

dti

**EMPLOYMENT RELATIONS  
RESEARCH SERIES NO.51**

Employment Rights  
at Work – Survey of  
Employees 2005

JO CASEBOURNE, JO REGAN,  
FIONA NEATHEY AND SIOBHAN TUOHY  
INSTITUTE OF EMPLOYMENT STUDIES



**EMPLOYMENT RELATIONS  
RESEARCH SERIES NO. 51**

Employment Rights at Work:  
Survey of Employees 2005

JO CASEBOURNE, JO REGAN, FIONA  
NEATHEY & SIOBHAN TUOHY

INSTITUTE OF EMPLOYMENT STUDIES

Published in April 2006 by the Department of Trade and Industry.

URN 06/837  
ISBN 0 85605 346 5  
© Crown Copyright 2006

This DTI publication can be ordered at: [www.dti.gov.uk/publications](http://www.dti.gov.uk/publications) Click the 'Browse' button, then select 'Employment Relations Research Series'. Alternatively call the DTI Publications Orderline on 0870 1502 500 (+44 870 1502 500) and provide the URN, or email them at: [publications@dti.gsi.gov.uk](mailto:publications@dti.gsi.gov.uk)

This document can be accessed online at: [www.dti.gov.uk/er/emar](http://www.dti.gov.uk/er/emar)

Postal enquiries should be addressed to:

Employment Market Analysis and Research  
Department of Trade and Industry  
1 Victoria Street  
London SW1H 0ET  
United Kingdom

Email enquiries should be addressed to: [emar@dti.gov.uk](mailto:emar@dti.gov.uk)

The views expressed in this report are the authors' and do not necessarily reflect those of the Department of Trade and Industry or the Government.

# Foreword

The Department of Trade and Industry aims to create the conditions for business success, and help the UK respond to the challenge of globalisation. As part of that objective we want a dynamic labour market that provides full employment, adaptability and choice, underpinned by decent minimum standards.

We need to do more to encourage diversity in the workplace and give people choices over how they balance their work and family life. We need to further improve skills and training so that everyone has the chance to make the most of their potential. And crucially, we need to ensure that vulnerable workers are not mistreated, but get the rights they are entitled to.

This *Employees' Awareness, Knowledge and Exercise of Employment Rights Survey* is the second of its kind, following on from the first benchmark survey we conducted in 2001. It is an important contribution to the evidence base for policy making.

This report provides important insights into both employees' general awareness of the scope of their employment rights, and their specific knowledge of selected topics. It tells us about the incidence and nature of employment problems, and the sources of information and professional advice that employees seek out. It also helps us to identify the more vulnerable groups of employees, who are most likely to need assistance.

As noted in Chapter 1, the dataset will soon be lodged with the UK Data Archive. We encourage secondary analysis of this survey.

Additional copies of the report can be downloaded from the DTI website, or ordered from [Publications@DTI](mailto:Publications@DTI).

Anyone interested in receiving regular email updates on EMAR's research programme, new publications and forthcoming seminars should send their details to us at: [emar@dti.gov.uk](mailto:emar@dti.gov.uk)



Grant Fitzner

Director, Employment Market Analysis and Research

# Acknowledgements

This research was commissioned by the Department of Trade and Industry (DTI). We are grateful to Steven Taylor and John McQueeney for their management of this research, and to members of the advisory group from the DTI, DCA, Acas and the LSRC for their comments and suggestions about the design of the survey, the analysis process and the presentation of results.

We would like to thank Bruce Hayward, Carole Maxwell and Tim Hanson at BMRB who worked jointly with us on the design of the survey, who were responsible for conducting the survey and for the preparation of the survey data, and who provided useful suggestions on the analysis of the data and the presentation of the results. We would also like to thank James Walker-Hebborn for providing all the administrative support for the project at IES.

Finally, we would like to thank all those who participated in the survey, as well as those who participated in cognitive and pilot interviews prior to the survey, for giving up their time to take part in this important research.

# Contents

<b>Executive summary</b>	<b>1</b>
<b>1. Introduction and methodology</b>	<b>7</b>
1.1 The research aims	7
1.2 Employment rights – background	8
1.3 Methodology	13
1.4 Comparisons with the first benchmark survey	17
1.5 Presentation of the findings	17
1.6 Structure of the report	18
1.7 Data availability	18
<b>2. Awareness of employment rights</b>	<b>19</b>
2.1 How well informed respondents feel about their rights at work	19
2.2 Whether respondents know as much as they need to about their rights at work	24
2.3 Whether respondents would know where to find information about rights at work	24
2.4 Awareness of employers’ legal obligations	27
2.5 Knowledge of the detail of the law	35
2.6 Awareness deficits	40
2.7 Awareness score	41
2.8 Summary	45
<b>3. Knowledge of specific employment rights</b>	<b>49</b>
3.1 The approach to measuring and analysing factual knowledge	49
3.2 Working time, annual leave and rest breaks	50
3.3 National Minimum Wage	62
3.4 Children and dependants	76
3.5 Other key knowledge issues	80
3.6 Knowledge scores	89
3.7 Summary	92
<b>4. Experience of problems</b>	<b>96</b>
4.1 Measuring the incidence of problems	96
4.2 Experiencing a problem	98

4.3	Types of problems experienced	101
4.4	Number of separate problems experienced	102
4.5	What types of problems were the most serious?	104
4.6	Advice or information sought	106
4.7	Actions taken	113
4.8	Resolution	115
4.9	Likelihood of future problems	122
4.10	Summary	129
<b>5.</b>	<b>Finding information and advice</b>	<b>133</b>
5.1	Where respondent would go to find out general information about their rights at work	133
5.2	Who is responsible for ensuring employees are aware of their rights at work?	138
5.3	How useful respondents think different information services would be	140
5.4	Which information service respondents would find most useful	142
5.5	Getting information or advice about hypothetical future problems	143
5.6	Summary	144
<b>6.</b>	<b>Key findings by employment right</b>	<b>147</b>
6.1	Children and dependants	147
6.2	Working time, annual leave and rest breaks	151
6.3	Pay, contracts, disciplinary and grievance procedures, and employment tribunals	154
6.4	Discrimination	160
<b>7.</b>	<b>Concluding remarks</b>	<b>164</b>
7.1	Which rights are people most (and least) aware of, or knowledgeable about?	164
7.2	Which groups are most (and least) aware of, or knowledgeable about, their rights?	167
7.3	Which sources of information and advice are most commonly used and most useful?	169
7.4	Who experiences problems at work and who resolves them?	170

<b>Appendix 1: Description of sample</b>	<b>171</b>
<b>Appendix 2: Regression methodology and results</b>	<b>177</b>
<b>Appendix 3: On-call working</b>	<b>194</b>
<b>Appendix 4: List of acronyms</b>	<b>201</b>
<b>Bibliography</b>	<b>202</b>

## List of Tables and Charts

Table 2.1:	How well informed respondents feel about their rights at work	20
Figure 2.1:	How well informed respondents feel about their rights at work: 2005 survey compared to 2001 survey	21
Figure 2.2:	Whether respondents know as much as they need to know about their rights at work, or could do with knowing more	25
Table 2.2:	Whether respondents would know where to find out information about their rights at work if they needed to	26
Figure 2.3:	Awareness of employers' legal obligations: proportion of respondents who think employers have to do this according to law	28
Table 2.3:	Awareness of rights in the area of children and dependants	34
Table 2.4:	How much respondents said they know about the detail of the law of the rights that they were aware of	36
Figure 2.4:	Awareness deficits	40
Table 2.5:	Awareness score	42
Figure 3.1:	Estimate of the weekly working time limit	51
Table 3.1:	Estimates of the weekly working time limit	51
Table 3.2:	Opting out of the working time limit	54
Table 3.3:	Estimates of minimum holiday entitlement	56
Table 3.4:	Is there a legal entitlement to public holidays on top of the minimum leave entitlement?	58
Figure 3.2:	Entitlement to days off over a 14-day period	59
Figure 3.3:	Number of hours before rest break	60
Table 3.5:	Proportions giving correct responses to days off in 14-day period and rest breaks questions	60
Figure 3.4:	Which groups are covered by the NMW?	63
Table 3.6:	Which groups are covered by the NMW? (percentage saying yes)	64
Table 3.7:	Is the NMW the same for different age groups?	66
Figure 3.5:	How much is the NMW for each age group?	67

Table 3.8:	How much is the NMW for 16 and 17 year olds?	68
Table 3.9:	How much is the NMW for 18 to 21 year olds?	70
Table 3.10:	How much is the NMW for 22 to 64 year olds?	71
Figure 3.6:	Estimate of the average (mean) NMW rate for 22 to 64 year olds, by date of interview	73
Table 3.11:	How much is the NMW for those aged 65 and over?	74
Table 3.12:	Time off for dependants (in an emergency)	76
Figure 3.7:	What rights a mother has after ordinary maternity leave	77
Table 3.13:	What rights a mother has after ordinary maternity leave, by respondents' characteristics	78
Figure 3.8:	What rights a mother has after additional maternity leave	79
Table 3.14:	What rights a mother has after additional maternity leave, by respondents' characteristics	80
Table 3.15:	The point at which employees are legally entitled to rights	82
Table 3.16:	Proportion of respondents giving the right answer about the point at which employees are legally entitled to rights	82
Figure 3.9:	Whether respondents have the right to be accompanied to disciplinary or grievance hearings, and who can accompany employees	84
Table 3.17:	Proportion of respondents getting the right answer about who can accompany employees to disciplinary or grievance hearings	85
Figure 3.10:	What employees have to do before making a claim to an employment tribunal	87
Table 3.18:	Proportion of respondents getting the right answer about what employees have to do before making a claim to an employment tribunal	88
Table 3.19:	Results of the knowledge score	90
Table 4.1:	Percentage reporting a problem at work in the past five years	98
Figure 4.1:	Type of problem(s) experienced in the past five years	102
Table 4.2:	Average number of separate problems experienced in the past five years	103
Figure 4.2:	Most serious problem experienced in the past five years	105

Figure 4.3:	Whether the most serious problem is now over, or is still ongoing	106
Table 4.3:	Whether advice/information was sought	107
Figure 4.4:	Advice or information sought (multiple response for subsequent sources)	109
Figure 4.5:	What respondents were looking for when trying to get advice or information from their initial source	112
Table 4.4:	Whether respondents got what they wanted from the first source	112
Table 4.5:	Whether respondents got what they wanted from their first source	113
Figure 4.6:	Actions taken (multiple responses given)	114
Table 4.6:	Average length of time taken to reach resolution, by type of problem	116
Table 4.7:	Leaving an employer as a direct result of problems	116
Figure 4.7:	How the problem(s) were resolved	117
Figure 4.8:	How the problem(s) were expected to be resolved	118
Table 4.8:	Whether leaving an employer as a direct result of problems	119
Figure 4.9:	Which problems do you think you are likely to experience in the next two years? (multiple response)	123
Figure 4.10:	Which problem do you think you are most likely to experience in the next two years?	125
Table 4.9:	How confident respondents are that their employer meets its legal obligation to its employees in the area of the respondents' most likely problem	126
Table 4.10:	How confident respondents are that they would be able to deal with their most likely problem themselves	128
Table 5.1:	Where respondents would go to find out general information about their rights at work	134
Table 5.2:	Who respondents think is mainly responsible for informing employees of their rights at work	139
Figure 5.1:	How useful respondents thought different information services would be	140
Table 5.3:	Which information service respondents would find most useful	142

Figure 5.2: Where respondents would seek information or advice (multiple response)	144
Table A1.1: Personal characteristics	172
Table A1.2: Family and household characteristics	173
Table A1.3: Characteristics of employer	174
Table A1.4: Characteristics of respondent's job	175
Table A1.5: Details of respondent's employment	176
Table A2.1: General awareness, classification table	181
Table A2.2: General self-assessed awareness of employment rights (dependent variable)	182
Table A2.3: General awareness collinearity diagnostics	184
Table A2.4: Problems experienced, classification table	185
Table A2.5: Prompted measure of whether a problem has been experienced at work in the past five years (dependent variable)	186
Table A2.6: Problems experienced collinearity diagnostics	188
Table A2.7: Resolved satisfactorily classification table	190
Table A2.8: Has a problem, once experienced and 'now over'/ 'most likely over', been resolved satisfactorily? (dependent variable)	191
Table A2.9: Resolved satisfactorily, collinearity diagnostics	193
Figure A3.1: Average number of hours on call per calendar month actually spent at place of work	195
Figure A3.2: Average number of hours on call per calendar month at place of work and actively doing work	196
Table A3.1: Whether required to do on-call working	196
Figure A3.3: Industries of those doing on-call working	198
Figure A3.4: Frequency of on-call	199
Figure A3.5: Average hours required to be on call per calendar month	200



# Executive summary

*Almost two-thirds of respondents said they felt either well informed (51 per cent) or very well informed (15 per cent) about their employment rights. Groups that might be expected to be more vulnerable at work had lower levels of awareness and knowledge about their rights at work than other workers.*

*The research also suggests that being a trade union member and/or being aware of employment rights may, to some extent, protect employees from having problems to do with their rights at work, and may help them resolve these problems.*

*In all, 42 per cent of respondents said they had experienced a problem at work in the past five years. The most common problem reported was issues to do with pay, which affected 22 per cent of all respondents.*

## **Aims and objectives**

The main aims of the study were:

- to assess employees' general awareness of the scope of their employment rights
- for selected topics, to establish employees' knowledge of specific employment rights provision (eg level of the National Minimum Wage, NMW, qualifying period for taking action on the grounds of unfair dismissal and discrimination cases, and rules for the award of costs in employment tribunal cases)
- to find out the main sources of information and professional advice about employment rights issues and, when employees have had a recent problem (eg in the past five years), where they sought advice and guidance and what they did to try and resolve the problem
- to identify the personal and employment characteristics that influence employees' levels of awareness, knowledge and preparedness to seek advice and take action to enforce their individual employment rights (including employment status).

