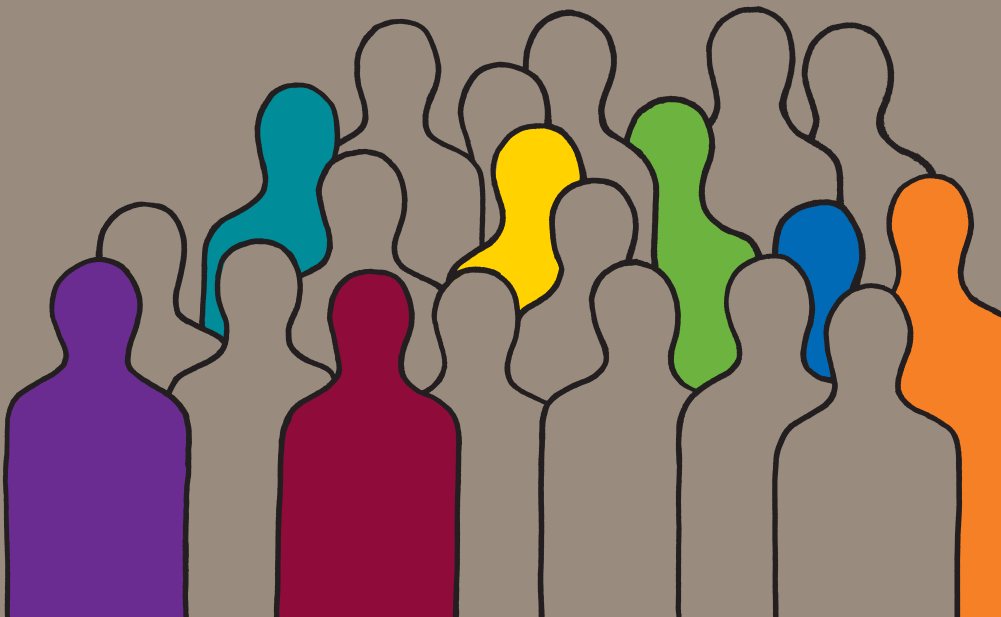


Help yourself... if your job contract changes

What can you do if your employer wants to cut your hours or move to the other side of the country? This leaflet will help you to understand your employment contract and the rights you have. For further help and information, see the list of useful contacts at the back.



This leaflet is for people who are employees. The rules are different if you are self-employed or an agency worker. If you are not sure what your job status is, Adviceguide has more information – see www.adviceguide.org.uk. There are special rules if your employer goes out of business or the business is transferred to a new owner. Get specialist employment advice from your local Citizens Advice Bureau (CAB).

1 What rights do I have at work?

Employment rights come from two sources. Statutory rights are rights laid down by law such as the right to the national minimum wage and not to be discriminated against. Some rights start immediately and others depend on how long you have worked for your employer.

When you started work, you will have accepted your employer's terms and conditions for the job, such as pay, hours and duties. These form part of your contract. Your contractual rights cannot be less than your statutory rights.

You can get more information about your rights at work at www.adviceguide.org.uk.

2 What is a contract?

A contract is an agreement between you and your employer that is enforceable by law – you agree to work in return for wages. You have a contract as soon as you start working even if you have nothing in writing.

Your contract may be made up of express terms such as:

- what has been agreed verbally
- anything in writing, for example, a letter of appointment or job advert.

And implied terms which although not expressly stated, can be assumed.

For example:

- your employer will provide a safe working environment
- what usually happens or has happened before – custom and practice
- terms negotiated by your workplace trade union, whether you are a member or not (collective agreements).

You are entitled to a written statement of terms and conditions within two months of starting work. This outlines the main terms and conditions such as wages, hours, holiday entitlement and sick pay. If you don't have one, you have a statutory right to ask for one.

3 How can my contract be changed?

Contracts are not set in stone, both you and your employer may want to make changes. You may want changes to improve your pay or working conditions, for example, changing from full-time to part-time working. Your employer may want to change things like your pay, hours, duties or place of work because of changed economic circumstances or reorganisation.

Your terms and conditions can be changed by:

- agreement between you and your employer
- collective agreement between your employer and a recognised trade union
- your employer, if there is a term in your contract that allows it.

4 What changes can my employer make?

There may be terms in your contract that allow your employer to make certain changes:

- a variation term may allow your employer to change a specific term such as the number of hours you work or your pay
- a flexibility clause may mean that your employer can change your duties, as long as there is no reduction of pay or status
- a mobility clause may let your employer change your place of work.

