



Northern Ireland

Employment Fact Sheet: Migrant Workers

Who is a migrant worker?

A migrant worker is someone who has come from abroad to work in the UK. The UK includes Northern Ireland.

You may be working here legally, that is, you have permission from the UK immigration authorities to work in the UK, or you may be working here illegally, that is, you don't have permission to work here. If you're from a European Union country, you will almost certainly have permission to work in the UK, although you may have had to register on the Workers Registration scheme first. The rules are different if you come from Bulgaria or Romania.

It's very important to know whether you have permission to work in the UK because this seriously affects your rights whilst you are here. If you're working in the UK illegally, or aren't sure whether you have permission to work here, you **must** get advice as soon as possible from an expert adviser. This is because if you're a migrant worker and you try to sort out a problem at work, you're more likely to be at risk than other workers of losing your job, any accommodation which goes with it and even your right to stay in the UK.

Your rights at work

This fact sheet is written for migrant workers who have the right to work in the UK. It gives information about some of your rights at work (**employment rights**). You have these rights because there are laws about how the person you work for (your **employer**) is allowed to treat you. Everyone who works in the UK has these rights from their first day of work, including people who work for an agency. There are things you can do about it if your employer breaks the law. The rights explained here might not be the only rights you have. To find out more, you should get advice (see below).

The right to a minimum wage

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

Your employer must give you a pay-slip, telling you how much you have been paid. They must pay you and they must pay you all the money you are owed.

FACTSHEET

You might find that your employer takes money from your wages for things like your accommodation, meals, training, the cost of travel to work, or the cost of travel to the UK. They might also be taking money from your wages to pay off the costs of arranging the job for you. There are rules about how much money your employer can take from your wages to pay for things like these, and there is a set amount of money below which your wages must not go. There is a maximum amount for accommodation which can be taken into account when calculating whether you are getting the NMW.

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

If you think you are being paid less than the NMW, you can report this to the **National Minimum Wage Helpline** for Northern Ireland on **0845 6500 207**. You don't have to give your name if you don't want to. If you find it hard to speak English, you should ask an adviser or someone else you trust to speak to the Helpline for you.

The right to work a maximum number of hours a week

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

The right to paid holiday

You have the right to take paid holiday from work. If you work five days a week, you have the right to 28 days' paid holiday a year. If you aren't given holidays from work, or aren't paid for your holidays, you should get advice.

The right to health and safety protection

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

The right to be protected from discrimination

All workers have the right to be protected from discrimination by their employer. This includes discrimination because of your race, sex, sexuality, disability, age, religious belief or political opinion.

The right to leave your job

You must be allowed to leave your job if you no longer want to work there. No one, including your employer, can stop you from doing this.

Some migrant workers are not allowed by the Home Office to find other work if they leave their job or are sacked. You may have to wait until the Home Office has sorted out your paperwork before you can get another job.

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

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

Your employer holds onto your passport

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

Problems with employment agencies and gangmasters

You may have come to work in the UK because an **employment agency** found work for you. Sometimes the reality of this work is not as expected; you may find that you are not being paid as much as you were promised, or the working conditions are not as good as you were led to believe. The Department for Employment and Learning are responsible for regulating employment agencies in Northern Ireland. If you think an employment agency has not treated you fairly you may be able to complain to the **Employment Agency Standards Inspectorate (EASI)** (see details below).

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

You may work in the UK for a **gangmaster**. A gangmaster is a person or business who supplies labour or uses workers to provide services in agriculture, forestry, horticulture, shellfish gathering and food processing and packaging. Gangmasters in the UK need to be licensed by the **Gangmasters Licensing Authority** in order to ensure they are operating within the legislation. You can report non-compliance to the Gangmasters Licensing Authority (GLA) on **0845 602 5020** or by email to: **intelligence@gla.gsi.gov.uk**.

Further help

Citizens Advice Bureau

Citizens Advice Bureaux give free, confidential, impartial and independent advice to help you solve problems. To find your nearest CAB visit www.citizensadvice.co.uk or look under C in your phone book.

Department for Employment and Learning (DEL)

DEL produces leaflets on employment rights for migrant workers in a number of different languages, including Polish, Lithuanian and Portuguese. They are available in the employment rights section under migrant workers on the DEL website at www.delni.gov.uk.

Further information about Employment Agency Standards can also be found on the DEL website in the Employment Agencies section.

National Minimum Wage (NMW)

For further information about National Minimum Wage rates of pay and how to report a case of suspected non-compliance call the **NMW Helpline** on **0845 6500 207** or www.nmwadvice.co.uk

The Department of Agriculture and Rural Development (DARD)

DARD has information for agricultural workers in Northern Ireland on its website at www.dardni.gov.uk.

Gangmasters Licensing Authority (GLA)

Further information about the regulation and licensing of gangmasters can be found on the GLA website www.gla.gov.uk

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