## **Background**

The first benchmark survey of *'Awareness, Knowledge and Exercise of Individual Employment Rights'* was conducted in 2001 to assess the extent to which individuals were aware of their rights, had detailed knowledge of what those rights entailed, and were exercising their rights. Since this first benchmark survey was conducted, further legislation has been introduced, most notably the Employment Act 2002, which covers a broad range of issues

including work and parents, and dispute resolution in the workplace. This report presents the results of the second benchmark survey conducted in 2005, after the introduction of this legislation.

It is particularly important that individuals have sufficient levels of awareness and knowledge of the rights introduced in this legislation, as they are required to enforce these aspects of the law themselves. Individuals are only able to exercise their rights if they are aware that their employer is in breach of the law, and know where to get information and advice if they experience a problem to do with their rights at work.

## **Awareness of employment rights**

Respondents were asked how well informed they felt about their rights at work. Sixty-five per cent of respondents felt either very well informed or well informed about their rights at work: 15 per cent of respondents felt very well informed, and a further 51 per cent felt well informed. Twenty-eight per cent did not feel very well informed, and six per cent did not feel well informed at all. Forty-four per cent of all respondents felt that they knew as much as they needed to know about their rights at work, while 55 per cent felt that they could do with knowing more. Three-quarters of all respondents (76 per cent) would know where to find out information about their rights at work if they needed to.

The rights which the most respondents were aware of were as follows (percentage of all respondents who were aware of the right is shown in brackets): race discrimination law (94 per cent), the NMW (93 per cent), disability discrimination law (92 per cent), sex discrimination law (91 per cent), unfair dismissal law (90 per cent), ordinary maternity leave (88 per cent), sexual orientation discrimination law (87 per cent), religious discrimination law (87 per cent), entitlement to in-work rest breaks (85 per cent), entitlement to a written statement of terms and conditions (84 per cent), paid holiday entitlement (81 per cent), and the entitlement to a set disciplinary procedure (81 per cent). There were only three rights where less than half of respondents were aware that the entitlement was a right: additional maternity leave (49 per cent), time off for dependants in an emergency (42 per cent), and parental leave (27 per cent).

Respondents who were aware that a right was an actual legal obligation on employers were then asked how much they knew about the detail of that right. The rights where a high proportion of these respondents said that they knew *a lot* about the detail of the law were: the right to have a written statement of terms and conditions (37 per cent of those who knew it was a right knew a lot about the detail), the right to the NMW (33 per cent of those who knew it was a right knew a lot about the detail), the right not to be dismissed unfairly (28 per cent of those who knew it was a right knew a lot about the detail), the right to an in-work rest break (27 per cent of those who knew it was a right knew a lot about the detail), and the right not to be discriminated against on the grounds of race (27 per cent of those who knew it was a right knew a lot about the detail). Around a quarter of respondents who knew about other rights, to do with discrimination, working time and pay/contracts/disciplinary and grievance procedures, also said that they knew

a lot about the detail. In contrast to these more universally relevant rights, the rights where the highest proportion of respondents said they knew hardly anything about the detail were in the area of children and dependants.

An awareness score was developed by giving respondents points for getting the answers to awareness questions right and giving those with higher levels of general awareness more points than those with lower awareness. Analysis shows that it is the groups that might be expected to be vulnerable workers and to have low awareness levels of their rights at work that do in fact have lower awareness. For example, younger workers, those without an HR department, those who do not have managerial/supervisory duties, non-union/staff association members, and those employed in smaller workplaces.

### **Knowledge of specific employment rights**

Respondents were asked about their knowledge of rights in the area of working time. When asked what the working time limit was, just over a quarter (26 per cent) of respondents accurately cited the actual limit of 48 hours. However, the average (mean) number of hours cited by respondents was 44.54, while the median number was 45.00 hours, both below the actual working time limit. Forty-three per cent of respondents incorrectly thought that an individual could opt out of the working time limit informally, and one in five respondents incorrectly thought that an employer could make opting out a condition of employment. Two-thirds of respondents (66 per cent) were correct in knowing that employees could legally opt out by signing a written document.

When asked the minimum number of weeks of paid holiday employees are entitled to, 61 per cent of respondents knew the entitlement was four weeks. Only one-third of respondents (33 per cent) knew that employees were entitled to two days off in a 14-day period. Fewer than one in ten respondents (nine per cent) knew that employees had to work more than six hours before being legally entitled to a rest break.

Respondents were asked a range of questions about the NMW. Almost all respondents (95 per cent) said, correctly, that 22 to 64 year olds have a right to the NMW; and nearly as many (93 per cent), that workers aged 18 to 21 are covered. The large majority (83 per cent) also said that 14 to 15 year olds do not have minimum wage protection. Knowledge of the NMW position of 16 and 17 year olds was lower. Just under six in ten (58 per cent) of respondents knew that this group is covered by the NMW. In addition, over one-quarter (26 per cent) of survey respondents incorrectly thought that people above the standard retirement age do not have a right to the NMW.

One-third (33 per cent) of all respondents indicated that they thought that there was a single rate of the NMW that applied regardless of age. For all age groups where the NMW applies, respondents over-estimated the rate. The average (mean) rate cited was £4.07 for 16 and 17 year olds, where the actual rate was £3; the average rate cited for 18 to 21 year olds was £4.61, considerably higher than the actual rate of £4.10. For 22 to 64 year olds the average rate cited was £5.08, with the actual rate being £4.85, while for

those aged 65 and over the average rate cited was slightly less at £5.03, compared to the actual rate of £4.85.

Respondents were also asked some knowledge questions about rights in the areas of children and dependants. Sixty-two per cent of respondents knew that employees are not entitled to be paid for taking time off for a dependant in an emergency. A similar proportion (63 per cent) knew that a mother would be entitled to return to exactly the same job after ordinary maternity leave. Seventy-three per cent of respondents knew that a mother was entitled to return to exactly the same job, or to an equivalent job with the same rate of pay, after additional maternity leave.

When asked when employees' entitlement to key rights began, over nine in ten respondents knew that the right to the NMW covers employees from the first day of their employment. Again, over nine in ten respondents (93 per cent) knew that the right to be covered by anti-discrimination laws covers employees from the first day of their employment. In contrast, only six per cent of respondents knew that the right to be covered by unfair dismissal laws comes into force after they have been with their employer for one year. Only two per cent of respondents knew that the right to a contract comes into force after employees have been with their employer for two months.

Questions were also asked about the right to be accompanied in disciplinary and grievance issues, and on taking a case to an employment tribunal. Over nine out of ten respondents (93 per cent) were correct in thinking that employees have the right to be accompanied to disciplinary or grievance hearings. However, when asked who could accompany them, only 18 per cent got the answer exactly right and knew employees were only entitled to take a trade union officer and a work colleague with them. Just over half of respondents (52 per cent) knew that employees only had to put their complaint in writing before making a claim (and so did not have to inform Acas or appoint a solicitor, or make a claim without doing any of these things).

A knowledge score was developed by giving respondents one point for each answer they got exactly right for some key knowledge questions. The analysis suggests that it is the groups that might be expected to be more vulnerable and to have low knowledge levels of their rights at work that do in fact have lower knowledge. For example, younger and older workers, part-time workers, those without an HR department, those who do not have managerial/supervisory duties, and lower earners.

## **Experience of problems**

In all, 42 per cent of respondents had experienced a problem at work in the past five years. Logistic regression shows that having a long-term health problem or disability (compared to not having one) increased the odds of having had a problem, as did being 'separated/divorced' compared to being 'single', being in a 'sales and customer services' or 'professional' occupation, compared to being in an 'elementary occupation', and being a trade union/staff association member, compared to not being one. Being 'aware' of their employment rights compared to 'not being aware' decreased the odds of

having experienced a problem. As a respondent's age increased by one year, the odds of them having had a problem decreased.

Of those respondents that had experienced a problem, the most common problem reported was issues to do with pay, which affected 22 per cent of all respondents. This was followed by problems associated with receiving a contract or written statement of the terms and conditions of the job; taking rest breaks at work; and the number of hours or days required to work; all of which were reported by 13 per cent of all respondents. Overall, respondents who had had a problem reported an average of 2.8 distinct problems in the previous five years. In terms of the most serious problem, the most common area was, again, issues related to pay, which accounted for 24 per cent of those respondents who had experienced a problem. Just under two-thirds of those respondents who had experienced a problem (65 per cent) felt that their most serious problem had now been resolved.

Just over half of those respondents reporting a problem (53 per cent) sought advice about their most serious problem. A manager at work (cited by 32 per cent of only those who actually sought advice) followed by a trade union representative (cited by 19 per cent of those who actually sought advice) were the most popular sources of advice or information for the first contact a respondent made. The most popular sources of advice for subsequent contacts were a manager at work (cited by 15 per cent of only those who actually sought advice) followed by another colleague at work (cited by 12 per cent of only those who actually sought advice).

Over three-quarters of those respondents who had experienced a problem (77 per cent) discussed the issue face to face with their employer. Almost one-quarter of respondents who had experienced a problem (24 per cent) put their concerns in writing to their employer. Of those respondents that did discuss the issues with their employer, one in four went to a formal meeting with their employer. Of those who did not discuss the issue with their employer, more than half (54 per cent) said they would have liked to have had this opportunity. Just three per cent of those who experienced a problem reported that they had brought an employment tribunal case against their employer as a result of the problem(s). However, 20 per cent of those who experienced a problem reported leaving their employer as a direct result of a problem at work in the previous five years. This is equivalent to eight per cent of all respondents reporting leaving their employer as a direct result of a problem at work in the previous five years.

Logistic regression showed that the following factors increased the odds of a problem at work being resolved satisfactorily: being a trade union/staff association member (compared to not being one), being 'aware' in general of their employment rights (compared to 'not being aware'), and discussing the problem with their employer face to face (compared to not discussing it face to face).

### **Future sources of information and advice**

Respondents were asked where they would go if they wanted to find out some general information about their rights at work. Just over one in five of

all respondents (21 per cent) said that they would go to Personnel or an HR officer first, while 18 per cent would go to a manager at work, 16 per cent would use a website/the Internet, 14 per cent would use a Citizens' Advice Bureau (CAB), and just over one in ten (11 per cent) would go to a trade union. Respondents were asked where they would go then if they had not got the information they had wanted, and an interesting shift occurs. Over one in five (22 per cent) of respondents who knew who they would contact first would then go to a CAB, while just under one in ten (19 per cent) who knew who they would contact first would then go to a Personnel or HR officer. Sixteen per cent who knew who they would contact first would use a website/the Internet if they had not got the information they wanted, while 13 per cent who knew who they would contact first would then go to a manager at work, and 13 per cent would go to a trade union.

In all, 61 per cent of all respondents thought that employers were mainly responsible for informing employees about their rights at work, 27 per cent of respondents thought that employees were responsible for informing themselves about their rights at work, while nine per cent thought that it was the responsibility of government, and two per cent thought that it was the responsibility of trade unions. Thirty-four per cent of all respondents thought that a dedicated website would be the most useful source if they needed information about their rights at work, 31 per cent of respondents thought that a helpline similar to NHS Direct would be most useful, and 34 per cent thought that a booklet given to all employees would be most useful.

