



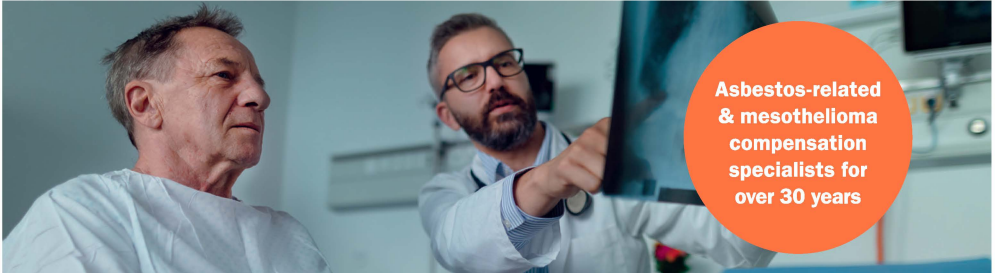
## **WORK RELATED INJURIES & DISEASES / EMPLOYMENT ISSUES**

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A helpful guide to disablement benefits & allowances

# Diagnosed with mesothelioma?

## We can ensure you're properly compensated.



**Humphreys & Co. Solicitors are recognised leaders in the field of industrial disease compensation, specialising in claims arising from asbestos-related mesothelioma or other asbestos-related conditions.**

Our expert legal team has a proven track record, with over 30 years' experience in claiming the maximum entitled compensation for patients following asbestos exposure.

We work on a no-win-no-fee basis, so there is no upfront payment needed and no financial risk to you. Our mesothelioma clients keep 100% of their damages.

Led by partner Fabio Seccatore, our specialist team is renowned for their sensitive approach, treating every case with professionalism and integrity.

To discuss an asbestos-related condition claim, call our expert team for no-obligation advice on **0117 929 2662** or email [lawyers@humphreys.co.uk](mailto:lawyers@humphreys.co.uk).

**Our specialist mesothelioma and asbestos compensation legal team offers:**

- No-obligation initial advice
- Urgent home and hospital visits
- No-win-no-fee claim representation
- Leading-firm rank in "The Legal 500" and "Chambers Guide" 2024
- Decades of experience in asbestos claims
- Long track record of success for claimants, multi-millions recovered in compensation
- Unique database of historic evidence from previous claims
- Working for clients locally and from all over the UK and abroad
- Highest levels of professionalism and sensitivity

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& Co. SOLICITORS**

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# INTRODUCTION

We spend much of our adult lives at work and, in the right circumstances our jobs can have a positive impact on our health and wellbeing, making us happy and highly motivated. In turn, happy employees can have an equally positive impact on a company's productivity or success.

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For many people, the connection between health and work may come down to whether or not they are likely to be exposed to physical hazards, such as noise, dust or chemicals.

However, there is also a strong relationship between our mental wellbeing and the job we do. When employees are faced with inspirational leaders who help them see where they belong in an organisation or respect and reward their staff, there is likely to be a significant 'feel good' factor. When an employee feels overlooked, ill health can occur in the form of stress, anxiety, back pain, depression and even increased risk of coronary heart disease.

The reality is that problems at work do sometimes occur. These may relate to your physical, emotional or mental health, or simply occur as a result of your personal circumstances. This guide to dealing with employment matters aims to give you a helpful overview of your rights, entitlements and avenues of support if there are any issues affecting your work life.

**914,000 workers suffering work-related stress, depression or anxiety**

## HAVE YOU BEEN INJURED AT WORK? DO YOU HAVE A WORK-RELATED INJURY?

In 2021/2022 an estimated 1.8 million people were suffering from a work related ill health (long standing as well as new cases).

Many of these people are entitled to compensation from their employer, to various state benefits, or both.

You may be one of those people. If so, then the initial advice and information in this booklet should help you. Please note that you should seek medical and legal advice if you think you are entitled to compensation. You also need to consult your GP if you think you can claim state benefits because of injury or illness.

## What does the law say about workplace injuries and diseases?

The Health & Safety at Work Act 1974 (HSWA) is the primary piece of legislation that makes everyone - employers and employees, responsible for their own and other people's safety in the workplace.

The Personal Protective Equipment at Work (Amendment) Regulations 2022 (PPE) makes employers responsible for providing protective equipment, such as appropriate clothing in certain situations. This was amended in April 2022 to extend employers' and employees' duties regarding PPE to limb (b) workers (workers who generally have a more casual employment relationship and work under a contract for service).

The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR), places a legal duty on employers, self-employed people and people in control of self-employed people and people in control of premises to report work-related deaths, major injuries or over-seven-day injuries, non-fatal accidents to non-workers (e.g., members of the public) work-related diseases and dangerous occurrences (near miss accidents) to the appropriate authorities. Gas Safe registered fitters must also report any dangerous gas fittings they find, and gas conveyors/suppliers must report flammable gas incidents. You can download a PDF version of the publication - 'A Guide to Reporting Injuries, Diseases and Dangerous Occurrences Regulations 2013' - from the RIDDOR website ([www.hse.gov.uk/riddor](http://www.hse.gov.uk/riddor)).

The Management of Health and Safety at Work Regulations 1999 (MHSWR) requires employers to give employees information about the risks to their health and safety as identified through risk assessments. Employers must advise employees about the preventative and protective measures they have implemented.

The Control of Substances Hazardous to Health Regulations 2002 (COSHH) gives employers guidelines for protecting people in the workplace. They cover most substances that are hazardous to health, although lead, asbestos and radioactive substances have their own specific regulations. The Control of Asbestos Regulations 2012 came into force in April 2012 and applies to the new use of asbestos. These bring together the three previous sets of regulations covering the prohibition of asbestos, the control of asbestos at work and asbestos licensing.

The Manual Handling Operations Regulations 1992 apply to a wide range of manual handling activities, including lifting, lowering, pushing, pulling or carrying. The load may be either inanimate - such as a box or a trolley, or animate - a person or an animal. The Regulations require employers to avoid the need for hazardous manual handling, so far as is reasonably practicable; assess the risk of injury from any hazardous manual handling that can't be avoided; and reduce the risk of injury from hazardous manual handling, so far as is reasonably practicable.

**61,713 injuries to employees reported under RIDDOR**



# INDUSTRIAL ACCIDENTS AND INJURIES

## Who is responsible for Health and Safety at work? \_\_\_\_\_

Your employer has to carry out a risk assessment and do what is needed to take care of the health and safety of employees and visitors. This includes deciding how many first aiders are needed, as well as what kind of first aid equipment and facilities should be provided. First aiders have no statutory right to extra pay, but some employers do offer this. Employees must also take reasonable care over their own health and safety.

## Should I report accidents? \_\_\_\_\_

When you have an accident at work, however trivial it may seem, then you (or someone at work acting on your behalf) should immediately report the matter to your employer or someone in authority. Make sure the details are properly recorded in the company's Accident Book. If you do not report the accident straight away, it may be difficult for you to claim for it later on. When reporting an accident, stick to the facts, explaining what happened from your perspective and giving the names of anyone who may have witnessed the accident.

If your accident is sufficiently serious, your employer should notify the Health and Safety Executive as they may wish to investigate the matter further. You should also make an appointment to see your GP or visit the hospital, providing a full history of how you sustained your injury.

If you think that the accident might affect your health, either now or in the future, then you should contact your local Regional Jobcentre Plus Disablement Benefit office. The staff will advise you how to apply for a decision that it was an industrial accident. This is not a claim for benefit but the decision will then be recorded in case you need to apply for Industrial Injuries Disablement benefit in the future.

**£18.8 billion estimated cost of injuries and ill health from current working conditions (2019/20)**



## Will I get sick pay? \_\_\_\_\_

In most cases, if you need time off because of an accident at work. You may be able to get sick pay, but this will depend on your earnings and your situation. You can't claim SSP for the first 3 days, but after that you can claim SSP for up to 28 weeks. Your employer may have a scheme for paying more for time off caused by accidents, or may decide to pay extra depending on what has happened.

## Can I claim compensation? \_\_\_\_\_

If your employer is responsible for your incapacity, you have a legal right to make a personal injury claim. This applies to a physical injury sustained at work or a psychological injury, like stress.

You should speak to a lawyer or trade union representative if you are considering this, see 'Useful Contacts/Organisations Section'. Any claim must be made within three years of the date of the accident, and you will normally need a solicitor to represent you. (In some cases, a court may extend this time limit, depending on the circumstances).

If you are considering legal action against your employer, you should remember that the aim of legal damages is to put you in the financial position you would have been in had the accident not occurred. It is likely that you will have to pay some court costs and legal fees; you should ascertain what these are likely to be before you commit to legal action.

