

## Migrant workers – rights at work

### Who is this fact sheet for?

This fact sheet gives information about your rights at work.

Almost all workers have rights at work. This includes migrant workers who have come from abroad to work in the UK. Migrant workers often work in hotels or restaurants, food processing, fruit picking and shellfish gathering.

However, if you don't have permission from the immigration authorities (**UK Border Agency**) to work in the UK and are working illegally, you will have very few rights. If you're working in the UK illegally, or aren't sure whether you have permission to work here, most of the information in this fact sheet won't apply to you. You **must** get advice as soon as possible from an expert adviser.

If you're from a European Union country, you do not have to get permission to work in the UK unless you are from Croatia (from 1 July 2013). If you're from Croatia, you have to be registered under the Workers Authorisation Scheme before you can work in the UK. You should obtain a purple registration certificate before you start work.

### Your rights at work

Workers have rights because there are laws about how the person you work for (your **employer**) is allowed to treat you. There are things you can do if your employer breaks the law. However, if you're a migrant worker and you try to sort out a problem at work, you're more likely to be at risk than other workers of losing your job, any accommodation which goes with it and even your right to stay in the UK.

The rights explained in this fact sheet might not be the only rights you have. To find out more, you should get advice (see below).

### The right to a minimum wage

There are rules about how much an hour your employer must pay you. The very least they must pay you is an amount called the **National Minimum Wage** (NMW). This will depend on your age. If you are doing agricultural work, for example, crop or fruit picking, the rules about how much you should get are slightly different from other types of job.

Your employer must give you a pay-slip, telling you how much you have been paid. You might find that your employer takes money from your wages for things like your accommodation, meals, training, the cost of travel to work, or the cost of travel to the UK. They might also be taking money from your wages to pay off the costs of arranging the job for you. There are rules about how much money your employer can take from your wages to pay for things like these, and there is a set amount of money below which your wages must

not go. There is a maximum amount for accommodation which can be taken into account when calculating whether you are getting the NMW.

If your employer is taking money from your wages for accommodation or training, they can only do this if you have agreed to it in writing. But even if you have agreed to this, your employer is not allowed to pay you less than the NMW. If you think you aren't being paid all the money you are owed, you should get advice.

If you need further advice on the National Minimum Wage, you can call the Pay and Work rights helpline on 0800 917 2368. The helpline is confidential and you can get advice in different languages.

### **The right to work a maximum number of hours a week**

There are rules about the number of hours you are allowed to work in a week. You should not have to work more than 48 hours a week, unless you have agreed this with your employer in writing. You cannot be forced to work more than 48 hours a week. You also have the right to a break during the working day and days off during the week. There are special rules for people doing agricultural work. If you think you're working longer hours than you should be, you should get advice (see below).

### **The right to paid holiday**

You are entitled to 5.6 weeks' paid holiday from work each year. This means that if you work five days a week, you have the right to 28 days' paid holiday a year. If you aren't given holidays from work, or aren't paid for your holidays, you should get advice.

### **The right to health and safety protection**

Your employer must make sure that your workplace is safe for you to work in. This means that they must make sure you can do your job in a way which won't injure you or make you ill, and that you understand the safety rules. If you think your workplace isn't safe, you should get advice.

### **Parental rights at work**

Most women who work have the right to take time off work to have a baby. This is called **maternity leave**. However, not all workers have this right. Some employers say you don't have the right to take maternity leave when you do. If your employer says you don't have this right, you should get advice.

You can take up to 52 weeks' maternity leave. However, only certain women can get paid maternity leave. To check whether you can get paid maternity leave, you should get advice.

Some people can get paid **paternity leave** from work when their wife or partner has just had a baby. To check whether you have a right to this leave, get advice. You may also be able to share some of your partner's maternity leave. To check whether you have a right to this leave, get advice.

## **The right to be protected from discrimination**

All workers in the UK have the right to be protected from discrimination by their employer. This includes discrimination because of your age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, or sexuality.

## **The right to leave your job**

You must be allowed to leave your job if you no longer want to work there. No one, including your employer, can stop you from doing this. Some migrant workers are not allowed by the UK Border Agency to find other work if they leave the job they came to the UK to do or are dismissed. You may have to wait until the Home Office has sorted out your paperwork before you can get another job.

If you've left your job or are dismissed and aren't sure whether you are allowed to get another one, you should get advice (see below).

If you want to leave the UK before the date that you've agreed with the person you work for, you may find that you can't change the date of travel on your return ticket. This may happen if your travel to the UK has been paid by someone else such as an agency. If you are in this situation, you should get advice.

## **Your employer holds onto your passport**

Your employer or employment agency is not allowed to hold onto your passport or any of your other official documents for any longer than a day. If your employer is holding onto your passport without your agreement, they could be breaking the law. If they won't give your passport back to you when you ask for it, you should get advice.

## **Problems with employment agencies and gangmasters**

You may have come to work in the UK because an **employment agency** found work for you. Sometimes employment agencies don't tell you the truth about the work they have found for you. You may find that you are not being paid as much as you expected, or the working conditions are not as good as you were led to believe.

You may work in the UK for a **gangmaster**. A gangmaster is someone who organises work for people, for example, on farms, in hotels, restaurants, or hospitals or on building sites.

If you are having problems with your employment agency or gangmaster, you can get further advice from the Pay and Work Rights helpline on 0800 917 2368.

However, you can only do this if the agency has offices in the UK. If the agency doesn't have a UK office, there's usually nothing you can do.

## Further help

### Citizens Advice Bureau

Citizens Advice Bureaux give free, confidential, impartial and independent advice to help you solve problems. To find your nearest CAB, including those that give advice by e-mail, click on [nearest CAB](#), or look under C in your phone book.

### The Trades Union Congress (TUC)

You can get information on employment rights for migrant workers on the TUC's website at [www.worksmart.org.uk](http://www.worksmart.org.uk). There is also a website in Polish at [www.pracawbrytanii.eu](http://www.pracawbrytanii.eu) and in Portuguese at: [www.trabalharenounido.org](http://www.trabalharenounido.org).

### The GOV.UK website

This government website has information for agricultural workers and their entitlement to the agricultural minimum wage in England and Wales. Go to [www.gov.uk](http://www.gov.uk).

This website also has information about the rights of Croatian migrant workers at [www.gov.uk/croatian-national](http://www.gov.uk/croatian-national)

## Other information on Adviceguide which might help

- Basic rights at work
- National Minimum Wage
- Employer withholds your pay
- Overseas workers in the UK – agriculture and food processing
- Notice of dismissal at work
- Working hours

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This fact sheet was last updated on 10 June 2014 and is reviewed regularly. If it is some time since you obtained this fact sheet, please contact your local Citizens Advice Bureau to check if it is still correct. Or visit our website - [www.adviceguide.org.uk](http://www.adviceguide.org.uk) - where you can download an up-to-date copy.