### **About this survey**

This research was carried out as part of the Department of Trade and Industry's (DTI's) employment relations research programme. The report presents findings from the second benchmark survey of *'Employees' Awareness, Knowledge and Exercise of Employment Rights'* conducted in 2005 among adults of working age who had worked as employees in Great Britain in the previous two years. The research was undertaken by the Institute for Employment Studies (IES), in partnership with the British Market Research Bureau. Using computer-assisted personal interviewing (CAPI), 1,038 face-to-face interviews were conducted between June and October 2005 in the homes of individuals. Improvements in questionnaire design, sampling, and the shift from a telephone to a face-to-face data collection method mean that it is not possible to make reliable comparisons between findings from the 2001 and 2005 surveys.

# 1

## Introduction and methodology

A wide range of legislation has been introduced in recent years to protect the rights of individuals in employment. It is particularly important that individuals have sufficient levels of awareness and knowledge of the rights introduced in this legislation, as they are required to enforce these aspects of the law themselves. Individuals are only able to exercise their rights if they are aware that their employer is in breach of the law, and know where to get information and advice if they experience a problem to do with their rights at work.

The first benchmark survey of *'Awareness, Knowledge and Exercise of Individual Employment Rights'* was conducted in 2001 to assess the extent to which individuals were aware of their rights, had detailed knowledge of what those rights entailed, and were exercising their rights (Meager et al., 2002). Since this first benchmark survey was conducted, further legislation has been introduced, most notably the Employment Act 2002, which covers a broad range of issues including work and parents and dispute resolution in the workplace. This report presents the results of the second benchmark survey conducted in 2005, after the introduction of this legislation.

This report will answer the question: are employees aware of, knowledgeable about, and inclined to exercise their rights at work? It presents the findings of research undertaken by the Institute for Employment Studies (IES), in partnership with the British Market Research Bureau (BMRB), and commissioned by the DTI.

### 1.1 The research aims

The main aims of the study were:

- to assess employees' general awareness of the scope of their employment rights and, where appropriate and relevant, to draw comparisons with the 2001 survey
- for selected topics to establish employees' knowledge of specific employment rights provisions (eg level of the National Minimum Wage, NMW), qualifying period for taking action on the grounds of unfair dismissal and discrimination cases, and rules for the award of costs in employment tribunal cases)

- to find out the main sources of information and professional advice about employment rights issues and, where employees have had a recent problem (eg in the past five years), where they sought advice and guidance and what they did to try and resolve the problem
- to identify the personal and employment characteristics that influence employees' levels of awareness, knowledge and preparedness to seek advice and take action to enforce their individual employment rights (including employment status).

Additional aims of the survey were:

- to investigate employees' reasons and choices for overtime and long-hours working (as defined by the Working Time Regulations, WTR)
- to estimate the extent of on-call working in the UK, differentiating between those on call at their place of work (residential on-call) and those who are able to leave their place of work.

## **1.2 Employment rights – background**

### *1.2.1* Legislative framework<sup>1</sup>

There have been key reforms in UK employment law over the past few years. These include:

- the Employment Relations Act 1999, which introduced a range of provisions including: parental leave and dependant care leave (by mid-December 1999), an increase in the limit on unfair dismissal compensation to a maximum of £50,000 (from 25 October 1999), and the right to be accompanied at disciplinary and grievance proceedings (from Spring 2000)
- the NMW Act 1998 and the NMW Regulations 1999, which applied from April 1999, introducing a minimum wage at £3.60 per hour (£3.70 from October 2000), and a youth rate at £3.00 for 18 to 21 year olds (£3.20 from June 2000). The NMW has been up-rated each year since its introduction, and a minimum rate for 16 and 17 year olds not on apprenticeships was introduced in October 2004
- Collective Redundancies and Transfer of Undertakings (Protection of Employment), which came into force from July 1999
- the WTR 1998 (which aim to limit average working hours), introduced in October 1998
- Maternity and Parental Leave Regulations, which took effect from December 1999
- the Human Rights Act 1998, which came into force in October 2000

---

<sup>1</sup> This section builds on Meager et al. (2002).

- Sex Discrimination (Gender Re-assignment) Regulations 1999, which took effect from June 1999
- the Disability Rights Commission (DRC) Act 1999, which resulted in the establishment of the DRC in April 2000
- the Disability Discrimination Act (DDA) 1995 (which was designed to end the discrimination that many disabled people face and included giving disabled people rights in the areas of employment), introduced in phases in December 1996, October 1999 and October 2004
- the DDA 2005 (which extended existing provisions in the DDA 1995, including requiring public bodies to promote equality of opportunity for disabled people and ensuring that discrimination law covers all the activities of the public sector), introduced in phases in December 2005 and December 2006
- the Employment Act 2002, which introduced a range of provisions including: changes to maternity/paternity/adoption leave and pay provisions (which came into force in April 2003), tribunal reform (which came into force in October 2004), right to request flexible working for parents of children under six or disabled children under 18 (which came into force in April 2003), and dispute resolution in the workplace (which came into force in October 2004).

### 1.2.2 Institutional framework<sup>2</sup>

If an individual wishes to pursue a claim against their employer because of an infringement of their employment rights, they are able to use the employment tribunal system. Employment tribunals are independent judicial bodies, which determine disputes relating mainly to individual employment rights. Dealing with over 50 different types of complaint, including unfair dismissal, unlawful deduction of wages and breach of contract, they aim to provide speedy, accessible and relatively informal justice. In addition, the Employment Appeals Tribunal deals with appeals against employment tribunal decisions, based on points of law.

There are also several bodies which can assist individuals in finding out about and enforcing their employment rights. Sources of free legal advice include the following.

- The Advisory, Conciliation and Arbitration Service (Acas) plays a central role in the promotion of good industrial relations and is able to intervene in disputes to promote settlement. A copy of all claims that go to employment tribunal is sent to a conciliation officer at Acas.
- Law centres and Citizens' Advice Bureaux (CABs) offer free advice and can provide further assistance such as completion of claim forms, but are not able to provide representation.

---

<sup>2</sup> This section builds on Meager et al. (2002).

- A variety of telephone help-lines (eg that offered by the DTI on the NMW) and specialist advice centres are available.

If an individual does decide to pursue an employment tribunal claim there are several potential sources of support or funding, which include:

- legal aid, which although not generally available for claims at employment tribunals, is available for those eligible (by income) to get some free legal advice and assistance through the 'ET1' form
- trade unions, which usually have funds set aside to assist members with employment disputes
- the Commission for Racial Equality, which can help with claims based on race discrimination
- the Equal Opportunities Commission, which can help with claims which fall under the Sex Discrimination Act or Equal Pay Act
- the DRC, which can provide legal advice and support to individuals who believe they have been discriminated against because of a disability
- the Health and Safety Commission, which can give assistance where the claim falls under the Health and Safety at Work Act, or in the context of any health and safety issue at work
- pressure groups, associations and pro bono legal groups, who may be willing to support an individual, where the claim is felt to highlight a particular campaign or issue.

### 1.2.3 Tribunal applications

The Survey of Employment Tribunal Applications (SETA) provided information on the characteristics of the parties in, and key features of, employment tribunal cases (Hayward et al., 2004). SETA 2003<sup>3</sup> found that:

*'The characteristics of the parties have not changed much since the 1998 survey. Applicants were more likely to be men, managerial workers or aged 45 or over. The private sector accounted for 82 per cent of cases with small workplaces (1-24) and small-medium sized organisations (50-249) over-represented. Employers were significantly more likely than applicants to report that workplace dispute resolution procedures were in place and followed. Solicitors were the main providers of legal advice but were used significantly more by employers. Four in ten parties received unsolicited calls offering professional advice and representation. Overall satisfaction with the employment tribunal system was quite high, more so amongst applicants (72% v 65%), though employers were more likely to be satisfied with the outcome of the case (67% v 56%).'*

(page xv, Hayward et al., 2004)

---

<sup>3</sup> SETA 2003 is the fourth in a series of surveys conducted in 1987, 1992, 1998 and 2003.

These and other findings from SETA 2003 were based on a random sample of employment tribunal cases and are, therefore, not directly comparable to the findings in this report (for example, in the case of advice sources used). The findings in this report are based on a representative sample of people of working age who have been employees within the past two years, not on applicants and employers in Employment Tribunal cases. Findings presented in this report show that a very small minority of respondents took employment tribunal cases in response to a self-defined problem to do with their rights at work (see Chapter 4).

#### 1.2.4 Changing employment relations

First findings<sup>4</sup> from the 2004 Workplace Employment Relations Survey (WERS 2004) provide information on the key dimensions of employment relations and working life in Britain, and in limited areas, on change since the 1998 survey<sup>5</sup> (Kersley et al., 2005), in a period where a range of relevant legislation discussed above has been introduced.

The first findings from WERS 2004 show that many aspects of employment relations have not changed substantially since the 1998 survey, including the incidence of various dispute, grievance and disciplinary procedures (Kersley et al., 2005). One of the most striking areas that *has* changed, cited by the authors, was the continued decline of collective labour organisation:

*'Employees were less likely to be union members than they were in 1998; workplaces were less likely to recognise unions for bargaining over pay and conditions; and collective bargaining was less prevalent'.*

(page 35-36, Kersley et al., 2005)

However, Kersley et al. (2005) also emphasise that the rate of decline appears to have slowed from that seen in earlier periods, and that half of employees were employed in workplaces with a recognised union, one-third were union members and four in ten had their pay set through collective bargaining. Union involvement in pay setting and the joint regulation of the workplace was the exception in the private sector and in smaller workplaces (p36, Kersley et al., 2005). As Meager et al. (2002) highlight, these changes to collective labour organisation, if anything, reinforce the importance of individuals having awareness and knowledge of their employment rights.

The first findings also show that collective workplace conflict has remained low since 1998, but while managers' perceptions of management-employee relations have improved, there had been little change in employees' views. The findings show a substantial increase in the availability of flexible working arrangements, as well as increases in the incidence of paid paternity leave and special paid leave. However, employees did not perceive a change in employer attitudes in the area of work-life balance, and were also often

---

<sup>4</sup> A full report of the findings of WERS 2004 is due to be published in summer 2006.

<sup>5</sup> WERS 2004 is the fifth in a series of surveys conducted in 1980, 1984, 1990, 1998 and 2004.

unaware of what was available to them personally in terms of flexible working arrangements (p36, Kersley et al., 2005).

### 1.2.5 Survey data on individuals' propensities to take action on employment issues

The Legal Services Research Centre (LSRC) report on the *English and Welsh Civil and Social Justice Survey* incorporates findings from the 2004 survey (Pleasence, 2006). It consists of face-to-face interviews across England and Wales and examines:

*'... justiciable problems in a broader social and geographical context, setting out more details of the impact of problems, further revealing levels of awareness and understanding of legal and advice services, further depicting the methods and resources used by people to access such services and assessing the degree to which legal and advice services facilitate problem resolution and prevention. In doing so, it again illustrates and underlines the important links between justiciable problems and social exclusion, and between civil law and social justice'.*

(p5, Pleasence, 2006)

The survey was a random general population survey and focused on exploring people's experience of 18 possible justiciable problem areas in the preceding three years that had been 'difficult to solve'. The justiciable problem areas were wide ranging and included, for example, areas such as consumer problems, personal injury, money/debt problems, and difficulties with neighbours or housing. The category of 'employment problems' included unfavourable changes being made to terms and conditions of employment, the work environment being unsatisfactory or dangerous, and being sacked or made redundant. Those reporting at least one problem area proceeded to the main interview which focused on a single problem in more depth. The main interview included areas such as the advice taken (including awareness and obstacles), impact of the problems, resolution and general attitudes to the civil justice system.

Where possible in Chapter 4 (The Experience of Problems), comparison has been made with the LSRC research. However, because of the very different characteristics of the interview subjects, little direct comparison is possible. For example, although both surveys talk about the prevalence of employment related problems, the LSRC figure of five per cent of respondents reporting such a problem is drawn from a base of respondents experiencing at least one of any number of problem areas rather than from a random sample of employed adults.

The LSRC respondents came from a variety of circumstances including those not working or self-employed; data reported in the LSRC report such as the finding that employment problems were more likely to be reported by the unemployed than those working, illustrates the difficulties in comparing findings across the two surveys. Nevertheless, LSRC findings have been reported where appropriate.

## 1.3 Methodology

Key elements of the methodology for this survey are set out in brief here, while the detailed methodology used to conduct this survey is set out in the Technical Report, Cognitive Report and Pilot Report produced by BMRB that are published alongside this report (BMRB 2006a, 2006b, 2006c).