**565,000 working people sustained an injury at work according to the Labour Force Survey**

## Do I have any employment rights after an accident? \_\_\_\_\_

If you remain employed after an accident, then you may continue to be protected by Employment Law. If your employer dismisses you after an accident without warning because you have been unable to return to work then, if you have more than two-year's continuous service with that employer, on or after the 6th April 2012 (before 6th April 2012 the qualifying period is normally one years service), you may be able to claim unfair dismissal. You can read more about Employment Rights and what is meant by 'unfair dismissal' at: [www.gov.uk](http://www.gov.uk) (check section headed Working, jobs and pensions). If you suffer from an ongoing disability your employer may be obliged to make reasonable adjustments (see Equality section of this leaflet, page 29).

## What about employer's liability? \_\_\_\_\_

The law requires most employers (with the exception of some very small firms) to insure against liability for injury or disease to employees arising out of their employment. Employers must have Employers' Liability Insurance and keep the insurance certificate on display where it can easily be read by staff. The insurance policy that is called upon to make the claim is the one that was in force at the time of the accident or injury.

## What if I am self-employed? —

Benefits may not be payable if you were self-employed when the accident happened.

## Where can I get advice? —

If you are injured at work, then you may want to seek expert advice, possibly from your trade union if you are a member, or from a solicitor. Whilst many solicitors may have some experience of industrial injury and accident claims, it is essential to consult one who specialises in this type of work.

Most will be glad to take a free initial look at your case, advise you on the chances of making a successful claim for compensation and outline how your claim could be presented.

## Can I get financial help to make a claim? —

Legal aid is no longer available for adults making a personal injury claim against their employer. However, many solicitors take on personal injury claims on a “no win, no fee” basis. You will probably have to make a contribution to your legal fees from any compensation you recover. You may also be recommended to take out an insurance policy on a similar basis to cover expenses if you lose. If a solicitor offers to represent you on a “no win, no fee”, ensure you understand the arrangement fully.

The widest recognised accreditation scheme for specialist personal injury lawyers is run by the Association of Personal Injury Lawyers ([www.apil.co.uk](http://www.apil.co.uk)).

Some lawyers may also be members of the Law Society Personal Injury Panel or be part of the Personal Injury Accreditation Scheme of the Solicitors Regulation Authority (SRA) ([www.sra.org.uk](http://www.sra.org.uk)).

Some but not all law firms specialising in personal injury compensation also handle industrial disease claims. They too will normally work on a “no win, no fee” basis. Again, if successful you would probably be expected to contribute to legal fees and any claims insurance out of any compensation they obtain for you (unless you have mesothelioma).

These sorts of claims can be quite complicated and require an experienced specialist. The Association of Personal Injury Lawyers maintain the only nationally recognised list of accredited Occupational Disease and Asbestos Disease Specialists. (See [www.apil.org.uk/injury-lawyers/occupational-disease-lawyer](http://www.apil.org.uk/injury-lawyers/occupational-disease-lawyer). You can find there an accredited disease specialist in your area.



**477,000 workers suffering from a work-related musculoskeletal disorder**

# INDUSTRIAL DISEASES

## What sort of diseases? —

Being in contact with hazardous or dangerous substances at work, or having to work in an unhealthy environment, can lead to health problems. In the short term, the effects may not be serious, but the long-term consequences could be very serious indeed, leading to a prolonged illness, premature retirement or even death. This is why the COSHH and earlier regulations were brought in.

There are many types of industrial disease.

They include:

- lung cancers and chest conditions caused by exposure to asbestos dust and fibres
- other chest conditions caused through working in dusty environments
- skin conditions caused by exposure to various substances
- asthma caused by breathing some chemical products
- conditions caused by exposure to toxic fumes
- infection from bacteria and other micro-organisms
- occupational cancers caused by exposure to carcinogens
- deafness and tinnitus caused by prolonged exposure to loud noises
- repetitive strain injury
- vibration white finger caused by powerful vibrating equipment

- osteoarthritis of hip or knee, due to certain kinds of manual labour

**2,544 mesothelioma deaths in 2020 due to past asbestos exposures**

## Asbestos Related Diseases —

Exposure to asbestos dust and fibres can cause serious and sometimes fatal diseases: mesothelioma, and diffuse pleural thickening, which can be caused by very minor asbestos exposure, and asbestosis and lung cancers, which require high exposure. These diseases are continuing at a high level, even though widespread use of new asbestos virtually ceased in the UK by the early 1980s.

This is because such diseases do not usually develop until 20 to 60 years or more after the asbestos exposure and asbestos was so widely used in buildings and products constructed in this country between the war and the 1980s. Individuals most at risk of developing asbestos diseases include those previously working at shipyards, oil refineries, power stations, paper mills, construction sites and (more recently) at schools and even hospitals.

The professions most associated with asbestos disease include ladders, carpenters, plumbers/gas fitters, scaffolders, mechanical engineers/fitters, electricians, pipe fitters, paper mill operatives, car mechanics and building labourers.

## Industrial Deafness/Noise Induced Hearing Loss —

Are you suffering from a hearing loss? Do you hear a ringing or buzzing in your ears? Do you find it difficult to hear conversations in a group of people? Do you find yourself turning up the television?

If you do, and you were exposed to excessive noise over a period of time during the course of your working life you may be suffering from this disease, and able to claim compensation for it.

An example of excessive noise would be an employment where you had to raise your voice or shout to colleagues to communicate. It could be for a period of as little as twelve months.

Examples of employments that are excessively noisy are engineering factories, steel works, engine rooms of merchant ships, textiles companies, car manufactures, road maintenance workers, fabrication shops, mass baking factories, any large scale manufacturer. However, any employer where you have to raise your voice or should to communicate could be liable for your loss of hearing.

In order to succeed in this type of claim you have to show that you were exposed to excessive noise levels at work and that the hearing loss you are suffering from is a result of that exposure. To prove this you will need to obtain an audiogram which will need to show a clear pattern of work-related hearing loss rather than just age-related deafness. That hearing test will cost you nothing.

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Hearing loss claims can be quite difficult to win because of the 3-year limitation period. You will need to show that once you were aware you had suffered hearing loss you made reasonable enquiries to confirm whether the loss was due to work rather than simply age. You should then have brought the claim in less than 3 years of this point, otherwise the courts would probably bar your claim.

**There were an estimated 11,000 prevalent cases of hearing problems each year caused or made worse by work according to the LFS over the last three years (2019-2022)**

## Do not worry if your employer no longer exists or is shut down —

There is a database containing details of employers liability insurers for employers who are no longer trading. Detailed searches can also be carried out to obtain details of insurance for employers who may have ceased trading. Also, if you have been diagnosed with mesothelioma, you may be able to claim compensation from the Diffuse Mesothelioma Payment Scheme even if your employer's insurer is untraced or has gone out of business.

So even if you think your employer has closed down and you cannot claim you may be able to find the insurance company responsible for your compensation.

## Should I see my doctor? —

Any symptoms, however slight, should be reported to your doctor immediately. Before you go, note down all the facts that you think are relevant, such as the conditions where you work, any contact with hazardous materials, when the symptoms began, and so on. Make a note too of any previous jobs where the problem might have started, or of any contact you have had (deliberate or accidental) with toxic substances. This will help your doctor to make an accurate diagnosis.

## Can I claim compensation? —

If you get an industrial disease, you may well have grounds for launching a compensation claim against your employer, or past employer. You should, however, get advice from an experienced solicitor as such claims require specialist knowledge.

## Can I claim if I am self-employed? —

Sometimes it is possible to claim even if you were self-employed or even if you were a Company Director.

It is always worth seeking the advice of a specialist solicitor.

**36.8 million working days lost due to work-related illness and workplace injury**

# PUBLIC TRANSPORT VEHICLES AND LIABILITY FOR INJURY

## I work on public transport, what are my rights in terms of work-related injuries?

In 2000, the Government set out ten-year targets for the reduction of road deaths and injuries, in its Road Safety Strategy Tomorrow's Roads: safer for everyone.

An independent Work-Related Road Safety Task Group was appointed in May of that year. This was a joint initiative of the Government and the Health and Safety Commission. Its remit was to recommend measures to reduce at-work road traffic incidents.

The Task Group estimated that up to a third of all road traffic accidents involve someone who is at work at the time. This may account for over 20 fatalities and 250 serious injuries every week.



Public transport workers (e.g., taxi drivers, bus drivers and railway staff) are also at high risk of threats and acts of violence from members of the public. The legislation in the UK (enforced by the Health and Safety Executive) that currently covers work-related violence includes:

- Health and Safety at Work Act (1974)
- Management of Health and Safety at Work Regulations (1999)
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (2013)
- Safety Representatives and Safety Committees Regulations 1977
- Employment Rights Act 1996
- The Health and Safety (Consultation with Employees) Regulations 1996

According to the Transport and General Workers' Union, a lot of public transport workers are often required to work alone and there is no legal reason for them not to work this way. However, employers should consider whether it is safe for them to do so.

