

Revision Summary Chapter 26

Employment rights, and health and safety

- The majority of workers over school age are entitled to receive the national minimum wage.
- The provisions of the NMWA 1998 can be enforced by an action for breach of contract, in an action for an unlawful deduction of wages, and via an enforcement notice issued by HM Revenue and Customs. Failure to pay the national minimum wage can also result in the commission of a criminal offence.
- The Transfer of Undertakings (Protection of Employment) Regulations 2006 provide that, if the transfer is a relevant transfer, the employees' contracts of employment are transferred to the new owner.
- All pregnant employees are entitled to twenty-six weeks' ordinary maternity leave and another twenty-six weeks' additional maternity leave. For thirty-nine of these weeks, they are also entitled to receive statutory maternity pay. Mothers are now able to transfer part of their maternity leave to their partners as shared parental leave.
- Ordinary paternity leave of up to two weeks, and additional paternity leave of up to twenty-six weeks, is currently available to fathers, provided that they have served at least twenty-six weeks' continuous service.
- The employer owes a duty of care to all of his employees to (i) provide competent fellow employees; (ii) provide safe equipment and premises; (iii) provide a safe system of work; and (iv) protect the employees from psychiatric illness.
- Breach of the duties contained in the Health and Safety at Work etc. Act 1974 constitutes a criminal offence. The Act provides no civil remedies.
- The Working Time Regulations 1998 provide that a worker's working week should not exceed an average of forty-eight hours per week across the reference period (which is normally seventeen weeks).