This report presents findings from the *Second Benchmark Survey of Employees' Awareness, Knowledge and Exercise of Employment Rights*, a survey conducted in 2005 of adults of working age (16 to 64 for men and 16 to 59 for women) who have worked as an employee in Great Britain in the previous two years. Random sampling with one adult interviewed per household was conducted. Face-to-face interviews were conducted in the home using Computer-assisted personal interviewing (CAPI). The target response rate was 65 per cent. The final number of interviews completed was 1,038 at a 58 per cent response rate.

### 1.3.1 Questionnaire design

While the survey was designed building on the questionnaire used in the first benchmark survey conducted in 2001, there was a large amount of re-design involved. This re-design took place to take into account the aims of the 2005 survey, the shift in emphasis of the 2005 survey<sup>6</sup>, the move to conducting the survey face to face rather than on the telephone<sup>7</sup> and the opportunities this presented in the way that questions could be asked, and lessons learned from the design and analysis of the 2001 survey. The questionnaire had five main substantive sections:

- awareness
- knowledge
- experience of problems
- likelihood of future problems
- future sources of information and advice.

In terms of the section on awareness, the survey included some general questions about how well informed respondents felt about their rights at work, whether they knew as much as they felt that they needed to know, and where they would go to find out information about their rights. The approach, when asking about awareness of particular rights, differed substantially from the 2001 survey, which did not prompt the awareness of rights. In the 2005 survey, a card-sorting exercise was used as a way of asking questions about respondents' awareness of the large number of different employment rights

---

<sup>6</sup> With a greater emphasis placed on the importance of awareness and knowing where to go to get information about rights, rather than needing to have detailed knowledge of a large number of rights at work.

<sup>7</sup> A telephone methodology was used in the 2001 survey.

which the survey covered. These exercises consisted of specific employment rights or employer responsibilities being printed on small cards (known as 'shuffle cards') and respondents being asked to sort the cards onto a board showing a response list or scale. Shuffle cards were used to help respondents deal with a large number of rights in a user-friendly way and to help break-up the interview (BMRB, 2006a). The cards given to respondents included real employment rights and some provisions that are not covered by law. Card exercises were also used to examine how much respondents' felt that they knew about the detail of these rights and how important it was for them to know about them.

When testing respondents' knowledge, it was decided in the 2005 survey to focus on key employment rights that were the most universally relevant, where it was particularly important that respondents know the detail of the law, or where it was important for respondents to know when key rights came into force (in terms of duration of employment). Again, a new approach was used from that used in the 2001 survey, so that respondents were asked what they thought their rights were in a particular case, asked to choose from a range of responses, and then asked how sure they were about the answer to a question.<sup>8</sup> This approach is set out in more detail in Chapter 3.

When asking respondents about their experience of problems, shuffle cards were used to prompt respondents about their experience of problems in the past five years. Again, this was very different to the 2001 survey where problems were unprompted. Respondents in the 2005 survey were given cards to sort onto a board to indicate what types of problems they had experienced. Where they had experienced a problem, they were also asked whether they had sought advice or help and what the outcome of the problem had been. The approach taken to asking about problems is further outlined in Chapter 4.

All respondents who were currently working were asked about whether they were likely to experience problems to do with their rights at work in the future. They were also asked if they would seek information and advice, what sources they would use, and how confident they were that they could deal with the potential problem.

Finally, all respondents were asked how they would go about finding information or advice about their rights at work if they needed to in the future. As well as being asked about where they would go to get information and advice, they were also asked who they felt was responsible for making them aware about their rights at work and what information services they would find more useful.

### 1.3.2 Sampling

The sampling strategy used for this survey is set out in detail in BMRB 2006a. As discussed by BMRB (2006a), the sample needed to be representative of

---

<sup>8</sup> In the 2001 survey respondents were given the detail of a right and then asked if they were aware of it.

people of working age who were current employees, or had been employees in the previous two years, and who were living in private households in Great Britain. In order to reach this specific population, the sample was initially selected to be representative of the general population, with additional screening carried out on the doorstep by interviewers. The sample design was a conventional multi-stage design using postcode sectors, or combinations of postcode sectors, as primary sampling units. The sample of postcode sectors was proportionally stratified (see BMRB, 2006a, for further details). The findings of this report are based on these interviews, of which 1,038 were achieved.

### 1.3.3 Piloting

The piloting strategy used for this survey is discussed in detail in BMRB 2006a, 2006b and 2006c. Three stages of pilot work were carried out before the main fieldwork stage:

- a small-scale cognitive testing stage carried out by BMRB researchers, alongside researchers from IES
- a pilot stage carried out by BMRB interviewers, alongside researchers from BMRB, DTI and IES
- a larger scale 'dress rehearsal' stage.

As set out in BMRB 2006a and 2006b, cognitive testing seeks to understand the thought processes a respondent uses in trying to answer a survey question. The cognitive testing exercise was carried out using a paper version of the questionnaire and aimed to test respondents' understanding of the draft questions. A total of 12 interviews were conducted in this stage.

After changes had been made to the questionnaire based on findings from the cognitive testing, a pilot survey was conducted (BMRB 2006a and 2006c). Interviewers conducted these interviews using laptops, testing the questionnaire in CAPI form for the first time, and interviews were observed by members of the research team. This allowed the identification of areas of doubt, misunderstanding or incomprehension on the part of the respondent, and also allowed assessment of the length of the interview. A total of 12 interviews were achieved at this pilot stage, with quotas on sex and age.

Changes were made to the questionnaire based on findings from the pilot survey, and a 'dress rehearsal' was then conducted to rehearse the survey procedures, to anticipate problems that might arise in the field, to establish effective ways of introducing the questionnaire, to provide a robust test of interview length, and to test the full CAPI version of the questionnaire (BMRB, 2006a). A total of 38 interviews were completed in this dress rehearsal stage. After a de-briefing session with interviewers and members of the research team, a number of final changes to the questionnaire were agreed.

### 1.3.4 Weighting

In order to ensure the representativeness of the sample, design weights and non-response weights were applied. Design weights were applied to correct for the unequal probabilities of selection introduced:

- by selecting one dwelling unit for interview from all eligible dwelling units at the sampled address
- within the selected dwelling unit, selecting one adult for interview from all the eligible adults in the household.

Non-response weights were also applied. After a comparison of Labour Force Survey (LFS) data with the survey data, and the consideration of key demographics, it was decided to weight by age within sex. These were where the main discrepancies between this survey and the LFS were most apparent, with the other categories falling largely in line with LFS estimates (BMRB, 2006a).

However, it is important to note that the 2005 survey has potentially over sampled public-sector workers – 32.5 per cent of survey respondents worked in the public sector, compared to 25 per cent in the LFS, and 20.4 per cent in *'Trends in Public Sector Employment'* (ONS, 2005). ONS 2005 argues that the LFS over-represents the number of people working in the public sector because estimates are derived from respondents' views, and the definition of public sector in the LFS includes GPs and further education staff.

The over-representation of public-sector workers in this survey is unlikely to be a sampling effect. It is more likely to be a combination of differential non-response (public-sector workers being more likely to take part), and misallocation on the part of the respondent, but where there is insufficient information to re-code. It may also be owing to the question wording. The LFS question wording is considerably different to the question in this survey: the LFS question is:

*'Was that a private firm or business or a limited company, or some other kind of organisation?'*

*'What other kind of non-private organisation was it?'*

In contrast, the question used in this survey was:

*'Is the organisation where you work/last worked a: public-sector organisation (ie funded by government, eg local government, NHS etc., a private-sector organisation (ie profit making), or a voluntary or charitable organisation (ie not for profit)?'*

It was decided not to weight down public-sector respondents in this survey as, if some of the problem was down to misallocation, it would result in down weighting some people who actually work in the private sector. It would also mean weighting the data using a source that has very different question wording.

## 1.4 Comparisons with the first benchmark survey

The major differences in questionnaire design and the shift from a telephone to a face-to-face methodology between the 2001 and 2005 surveys (described in Section 1.3 above), mean that it is not possible to make reliable comparisons between findings from the two surveys. While this applies to comparing all findings from the 2005 survey with the 2001 survey, this is particularly the case where questions that were un-prompted in 2001 are now prompted (such as awareness of particular rights and experience of problems), and knowledge of rights, which is tested in a different way.

## 1.5 Presentation of the findings

For the most part, the results presented in the report will be based on simple bivariate cross-tabulations of survey variables (although some regression analysis is also presented in Chapters 2 and 4, and in more detail in Appendix 2). Key relationships between the relevant variables are presented in the tables in the report.

Relationships are only reported in the text of the report if they are statistically significant<sup>9</sup>, and relationships that are not significant will not be discussed in the text.<sup>10</sup> Significance is measured at a cut-off of 90 per cent significance in a two-sided test. However, if the minimum expected frequency is less than one, or the number of cells with an expected frequency of less than five applies to more than 20 per cent of the cells, the sample size is too small for the test to be reliable, and the result is not reported as significant, regardless of the Chi-Square statistic. Pearson's Chi-Square has been used to test significance on cross-tabulations, and One-Way ANOVA has been used to test significance on mean scores.

Where any of the weighted cell counts are fewer than five, the cell is marked with an asterisk, while where there are no respondents in a cell, the cell is marked with a dash. 'Don't know' responses are included in the table where they are of relevance to the question or are a large group, and are excluded where they are a very small number of cases.

Some groups within the sample are very small, particularly those from non-White ethnic groups, those with a religion other than Christianity, and those who do not describe themselves as heterosexual. It has, therefore, not been

---

<sup>9</sup> SPSS Complex Samples was used when testing statistical significance so that survey design effects could be taken into account. SPSS Base package calculates significance using weighted data, while SPSS Complex Samples ignores the weight variable and calculates significance using unweighted data. Tests for significance were therefore conducted in both SPSS Base and SPSS Complex Samples, and the results reported in this report as significant are those that were significant in both SPSS Base and SPSS Complex Samples.

<sup>10</sup> Except in a few cases where the relationship is thought to be relevant/interesting to the topic being discussed. Where this is the case, it will be made clear that the relationship is not significant.

possible to conduct detailed analysis on ethnicity, religion and sexual orientation.

## **1.6 Structure of the report**

The findings from the survey are presented in the following chapters.

Chapter 2 presents the findings from the awareness section of the survey, discussing general awareness and awareness of specific rights.

Chapter 3 discusses the findings from the knowledge section of the survey, examining:

- working time, annual leave and rest breaks
- NMW
- rights around employees having children and dependants
- the point at which rights came into force
- disciplinary and grievance procedures
- the process around making a claim to an employment tribunal.

Chapter 4 examines respondents' experience of problems to do with their rights at work. Chapter 5 reviews what future sources or information and advice respondents would use to get information about their rights at work. Chapter 6 presents a summary of key findings by employment right. Chapter 7 draws together some conclusions from the survey as a whole.

Finally, the report contains:

- Appendix 1, which is a description of the sample
- Appendix 2, which presents the logistic regression methodology and results
- Appendix 3, which presents the results on on-call working
- Appendix 4, which presents a list of acronyms
- Bibliography, citing the sources referred to in this report.

## **1.7 Data availability**

In the interests of openness and public accountability, the DTI will make the dataset and supporting technical information available through the UK Data Archive based at the University of Essex (<http://www.data-archive.ac.uk>) in spring 2006. The DTI encourages secondary analysis of this dataset and those who conduct such analysis are also encouraged to inform the Department of findings or publications which result from such analysis by emailing [emar@dti.gsi.gov.uk](mailto:emar@dti.gsi.gov.uk).

# 2

## Awareness of employment rights

This chapter examines respondents' awareness of their employment rights. It firstly examines how well informed respondents feel about their rights at work, before looking at whether respondents feel that they know as much as they need to know about their rights at work, and whether they would know where to go to find out information about their rights at work. The chapter then examines levels of awareness of a specific set of employment rights, as well as some provisions that are not covered by law, and looks at how much respondents' know about the detail of those provisions that they think are covered by law. It then analyses the 'awareness deficits' of actual rights, that is, the proportion of respondents who were unaware that a right was a legal obligation, but felt that it was very important for them to know about it. Finally, the chapter presents analysis on the development of an awareness score, where respondents were given a score based on their answers to awareness questions. Relationships are only reported in the text of this chapter if they are statistically significant (unless otherwise stated).