Many of the hazards that lone workers face are similar to those faced by other workers but the risks involved may be greater because the worker is on their own. The employer has a legal duty to provide a safe and healthy place of work. If a risk assessment shows that it is not possible for the work to be done safely by a lone worker, then other arrangements must be put into place. Employers should identify situations where people work alone and ensure that they are at no greater risk than other workers.

Establishing safe working for lone workers is no different from organising the safety of other employees. To ensure that lone workers are not put at more risk than other employees, extra risk control measures may be required. Control measures should take account of normal work and emergencies, for example, fire, equipment failure, illness and accidents.

Cost-cutting exercises that result in lone workers must be discouraged; workers should work in pairs or more if necessary when one cannot do it safely. For example, a buddy system should be set up for those working in difficult or remote sites, such as bus drivers. If you are a public transport worker and feel that your personal safety is being compromised by your working conditions, you may find it beneficial to contact your Union if you are a member.

## What happens if I sustain an injury whilst travelling on public transport? —

When you travel on public transport, you should be protected by some form of public liability, which is the liability of businesses, authorities and others for accidental bodily injury and/or damage to the property of third parties. They will be responsible if you hurt yourself or suffered any damage to your property due to any breach of duty or negligence on their part. If you have an accident while travelling as a passenger on public transport and sustain an injury, you may be able to make a personal injury compensation claim and should seek the advice of a suitably experienced solicitor.

All public transport operators have a duty of care to their customers and also have to comply with certain legal safety standards. Public transport accidents can occur on all sorts of carriers, each covered by specific safety legislation - these include:

- Buses or coaches
- Trains
- Taxis
- Planes

Whatever the injury sustained, you should seek advice from a solicitor about making a personal injury claim from the transport provider.

## CLAIMING BENEFITS

### Industrial Injuries Disablement Benefits ('diseases and deafness' or 'accidents')

Claiming compensation from an employer does not stop you from also claiming benefits.

Please note that you can claim Industrial Injuries Disablement Benefit (diseases and deafness) or Industrial Injuries Disablement Benefit (accidents).

To claim benefit for a work-related disease or disability, your condition must first be confirmed by a medical diagnosis. Your local Industrial Injuries Disablement Benefit Delivery Centre

(see [www.gov.uk](http://www.gov.uk) for the full list of centres or download and print out a claim form) will be able to give you a booklet that includes a complete list of the 70+ diseases covered by the benefit. They will also have leaflets and claim forms that cover specific diseases, including occupational deafness, asthma, diseases caused through working in a coalmine and diseases caused through exposure to asbestos, among others.

If you think you have a disease caused by your job or an approved employment training scheme or course, you can claim Industrial Injuries Disablement Benefit straight away. If you qualify for this benefit, it will be paid regardless of whether or not you are still working.

If your claim arises out of an industrial accident, then you should claim when you have been disabled by the accident for two months (you cannot get benefit for the first 15 weeks (90 days, not including Sundays) after your accident and you will not normally be examined until after this time).

You should make your claim on a form that you can get from your local Industrial Injuries Disablement Benefit Delivery Centre. You could, however, ask a solicitor to make a claim on your behalf.

You can also apply for a declaration that you have had an industrial accident, even if you do not want to claim any benefit straight away. It is a good idea to apply for a declaration if you are not disabled immediately after your accident but think you might experience problems in the future as a result.



**180,000 claimed Industrial Injuries Disablement Benefit ( IIDB ) alone, 39,000 claimed IIDB with Reduced Earnings Allowance and Retirement Allowance and 36,000 claimed Reduced Earnings Allowance and Retirement Allowance only**

## How is my claim checked? —

When it is confirmed that you do have an industrial injury or disease, you will normally be asked to undergo a medical examination. (This will not normally be required for certain diseases where you are already undergoing medical treatment, e.g., certain lung diseases). This will determine how much you are disabled and how long the disability is likely to last. The extent of your disability is calculated as a percentage up to 100% (for certain lung diseases, payment is made at the 100% rate from the start of the claim).

## Are there other benefits? —

You may be entitled to other benefits instead of, or in addition to, Industrial Injuries Disablement Benefit. (Please note that Industrial Injuries Disablement Benefit is taken into account as income for means-tested benefits such as Income Support), Other benefits you may be entitled to include: New Style Jobseeker's Allowance, Employment and Support Allowance, Pension Credit, Housing Benefit, Working Tax Credit and Universal Credit).

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It may also affect Council Tax Reduction, but contact your local council for more information.

Other benefits you may be entitled to include:

## Constant Attendance Allowance (CAA) —

You may claim Constant Attendance Allowance if the industrial accident or disease requires that you have daily care and attention, for instance, if you are bedridden, blind or paralysed and are 100% disabled according to a medical examination.

This allowance does not include costs of housework or help with minor personal matters, such as dressing and undressing, although a person looking after you may qualify for Carer's Allowance if they help you with these things.

You must prove an expected long-term need for attendance and must be claiming either Industrial Injuries Disablement Benefit or a War Disablement Pension.

You will automatically be considered at the time of your medical examination for Industrial Injuries Disablement Benefit if a 100% assessment of your disability is being considered.

## Exceptionally Severe Disablement Allowance —

If you are assessed as one of the top two rates of CAA and need permanent, constant care and attention then you can claim an additional payment.

## Reduced Earnings Allowance —

This is paid to those still working but not at their previous job. It is paid to people where their condition or injury was in existence before 1 October 1990.

## Employment and Support Allowance (ESA) —

You can apply for 'new style' Employment and Support Allowance (ESA) if you're employed, self-employed or unemployed and are under State Pension age and you have a disability or health condition that affects how much you can work. Employment and Support Allowance offers personalised support and financial help, so that you can do appropriate work if you are able. It also gives you access to a specially trained personal adviser and a wide range of further services including employment, training and condition management support to help you manage and cope with your illness or disability at work.

Employment and Support Allowance involves a Work Capability Assessment. This assesses what you can do, rather than what you cannot, and identifies the health related support you might need. Most people claiming Employment and Support Allowance will be expected to take steps to prepare for work, including attending work focused interviews with their personal adviser.

Under Employment and Support Allowance, if you have an illness or disability that severely affects your ability to work, you will get increased financial support and will not be expected to prepare for a return to work.

You can volunteer to do so at any point if you want to.

## Employment and Support Allowance consists of two phases:

The assessment phase that is paid while you await your Work Capability Assessment (this should be up to 13 weeks but can be longer), then the main phase once you have been placed in either the Work Related Activity Group or the Support Group.

There are two groups within the main phase:

### Work Related Activity Group

If you are placed in the Work Related Activity Group, you will be expected to take part in work- focused interviews with your personal adviser. You will get support to help you prepare for suitable work.

In return, you will receive a work-related activity component in addition to your basic rate. If you refuse to go to the work-focused interviews, or to take part fully in the work-focused interviews, it may affect your entitlement to Employment, Incapacity benefit and Support Allowance.



Support Group

People with more severe illnesses or disabilities who are assessed or treated as having limited capability for work related activity are placed in the support group. You will be paid a support component. This support component is not subject to any conditions and is paid as long as the claimant remains in the support group.

You will also be entitled to the Enhanced Disability Premium (EDP) provided you qualify for ESA (income related). The EDP is automatically included in your amount if you are in the Support Group component of income-related ESA.

Disability Living Allowance (DLA)

You can no longer apply for DLA if you are over the age of 16. PIP is replacing DLA for people aged between 16 and 64. If you are currently claiming DLA and your claim might end you will get a letter telling you all about applying for PIP.

Personal Independent Payment (PIP)

Personal Independent Payment (PIP), which has gradually replaced Disability Living Allowance (DLA) for disabled people between 16 years and under state pension age (DLA will continue for children under 16 years old).

Personal Independent Payment is a non-means tested, tax-free payment that you can spend as you choose.

If you are over state pension age and have care needs you may be able to claim Attendance Allowance.

PIP is designed to help with some of the extra costs caused by long term ill health or disability. What you receive will depend on how your condition affects you. When you make a claim for PIP, you will be assessed so that the Department of Work and Pensions can work out what level of support you should receive. Your award will be assessed on a regular basis.

Pneumoconiosis Etc. (Workers' Compensation) Act 1979

Jobcentre Plus may pay you a lump sum if you have one of the following diseases:

- pneumoconiosis
- byssinosis
- diffuse mesothelioma
- bilateral diffuse pleural thickening
- primary carcinoma of the lung when accompanied by asbestosis or bilateral diffuse pleural thickening

You can still claim if you are making a compensation claim against an employer provided you have not started court proceedings or received any compensation.

