



Employment Rights – information and resources

Employment is a complex area of law. Whilst we cannot provide specialist employment or legal advice, we can provide general advice and information about employment rights and can direct you to further resources, including other advice providers. This guide is for information about the most common employment issues and contains useful links to more detailed information on a range of reputable websites.

If you cannot find what you are looking for, please get in touch and we will attempt to direct you to the information you require.

Check your employment status

Your employment status determines your **statutory employment rights** and the legal responsibilities of your employer. Your statutory employment rights are the rights you have in law. These include things like your entitlement to paid holiday, to the National Minimum Wage, and to written terms outlining your job rights and responsibilities.

Sometimes your employer might say that you do not have certain rights, or they might say that your employment status is not what it actually is. This is more common in the ‘gig economy’ and for those who are self-employed or on zero hours contracts. If you're on a zero-hours contract you could be either an employee or a worker and you will have some statutory rights.

There are 3 main types of employment status which determine your employment rights. These are Employee, Worker and Self-employed.

All employees are workers; however, an employee has additional employment rights.

Even if you are not classed as a worker or employee, you may have rights relating to [working hours and rest breaks](#) and other aspects of working.

Check out the links below to the Gov.uk and ACAS websites for more information.

[Employment status: Overview - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

[Zero-hours contracts - ACAS](#)

[Types of employment status: Checking your employment rights - ACAS](#)



If you are unsure of your employment status, you can [contact the ACAS Helpline](#).

Contractual rights

Your contract may give you additional rights to your statutory rights, for example you might be paid more than the statutory minimum wage and have more holidays.

Contractual rights cannot take away (or lessen) statutory rights.

An employment contract does not have to be written down.

See [Employment contracts: Overview - GOV.UK \(www.gov.uk\)](#)

Apprenticeships

There are different types of apprenticeships. Generally, higher education students who are apprentices are studying on **Degree Apprenticeships**. Degree apprentices are employees and have the same rights as other employees, including paid holidays.

[Degree apprenticeships - guide for apprentices - Office for Students](#)

[Apprentice rights & responsibilities - agreements & commitment statements \(ucas.com\)](#)

[Employing an apprentice: Pay and conditions for apprentices - GOV.UK \(www.gov.uk\)](#)

Work experience, work placements, and internships

Internships are sometimes called work placements or work experience. These terms have no legal status on their own. The rights that someone undertaking an 'internship' has depends on their [employment status](#). Someone doing work experience or an internship might have the [rights of either an employee or worker](#), or neither of these statuses, depending on what terms they have agreed with their employer, whether they are paid, and how any written agreement or documents provided by the organisation compares to the reality of their working relationship in practice.

If you are doing a placement as part of your course and you are not sure what your employment status is, or what your rights are, please [contact us](#)



[for advice](#), as there are many different types of placement arrangement, and we would need to check your individual situation.

See also:

[Employment rights and pay for interns - GOV.UK \(www.gov.uk\)](#)

[Working hours and pay during work experience: young workers, apprentices and work experience - ACAS](#)

Agency workers

For information about your rights as an agency worker, see:

[Your rights as an agency worker: When you're an agency worker - GOV.UK \(www.gov.uk\)](#)

[Agency workers – ACAS](#)

Pay

The National Minimum Wage

The National Minimum Wage is a minimum set rate of pay for all workers. The National Minimum Wage is the minimum pay per hour workers are entitled to. The National Living Wage is higher than the National Minimum Wage - workers get it if they're aged over 23.

See this link to visit the Government's website for more information and to calculate how much you should be paid per hour: [National Minimum Wage](#)

Current rates from April 2023 are below

These rates are for the National Living Wage (for those aged 23 and over) and the National Minimum Wage (for those of at least school leaving age). The rates change on 1 April every year.

	23 and over	21 to 22	18 to 20	Under 18	Apprentice*
April 2023	£10.42	£10.18	£7.49	£5.28	£5.28

*Apprentice national minimum wage amounts:

The current [National Minimum Wage rate](#) for an apprentice is £5.28 per hour.



Apprentices aged 19 or over and who have completed their first year will be entitled to the [National Minimum Wage or National Living Wage rate](#) for their age.

If you are paid less than the published minimum wage, you can make a complaint to HM Revenue and Customs (HMRC) - see this link for information on how to submit a complaint:

[Pay and work rights helpline and complaints - GOV.UK \(www.gov.uk\)](#)

Income Tax and National Insurance

Generally, you will only have to pay tax if you earn over £1,042 a month and National Insurance if you earn over £190 a week.