### **2.1 How well informed respondents feel about their rights at work**

Respondents were asked:

*'So, first of all, very generally, how well informed do you feel about your rights at work?'*

Table 2.1 shows the results of this question. It shows that 15 per cent of respondents felt very well informed about their rights at work, with a further 51 per cent feeling well informed, 28 per cent feeling not very well informed, and six per cent feeling not well informed at all. Public-sector workers were more likely to feel informed about their rights at work than private-sector workers, as were those with managerial/supervisory duties compared to those without such duties. Those who had experienced problems in the past to do with their rights at work were less likely to feel informed about their rights at work than those who had not experienced a problem, perhaps because their problem had made them aware of the extent to which they lacked necessary information.

**Table 2.1: How well informed respondents feel about their rights at work**

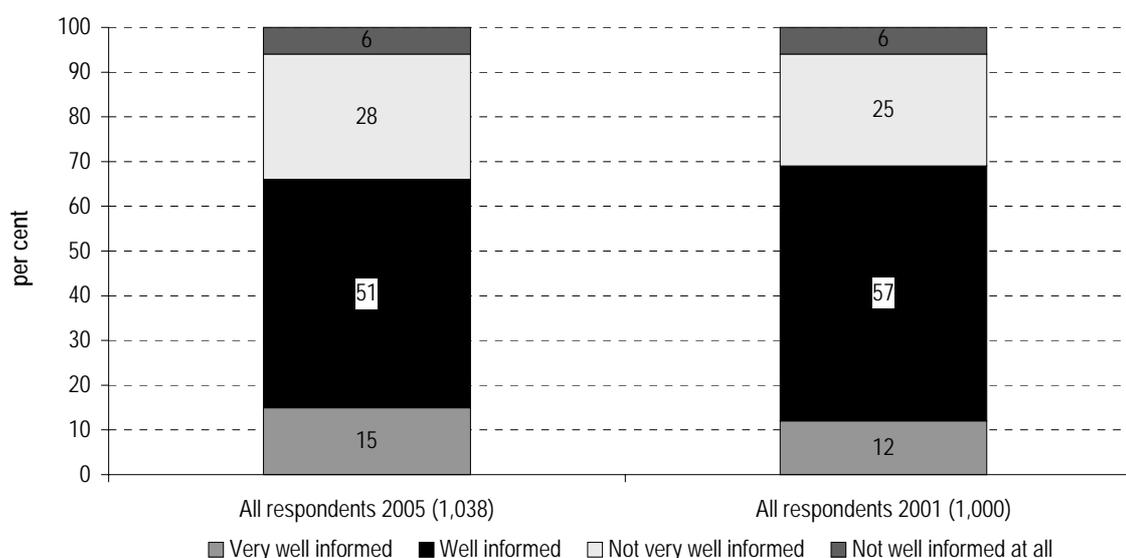
		Very well informed	Well informed	Not very well informed	Not well informed at all	Unweighted base
		%	%	%	%	
<b>All respondents</b>		15	51	28	6	1,038
Age	16-24	13	39	36	12	114
	25-34	13	54	29	3	215
	35-44	17	52	27	4	289
	45-54	12	57	22	9	249
	55-64	17	45	30	6	170
Gender	Male	12	52	29	6	472
	Female	17	49	27	7	566
Earnings	Under £15,000	12	44	35	9	412
	£15,000 to £24,999	17	53	24	6	260
	£25,000 to £39,999	13	57	26	4	174
	£40,000 +	12	70	15	3	79
Hours worked	Full-time	14	53	27	6	781
	Part-time	17	54	33	7	250
Type of organisation	Public sector	20	54	22	3	336
	Private sector	12	49	31	8	662
Whether has HR/personnel dept	Yes	18	54	24	4	735
	No	8	44	35	13	259
Whether experienced problems	Yes	11	47	34	8	416
	No	17	53	24	6	622
Managerial/supervisory duties	Yes	18	58	20	4	387
	No	13	46	33	8	651
Number of employees in workplace	1 to 9	15	44	31	9	159
	10 to 24	12	51	28	9	168
	24 to 99	9	51	34	5	250
	100 to 499	17	49	27	6	228
	500+	21	56	20	4	208

Note: 'Don't know' responses not included as only four weighted cases.

Source: IES/BMRB, 2005

Figure 2.1 compares the results from this question from all respondents in the 2005 survey and all respondents in the 2001 survey. Comparisons between findings from the two surveys should be treated with extreme caution and cannot be seen as reliable, because of the change in methodology and survey design (see Chapter 1, Section 1.4 for more information).

**Figure 2.1: How well informed respondents feel about their rights at work: 2005 survey compared to 2001 survey**



Source: IES/BMRB, 2005

Figure 2.1 shows that in the 2005 survey, 65 per cent of respondents felt either very well informed or well informed, compared to 69 per cent in the 2001 survey. In the 2005 survey, more respondents feel very well informed (15 per cent) than they did in the 2001 survey (12 per cent), but fewer feel well informed (51 per cent in 2005 compared to 57 per cent in 2001).

### 2.1.1 Regression analysis on general awareness

To explore the relationships that may exist between general awareness and the characteristics analysed above (such as gender and hours worked) regression analysis is needed. Regression analysis fits a predictive model to the data and uses the model to predict the dependent variable, in this case general awareness, from one or more independent variables. Therefore, it is possible to look at the predictive power of a given factor, such as gender, on general awareness, holding other factors constant.

The technique used is logistic regression, where the dependent variable is coded 1 or 0. For example, if the respondent is categorised as 'aware' this is coded as 1, and coded as 0 if they are 'not aware'. The statistical model is estimated with a range of independent variables and assesses the effect of changing one of the independent variables on the odds<sup>11</sup> of the respondent being, for example, aware of their employment rights. For a detailed account of how regression analysis on general awareness of employment rights was conducted, see Appendix 2.

<sup>11</sup> Odds in this context are just an alternative way of representing probabilities, so if the probability of the respondent being aware is ten per cent, the odds are nine to one against, or 0.11.

Independent variables were selected which could affect how generally aware of their employment rights a respondent believes themselves to be. These can be grouped into two broad categories: employment characteristics and personal characteristics. The factors which were examined are listed below.

Personal characteristics:

- gender
- marital status
- whether the respondent has a dependent child
- whether the respondent has a long-term illness, disability or health problem
- ethnicity
- sexual orientation
- age (in years)
- highest qualification level achieved
- language spoken at home.

Employment characteristics:

- job status - permanent or temporary
- trade union/staff association member
- type of organisation work for (public, private or voluntary/charitable organisation)
- hours worked – full-time or part-time (less than 30 hours)
- occupation
- sector
- earnings per year (under £10,000; £10,000 to £19,999; £20,000 to £29,999; £30,000 to £39,999; £40,000 to £49,999; £50,000 or more).

An additional independent variable was also included in this model which was whether or not a respondent had experienced a problem at work in the past five years.

Logistic regression was used to isolate which of these factors were significant, ie whether they were likely to affect whether someone was 'aware' or 'not aware'. In total, six variables had co-efficients which were significant. The factors below increased the odds of a respondent being aware of their employment rights.

- having a dependent child (compared to not having one)

- being a trade union/staff association member (compared to not being one)
- earning between £10,000 and £39,999 per year (compared to earning under £10,000 per year)<sup>12</sup>
- being more 'highly' qualified (specifically, being in the 'highest qualification obtained' categories 'NVQ level 2 or equivalent', 'NVQ level 4 or equivalent' and 'NVQ level 5 or equivalent' compared to having no qualifications)<sup>13</sup>.

The factors below decreased the chances that a respondent would be aware of their employment rights.

- having experienced a problem (compared to not having experienced a problem)
- having a job that is temporary in some way (compared to having a permanent job).

It may be that being a trade union/staff association member is likely to make an employee more aware of their employment rights as they have access to information and advice from their union on rights at work. Having 'higher' qualifications may be associated with a respondent being more likely to assess themselves as being aware of their employment rights. In contrast, being in a temporary job may lead to an employee feeling less secure and knowledgeable about how employment rights apply to them; thus, resulting in their assessing themselves as not being very aware of their employment rights.

Other results are harder to explain. It is not clear why having a dependent child could make someone more generally aware of their rights, when having a dependent child did not make respondents more likely to be aware of rights in the area of children and dependants (see Section 2.4 below). It is also not clear why having experienced a problem *decreases* the odds of a respondent being aware of their employment rights, particularly as it could be hypothesised that if someone had experienced a problem at work then this is likely to make them more aware of their employment rights as a result. However, the measure of awareness used for this regression is a self-assessed one, therefore, if a problem has been experienced this may have highlighted to a respondent the limitations of their knowledge about employment rights.

---

<sup>12</sup> The co-efficients of the other earnings categories were not significant.

<sup>13</sup> The co-efficients of the other 'highest qualification obtained' categories were not significant.

## **2.2 Whether respondents know as much as they need to about their rights at work**

Respondents were asked:

*'And would you say you know as much as you need to know about your rights at work, or could you do with knowing more about your rights at work?'*

Figure 2.2 shows the results of this question. Figure 2.2 shows that 44 per cent of all respondents felt that they knew as much as they needed to know, while 55 per cent felt that they could do with knowing more. Part-time workers were more likely than full-time workers to feel that they knew as much as they needed to know. Public-sector workers were more likely than private-sector workers to feel they knew as much as they needed to know.

## **2.3 Whether respondents would know where to find information about rights at work**

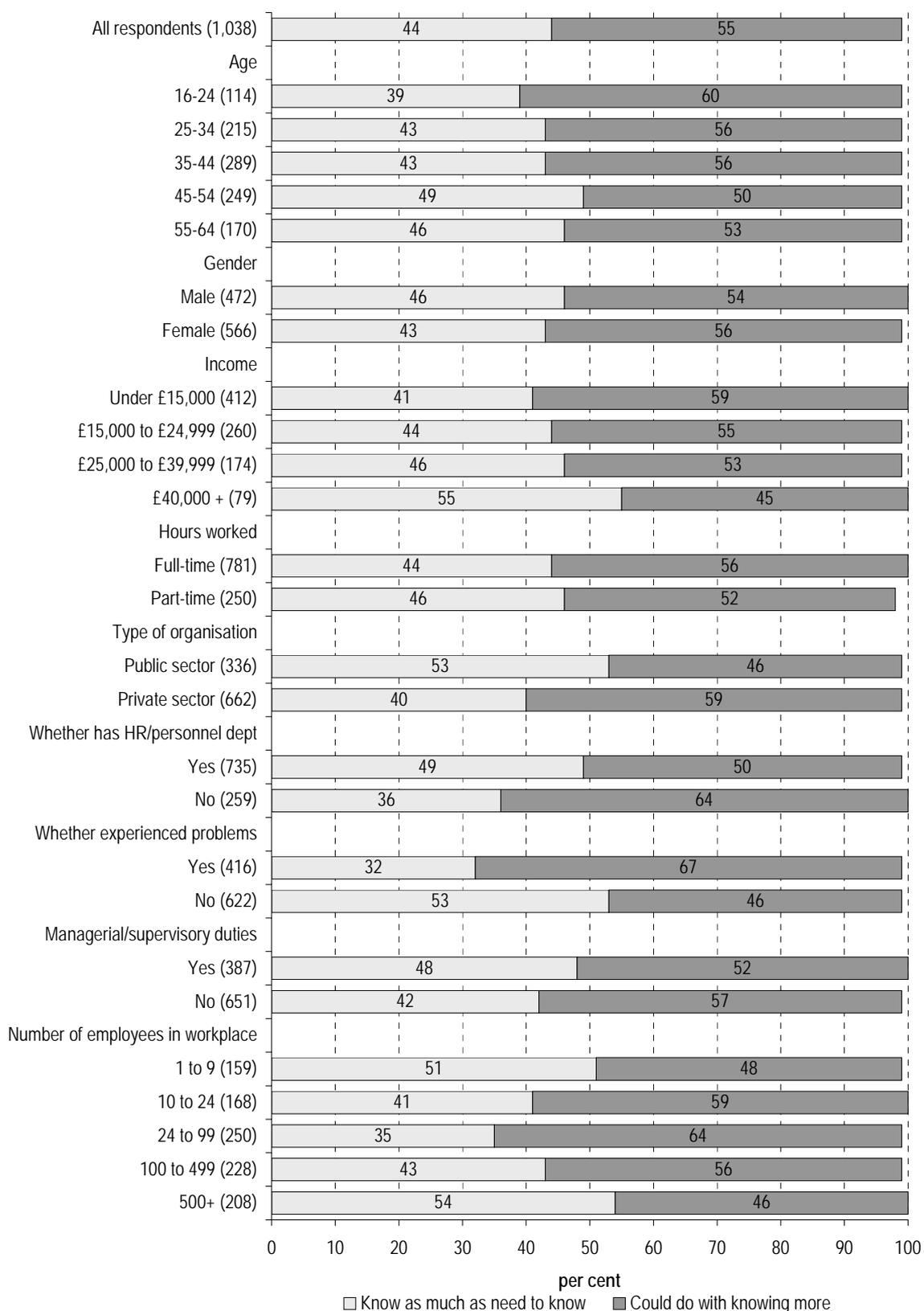
Respondents were asked:

*'Would you know where to find out information about your rights at work if you needed to?'*

Table 2.2 shows that three-quarters of all respondents (76 per cent) would know where to find out information about their rights at work if they needed to. Public-sector workers were more likely than private-sector workers to say they would know where to find out information about their rights at work if they needed to; those with an HR (Human Resources) department were more likely than those without an HR Department to say this, as were those with managerial/supervisory duties compared to those without such duties.