To get a payment you must meet all the following conditions:

- your dust-related disease must have been caused by your employment
- you're getting Industrial Injuries Disablement Benefit for one of the listed diseases
- you must claim within 12 months of the decision awarding Industrial Injuries Disablement Benefit
- you can't or haven't taken civil action because your former employer has stopped trading
- you haven't brought a court action or received compensation from an employer in respect of the disease

You may be able to make a claim if you're the dependant of someone who suffered from a dust-related disease but who has died. A dependant claim must be made within 12 months of the death of the sufferer.

Diffuse Mesothelioma payment

There are two types of payments that you can claim for. The 2008 Scheme or the DMPS Scheme.

To claim for The 2008 Scheme you must be unable to make a claim under the 1979 Pneumoconiosis Act, have not received payment in respect of the disease from an employer or from a civil claim elsewhere and are not entitled to compensation from a Ministry of Defence scheme, you can claim for a one-off lump sum payment.

The 2008 Scheme covers people whose exposure to asbestos occurred in the United Kingdom and are not entitled to a payment under the 1979 Pneumoconiosis Act for example:

- They came into contact with asbestos from a relative, for example by washing their clothes
- They were exposed to asbestos in the environment, for example, they lived near a factory using asbestos
- Their exposure to asbestos was while self-employed
- Their exposure cannot be specified but occurred in the United Kingdom.

You must claim within 12 months of diagnosis.

You can claim for Diffuse Mesothelioma Payment Scheme (DMPS) even if you have already claimed from the 2008 scheme or under the 1979 Pneumoconiosis Act but the sum will be deducted from the amount you get from the DMPS. You may also be able to claim for the 2008 scheme even if your claim through the DMPS was unsuccessful.

To claim for DMPS all of the following must apply:

- They were diagnosed with diffuse mesothelioma on or after the 25th July 2012
- Their mesothelioma was caused by exposure to asbestos when working in the United Kingdom
- Their employer that exposed them to asbestos has gone out of business and their insurers cannot be traced



- They have not made a claim against their employer or their insurers
- They have not received damages or a payment for mesothelioma and they are not eligible to a specified payment

You may also be able to claim if you were the dependent of a sufferer who has died.

Claims through the DMPS scheme must be made within 3 years of diagnosis.

## Universal Credit

This payment is to help with living costs. You may be able to claim if you are on a low income, out of work or you cannot work.

Universal Credit is replacing other benefits such as Child Tax Credit, Housing Benefit, Income Support, Working Tax Credit. If you are currently receiving any of these benefits the you do not need to do anything unless you have a change in circumstance or the DWP contact you in regards to moving to Universal Credit.



## How Much Is Paid?

**These figures are correct as of July 2023**

### Industrial Injuries Disablement Benefit

The weekly payments are the same whether you are claiming because of an accident or a disease. The amount payable are reviewed each year.

Amounts range from £41.52 a week for people with 20% disablement to £207.60 for people with 100% disablement. Payments will not be made for anyone with less than 14% disablement.

### Constant Attendance Allowance (CAA)

There are 4 different weekly rates which vary from £41.55 for part day rate to £166.20 for exceptional rate and how much you receive depends on the extent of your disability and the amount of care you need.

### Exceptionally Severe Disablement Allowance

You can claim an additional amount of £83.10 if you are in the top two rate of CAA

## Employment and Support Allowance (ESA)

The assessment phase rate is paid for the first 13 weeks at up to £67.20 a week if you are aged under 25 or up to £84.80 a week if you are aged 25 or over.

If your assessment takes longer than 13 weeks then you will continue to get the assessment rate until a decision has been made or your ESA is due to end. If you are entitled to ESA then you will be placed into 1 of 2 groups and will receive up to £84.80 a week if you are in the work-related activity group or up to £128.85 a week if you're in the support group. If the assessment takes longer than 13 weeks your benefit will be backdated to the 14th week of the claim.

## Reduced Earnings Allowance

The maximum rate is £83.04 per week. You can only get it for accidents that happened, or diseases that started before 1 October 1990. Reduced Earnings Allowance may affect any income-related benefits that you or your partner may get.

## Personal Independent Payments (PIP)

Has two parts and is currently paid at the following levels.

Daily living component - Standard £68.10, enhanced £101.75

Mobility component - Standard £26.90, enhanced £71.00

This is a weekly rate and is usually paid every 4 weeks and you can get it whether you're in or out of work.

## Attendance Allowance

This is paid at 2 different rates and how much you get depends on the level of care that you need because of your disability. You could get between £68.10 or £101.75 a week to help with personal care because you're physically or mentally disabled and you're aged 65 or over.



## Diffuse Mesothelioma Payment

You may be able to get a payment if you've been diagnosed with the asbestos-related disease, Mesothelioma.

There are 2 types of payments that you can claim for:

- Diffuse Mesothelioma payments (2008 scheme). You will get a one off payment and the amount you get will depend on your age when the disease was diagnosed.

Visit [www.gov.uk/diffuse-mesothelioma-payment/what-youll-get](http://www.gov.uk/diffuse-mesothelioma-payment/what-youll-get) for the list of the current lump sum payment rates.

- Diffuse Mesothelioma Payment Scheme (DMPS). Your payment will depend on the details of your claim. You can claim DMPS if you can't find the employer responsible for your contact with asbestos, or their insurer.

Visit [www.mesoscheme.org.uk](http://www.mesoscheme.org.uk) for more information

## Other allowances

You may be eligible for other allowances in some circumstances. Your local Jobcentre Plus will be able to advise you, as will the Benefits Enquiry Line.

## Not satisfied?

If you are not happy with the way your claim was treated, there is an appeals procedure which Jobcentre Plus staff can tell you about.

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# OTHER EMPLOYMENT MATTERS

## Contracts and Hours

A contract of employment is defined as an agreement between the employer and employee, and it forms the basis of the employment relationship. A contract is made when you accept an offer of employment and a number of rights and duties come into force as soon as this happens.

You do not have to be given a written contract of your employment for it to be legally valid but most employers will ask you to sign a written agreement as it cuts down on potential disagreements in the future. The Employment Rights Act 1996 does require employers to give most employees a written statement of their main responsibilities under their job description within two calendar months of starting a job.

Under UK law, all employment contracts have the following terms included (whether written or implied):

- to maintain trust and confidence through co-operation.
- to act in good faith towards each other
- to take reasonable care to ensure health and safety in the workplace

Your normal working hours should be set out in your employment contract but, as a general rule, employers must adhere to the Working Time Regulations (1998), which govern the number of hours a person can work. These regulations determine your maximum weekly working time (not more than 48 hours a week on average over 17 weeks, unless you choose to or work in a sector with its own rules), pattern of work and holidays, as well as your daily and weekly rest periods. Specific regulations exist to protect the health and working hours of night workers.

Exceptions to the 48-hour average maximum working week include people in the armed forces, police or emergency services in some circumstances; domestic servants in private houses; and sea or lake transport workers. People in other professions can choose to work over and above these hours but must opt-out of the 48-hour limit in writing. You cannot be penalised if you refuse to sign an opt-out agreement with your employer.

## Overtime

Employers are not legally required to pay you for any overtime that you work and there are no minimum statutory levels of overtime pay, although your average pay rate must not fall below the National Minimum Wage. Overtime rates will vary from employer to employer, and may include Bank Holidays or working weekends. When you start a new job, your contract of employment should explain whether you can expect to be paid for any overtime you work and how the rates will be worked out.

Some employers will offer their employees 'time off in lieu' as an alternative to paid overtime. This means that you can take back the extra time you have worked, usually at a time that is convenient to your employer.

Ask your company whether they have a policy relating to time in lieu or whether they deal with requests on a case by case basis.

If you will be expected to work overtime as part of your job, this should be outlined in your contract of employment. If you were not informed from the outset that you would be expected to work overtime, then you have the right to refuse. Equally, unless your contract guarantees you overtime, your employer can stop you working above your contracted hours, although they cannot discriminate against you by letting others work overtime but refusing to let you.

You can find more detailed information about your hours of work, perhaps if you are a part-time worker or your pattern of work is to change, by visiting [www.gov.uk](http://www.gov.uk).



**Over 40 percent (43%) of UK employees regularly work overtime**

## Leave Entitlements

### Basic Holiday Entitlements

All workers have the right to 5.6 weeks of annual leave (this works out as 28 days for someone working five days a week) but many employers offer more. Your employer does have the right to determine when you can take your leave and whether or not this includes Bank Holidays (many companies expect their employees to take some of their annual leave over the Christmas period, for example). If you are a part-time worker, your annual leave entitlement is worked out on a pro-rata basis.

