

Young Workers - Basic Employment Law Facts



National Minimum Wage

- 16-17 year olds a minimum of £3.57 per hour from 1st October 2009
- 18-21 year olds a minimum of £4.83 per hour from 1st October 2009
- 22 year olds and over a minimum of £5.80 per hour from 1st October 2009

Minimum Apprenticeship Allowance

- A full-time apprentice must receive a minimum training allowance of £95 per week (except apprentices over 19 who have completed one year of their Apprenticeship where they will need to be paid at least the National Minimum Wage)

Working Time Regulations

- 16-17 year olds "may not ordinarily" work more than 8 hours a day and no more than 40 hours per week (unlike adult workers, young people cannot opt out)
- For adult workers (18 year olds and over) the maximum is 48 hours per week, unless the employee chooses to work more hours
- Minimum paid holiday is 5.6 weeks per annum inclusive of bank holidays (28 days per annum if the employee is working 5 days per week)
- 16-17 year olds must receive 30 minutes rest break after 4½ hours of work and a minimum of 12 hours break between each working day. For 18 year olds and over there must be 20 minutes minimum rest break after 6 hours of work and a minimum of 11 hours break between each working day
- For 16-17 year olds the employer must provide at least 2 days off per week. For 18 year olds and over the employer must provide at least 1 day off per week or 2 days off per fortnight
- Young workers may not ordinarily work at night between 10pm-6am (or between 11pm-7am if the contract of employment provides for work after 10pm) - exceptions apply in some industries

Statutory Sick Pay

- An employee is eligible for sick pay if working for an employer under a contract of service (even if only just started) as long as the employee is sick for at least four days in a row (weekends and bank holidays are included) and if the employee is earning at least £95 a week on average
- The standard rate for Statutory Sick Pay is £79.15 a week

Other Information

- Employers' Liability Insurance is mandatory for all businesses
- All employees are entitled to an individual written payslip, at or before the time they are paid. The payslip must show gross pay, take-home pay and account for any deductions such as tax and national insurance
- A contract of employment is an agreement entered into by an employer and an employee under which they have certain obligations. All those taken on for one month or more are entitled to a written statement setting out the main particulars of their employment (issued within two months of the date the employment starts). This statement will not necessarily cover every aspect of the contract, but will cover the principal terms and conditions
- Under the "Right to Time Off for Study or Training" legislation, each young person aged 16 and 17 who has not achieved a Level 2 qualification (equivalent to 5 GCSEs) has the right to "reasonable" paid time off work to pursue this qualification
- It is an employer's duty to protect the health, safety and welfare of their employees. Section 2(3) of the Health and Safety at Work Act (1974) requires that employers of five or more employees maintain in writing a safety policy. This policy statement must include details of the organisation and arrangements for implementing the policy
- It is unlawful to discriminate, either directly or indirectly, against an individual at work or in recruitment, on the grounds of age, race, disability, colour, nationality, ethnic or national origin, religion or belief, or sexual orientation. There is no statutory requirement for employers to have an Equal Opportunities Policy, however any organisation should ensure that its recruitment and workplace policies are in line with the legislation covering these areas

Further Information

- Directgov Employment terms & conditions page: direct.gov.uk/en/Employment/Employees/index.htm
- ACAS "Delivering equality and diversity" acas.org.uk/CHttpHandler.ashx?id=1048&p=0

To contact Connexions in your borough visit mychoicelondon.co.uk and select Help Me

For information on Apprenticeships call **08000 150 600** or visit apprenticeships.org.uk