Interestingly, those who had experienced a problem in the past to do with their rights at work were less likely than those who had not experienced a problem to say they would know where to find information they needed about their rights at work. This may be because experiencing a problem makes a person more likely to realise the limits of their knowledge of where to go to find out information about their rights at work.

**Figure 2.2: Whether respondents know as much as they need to know about their rights at work, or could do with knowing more**



Source: IES/BMRB, 2005

**Table 2.2: Whether respondents would know where to find out information about their rights at work if they needed to**

		Yes %	No %	Unweighted base
<b>All respondents</b>		<b>76</b>	<b>23</b>	<b>1,038</b>
Age	16-24	64	35	114
	25-34	79	20	215
	35-44	75	24	289
	45-54	82	17	249
	55-64	73	25	170
Gender	Male	75	24	472
	Female	76	23	566
Earnings	Under £15,000	68	31	412
	£15,000 to £24,999	78	22	260
	£25,000 to £39,999	85	14	174
	£40,000 +	85	13	79
Hours worked	Full-time	76	22	781
	Part-time	75	24	250
Type of organisation	Public sector	87	13	336
	Private sector	70	29	662
Whether has HR/personnel dept	Yes	83	16	735
	No	60	38	259
Whether experienced problems	Yes	71	28	416
	No	79	20	622
Managerial/supervisory duties	Yes	84	15	387
	No	71	28	651
Number of employees in workplace	1 to 9	69	30	159
	10 to 24	70	30	168
	24 to 99	71	28	250
	100 to 499	81	18	228
	500+	85	13	208
How well informed about rights at work	Very well informed	94	5	151
	Well informed	83	16	525
	Not very well informed	59	39	292
	Not well informed at all	49	49	67

Note: 'Don't know' responses not included as only one per cent of total (ten weighted cases).

Source: IES/BMRB, 2005

## 2.4 Awareness of employers' legal obligations

Whether respondents have an awareness of their rights is extremely important, as it is only by being aware of specific rights that individuals can find out more about the detail of these rights and ensure that their employers are meeting their legal obligations.

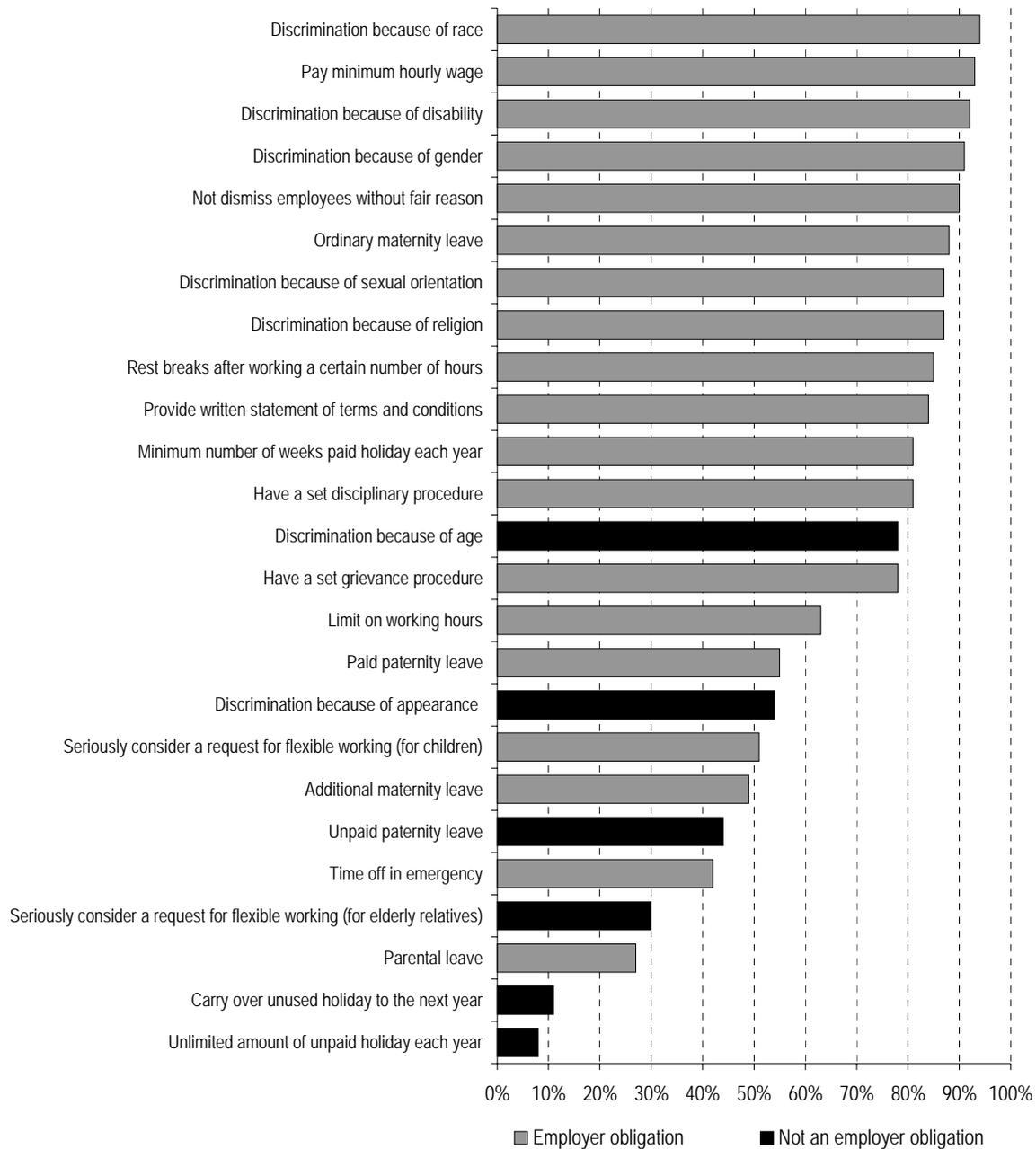
Respondents were given a set of 25 cards listing possible legal obligations that employers might have, with some being actual legal obligations, while others were provisions that were not covered by law. This strategy was chosen to check whether respondents could accurately say that some provisions were not covered by law, and to try and discourage guessing. They were given the following instructions:

*'All employers in the UK have to abide by employment laws that are designed to protect people's rights at work. This means that employers have legal obligations to the people who work for them, in terms of the way people are treated and the benefits they receive. These cards describe the sorts of things I'm talking about. I would like you to place the cards on this board to show which of them you think employers **have to do** according to the law and which you think employers can choose whether or not to do'.*

The results of this exercise are shown in Figure 2.3, which shows that levels of awareness were much higher for some rights than others. Rights to do with ensuring employees are not discriminated against on the basis of various personal characteristics had higher levels of awareness than did some of those rights to do with having children and dependants. Some provisions that are legal obligations of employers only had low levels of awareness, for example, only 27 per cent of respondents were aware that parental leave was a right.

In addition, some provisions that are not legal obligations of employers were thought by some respondents to be actual rights. Over three-quarters (78 per cent) of respondents were incorrect in thinking that employers must ensure that employees are not discriminated against because of age (which does not come into force until 1 October 2006), while over half of respondents (54 per cent) were incorrect in thinking that employers must ensure that employees are not discriminated against because of appearance, 44 per cent were incorrect in thinking that unpaid paternity leave was a right, and 30 per cent were incorrect in thinking that employers had to seriously consider a request for flexible working to look after elderly parents. Only 11 per cent incorrectly thought that carrying over unused holiday to the next year was a right, and only eight per cent incorrectly thought that having an unlimited amount of unpaid holiday each year was a right.

**Figure 2.3: Awareness of employers' legal obligations: proportion of respondents who think employers have to do this according to law**



Note: All respondents 1,038. Darker shade in chart indicates incorrect answer.

Source: IES/BMRB, 2005

Awareness of each of the actual legal obligations of employers is examined in more detail in the sections below.<sup>14</sup>

<sup>14</sup> Discrimination on the grounds of age is also examined, as this will become a right on 1 October 2006.

### 2.4.1 Discrimination

The Sex Discrimination Act of 1975 outlawed discrimination on the grounds of gender, the Race Relations Act 1976 outlawed discrimination on the grounds of race, and the DDA of 1995 outlawed discrimination on the grounds of disability. New regulations introduced in 2003 provide protection against discrimination on the basis of sexual orientation, religion and belief. When these new regulations were introduced, they received publicity in the national and regional press, were advertised online, and had limited public relations exercises focused on them. A further set of regulatory changes will be introduced in 2006 to provide similar protection against age-related discrimination. The results in this area are discussed below.

- 94 per cent of respondents were aware that employers have a legal obligation to ensure that employees are not treated unfairly because of their race. The high awareness of this right no doubt reflects its having been a right for 30 years, as well as ongoing publicity by bodies such as the Commission for Racial Equality. While there was some variation between White respondents and respondents from other ethnic groups in their awareness of this right, it was not statistically significant.
- 92 per cent of respondents were aware that employers have a legal obligation to ensure that employees are not treated unfairly because of their disability. This high awareness may reflect publicity surrounding the introduction of the right and ongoing campaigns by the DRC and disabled charities. Those with a long-term health problem or disability were less likely than those who did not have a long-term health problem or disability to be aware of this right: 86 per cent of those with a health problem/disability were aware of this right, compared to 92 per cent of those who did not have a health problem/disability.
- 91 per cent of respondents were aware that employers have a legal obligation to ensure that employees are not treated unfairly because of their gender. As with racial discrimination, this high awareness may well be a product of the longevity of this right, as well as continuing publicity by bodies such as the Equal Opportunities Commission. While there was some variation between men and women in their awareness of this right, it was not statistically significant.

There was slightly lower awareness of the more recently introduced rights not to be discriminated against on the grounds of sexual orientation and religion. Nevertheless, in both cases, awareness was still high.

- 87 per cent of respondents were aware that employers have a legal obligation to ensure that employees are not treated unfairly because of their sexual orientation. The still-high awareness may reflect the publicity around the time that this right was introduced. While there was some variation

between heterosexual and non-heterosexual respondents in their awareness of this right, it was not statistically significant.<sup>15</sup>

- 87 per cent of respondents were aware that employers have a legal obligation to ensure that employees are not treated unfairly because of their religion. As with sexual orientation, the high awareness of this right could reflect the publicity this relatively new right received when it was introduced. Respondents may also be conflating religious discrimination with race discrimination. While there was some variation between Christians and respondents with other religions in their awareness of this right, it was not statistically significant.

There was also high awareness of age discrimination, although the legal rights in this area do not come into force until October 2006.

- 78 per cent of respondents incorrectly thought that employers already have a legal obligation to ensure that employees are not treated unfairly because of their age. This may be because of discussion of this right in the media in advance of it being introduced, or respondents assuming it had been introduced alongside other recent rights not to be discriminated against. The older respondents were, the less likely they were to think this was a right. Eighty-five per cent of those aged 16 to 24 thought it was a right, compared to 82 per cent of those aged 25 to 34, 79 per cent of those aged 35 to 44, 71 per cent of those aged 45 to 54, and 69 per cent of those aged 55 to 64. This is interesting, as older respondents may be the ones who will most need to be aware of the right once it has been introduced.

#### 2.4.2 Working time

The WTR came into force in the UK on 1 October 1998 and marked the introduction of law into what had previously been a largely unregulated area in the UK. The WTR introduced average weekly working hours limits, placed restrictions on night working, provided for minimum in-work, daily and weekly rest breaks, and introduced a minimum entitlement to paid annual leave. Awareness of the rights to a minimum number of weeks' paid holiday, in-work rest breaks, and a limit on working hours was examined by the standard set of personal or employment characteristics (the standard breaks<sup>16</sup>), as well as by whether respondents were members of a trade union/staff association and whether they worked over 48 hours a week.