You can start building up your annual leave entitlement as soon as you start a new job and should be paid your normal pay rate throughout your holiday. If you decide to leave your job, you should be paid for any holiday that you have not taken in that year. You are still entitled to your holiday allowance when you are away from work on maternity, paternity or adoption leave.

You should always give your employer notice of when you intend to take your holiday (as a rule of thumb, the notice should be twice as long as the amount of leave you intend to take, e.g., four weeks' notice for a two-week break). If your employer needs you to take holiday at a specific time, they should give you a similar notice period.

If you become ill just before or during a period, you have booked as annual leave, you have the right to ask your employer to convert your absence to sick leave.

You must notify your employer that you are ill, following your company's normal procedures for logging sickness. If you would be unable to take all of your annual leave because of a period of sickness in any one year, you may be entitled to carry it forward into the next year. An organisation such as Acas should be able to give you further advice (see Useful Contacts/Organisations).

**62% of UK workers didn't take all of their annual leave in 2022**

### Sick leave

If you have to take time off work because you are ill, you may be entitled to sick pay through your company (usually called 'contractual' or 'occupational' sick pay) or through Statutory Sick Pay. Your entitlements should have been made clear under your contract of employment within two calendar months of starting your job.

Employers can offer any sick pay scheme as long as it doesn't fall below the minimum requirements (i.e., it cannot be less than Statutory Sick Pay if it is offered at all).

A typical contractual sick pay scheme usually comes into effect after you have worked for your company for a certain length of time (e.g., once you have completed a three-month probationary period). After this, you may be offered full pay for a certain number of weeks, followed by half pay and finally, no pay, after a designated amount of time. Many sick pay schemes clearly state that payment is at the employer's discretion.

Statutory Sick Pay is available to most employees, even if they have only just started a new job at the time they become ill. You may be entitled to Statutory Sick Pay if you are off work for at least four days in a row due to illness (including Bank Holidays, weekends and days you do not normally work) and you have average weekly earnings of at least £123 a week (this is worked out by looking at your average earnings over the eight weeks before your illness began).

Statutory Sick Pay will be paid by your employer for up to 28 weeks. To claim Statutory Sick Pay you must tell your employer that you are sick and provide medical evidence from the eighth day of your illness. The current standard rate for Statutory Sick Pay is £109.40 a week, it will usually be paid in the same way as your wage on your normal pay day.

If your entitlement to occupational or Statutory Sick Pay ends, your employer should complete and give you an SSP1 form, which can be used to support a claim for Employment and Support Allowance.

## MATERNITY AND PATERNITY RIGHTS AND ENTITLEMENTS

The information provided on the following pages provides a brief overview of your maternity, paternity and adoption rights as they currently stand.

Any figures are correct as of July 2023 but you are advised to check that you have the latest information so that you can claim your full entitlement to pay, allowances and leave. NB: To claim some of the benefits below, you will require your maternity certificate, MATB1 form. This will be given to you by your midwife when you are approximately 20 weeks pregnant.

### Maternity Leave

From the first day of their employment, all female employees are entitled to 52 weeks' maternity leave (26 weeks of Ordinary Maternity leave, with the right to return to the same job at the end, as well as a further 26 weeks' unpaid 'additional' maternity leave). Provided you meet certain requirements, you can take this no matter how long you have been with your employer, how many hours you work or how much you are paid.

During your maternity leave, your employer must continue to give you any contractual benefits you would normally receive if you were at work (e.g., gym membership or staff discount). Similarly, if your employer contributes to an occupational pension, they must continue to do so while you are on maternity leave.

To qualify for Ordinary Maternity Leave, you must notify your employer that you are pregnant 15 weeks before the expected birth, telling them when the baby is due and the date you intend to start your maternity leave.

Some companies offer their own maternity leave scheme, so it's worth checking your contract or staff handbook to see if you have additional maternity rights specific to your employer.

You can find out more about the current situation regarding maternity leave at [www.gov.uk](http://www.gov.uk) - check the section headed Births, deaths, marriages and care.

If you wish to change the date on which you plan to return from maternity leave, you will be expected to give your employer eight weeks' notice. You are not legally allowed to work for the first two weeks after the birth, or the first four if you work in a factory.

The Government has introduced optional 'keeping in touch days', which allow you to work for up to ten days during your maternity leave period so that you remain informed about what is happening at work without the worry of losing your maternity pay. The Work and Families Act 2006 has also clarified that all women have a right to return to work after maternity leave, regardless of the size of their employer.

## Statutory Maternity Pay (SMP)

SMP is paid for up to 39 weeks by your employer. You are entitled to Statutory Maternity Pay if you have worked for the same employer for at least 26 weeks before the 'notification week', i.e., the 15th week before your baby is due. You also need to be employed by that same employer during that 15th week and to be earning above a set minimum amount each week (currently £123 before tax, but this figure may be subject to change).

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SMP is paid at a rate of 90% of your average weekly earnings for the first six weeks of your maternity leave (with no upper limit) and then either £172.48 per week or 90% of your average gross weekly earnings (if this is less than £172.48) for the remaining 33 weeks. Your employer may well choose to pay extra, so it's worth talking to their human resources or personnel department.

Your employer will pay you Statutory Maternity Pay in the same way and at the same time as your normal wages, deducting tax and National Insurance as usual. To claim Statutory Maternity Pay, you must tell your employer at least 28 days before you intend to stop work to have your baby. Your employer may need you to tell them in writing and you will also be asked to provide your MATB1 form as evidence of when your baby is due.

Note: SMP can start anywhere from the 11th week before your baby is due or, at the latest, the day after the birth of your baby. If you work into the 11 weeks before your baby is due, your SMP will start from any day you choose once you have stopped work, which will normally coincide with the first day of your maternity leave.

Even if you don't intend to return to work, you can still get Statutory Maternity Pay. You don't have to repay it if you decide not to return to work. If you have more than one job, you may be able to get Statutory Maternity Pay from each employer.

If you decide not to return to your job, you must still adhere to the notice period specified in your contract.



## Maternity Allowance

If you do not qualify for SMP, then you may qualify for Maternity Allowance. To claim, you generally need to be self-employed or earn an average of £30 a week for any 13 weeks within a given 66-week test period before the week the baby is due (not necessarily consecutively). You can claim £172.48 a week for a maximum of 39 weeks or 90 per cent of your average earnings (whichever figure is less). This is as long as you have worked for a least 26 weeks in the 66 weeks before your baby is due. Maternity Allowance is not liable to income tax or National Insurance contributions.

The earliest you can claim Maternity Allowance is from the 11th week before the week the baby is due, and the latest you can claim it is from the day following your baby's birth.

If you do not claim for SMP or Maternity Allowance, you may be able to claim Universal Credit or Employment and Support Allowance (which replaced Incapacity Benefit for new claimants on 27 October 2008). In special circumstances, you may be able to claim Guardian's Allowance or Personal Independent Payment. Visit [www.gov.uk](http://www.gov.uk) Check section headed Disabled people.

## Informing your employer about your pregnancy

Unless your work is hazardous, it is not necessary to tell your employer about your pregnancy straight away. By hazardous, we mean where you are exposed to chemicals, lead, x-rays or are required to undertake heavy lifting.

For the record, there is currently no scientific evidence demonstrating that VDUs (visual display units or computer terminals) will put your pregnancy at risk.

Under the Maternity and Parental Leave (Amendment) Regulations 2008, women are required to inform their employers of their pregnancy 15 weeks before the date on which they are due to give birth.

Many women choose to wait until they have had their first scan at around 12 to 14 weeks to announce their pregnancy. However, if you are experiencing morning sickness or other pregnancy-related conditions, it may be wise to let your employer know that you are pregnant, so that your absence can be logged as pregnancy-related.

Finally, your employer is obliged by law to allow you time off from work to visit your antenatal clinic. They may ask for written confirmation that you are pregnant and proof of your appointments.

Antenatal or parent craft classes are considered part of your antenatal care. You cannot take paid time off for antenatal appointments until you have told your employer you are pregnant.



## Breastfeeding at Work —

Many women feel that they have to stop breastfeeding before their return to work but there are a number of regulations in place to help you continue breastfeeding if that is your wish. You should let your employer know in writing if you are planning to continue to breastfeed. They must then provide you with suitable rest facilities to express your milk or feed your baby. The Health and Safety Executive recommends a private, healthy and safe environment for nursing mothers to express and store their milk. Toilets are not considered as suitable for this purpose.

Your employer will also be expected to carry out a health or safety review in case expressing at work presents any risks to the mother or baby, this may apply to a factory using a high concentration of lead, for example. Finally, you are also entitled to take more frequent rest breaks if you are pregnant or breastfeeding.

## Dismissal or unfair treatment —

It is against the law for your employer to dismiss you or single you out for redundancy or any reason connected with pregnancy, childbirth or maternity leave. This applies from day one of your pregnancy and you are protected no matter how long you have worked for your employer.

