

All in a day's work

The UK Government has set a target of increasing the employment rate to 80%. Citizens Advice Scotland (CAS) supports the focus on improving the employment chances of marginalised groups. However, case evidence from the Scottish Citizens Advice Bureaux (CAB) Service shows that clients face a range of problems when in work that can make it difficult to sustain employment.

In 2006/07, bureaux across Scotland handled 47,388 issues relating to employment – 11% of the total number dealt with by Scottish bureaux and the third most common problem area brought to the service. Almost half of all of these queries relate to problems CAB clients face when they are *in* work – especially in relation to an employee's terms and conditions of service.

Changing conditions of work

Employees can have their working conditions changed at short notice, with little power to object if they want to keep their job. Although major changes in contract should be mutually agreed, employers tend to have the upper hand and CAB clients report the following issues:

- Working hours and shift patterns being changed with little notice, causing problems particularly with childcare arrangements
- Cuts in working hours with a corresponding reduction in pay

Holiday problems

Although most workers have a statutory right to paid holidays, concerns around holidays are a recurring issue, with clients reporting:

- Being told to take unpaid holidays at certain times of year
- Having to submit holiday requests six months in advance
- Holiday pay being refused
- Holiday entitlement being denied

|| *A South of Scotland CAB reports of a client who works in a local shop and was told without warning that it will close for the Christmas period. She was also told that, as she has used up all of her holiday entitlement, she will not get paid for this period. She has neither a written contract nor a written statement of her terms and conditions.*

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The Scottish Association of Citizens Advice Bureaux - Citizens Advice Scotland
(Scottish charity number SC016637)

Cuts in pay
and working
hours, no
holiday pay
and sickness
problems –
it's all in a
day's work
for many CAB
clients

**citizens
advice
scotland**

No contract

Additionally, a range of CAB clients report having no written contract at all, making it difficult for them to determine which of their rights have been breached, and how.

Pay problems

Other problems relate to getting paid the correct amount – both in terms of the national minimum wage (NMW) and in terms of hours worked. Some clients do not want to complain, even when they are advised of their rights, for fear of losing their job. Bureaux report the following issues:

- Young workers being exploited, working below the NMW combined with long hours of work. One young hairdresser was being paid £2.75 per hour for a 41.5 hour week
- Employers not paying for all of the hours worked – particularly with regard to migrant workers. Some get paid for the first few weeks and then not at all. Others report of months when they are not paid
- Seasonal workers such as fruitpickers being paid on a piece rate, rather than an hourly wage, and so falling below NMW. Some were working 55 hours a week, six days a week
- Employers failing to pay overtime rates
- Employers paying wages late causing their employees to incur bank charges

Sickness problems

One of the largest problem areas relates to sickness absence including payment of statutory sick pay (SSP). Generally, most employees will be entitled to some payment during illness either through their contractual rights, or through SSP. However, bureaux report the following issues:

- Employers disputing being notified correctly of the employee's sickness and refusing to pay SSP or contractual sick pay
- Employers terminating contracts due to sickness, but refusing to pay any SSP or sick pay during the notice period
- Employees simply receiving no pay at all during sickness periods despite their entitlement
- Employees being denied holidays due to their sickness absence

Enforcement of rights

While employees may have recourse to a remedy for breaches of terms and conditions – such as raising a grievance or through an employment tribunal - many are reluctant to pursue their rights due to the fear of losing their jobs. Often the jobs are low paid, casual employment and some employers rely on their employees' reluctance to enforce their rights individually, allowing the employer to continue with these unfair practices.

CAS calls for:

- The UK Government to create a 'fair employment commission' to help vulnerable employees secure their rights at work and better enable them to take up and sustain employment¹

¹ Rooting out the Rogues: Why vulnerable workers and good employers need a "fair employment commission", Citizens Advice England & Wales and Citizens Advice Scotland December 2007

Case evidence

|| *An East of Scotland CAB reports of a Polish client who is a bricklayer. He had not been paid for two months, nor has he received any holiday pay. Forty other Polish and Czech workers are all in the same situation.*

|| *An East of Scotland CAB reports of a male client who has worked for the same employer for five years. He does not have a written contract despite having asked repeatedly. He has had periods of sickness and wanted to know his sick pay rights. Other employees were paid differently and he was told it is because they have a different contract.*

|| *A South of Scotland CAB reports of a client who worked part time for ten years at her local supermarket which was then taken over by a new franchisee. The new employers have changed her working hours, which conflict with her child care responsibilities. She does not have a statement of her terms and conditions, but if she refuses to work these new hours she thinks she would be sacked. She would be unlikely to take up any unfair dismissal claim due to her ill health.*