



From the Action Plan to Reduce Rough Sleeping Among Central and Eastern Europeans in London comes...

HOW TO: Stop your clients being exploited at work

What is this guide for?

This guide is for those working with homeless people from Central and Eastern Europe (A8 and A2 countries) to enable them to give practical advice to clients who are being exploited, or are at risk of being exploited, at work.

Why use this guide?

A8 and A2 workers are often reluctant to challenge employers who are denying them their basic employment rights for fear of being replaced and labelled troublemakers.

However, in most cases there are steps that workers can take to enforce their rights that significantly reduce the likelihood of these risks. This guide gives ten top tips for workers to prevent and stop exploitation.

How does this guide work?

This page outlines a summary of the ten top tips that you can use to advise your clients how to stop exploitation at work. These tips are then explained in greater detail throughout the rest of the guide.

Top tips to stop exploitation at work

1. Ask for a written statement of the terms and conditions of employment
2. Read and understand the statement of terms and conditions before signing
3. Keep a record of all hours worked
4. Contact the National Insurance Contribution office if you suspect that the employer is not forwarding contributions
5. Keep a written record or diary if there are any issues or incidents
6. Know your basic rights
7. Know what you can do to enforce these rights
8. Use the employment tribunal system to put pressure on the employer to resolve the matter if these rights have been breached
9. Join a trade union
10. Know where to go to get information



Top tips explained

Tip one: ask for a written statement of the terms and conditions of employment.

All employees are entitled to a written statement and this should include, among other things, what the job is, rate of pay, hours, holiday and sick pay entitlements. Having something in writing can prevent many difficulties later on. As this is a legal entitlement you can enforce this right.

Tip two: read and understand the statement of terms and conditions before signing

This should always be done before signing the statement. As it is a legally binding agreement, a worker will be bound by the terms that he/she signs. For instance, workers have a legal right to work no more than an average of 48 hours in a week. However, if there is an opt-out clause in the statement which the worker signs, he/she will have signed away this right and the employer will have the right to insist that he/she works longer hours. If in doubt, seek advice.

Tip three: keep a record of all hours worked.

The most common reason for workers not receiving the full wages due to them is a dispute about the number of hours worked. It is essential, therefore, that if workers are required to complete timesheets they make sure they complete them on time and, if they can, keep a copy. If there is any reason to suspect that an employer may try to cut workers' wages then they should keep a written record of when they start, when they finish and any breaks that they have. Having written evidence lends a great deal of weight and credibility to a case as well as making it much easier to determine how much workers are owed. All employees are legally entitled to pay statements and workers should make sure that they keep them all.

Tip four: contact the National Insurance Contribution office if you suspect that the employer is not forwarding contributions

The way to do this is by calling: 0845 302 1479. Employees and workers earning more than the earnings threshold (currently £105 per week) are required to pay National Insurance which is 11% of gross earnings. Tax and National Insurance Contributions should be deducted from workers' gross wages by their employer. The employer should then forward on the contributions. Some disreputable employers do not do this, which means that workers will not be entitled to benefits if, for example, they become unemployed. Workers may also be accused of colluding with the employer and face a fine. If workers have kept their pay statements and these show that deductions have been made, the NI office will adjust the NI records accordingly. They will also pursue the employer for failing to forward the contributions.

Tip five: keep a written record or diary if there are any issues or incidents

Workers should keep a written record if, for instance, they think that they are being discriminated against or being asked to do things that are not within their contract of



employment. It is advisable that if workers are keeping a diary they do not keep it at their workplace.

Tip six: know your basic rights

You do not have to know employment law in detail, but you and your clients should have some awareness of basic entitlements at work. The details can be checked from a number of sources; see tip ten below for details. You should be aware that employees are entitled to the following basic rights:

- To be paid at least the Minimum Wage. They may also be entitled to tax credits;
- To limit their working week to an average of 48 hours;
- To have family friendly and flexible working including maternity and paternity rights, the right to request flexible working if responsible for young children, and unpaid time off to deal with family emergencies;
- To be treated fairly and not be discriminated against on the grounds of sex, race, disability, religion, sexual orientation and being a member of a trade union. No worker should be bullied or harassed at work;
- Not to be dismissed unfairly after one year;
- To work without any unnecessary risk to their health or safety.

Tip seven: know what you can do to enforce these rights

You can contact the following agencies who can give you guidance and take enforcement action on your behalf:

Minimum wage helpline - 0845 600 0678

Health and Safety - 08701 545 500

Employment Agency Standards Inspectorate - 0845 955 5105.

These agencies will keep your enquiries confidential, and will not contact any employer without consent.

For other employment issues there are minimum basic procedures that employers and employees have to follow. It is often best, if possible, for the worker to try to handle disputes at the lowest level possible, usually by having a word with their supervisor or manager. This is where having documentary evidence is important as it shows the employer that they do have firm evidence to support what they are saying and that they are addressing the issue responsibly and seriously. If this does not resolve the issue, for instance, if the employer ignores their request, they will then have to take more formal action by raising a grievance in writing. Their employer is bound, by law, to respond by organising a meeting to discuss the matter.

Tip eight: use the employment tribunal system to put pressure on the employer to resolve the matter if these rights have been breached

A worker can only apply to an employment tribunal if he/she thinks that his/her employment rights have been breached. He/she needs to show that he/she has tried to settle the matter with the employer by raising a grievance as outlined in the above paragraph. He/she needs to make an application to an employment tribunal within 3



months of when the matter he/she is complaining about occurred. If the employer knows that there is an employment tribunal pending it can focus them on resolving the matter quickly.

Tip nine: join a trade union

All workers are entitled to join a trade union. Unions have the legal right to represent workers at disciplinary and grievance hearings. However, workers should not wait until trouble at work arises, as most unions will only provide full representation after they have been a member for a certain period, often for more than 13 weeks. Workers are well advised, therefore, to join a trade union as soon as possible if they want to benefit from the full range of union services.

Tip ten: know where to go to get information

Useful sources include–

- The **Vulnerable Workers' Project** has produced a booklet on information about employment rights, available in English and Polish, at www.vulnerableworkersproject.org.uk
- The **TUC** has produced a guide to help today's working people get the best out of the world of work on www.worksmart.org.uk
- **Directgov** is the official government information website which includes lots of useful information on employment rights and related topics at www.direct.gov.uk/employment
- **BERR** has produced a leaflet on the employment rights of agency workers www.berr.gov.uk
- The **Gangmasters Licensing Authority** has produced information on workers' rights in Polish, Slovakian, Hungarian, Lithuanian, Latvian, Bulgarian and Romanian www.gla.gov.uk
- The **European Job Mobility Portal** is an EU website that can be used to learn about rights and entitlements for different nationalities www.europa.eu.int/eures/.

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What are you doing?

We hope that you have found this information useful. If you are supporting A8 and A2 nationals who are being exploited please tell us your experiences by emailing Joanne.Crellen@homelesslink.org.uk.