If you feel you are being discriminated against on the grounds of your pregnancy or family commitments, you can call Acas for free confidential advice (**0300 123 1100**). Alternatively, try the Citizen's Advice Bureau or your trade union.



**Only a third of eligible fathers took paternity leave in 2021/2022**

## Paternity Leave —

A maximum of two weeks' paid Statutory Paternity Pay is available to fathers/partners who qualify. This is paid for one or two consecutive weeks at a rate of £172.48 per week or 90% of your average weekly earnings if this is less (although some employers may choose to pay more). The leave must be taken in one block within 56 days of the birth and can start on any day of the week on or following your child's birth or placement (in the case of adoption).

In order to qualify, the father/partner must have 26 weeks' continuous service with an employer and must notify his employer that he intends to take Paternity Leave at least 15 weeks before the expected birth; there is a standard form, SC3, on the Gov UK website. He can give 28 days' notice if he wishes to change this date.

If the baby's father/partner has more than one job, he may get Statutory Paternity Leave and Pay from each employer. In the case of multiple births, fathers are still only entitled to one period of paternity leave.

## Additional Paternity Leave —

Additional Paternity Leave is now being abolished and is being replaced with Shared Parental Leave.

## Shared Parental Leave —

Shared Parental Leave has now replaced Additional Paternity Leave. This now gives parents more flexibility on how they share childcare during the first years of the child's life.

As well as Paternity Leave you may also be eligible for Shared Parental Leave and Statutory Shared Parental Pay. To receive these the mother must be entitled to receive Maternity Pay, Maternity Allowance or Statutory Adoption Pay and the father/partner receives Statutory Paternity Pay. The rate is £172.48 or 90% of your average weekly earnings, if this is less and this is paid for up to 39 weeks.

The number of weeks you will get depends on how many weeks there are left after the mother has ended her Maternity Leave and Pay. As long as both parents are eligible you can either take time off together or separately.

## Adoption Leave Rights —

Parents who have been successfully matched with a child by a recognised adoption agency may take up to 52 weeks' Statutory Adoption Leave (split across 26 weeks' Ordinary Adoption Leave and 26 weeks' Additional Adoption Leave). If you have worked continuously for your employer for at least 26 weeks before the beginning of the week you are matched with a child, your Statutory Adoption Pay will be paid at a flat rate of £172.48

per week (or 90% of your average weekly earnings if this is less) for 39 weeks.

If you wish to change the date of your return from adoption leave, you will be required to give your employer eight weeks' notice. Optional 'keeping in touch days' will enable you to work for up to ten days during your adoption leave period.

New regulations also protect your right to return to work after adoption leave, regardless of the size of your employer.

Paid adoption leave is available whether a child is adopted from within the UK or from overseas, but some details may differ for parents adopting from outside the UK. We would advise visiting **www.gov.uk** for more information if this affects you.



## Taking time off for dependents

Sometimes it is necessary to take time off to look after a sick dependent or in the event of a family emergency. This is sometimes included in the term 'compassionate leave'. All employees are entitled to take unpaid leave in the event of an emergency to look after a spouse, partner, child, parent or anyone else living in their house as a member of the family. An emergency is defined as any unexpected or sudden problem involving someone who depends on your help or care, this may include a child becoming ill at home or school, if your arranged childcare falls through, bereavement or if a dependent has been injured or assaulted and needs emotional support, for example.

If you do need to take time off for a dependent, you should let your employer know as soon as possible. You are entitled to a 'reasonable' amount of time off, usually this is just one or two days to sort out alternative childcare, for example, or to take your child to the doctor. However, if you do need longer than this, you should keep your employer informed in writing (there is no limit to the number of times you can take time off, as long as it is for a genuine emergency).

Events you know about in advance, such as taking your child to a longstanding hospital appointment, are not covered by compassionate leave and your employer has the right to ask you to take parental leave instead (see next section).

You can find more information about taking time off for a dependent or your right to compassionate leave at [www.gov.uk](http://www.gov.uk).

## Parental Leave

If you have a child under the age of 18, you have the right to ask for parental leave. To qualify, you must be an employee and have at least one year's continuous service where you work. You must also be named as a child's parent on their birth certificate or their adoption certificate, or have legal responsibility for the child in question.

Each parent can take up to 18 weeks' parental leave for each child up to their eighteenth birthday. Separated parents are still entitled to parental leave as long as they still have formal parental responsibility for their children. Statutory Parental Leave is unpaid but some employers do offer paid parental leave. Companies may also choose to include foster carers or grandparents in their parental leave scheme.

If you don't qualify for parental leave, you could ask your employer if you can book time off as annual leave, unpaid leave or ask about flexible working.

You can take a maximum of 4 weeks per year and these must be taken in weekly blocks, unless your child is disabled then you can take in shorter periods.

## Rights to ask for flexible work

Any employee has the right to apply to work flexibly. Employers will have a duty to consider requests seriously and will be able to refuse only when there is a clear business reason to do so. This right applies to employees who have worked for their employer for 26 weeks before making the request.

There may be a number of flexible working options that you wish to consider including going part-time, flexi-time, remote working, school hours only, etc.

For more advice and information about Flexible Working and your rights, you might like to visit [www.workingfamilies.org.uk](http://www.workingfamilies.org.uk) or phone the helpline for parents and carers on **0300 012 0312**.

Visit [www.gov.uk](http://www.gov.uk) (under Employment: Flexible Working) for details of the flexible working statutory application process.

**In 2022, around 4.3 million employees in the United Kingdom had employment contracts that allowed for flexible working hours, making it the most common flexible working practice in that year**

## EQUALITY

The Equality Act 2010 became law in October 2010 and replaces previous legislation, such as the Sex Discrimination Act 1975, Race Relations Act 1976 and the Disability Discrimination Act 1995.

The Act still protects the same groups that were covered by the existing equality legislation: age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership, pregnancy and maternity (all known as protected characteristics).

However, it has gone further towards defining the different types of discrimination (direct, by association, perception and indirect) and extending protection to cover disability or gender reassignment, for example. The Act also clearly defines what is understood by harassment, third party harassment and victimisation.

It may be of particular note that, under the Equality Act 2010, it is unlawful for employers to discriminate against disabled people.

The disability parts of the act cover:

- application forms
- interview arrangements
- aptitude or proficiency tests
- job offers
- terms of employment including pay
- promotion, transfer and training opportunities
- work-related benefits such as access to recreation or refreshment facilities
- dismissal or redundancy
- discipline and grievances

An employer must also make reasonable changes to applications, interviews and work so that you are not disadvantaged.

These are known as 'reasonable adjustments'.



Under the Equality Act 2010, an employer must not:

- treat a disabled person less favourably because the person has a disability - this is known as 'direct discrimination'
- indirectly discriminate against a disabled person, unless there is a fair and balanced reason for this
- directly discriminate against, or harass a person because they are associated with a disabled person
- directly discriminate against or harass a person who is wrongly thought to be disabled
- victimise anyone

Victimisation might arise because the person has taken, or is believed likely to take action under the Act. For example, making a complaint or taking a case to a tribunal or court. Or it might be because they have helped somebody to make a complaint or to take other action.

Also, your employer must not treat a disabled person less favourably because of something connected with the person's disability, unless there is a fair and balanced reason. For this form of discrimination, the employer must know or should reasonably have been expected to know that the person is disabled.

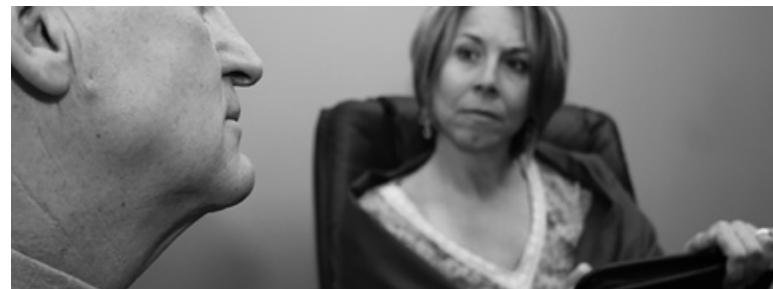
These rights do not just apply to employment. The Equality Act covers other forms of work like partnerships, contract work, or holding an office like a director of a business.

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Under the Equality Act 2010, an employer has a duty to make reasonable changes or adjustments for disabled applicants and employees. Adjustments should be made to avoid you being put at a disadvantage compared to non-disabled people. The need to make reasonable adjustments can apply to the working arrangements (e.g., your working hours or providing an adapted piece of equipment) or any physical aspects of the workplace (e.g., replacing steps with a ramp).