**Minimum number of weeks' paid holiday:** 81 per cent of respondents were aware that employers have a legal obligation to let employees take a

---

<sup>15</sup> Only ten weighted cases (one per cent of respondents) in the sample were non-heterosexual.

<sup>16</sup> Standard breaks were: age, sex, earnings, hours worked (full-time or part-time), organisation type (public or private sector), whether the respondents' employer had a Personnel/HR department (referred to as HR department in the rest of this report), whether the respondent had experienced a problem to do with their rights at work in the past, whether the respondent had managerial or supervisory duties, and number of employees at the respondents' workplace.

minimum number of weeks paid holiday each year. The high awareness of this right may be because of its being universally relevant and of high interest to respondents. While there was some variation between groups in their awareness of this right, it was not statistically significant.

**Rest breaks:** 85 per cent of respondents were aware that employers have a legal obligation to give employees a rest break after working a certain number of hours. The high awareness of this right may be because of its universal relevance and daily relevance to respondents. While there was some variation between groups in their awareness of this right, it was not statistically significant.

**Limit on working hours:** 63 per cent of respondents were aware that employers have a legal obligation not to make employees work more than a given number of hours each week. This lower level of awareness than other rights in the area of working time may be because it is less relevant to some workers than to others. Men were marginally more likely than women to be aware of this right, with 64 per cent of men aware, compared to 63 per cent of women. Whether respondents were aware of this right also varied by earnings, with those most likely to be aware earning over £40,000 per year (where 80 per cent were aware), compared to 64 per cent of those earning £25,000 to £39,999 per year, 62 per cent of those earning under £15,000 per year, and 60 per cent of those earning £15,000 to £24,999.

Full-time workers were more likely than part-time workers to be aware of this right: 64 per cent of full-timers compared to 63 per cent of part-timers. Public-sector workers were also more likely to be aware than private-sector workers: 69 per cent of public-sector workers compared to 62 per cent of those in the private sector, although this may be because they were better informed of their rights rather than necessarily because they were likely to work longer hours. Those with an HR department were also more likely than those without an HR department to be aware of this right: 66 per cent of those in an organisation with an HR department were aware, compared to 57 per cent in an organisation without an HR department.

Respondents with managerial/supervisory duties were more likely to be aware of this right than those who did not have such responsibilities; again, possibly as they have to supervise the working patterns of their employees: 69 per cent of respondents with managerial/supervisory responsibilities were aware compared to 60 per cent without. Those who worked over 48 hours a week were actually slightly *less* aware of this right than those who did not. Sixty-three per cent of those working more than 48 hours a week were aware that employers had a legal obligation not to make employees work more than a given number of hours, compared to 64 per cent working 48 hours per week or less.

#### 2.4.3 Pay, contracts, disciplinary and grievance procedures

A statutory NMW was introduced in April 1999. The original legislation set minimum rates for workers aged 22 and over and those aged 18 to 21. It included some exemptions in cases of younger workers on apprenticeship programmes. The two rates have been increased each year since the

introduction of the NMW. There has been publicity for each increase of the NMW, including national and consumer press advertising, limited public relations exercises, online advertising, and in the financial year April 2004 to March 2005, direct mailings to ethnic community leaders. In the financial year April 2005 to March 2006, when this survey was conducted, publicity also included public relations exercises that were especially targeted at the hairdressing sector, direct mailings to young hairdressers, as well as direct mailings to ethnic community leaders.

The Employment Act 2002 (Dispute Resolution) Regulations came into force on 1 October 2004, introducing minimum statutory procedures for dealing with dismissal, disciplinary action and grievances in the workplace. These include the right to a written statement of employment particulars, such as pay and hours, and must include a note of the employer's disciplinary and grievance procedures. Employees have the right to receive this within two months of the starting date. Dispute Resolution Regulations were recently publicised (in the financial year April 2004 to March 2005) using public relations exercises. The current right not to be dismissed unfairly was introduced in the Employment Rights Act 1996, although its origins date back to the 1971 Industrial Relations Act.

Awareness of the right to a NMW, a written statement of terms and conditions, to have employers follow a set procedure when dealing with a complaint or grievance, and not to be dismissed unfairly, were examined by the standard set of personal or employment characteristics (the standard breaks), as well as by whether respondents were members of a trade union/staff association. The results are discussed below.

- 93 per cent of respondents were aware that employers have a legal obligation to pay employees a minimum hourly wage. The high awareness of this right no doubt reflects the publicity it has received. While there was some variation between groups in their awareness of this right, it was not statistically significant.
- 90 per cent of respondents were aware that employers should not dismiss an employee without having a fair reason for doing so. High awareness of this right may reflect its universal relevance and importance to employees. Women were more likely than men to be aware of this right (93 per cent of women compared to 88 per cent of men). Those with managerial/supervisory responsibilities were also more likely than those without such responsibilities to be aware of this right, possibly as their role as managers of staff requires them to be aware of this right (94 per cent of those with managerial/supervisory responsibilities were aware, compared to 88 per cent of those without). Those who had experienced a problem in the past to do with their rights at work were more likely than those who had not experienced a problem to be aware of this right, possibly having been made aware of it through the problem they experienced (see Chapter 4): 91 per cent of those who had experienced a problem were aware compared to 90 per cent of those who had not.
- 84 per cent of respondents were aware that employers must provide employees with a written statement of the terms and conditions of their job.

This fairly high awareness may reflect the universally relevant nature of this right. Women were more likely than men to be aware of this right (88 per cent of women, compared to 81 per cent of men), as were trade union/staff association members (88 per cent compared to 83 per cent of non-union members), and those with an HR department (87 per cent compared to 78 per cent of those without an HR department).

- 81 per cent of respondents were aware that employers must follow a set procedure when dealing with a complaint against employees. High awareness of this right, as well as of grievance procedures (discussed below), may reflect the recent publicity of dispute resolution regulations. However, those who had experienced a problem in the past to do with their rights at work were less likely to be aware of this right than those who had not experienced a problem (78 per cent of those who had experienced a problem were aware, compared to 83 per cent of those who had not).
- 78 per cent of respondents were aware that employers must follow a set procedure when dealing with a grievance or other work-related problem which an employee has against an employer. The older a respondent, the more likely they were to be aware of this right, perhaps reflecting their greater experience in the workplace (64 per cent of those aged 16 to 24, 74 per cent of those aged 25 to 34, 81 per cent of those aged 35 to 44 and 87 per cent of those aged 45 to 54 and 55 to 64). Whether respondents were aware of this right also varied by earnings, with those most likely to be aware earning over £40,000 per year (where 90 per cent were aware), compared to 82 per cent of those earning £15,000 to £24,999 per year, 76 per cent of those earning less than £15,000 per year, and 74 per cent of those earning £25,000 to £39,999 per year. Those with an HR department were more likely than those without an HR department to be aware of this right (81 per cent of those with an HR department compared to 78 per cent of those without). Again, trade union members were also more likely to be aware of this right than non-union members (83 per cent of union members were aware, compared to 77 per cent of non-union members).

#### 2.4.4 Children and dependants

The right to maternity leave is long established, although there have been recent improvements to it. The Employment Rights Act 1996, as amended by the Employment Act 2002, contains the framework for enhanced maternity leave. Since 2003, all pregnant employees have been entitled to at least 26 weeks' ordinary maternity leave. This applies regardless of length of service. Employees who have completed 26 weeks' continuous employment by the beginning of the 14th week before the expected week of childbirth are entitled to 26 weeks additional maternity leave. Additional maternity leave begins at the end of ordinary maternity leave. The Employment Act 2002 sets out the basic rights to paternity leave. The right to paternity leave and Statutory Paternity Pay allows an eligible employee to take paid leave to care for his baby or to support the mother following birth. Since 6 April 2003, he can take either one week's or two weeks' consecutive paternity leave.

The Employment Act 2002 also sets out the right of employees to request flexible working. Since 6 April 2003, eligible employees have the right to

apply to work flexibly and to have their application considered properly in accordance with the set procedure, and refused only where there is a clear business ground for doing so. Where an application is refused, employees have the right to have a written explanation giving the reasons why and to appeal against the employer's decision to refuse an application. Employees are eligible if they have a child under six, or a disabled child under 18.

The right to time off for dependants is contained in section 57A of the Employment Rights Act 1996, as amended by the Employment Relations Act 1999. The section came into effect on 15 December 1999. The right to time off is available to all those who have a contract of employment with an employer (whether in writing or not), whether they work full time or part time. The right does not include an entitlement to pay.

The right to parental leave was first introduced on 15 December 1999 under the Maternity and Parental Leave Regulations 1999. These Regulations were made under the Employment Rights Act 1996, as amended by the Employment Relations Act 1999. Parents with one year's service with their employer are able to take up to 13 weeks' unpaid leave to care for a child. Leave must be taken before the child's fifth birthday. Parents of disabled children are able to take 18 weeks' parental leave up to their child's 18th birthday.

The new rights for working parents that came into force in April 2003 were publicised (in the Financial Year April 2003 to March 2004) through national press advertising, ethnic radio advertising, and public relations exercises.

Rights in the area of children and dependants were examined by whether respondents had dependent children, had children under six, or were planning to have a child in the next year. Table 2.3 shows the results of this analysis.

**Table 2.3: Awareness of rights in the area of children and dependants**

	All respondents	Dependent children		Children aged 0-5		Planning to have a child in next year	
		Yes %	No %	Yes %	No %	Yes %	No %
Ordinary maternity leave	88	88	87	86	88	91	88
Paid paternity leave	55	57	53	57	54	66	54
Seriously consider a request for flexible working (for children)	51	57	47	61	49	67	50
Additional maternity leave	49	56	44	57	47	65	48
Time off for dependants	42	43	41	47	40	52	40
Parental leave	27	36	21	39	24	34	26
Unweighted base	1,038	426	612	188	850	68	948

Source: IES/BMRB, 2005

The results from Table 2.3 are discussed below:

**Ordinary maternity leave:** 88 per cent of respondents were aware that employers have a legal obligation to let women take paid time off when they have a baby. This highest level of awareness among the rights to do with children and dependants may reflect the long-standing nature of this right. While there was some variation between groups in their awareness of this right, it was not statistically significant.

The level of awareness of the next two rights was somewhat lower, though still higher than for other rights in the area of children and dependants. Their relatively high awareness compared to these other rights may be a reflection of the publicity when these rights came into force, as well as political debate about the issues in 2005.

**Paid paternity leave:** 55 per cent of respondents were aware that employers have a legal obligation to let men take paid time off when their partner has a baby. While there was some variation between groups in their awareness of this right, it was not statistically significant.

**Right to request flexible working:** 51 per cent of respondents were aware that employers have a legal obligation to seriously consider a request for flexible working from parents of a young or disabled child. Respondents with a child under six were more likely to be aware of this right than those without children under six.

**Additional maternity leave:** In contrast to ordinary maternity leave, awareness of additional maternity leave was much lower. Forty-nine per cent of respondents were aware that employers have a legal obligation to let women take additional unpaid time off when they have a baby. Respondents with a child under six were more likely to be aware of this right than those without children in this age group.

The two rights in the area of children and dependants with the lowest levels of awareness are those introduced in 1999, and which have not recently been publicised more recently.

**Time off for dependants:** 42 per cent of respondents were aware that employers have a legal obligation to let employees take time off to look after a dependant in an emergency. While there was some variation between groups in their awareness of this right, it was not statistically significant.

**Parental leave:** 27 per cent of respondents were aware that employers have a legal obligation to let parents of young children have a set amount of unpaid time off work to spend with them. Respondents with a child under six were more likely to be aware of this right than those without young children.

