

SUPPORT@WORK

E Bulletin May 2007

Holidays/ Holiday Pay - Hot Topic Training - 21st June

The most frequent issue that has been raised with us by clients within the last six months is entitlement to paid holidays and the calculation of holiday pay. The other associated issue is the calculation of pay in lieu of paid holidays when a client leaves a job and has outstanding holidays.

It is clear that holidays/ holiday pay is such a big issue and clients are so uncertain of their rights that we have decided to organise training on this one topic.

The training is aimed at all front line advisers and support workers,

Support@Work Holiday Pay training session on Thursday June 21st , 10.30 am till 12.30 pm, at Capital City Partnership, 1-3 The Canon Mill, Edinburgh, EH3 5HE

An employee is entitled to four weeks holidays within a leave year. The training will explain the concept of a leave year and the ways in which this can differ from a calendar year.

In recent months we have had queries from clients who have been informed by their employers that although they are entitled to holidays they will not actually be paid for their holidays. Instead holiday pay will be incorporated within their hourly rate. The training will examine the legalities of this and show when it can be legal and when it may be illegal.

We will also deal with holidays and part time workers - and holidays as a health and safety measure.

To register for this free event email your contact details to info-etuc@btconnect.com or call Karen on 0131 556 3006 or 7318. Names and registration will be confirmed on a first come-first served basis.

Support@Work Helpline

Here is a sample of some phone calls to Support@work asking questions about rights at work. Our answers follow.

Q) I am considering applying for a job. I have read the details of the job application form and note that it states that I will have to provide a written reference from my last employer. My last employment was some time ago. I do not know if my old employer will give a reference and if he does what sort of reference it will be. What are my rights to a reference?

A) An employer is not legally obliged to give a reference but if he does you have a right to a fair reference. You have the right to see the written reference that your old employer will give. None of the information in this reference should be a surprise to you. If your old employer refuses to give a reference this should not be held against you.

Q) I do not think that I have been paid for all the hours that I worked during the last two months. I have been working as an office cleaner. How can I get all the money that I am owed?

A) The first step is look at all your wage slips for the two months and work out how many

hours for which you were paid. You should then look at your diary and work out how many hours you worked over the periods covered by your wage slips. If there is a discrepancy between your hours and the hours on the wage slips you should then total the hours for which you were not paid. If you multiply these hours by your hourly rate of pay you can work out how much you are owed (subject to possible deductions for tax and insurance). If you can pinpoint the exact days for which you were not fully paid that will strengthen your claim from your employer.

Once you have worked out all the details you should write to your employer specifying how much you are owed and illustrating how the sum was calculated. Hopefully you will be paid. If you do not get paid you should seek advice from a specialist employment rights adviser.

Q) I have to attend a disciplinary hearing at work and I wish to be accompanied by my father who also works for the same employer. My line manager refuses to allow my father to be present at the hearing as she considers it to be inappropriate. Is this right ?

A) You have a legal right to be accompanied at a disciplinary hearing by a trade union official or a work colleague. Your manager has no right to stop you from being accompanied by a work colleague who is also your father.

European Week for Safety and Health at Work 2007

22nd – 26th October 2007

This year's campaign slogan is '**Lighten the Load**' and is dedicated to musculoskeletal disorders (MSDs).

Back disorders are the most common form of ill-health disorders at work, in the UK and across Europe. They affect around 1.0 million people in Great Britain each year. Problems include joint injuries, repetitive strain injuries (including work-related neck and upper limb

disorders) and lower back pain. Raising awareness, prevention and management are all key factors in reducing MSDs. One of the most common MSD complaints is backpain.

Backpain - advice for Employers and workers

Here is a list of simple do's and don'ts that will help you deal with back pain.

Do's

Do stay as active as usual, if possible. But see your doctor if you are worried about the back pain or if the pain persists or suddenly gets worse.

Do take simple pain relief to help with the pain.

Do speak to your employer and your workers' representative, your safety representative or a trade union safety representative who can relay your issues to your employer and if necessary, discuss what can be done to help you stay at work and aid improvement.

Do look at reducing strain on your back through better systems of work.

Do manual handling training and use handling aids.

Don'ts

Don't take to your bed and wait for the pain to go away. The sooner you get back to normal activity the better.

Don't worry. Back pain is rarely serious and unnecessary worry delays recovery.

Don't avoid activity simply as a way of avoiding the pain - hurt does not always mean harm.

Published by Support@work, The Basement, 26 Albany Street, Edinburgh. Tel: 0131-556-3006.