wage regulations. Since 1 October 2010 these are £3.64 for 16/17s, £4.92 for 18-20s and £5.95/hour for over 21s.
- Employees must be provided with itemised pay statements.
- Employers must not make unauthorised deductions from workers' wages.
- Employers must pay statutory sick pay to all qualifying employees from the fourth day of incapacity onwards.
- Employers with five or more employees should establish whether they have an obligation to offer employees access to a stakeholder pension scheme.
- Employers must give workers a minimum of 5.6 weeks paid annual leave a year, i.e. 28 days for a worker working a five-day week which must be taken in a leave year. Business Link has a useful tool to calculate leave entitlement for part-timers.

- Employers must not ask workers to work an average of more than 48 hours a week unless they have given their voluntary consent in writing. Employers must provide correct daily and weekly rest periods, e.g. generally for over 18s they must work no more than six days out of every seven, or 12 out of every 14 and take a 20-minute break if their shift lasts for more than six hours.
- Employers must give employees time off work in specified circumstances other than annual leave (e.g. to deal with an emergency involving a dependant, or for antenatal appointments). Generally employees do not have the right to be paid for this time off but there are some circumstances when they must. Business Link has a simple table summarising the rights.
- Employers must give serious consideration to requests to work flexibly from employees with parental responsibility of children aged 16 and under, and disabled children under 18 as well as carers of certain adults.
- Employers must give employees a written statement of employment particulars within two months of their starting work.
- Employers must ensure that entitlements to maternity, paternity and adoption leave and pay (including unpaid leave) are correctly calculated and given.
- Employers must ensure that changes to employment contracts are discussed and agreed with employees or, where there is a collective agreement, with their representatives.
- Part-time workers must be treated no less favourably than their full-time equivalents, i.e. pay, holiday and other benefits must be the same but pro rata (e.g. a half time worker is entitled to 14 days paid leave a year). Fixed-term workers must be treated no less favourably than permanent workers.
- Employers must ensure that work of equal value gets paid at equal rates.
- Employers must not treat any workers less favourably because of their race, nationality, ethnic grouping, sex (e.g. in connection with maternity), disability, age, sexual orientation, religion or philosophical belief, membership or non-membership of a trade union or their marital status. This requirement must be met at every stage of employment including recruitment, promotion and dismissal.
- Employers must be prepared to make reasonable adjustments to enable people with disabilities to work.
- Employers must provide workers with a secure, safe and healthy working environment. A health and safety policy must be in place, and be in written form if there are five or more employees.

- Employers must ensure that valid employer liability insurance cover is in force at all times.
- Employers must ensure that their disciplinary/dismissal and grievance procedures are set out in each employee's statement of employment particulars. Alternatively the statement may refer the employee to a document where they may read the information, e.g. in a staff handbook.
- Employers must ensure that any dismissals are not unlawful or unfair.
- Employers must ensure that employees who are dismissed are given the correct notice period. Where redundancy applies, employees must be given the correct level of redundancy pay.

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