5 What if my contract allows changes?

Even if your contract allows a change to be made, the change should still be reasonable and you should be given enough notice.

If it is a fundamental term that your employer wants to change, such as your hours or rate of pay, you should be fully consulted, given time to consider the proposals and to suggest alternatives.

If you accept the changes, you don't need to do anything except carry on working. Ask for your new terms and conditions in writing.

If you disagree with the changes or you haven't been consulted, get advice. There may be other things you can do, such as asking for a trial period or negotiating with your employer to make the changes more acceptable to you.

6 What if my contract doesn't allow changes?

If there is nothing in your contract that allows for a proposed change, then that change should only be made if both you and your employer agree to it. If your employer tries to go ahead without your agreement, they would technically be breaking your contract (breach of contract) and you may be able to take further action.

However, the reality could be a straight choice between accepting the new terms and conditions or losing your job. Your employer could simply terminate your existing contract (giving you the proper notice) and offer you a new one with different terms and conditions. Before making any decisions, think carefully about whether you are prepared to lose your job and what you would stand to gain from taking any action.

7 What if I don't agree with the changes?

If there is no term in your contract allowing the change to be made, make sure you write to your employer making it clear why you disagree and keep a copy. If you carry on working without doing this, your employer may assume that you accept the changes.

If possible, try to sort it out with your employer informally. If you are unable to do this, you may have to take legal action.

Get advice from your local CAB or union representative – employment law can be complicated, you need to have a clear idea of what action you can take and the risks involved.

8 Can I take further action?

If you have made it clear to your employer that you disagree with the changes and you haven't been able to sort the problem out informally, you may need to take further action at an Employment Tribunal.

Get advice from your local CAB as soon as possible as there are strict time limits. An adviser will be able to help you work out what to do next. Don't forget that even if there is a breach of contract, an Employment Tribunal may decide that the changes your employer wants to make are reasonable.

If you believe you have been discriminated against because of things like sex, disability, race, sexual orientation, religion or belief, gender reassignment, pregnancy or maternity, marriage or civil partnership, or age then get advice.

9 Get advice

If you need further help or advice, visit your local Citizens Advice Bureau (CAB). To find your nearest CAB, visit www.adviceguide.org.uk

Adviceguide has more information and factsheets about your rights at work as well as help with debts and claiming benefits.

10 Useful contacts (check call rates before dialling)

Acas www.acas.org.uk

free, confidential, impartial advice on employment rights

Helpline: ☎ 0845 747 4747

Accountant in Bankruptcy www.aib.gov.uk

general enquiries about bankruptcy (Scotland only)

Helpline: ☎ 0300 200 2777

Community Legal Advice www.communitylegaladvice.org.uk

free legal help, adviser search, legal aid calculator (England and Wales)

Helpline: ☎ 0845 345 4345

Minicom: 0845 609 6677 (if you have difficulty hearing or speaking clearly)

Directgov www.direct.gov.uk

information on employment rights, contracts, insolvency, redundancy pay calculator

Equality and Human Rights Commission

www.equalityhumanrights.com

information and guidance on discrimination and human rights issues

Helpline: ☎ 0845 604 6610 (England), ☎ 0845 604 8810 (Wales)

and ☎ 0845 604 5510 (Scotland)

The Insolvency Service www.insolvency.gov.uk

information on insolvency and redundancy (England and Wales)

Insolvency enquiry line: ☎ 0845 602 9848

Redundancy payments helpline: ☎ 0845 145 0004

National Debtline www.nationaldebtline.co.uk

free independent debt advice line: ☎ 0808 808 4000

Pay and Work Rights Helpline

<http://payandworkrightscampaign.direct.gov.uk> (no www)

advice and information about government-enforced employment rights such as national minimum wage and working hours limits

Helpline: ☎ 0800 917 2368

Textphone: 0800 121 4042 (if you have difficulty hearing or speaking clearly)

Shelter www.shelter.org.uk

housing advice including mortgage and rent arrears, repossession, eviction, court action

Helpline: ☎ 0808 800 4444 (England and Scotland), ☎ 0845 075 5005 (Wales)

Trades Union Congress (TUC) www.worksmart.org.uk

Our principles

The Citizens Advice service provides free, independent, impartial advice to everyone on their rights and responsibilities. We value diversity, promote equality and challenge discrimination.

Our aims

- Provide the advice people need for the problems they face.
- Improve the policies and practices that affect people's lives.

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www.adviceguide.org.uk

www.citizensadvice.org.uk

Bilingual version (Welsh/English) also available

Further copies of this leaflet are available to order from:

www.citizensadvice.org.uk/publicity_materials_order

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