If you are an employee, tax and National Insurance will be deducted directly from your wages by your employer.

International students, please see the information on the Gov.uk website about [tax on foreign income page](#) and scroll down to 'if you work in the UK'. Also, see the link below for details of how to apply for a National Insurance number.

See the websites below for more detailed information about paying tax and National Insurance:

[Student jobs: paying tax - GOV.UK \(www.gov.uk\)](#)

[Students | Low Incomes Tax Reform Group \(litrg.org.uk\)](#)

[Apply for a National Insurance number: Who can apply for a National Insurance number - GOV.UK \(www.gov.uk\)](#)

Starting a new job and 'starter declaration'

It is important you give the correct information to your new employer, so you pay the right amount of tax before they complete their first payroll for you.

There is a checklist you can use to help you with this, if:

- you have a student or postgraduate loan
- your personal details are different to those shown on your P45
- you do not have a P45



- you have been sent to work temporarily in the UK by your overseas employer

See this link [Starter checklist for PAYE - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

Right to work in the UK

Before you start a job, you will need to [prove your right to work in the UK](#). This is the case for everyone, including British and Irish Citizens.

If you are an **International Student**, you must always follow any restrictions on your visa relating to work. Seek guidance if you are unsure what your restrictions are. The Students' Union Advice Service does not provide immigration advice, so cannot advise you about anything concerning your visa. If you have any questions about your right to work, please contact the University's [International Experience Team](#).

See this information on working for international students on the University's website:

[International Students | Sheffield Hallam University \(shu.ac.uk\)](https://shu.ac.uk)

The UK Council for International Student Affairs (UKCISA), has lots of information for international students:

[UKCISA - international student advice and guidance - Information & Advice](#)

If you cannot find the information you need after looking at their website, you can contact them for advice.

See [UKCISA - international student advice and guidance - Contact us](#)

Applying for jobs and job scams

If you are looking for work you could start your search at the University's [Careers and Employment Centre](#). They can help you find a part-time job while studying, a temporary job during vacations and assist with graduate employment, as well as providing tips and support with [CVs / application forms and interview techniques](#).

You can also use the 'Find a job' service on the [government's web page](#) to search and apply for jobs.

You might also like to look at local newspaper adverts, online advertising services or job agencies in the local area.



However, remember if something looks too good to be true it could be a scam. See this informative article produced by Which for more information.

The article includes:

- What does a job scam look like?
- What shouldn't I put on my CV?
- And what to do if you fall foul of a job scam

[Job scams and employment fraud – Which?](#)

Time off work

For information about time off work, including for holidays and sickness, and maternity, paternity, shared parental leave and adoption leave, see the GOV.UK information on [time off](#).

Maternity rights and pay

[Maternity pay and leave: Overview - GOV.UK \(www.gov.uk\)](#)

<https://maternityaction.org.uk/advice/maternity-and-parental-rights-for-apprentices/>

[Home - Maternity Action](#)

[Women from abroad, maternity rights and benefits - Maternity Action](#)

[Maternity Rights Advice Line - Maternity Action](#)

[Working Families | Pregnancy and maternity for students: a guide to benefits - Working Families](#)

Discrimination

If you experience discrimination, bullying or harassment at work, there are steps you can take. See the [ACAS information on discrimination](#) for more details and do [contact us for advice](#) if you are experiencing this at work or on placement.

Dealing with problems in the workplace

There is information on the ACAS website about [dealing with problems in the workplace](#), including if you decide to take a case to an employment tribunal. It is important to keep records of when the issue(s) occurred and what has happened - and to seek advice and act promptly - as there are strict time limits for making a claim to an employment tribunal. In most

Advice & help

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cases, you have 3 months minus 1 day from the date the problem at work happened.

Useful contacts

ACAS [Work and employment law advice | Acas](#)

Citizens Advice [Citizens Advice - Work](#)

Student Advice Centre [Students' Union Student Advice Centre](#)

Trade Unions - If you are a member of a Trade Union, you can seek advice and representation through your union.

Please note:

The information in our guides and on our website is given in good faith and has been carefully checked. It is for information only and is based on our current understanding of the relevant rules and regulations. However, the Student Advice Centre cannot accept responsibility for any action that you take based on the information provided.

If you require this information in an alternative format, please contact the Student Advice Centre on 0114 225 4148 / 4111.

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