

Health and Safety

The person who supplies your homework is responsible for the health and safety of everyone affected by their business.

This means you are protected even if you are not an employee. The person or business who supplies your homework should conduct a risk assessment to minimise the chance that someone could be harmed by a hazard. They should have a health and safety policy. If there are 5 or more employees this policy must be in writing.

As a worker, you also have responsibilities. You must take reasonable steps to protect your own health and safety. This includes telling your employer about a problem that they might have missed so that they can take action following any safety instructions you are given and if your employer provides protective equipment, you have a duty to use it .

Most homes have not been designed with work in mind, so this makes checking and reducing any risks even more important. Any hazards do not just affect homeworkers, but also all other members of the household.

If the person you work for is not taking proper steps to protect your health and safety you should seek advice from a local occupational health and safety network, or contact your local Health and Safety Executive Office, by looking up Health and Safety Executive in your local telephone directory.

Where to go for advice

This leaflet is a basic guide to your rights as a homeworker, and is not a full statement of the law. You should always seek advice before taking action, or if you are simply unsure where you stand.

Advice in person

If you want to speak to someone in person visit your local advice centre, law centre or Citizens Advice Bureaux.

Pay and Work Rights Helpline

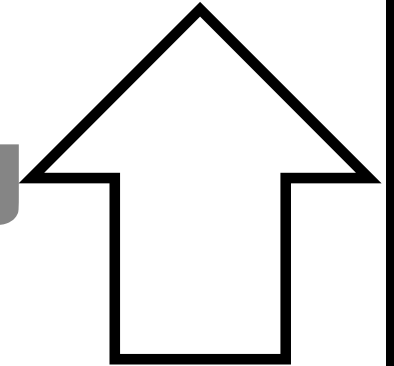
This Pay and Work Rights Helpline has been set up by the government to give you advice on your employment rights. The Pay and Work Rights Helpline covers: the National Minimum Wage, the Agricultural Minimum Wage, the 48 Hour Week, working for an Agency, and working for a Gangmaster. To find out what you are entitled to call the helpline on 0800 917 2368 or visit the website direct.gov.uk/payandworkrights. Calls to the helpline are free and confidential and you can get help and advice in over 100 different languages.

Acas

For information on all other employment rights, contact Acas, 08457 47 47 47 or visit www.acas.org.uk

Homeworkers' Factsheet: YOUR WORKING RIGHTS

Northern Homeworking Project



This factsheet is for homeworkers who are working for another person or business. Women work at home for many reasons, such as looking after children or other members of the family, or because they have a health problem. Working on their own, it can be difficult for homeworkers to find out what rights they are entitled to, or where to go if they have a problem.

It is a basic guide to your employment rights as a homeworker, and includes information on where to go for extra help and information. You should always seek further advice before taking action, or if you are simply unsure where you stand.

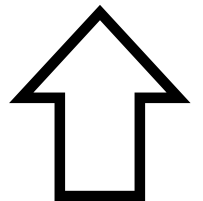
Get involved

The Northern Homeworking Project has been set up to talk to homeworkers, find out how you feel about your work and what you would like to change. If you work at home, or know others working at home who might like to get involved with this project please get in touch. Contact Nesta at the Northern Homeworking Project

nesta@homeworkersww.org.uk

Tel: 0113 2174037

HWW, 30-38 Dock Street, Leeds LS10 1JF



National Minimum Wage

Homeworkers are entitled to the National Minimum Wage (NMW), which is currently £6.08 per hour.

If you are working for another person or company then you should be getting the NMW even if your boss tells you that you are 'self employed'. Homeworkers are specifically mentioned in minimum wage law, and you are entitled to the minimum wage unless you are *genuinely* self employed – working for yourself.

Many homeworkers are paid by piece-rate rather than per hour. If you are paid in this way your boss must do tests to see how much work an 'average' homeworker can do in one hour and then set a piece rate so that an 'average' homeworker can earn 120% of the NMW. You should be given a written notice of how your pay is worked out.

If you think you are earning less than the NMW then you need to keep records of the work you do and how much you get paid. Write down the hours you work, the type of work you are doing and the pay you receive. Make sure you include any time you take collecting your work, setting up your work, tidying away, bagging and boxing etc. To work out your hourly rate divide the number of hours you worked by your gross pay (before tax and NI have been deducted). These records will give you a good idea of what you earn, and you can use them as evidence if you decide you want to make a complaint, so try and keep a record of all the work you do.

For more advice, or to make a complaint about non-payment of the minimum wage, call the Pay and Work Rights Helpline on 0800 917 2368.

Employment Status

There are three main types of employment status – with different rights attached.

- **Self-employed** – If you are genuinely self-employed you are free to negotiate terms with your customers.
- **Worker** – If you are a worker you are entitled to a small range of basic protections, the most significant being national minimum wage and holiday pay.
- **Employee** – If you are an employee you are entitled to the full range of employment rights including NMW, holiday pay, sick pay, maternity rights, protection against redundancy and unfair dismissal etc.

It can be very difficult for homeworkers who work for another person or business to work out their employment status. It is not up to your boss to choose what status you are, so even if your boss tells you that you are a worker, you might in fact be an employee. Also, even if you are 'self employed for tax purposes' this does not necessarily mean you are self-employed in terms of your employment rights. There are lots of factors that affect your status such as how much control your employer has over when and how the work is done, whether the work you do is core to the company's business, and whether the company is obliged to provide you with work and whether you are obliged to do it. The more closely integrated into the company you are the more likely you are to be an employee.

If you think you might be entitled to employment rights that you are not getting you should seek advice from an advice centre or Citizens Advice Bureau.

Holiday Pay

All 'workers' are entitled to holiday pay and this includes homeworkers who are working for another person or business.

If your boss tells you that you are not entitled to holiday pay you should seek advice on your employment status from a Citizens Advice or other local advice centre.

The basic holiday pay entitlement is 28 days a year for those who work 5 days a week. However, homeworkers' work and pay can vary from one week to the next so you will have to work out how much holiday pay you are entitled to.

If you wish to take a week's holiday, the amount that will be paid for that week will be an average of your earnings from the previous 12 full working weeks (if you were off sick or you had no work supplied in any of the 12 weeks before the holiday, this should not be counted). To work this out, divide your total earnings over the previous 12 normal working weeks by 12. This will be the amount that you should be paid for your week's holiday. If you want to take a holiday of less than one week, you will need to divide the answer from the calculation above by the number of days that you normally work each week in order to get the amount that you should be paid for each day's holiday.

You do not have the right to take your holiday whenever you choose. The supplier of your homework can decide when you can take a holiday. You can ask to take your holiday at a time that suits you, but your boss has the right to say no.