

**81) EMPLOYMENT LAW** - The latest in a series of articles by Iain Gregory of Caithness CAB

I am writing this piece early because, very unusually, I am taking a week off from CCAB. This means that Liz will be in full command 24/7 and Jill will have time to regroup ready for my return. I understand that a number of tasks await me at home and there will be close supervision. I foolishly mentioned the European Working Time Regulations, Collective Bargaining, Minimum Wage and my right to raise an Official Grievance, but this was dealt with by a couple of simple threats relating to withdrawal of labour on the domestic front so I decided that picketing would be unwise.

At CCAB we are seeing a surprisingly large number of employment cases and it is worth covering some of the basics for employees and employers alike.

For a start there is a minimum wage and it must be paid. From 01/04/19 the position is that a worker aged 25 or over is entitled to £8.21 per hour; aged 21 or over, and entitled to standard rate of NMW, £7.70; aged 18 to 20 £6.15; aged 16 & 17 £4.35 and apprentices under 19 or 19 or over in first year £3.90. Whilst this seems simple, there are of course one or two complications, so if you are an employer, or an employee, and need clarification, the first step is to call ACAS (Advisory, Conciliation and Arbitration Service) on 0300 123 1100. And a word of warning – there are a lot of operators online using the word “ACAS” in their address and giving different phone numbers, for which you will be heavily charged. Make sure you use the correct one.

Secondly, we often see people who have been unfairly dismissed, or who have perhaps not been paid properly or who believe that they are victims of discrimination, and the ultimate authority to deal with this is HMCTS (in other words an Employment Tribunal). If you want to go to a tribunal then there are strict time limits – basically, you have three months minus one day to seek “Early Conciliation” via ACAS and this is a mandatory process. There is nothing at all to be frightened of. The paperwork is simple and the Judges are approachable and understanding. If you have issues then ACAS (and of course CCAB) can advise you.

Another area, which leads to numerous problems concerns contracts. Clients often tell us they “do not have a contract” because there is nothing in writing. Rest assured that you do. If an employer offers to pay you for work and you agree to carry out the work in return for payment, then a contract exists and you have rights. On that note, we regularly see people who are told that they “are on a zero-hours contract”, but with a bit of careful examination of the facts we will maintain that, whilst someone might have started out on such a contract, the facts and circumstances have changed and that a Tribunal Judge may support that view. Frankly, I personally believe that these types of contracts should be banned in Scotland and I hope they are.

Employment Law is complex but help is to hand – for employers and employees – and there are some excellent downloadable guides available at ACAS. (Just make sure you only go to the official site).

And finally I strongly recommending joining a Trade Union – I am going to try showing Liz my card (without much hope