Also, if it is reasonable, the employer needs to provide an extra aid to ensure the disabled worker is not disadvantaged. This might mean providing special or adapted equipment to do the job.

More information can be found online at  
**[www.gov.uk](http://www.gov.uk) or [www.acas.org.uk](http://www.acas.org.uk).**



## Raising a grievance ———

If you have problems or concerns with your work, working conditions or a relationship with another colleague that you wish to raise with your manager, you can do so in the form of a grievance. This is a structured way to have your concerns addressed and, if possible, resolved. It is clearly in the interests of your workplace to resolve problems before they can develop into major difficulties.

In the first instance, it is advisable to raise a grievance at an early stage, informally, with your immediate line manager. However, if the matter is not resolved, your company should have a formal grievance procedure that you can follow. Pursuing the formal route should be a last resort rather than the first option.

There is no legally binding process that you or your employer must follow when raising a grievance, although Acas publishes a guide to 'Disciplinary and grievance procedures' that you may find helpful (as, although your employer's failure to follow the Code cannot result in legal proceedings, it may be considered if your case were to end up at an employment tribunal).

If you do decide to raise a grievance, you should try to keep to the facts of your case and put your concerns in writing to a manager who is not the subject of the grievance. Your employer may offer you the opportunity to attend a meeting to discuss your grievance and how you feel it could be resolved. You have a statutory right to be accompanied by a companion at a grievance meeting and many people choose a colleague, trade union member or an official employed by the trade union to accompany them.

Following a grievance meeting, your employer should identify in writing what actions will be taken to address your concerns. You have the right to appeal if you are not satisfied with the action taken. Your appeal should be dealt with impartially and, if possible, by a manager who has not previously been involved with your case.

If you have raised a grievance during a disciplinary process, the disciplinary process may be temporarily suspended in order to address your grievance. However, if the disciplinary and grievance issues are related, your employer may decide to deal with both issues at the same time.

## Disciplinary proceedings —

A disciplinary proceeding may occur if an employer is unhappy with your performance or conduct at work. Disciplinary proceedings enable an employer to outline how you can improve your performance as well as giving you the opportunity to present your perspective. If the issue is not resolved, your employer may choose to take disciplinary action or dismiss you.

In the first instance, most employers will choose to raise their concerns with you informally. In most cases, this is usually an effective way of resolving a problem or clearing up any misunderstandings. However, your employer is entitled to go straight to their formal disciplinary or dismissal procedures.

In line with the Acas code of practice for Disciplinary and Grievance Procedures, your employer's disciplinary procedure is likely to be the following:

- an initial letter from your employer setting out the issue
- a meeting with your employer to discuss the issue
- the right to appeal your employer's decision

Your employer's disciplinary procedure should be available in writing and clearly state the disciplinary procedure rules, what performance and behaviour might lead to disciplinary action and what action your employer has to take.

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You should also be told, in writing, who you can appeal to if you are unhappy with your employer's decision.

Your employer has the right to suspend you from work if you are undergoing disciplinary or dismissal proceedings. If your contract of employment states that you can be suspended without pay, then your employer does not have to pay you. However, in most cases, you will be paid in full to make it clear that you are not being punished while your case is still under investigation or review.

For more information about disciplinary proceedings, visit **[www.gov.uk](http://www.gov.uk)**

## Early Conciliation —

Early Conciliation is a free, fast and less stressful alternative to an employment tribunal for resolving workplace disputes.

For anyone thinking about lodging an Employment Tribunal Claim, Early Conciliation is available.

At Acas, their advice is always that it is best for employers and employees to resolve disputes as early as possible. Reaching a settlement through conciliation is quicker, cheaper and less stressful for all concerned than a tribunal hearing.

Anyone intending to lodge an Employment Tribunal Claim will first have to notify Acas by completing a simple Early Conciliation notification form.

## Process —

Acas will contact the potential claimant or representative within two working days of receiving the form. They gather basic information on the dispute itself and provide information about Early Conciliation. The case will then be passed to a conciliator who will aim to make contact with both parties and talk through the issues to see if a solution can be found.

## Being dismissed by an employer —

Dismissal is when an employer ends your contract (with or without notice). This may be because they have decided not to renew a fixed-term contract or may be classed as constructive dismissal where you have resigned because your employer breached the terms of your employment contract.

If an employer wants to dismiss you, they must be able to show that they have a valid reason for your dismissal (e.g., that you were unable to do your job) and that they have acted reasonably in the circumstances.

They must also carry out a full investigation before they dismiss you.

If you feel that you were not told about a relevant rule or procedure, or that you have been dismissed for something routinely done by other colleagues, you may be able to claim unfair dismissal. A dismissal may be automatically classed as unfair if you were dismissed because you tried to claim one of your statutory employment rights

(You must usually have worked for your employer for two years before you can claim unfair dismissal.).

Wrongful dismissal is when your employer breaches the terms of your employment contract, by not giving you notice, for example, or failing to follow their disciplinary or dismissal procedures.

A dismissal can be both wrongful and unfair. Unlike unfair dismissal, there is no minimum employment period to claim compensation for wrongful dismissal, but you would need to pursue such a claim through the courts rather than an employment tribunal.

Your employer should always give the amount of notice outlined in your contract of employment or the statutory minimum notice period (whichever is longer). Summary dismissal (dismissal without notice) is only allowed in cases of 'gross misconduct' (e.g., if you have been violent towards a colleague).

If you have been employed by the same employer for two years or more; were pregnant, on maternity or adoption leave at the time of your dismissal; or you were on a fixed-term contract that was not renewed, you have the right to ask for your dismissal to be explained in writing by your employer.

If you think you have been wrongfully or unfairly dismissed, you may decide to take your case to an Employment Tribunal. A service like Acas can explain your rights in more detail.



**2 in 5 (41%) large businesses and 1 in 5 (20%) small and medium sized (SME) businesses are likely to make redundancies within the next 12 months (report dated May 2023)**

## REDUNDANCY

Redundancy is essentially a form of dismissal from your job that is caused by your employer needing to reduce the workforce.

If your employer is making less than 20 employees redundant in one establishment, this is referred to as an individual consultation.

If your employer is making 20 or more employees redundant in one establishment within a 90-day period, it is known as a collective redundancy.

An employer should always consult with you before they make you redundant, explaining why you have been chosen or outlining alternatives to redundancy, such as reduced working hours or the opportunity to relocate, for example. If you are not consulted, you may be able to claim unfair dismissal.

Your employer should be able to show that they have an evidence-based reason for selecting you for redundancy.

They should also see if you can be redeployed to another suitable role within the organisation or an associated company. If you are facing redundancy, your employer must allow you time off for job hunting.

You may be entitled to statutory redundancy pay, which is worked out based on how long you have been continuously employed, your age and your weekly pay, up to a certain limit. Your employer may offer you a more generous redundancy package.

There is a range of support available to help you cope with redundancy. In the first instance, you may be able to get advice and support from your Trade Union or Acas. The Community Legal Advice service can also tell you more about your rights and entitlements in the event of a redundancy.

If you are made redundant on or after the 6th April 2023 your weekly pay is capped at £643 and the maximum statutory redundancy pay you will get is £19,290, if you are made redundant before the 6th April 2023 the amount will be lower.

## JARGON BUSTER

A few medical terms explained

**Asbestosis:** a disease of the main lung tissue caused by inhaling asbestos fibres

**Byssinosis:** a disease of the main lung tissue caused by inhaling asbestos fibres

**Diffuse Pleural Thickening:** a disease of the lung lining, sometimes caused by inhaling asbestos fibres

**Emphysema:** a lung disease that often occurs along with chronic bronchitis

**Mesothelioma:** a tumour of the tissues, usually covering a lung, nearly always caused by inhaling asbestos fibres

**Pneumoconiosis:** a lung disease caused by inhaling certain irritant substances

**Silicosis:** a type of pneumoconiosis

**Vibration White Finger:** a condition in which the fingers can become numb and begin to turn white – often caused by prolonged use of vibrating tools or machinery

**Tenosynovitis:** inflammation of a tendon (the tissue that connects muscle to bone) and the tissue surrounding it

**Repetitive Strain Injury (RSI):** a term used to refer to a range of injuries caused by carrying out certain movements repeatedly

**Dermatitis:** inflammation of the skin. There are various types and the condition can have many different causes

The HSE Infoline can provide a full list of reportable diseases under the 2013 RIDDOR regulations.



# USEFUL CONTACTS / ORGANISATIONS



Below is a list of organisations that can offer help and advice.

## Advisory, Conciliation and Arbitration Service (Acas)

Free, confidential and impartial advice on workplace rights and issues.



0300 123 1100 Mon-Fri 8am - 6pm  
Text Relay: 18001 0300 123 1100

Email: via the online enquiry form  
[www.acas.org.uk](http://www.acas.org.uk)  
[Twitter@acasorguk](https://twitter.com/acasorguk)  
and LinkedIn

## Association of Personal Injury Lawyers (APIL)

3 Alder Court, Rennie Hogg Road, Nottingham, NG2 1RX

For finding lawyers in your area specialising in personal injury, including work-related injury and diseases.

General Enquiries  
Tel: 0115 943 5400



Email: via the online enquiry form  
or Email: [mail@apil.org.uk](mailto:mail@apil.org.uk)  
[www.apil.org.uk](http://www.apil.org.uk)

## Benefits and Financial Support

[www.gov.uk/check-benefits-financial-support](http://www.gov.uk/check-benefits-financial-support)

## Citizens Advice

Adviceline (England)  
0800 144 8848  
Adviceline (Wales)  
0800 702 2020



For free, independent, confidential and impartial advice visit  
[www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

## Department for Work and Pensions

This government departments are responsible for the welfare, pensions and child maintenance policy. Information can be found online

[www.gov.uk/government/organisations/department-for-work-pensions](http://www.gov.uk/government/organisations/department-for-work-pensions)

## Health & Safety Executive (HSE)

There are numerous ways to contact HSE depending upon your requirements. Please visit our website

[www.hse.gov.uk](http://www.hse.gov.uk)

## Hearing Link

The Grange, Wycombe Road, Saunderson, Princess Risborough, Buckingham, HP27 9NS

For information, advice and support for people with hearing loss and their families.



Call or Text: 01844 348 111

Email: [helpdesk@hearinglink.org](mailto:helpdesk@hearinglink.org)  
[www.hearinglink.org](http://www.hearinglink.org)  
Facebook and Twitter

## Help Me Quit (Wales only)

Stop smoking services in Wales

Freephone 0800 085 2219

[www.helpmequit.wales](http://www.helpmequit.wales)

## Industrial Injuries Benefit Helpline

0800 121 8379

## LGBT+ Switchboard

At Switchboard we provide an information, support and referral service for lesbians, gay men and bisexual and trans people – and anyone considering issues around their sexuality and/or gender identity.

0300 330 0630  
Open 10am - 10pm every day

[www.switchboard.lgbt](http://www.switchboard.lgbt)

## Living Made Easy

Living Made Easy is brought to you by DLF, the charity previously known as Disability Living Foundation, providing free impartial advice on solutions on gadgets, adaptations and aids to make life easier.

Helpline: 0300 123 3084  
Mon - Thur 9am - 5pm

Email: [info@dlf.org.uk](mailto:info@dlf.org.uk)  
[www.livingmadeeasy.org.uk](http://www.livingmadeeasy.org.uk)

## Mind

Mind offers confidential help on a range of mental health issues as well as a range of useful publications. They also provide a special legal service to the public, lawyers and mental health workers. To find your local MIND, go to the website. You can now also find MIND on Facebook and Twitter.

Mind Info Line: 0300 123 3393  
Mind's Legal Advice Service:  
0300 466 6463

Email: [info@mind.org.uk](mailto:info@mind.org.uk)  
[www.mind.org.uk](http://www.mind.org.uk)

## Motor Accident Solicitors Society (MASS)

Association of solicitors experience in dealing with personal injuries resulted from motor accidents

0117 925 9604

Email: [enquiries@mass.org.uk](mailto:enquiries@mass.org.uk)  
[www.mass.org.uk](http://www.mass.org.uk)

## Rethink Mental Illness

Rethink Mental Illness is a charity that believes a better life is possible for people affected by mental illness. For 50 years we have brought people together to support each other. We run services and support groups that change people's lives and we challenge attitudes about mental illness.

Advice Service -  
Freephone: 0808 801 0525

Email: [advice@rethink.org](mailto:advice@rethink.org)  
[www.rethink.org](http://www.rethink.org)  
[facebook.com/rethinkcharity](https://facebook.com/rethinkcharity)  
[twitter.twitter.com/rethink\\_](https://twitter.twitter.com/rethink_)



## RIDDOR - Report an Accident Online

(This is the Incident Contact Centre website to report an accident or ill health due to work) All accidents can be reported online but a telephone service remains for reporting fatal and major injuries only.

visit [www.hse.gov.uk/riddor](http://www.hse.gov.uk/riddor) to make a report and for more information

## RNIB

Advice and assistance for people suffering from sight loss or who have sight problems.

Helpline: 0303 123 9999  
Mon - Fri 8am - 8pm  
Sat 9am - 1pm

Email: [helpline@rnib.org.uk](mailto:helpline@rnib.org.uk) or  
via the online enquiry form  
[www.rnib.org.uk](http://www.rnib.org.uk)  
Facebook and Twitter (@RNIB)



## Royal National Institute of Deaf (RNID)

Brightfield Business Hub, 9 Bakewell Road, Orton Southgate, Peterborough, PE2 6XU

Advice and support for people who are deaf, hard of hearing or have tinnitus. We want a world where hearing loss doesn't limit or label people, where tinnitus is silenced and where people value and look after their hearing.

0808 808 123  
Text: 07360 268 988  
(texts are charged at the standard rate)  
Relay UK: 18001 then  
0808 808 123

Email: [contact@rnid.org.uk](mailto:contact@rnid.org.uk)  
[www.rnid.org.uk](http://www.rnid.org.uk)



## RoSPA - The Royal Society for the Prevention of Accidents

28 Calthorpe Road, Edgbaston, Birmingham, B15 1RP

0121 248 2000

Email: [help@rospa.com](mailto:help@rospa.com)  
[www.rospa.com](http://www.rospa.com)

## Smokefree NHS (England only)

To find your nearest NHS stop smoking service call the National Smokefree Helpline

National Smokefree Helpline  
0300 123 1044 to speak to a trained adviser

[www.nhs.uk/better-health/quit-smoking](http://www.nhs.uk/better-health/quit-smoking)

## Solicitors Regulation Authority

The Cube, 199 Wharfside Street, Birmingham B1 1RN

For advice and information on choosing a solicitor and what to do when things go wrong

0370 606 2555  
Ethics Helpline 0370 606 2577

Email: via the online enquiry form  
[www.sra.org.uk](http://www.sra.org.uk)  
To search the Law Society's database of solicitors, [www.solicitors.lawsociety.org.uk](http://www.solicitors.lawsociety.org.uk)

## The Law Society

The Law Society does not provide legal advice to the members of the public. If you require advice use our 'Find a Solicitor' website to locate a firm in your area.

[findasolicitor@lawsociety.org.uk](mailto:findasolicitor@lawsociety.org.uk)  
[www.lawsociety.org.uk](http://www.lawsociety.org.uk)

## Well Aware

Aware Team at the The Care Forum will search for information for you. Health and Wellbeing at your fingertips! Well Aware is a website run by The Care Forum with lots of information about 1,000's of health, wellbeing and community services.

0808 808 5252  
This call is FREE.

Email: via the  
online enquiry  
form

[www.wellaware.org.uk](http://www.wellaware.org.uk) and try yourself



# ABOUT THIS GUIDE

The information provided in this publication is given in good faith and is in no way connected to or affiliated with any of the organisations contained within this publication. The information supplied should not be taken as legal advice.

The content is also not intended to replace other healthcare professional advice that you may be encouraged to seek.

Professional advice should be sought where appropriate. Any rates and information contained within this publication was correct at the time of print in July 2023.

As benefit entitlements change regularly, you are advised to contact the benefits enquiry line or your local jobcentre plus for information about current entitlements.



# Suffered a serious injury or work-related illness? We can ensure you're properly compensated.



## Humphreys & Co. Solicitors are recognised leaders in the field of serious injury and work-related illness compensation.

Our expert legal team has a proven track record, with over 30 years' experience of helping patients recover their maximum entitled compensation following serious injuries, in or out of work, or work-related illness.

We work on a no-win-no-fee basis with no upfront costs, so there is no financial risk to you.

Our specialist team is renowned for their sensitive approach, treating every case with professionalism and integrity and has recovered multi-millions in compensation for claimants.

If you would like to discuss a serious injury or work-related illness claim, call our expert team on **0117 929 2662** or email [lawyers@humphreys.co.uk](mailto:lawyers@humphreys.co.uk) for no-obligation advice.

### Compensation can be claimed for injuries and work-related illness including:

- Work-induced asthma
- Severe skin/burn injuries
- Limb fractures
- Industrial disease
- Fatal accidents
- Asbestosis & mesothelioma
- Pleural thickening
- Spinal Injuries
- Brain injuries
- Dental injuries
- Amputation injuries
- Noise-induced hearing loss
- Serious road traffic accident injuries

**Humphreys  
& Co. SOLICITORS**

0117 929 2662  
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[www.humphreys.co.uk](http://www.humphreys.co.uk)



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