## **2.5 Knowledge of the detail of the law**

After respondents had completed the exercise where they placed cards on a board according to whether they thought the cards showed legal obligations of employers (actual employment rights) or not, they were then given the following instruction:

*'These are the cards with the things that you thought employers have to do by law. I'd now like you to place these cards on this board to show how much you feel you know about the detail of the law regarding these issues. How much do you know about the detail of the law regarding this issue?'*

Table 2.4 details the results of this exercise, examining how much respondents said they knew about the detail of the law of rights that they were aware of. It examines only actual legal obligations of employers.<sup>17</sup>

**Table 2.4: How much respondents said they know about the detail of the law of the rights that they were aware of**

		Know a lot about the detail	Know a fair amount about the detail	Know a little about the detail	Know hardly anything about the detail	Unweighted base
		%	%	%	%	
Ensuring that employees are not treated unfairly because of their	Gender	24	29	31	16	935
	Sexual orientation	24	25	31	20	899
	Race	27	27	29	17	966
	Religion	24	26	32	19	902
	Disability	25	25	34	16	946
	Age	21	23	36	19	793
Working time	Minimum number of weeks' paid holiday each year	25	31	30	14	836
	Rest breaks after working a certain number of hours	27	32	30	11	891
	Limit on working hours	24	31	32	13	654
Pay, contracts, disciplinary and grievance procedures	Pay minimum hourly wage	33	34	27	7	956
	Provide written statement of terms and conditions	37	31	23	10	882
	Have a set disciplinary procedure	26	31	29	13	846
	Have a set grievance procedure	25	32	30	13	823
	Not dismiss employees without fair reason	28	34	26	12	931
Children and dependants	Seriously consider a request for flexible working (for children)	13	20	35	31	539
	Parental leave	14	19	35	30	286
	Time off for dependants	16	22	32	30	428
	Ordinary maternity leave	25	30	29	15	915
	Additional maternity leave	20	24	34	22	515
	Paid paternity leave	21	22	35	21	554

Note: 'Don't know' responses not included as numbers were too small.

Source: IES/BMRB, 2005

<sup>17</sup> Discrimination on the grounds of age is also examined, as this will become a right on 1 October 2006.

While respondents may be aware of the existence of a right, Table 2.4 shows that how much they said they know about the detail of the right varies considerably.

Highest perceived levels of detailed knowledge were in relation to the right to have a written statement of terms and conditions (37 per cent), the right to the NMW (33 per cent), the right not to be dismissed unfairly (28 per cent), the right to an in-work rest break (27 per cent), and the right not to be discriminated against on the grounds of race (27 per cent). Other rights to do with discrimination, working time and pay/contracts/disciplinary and grievance procedures also had around a quarter of respondents saying that they knew a lot about the detail.

The rights where the highest proportions of respondents said that they knew hardly anything about the detail were in the area of children and dependants. Thirty-one per cent said that they knew hardly anything about the detail of the right to request flexible working, while 30 per cent knew hardly anything about the detail of parental leave, 30 per cent knew hardly anything about the detail of the right to take time off for dependants in an emergency, 22 per cent knew hardly anything about the detail of additional maternity leave, and 21 per cent knew hardly anything about the detail of paid paternity leave. The exception to this was ordinary maternity leave, where only 15 per cent knew 'hardly anything' about the detail.

Whether there were differences between different groups of respondents in their knowledge of the detail of these rights is examined in the sections below.

### 2.5.1 Discrimination

How much respondents said they knew about the detail of the law on the rights not to be discriminated against on the basis of race, gender, disability, religion, sexual orientation and age, was examined by whether or not they had personal characteristics that were relevant to that right. For example, whether those with a health problem/disability differed from those without a health problem/disability in their knowledge of the detail of the law outlawing disability discrimination. However, although there were some variations between groups, none was statistically significant.

### 2.5.2 Working time

How much respondents said they knew about the detail of the law around the rights to a minimum number of weeks' paid holiday, in-work rest breaks, and a limit on working hours, was examined by the standard set of personal or employment characteristics (the standard breaks), as well as by whether respondents were members of a trade union/staff association and whether they worked over 48 hours a week. Again, while there were some variations between groups, none was statistically significant.

### 2.5.3 Pay, contracts, disciplinary and grievance procedures

How much respondents said they knew about the detail of the law around the rights to a NMW, a written statement of terms and conditions, to have employers follow a set procedure when dealing with a complaint or grievance, and not to be dismissed unfairly, was examined by the standard set of personal or employment characteristics as well as by whether respondents were members of a trade union/staff association.

How much respondents who were aware of the right to a NMW said that they knew about the detail of that right, varied according to the size of their employer. Those working for employers with 25 to 99 employees were least likely to say that they knew a lot or a fair amount about the detail of the right to a NMW (58 per cent knew a lot/a fair amount), compared to 63 per cent of those at employers with 500 or more employees, 68 per cent of those at employers with 100 to 499 employees, 72 per cent of those at employers with one to nine employees, and 74 per cent of those at employers with ten to 24 employees.

The extent to which respondents who were aware of the right to a written statement of terms and conditions and who said they knew about the detail of that right varied by whether they had managerial/supervisory responsibilities. Those who had such responsibilities were more likely than those who did not to know a lot/a fair amount about the detail of a right: 72 per cent compared to 63 per cent.

How much respondents who were aware of the right to a set procedure to deal with a complaint against an employee and who said they knew about the detail of that right, also varied by whether they had managerial/supervisory responsibilities. Those with such duties were, again, more likely to know about the detail, with 63 per cent knowing a lot/a fair amount, compared to 53 per cent of those without such responsibilities. Those who had experienced a problem in the past to do with their rights at work were also more likely to know about the detail of this right: 60 per cent knowing a lot/a fair amount, compared to 55 per cent of those who had not had a problem (whether they had experienced a problem in this area is examined in Chapter 4).

While there were some variations between groups in how much respondents said they knew about the detail of the right to a set procedure to deal with a grievance against an employee, none was statistically significant.

How much respondents who were aware of the right not to be unfairly dismissed said they knew about the detail of that right, again varied by whether they had managerial/supervisory responsibilities. Sixty-four per cent of those with such responsibilities knew a lot/a fair amount, compared to 60 per cent of those without such responsibilities.

### 2.5.4 Children and dependants

How much respondents said they knew about the detail of the law around the area of children and dependants was examined by whether respondents had

dependent children, had children under six, or were planning to have a child in the next year. The results are shown below.

- **Right to request flexible working:** How much respondents, who were aware of the right to request flexible working and who said they knew about the detail of that right, knew about the detail of the law varied by whether they had a dependent child and whether they had a child under six. Those with a dependent child were understandably more likely to know a lot/a fair amount about the detail of this right: 40 per cent, compared to 27 per cent of those without dependent children. Those with a child under six were particularly likely to know a lot/a fair amount about the detail of this right: 45 per cent, compared to 30 per cent of those without a child under six.
- **Parental leave:** How much respondents, who were aware of the right to parental leave and who said they knew about the detail of that right, knew about the detail of the law also varied by whether they had a dependent child and whether they had a child under six. Again, those with a child under six were more likely to know a lot/a fair amount about the detail of this right: 51 per cent, compared to 26 per cent of those without a child in this age group. Those with a dependent child were also more likely to know a lot/a fair amount about this right: 41 per cent, compared to 23 per cent of those without dependent children.
- **Time off for dependants:** While there were some variations between groups in how much respondents said they knew about the detail of the right to time off for dependants in an emergency, none was statistically significant.
- **Ordinary maternity leave:** How much respondents who were aware of the right to ordinary maternity leave and who said they knew about the detail of that right knew about the detail of the law varied by whether they had a dependent child. Those with a dependent child were more likely to know a lot/a fair amount about the detail of this right: 64 per cent, compared to 50 per cent of those without dependent children.
- **Additional maternity leave:** How much respondents who were aware of the right to additional maternity leave and who said they knew about the detail of that right knew about the detail of the law again varied by whether they had a dependent child. Those with a dependent child were more likely to know a lot/a fair amount about the detail of this right: 55 per cent, compared to 33 per cent of those without dependent children.
- **Paid paternity leave:** How much respondents who were aware of the right to paid paternity leave and who said they knew about the detail of that right knew about the detail of the law varied by whether they had a dependent child and whether they had a child under six. Those with a dependent child were more likely to know a lot/a fair amount about the detail of this right (47 per cent compared to 41 per cent of those without dependent children), as were those with a child under six (57 per cent), compared to 40 per cent of those without a child under six.

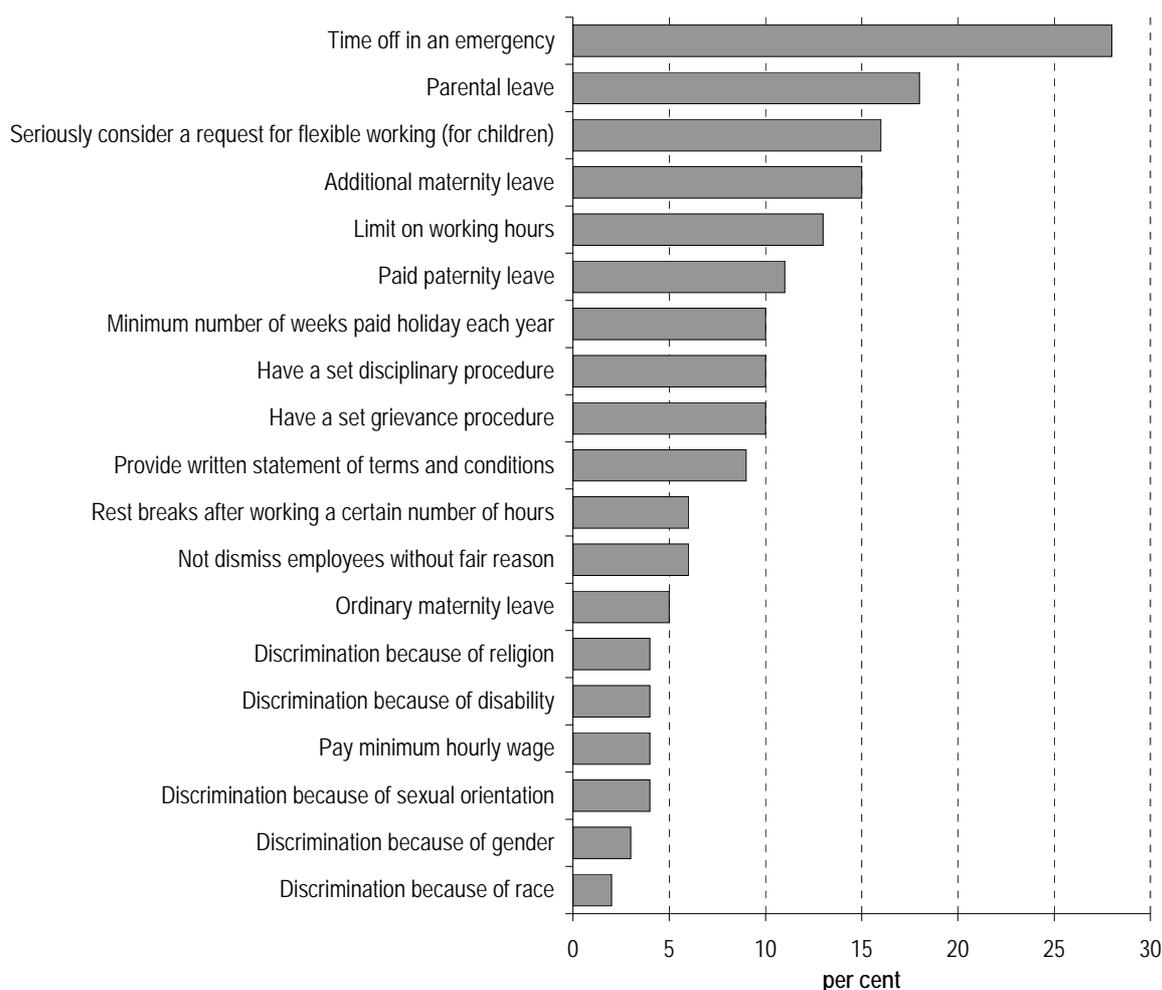
## 2.6 Awareness deficits

Respondents were asked, for each of the actual employer obligations, how important they felt it was for them personally to know about the law regarding employer responsibilities in that area:

*'This next set of cards shows things that employers **actually have to do** according to current employment law in the UK. Some of these you may feel you need to know about – either because of your personal circumstances or your responsibilities at work – others you may feel you don't need to know about. I'd like you to sort the cards onto this board to show how important you think it is for you personally to know about the law regarding employers' responsibilities in these areas.'*

This exercise, together with the exercise on awareness (see Section 2.4) was used to calculate an 'awareness deficit' for each right: the proportion of all respondents who were unaware that a right was an actual legal obligation, but felt that it was *very important* for them to know about it. Figure 2.4 shows the results of this analysis.

**Figure 2.4: Awareness deficits**



Note: Unweighted base. All respondents 1,038.

Source: IES/BMRB, 2005

It is important to note that rights will only have a high awareness deficit if there was a low level of awareness among respondents of the right (see Section 2.4). Issues that had a high awareness (such as those to do with discrimination and the NMW), therefore, have a small awareness deficit.

It is interesting, however, that for issues where there was a low level of awareness, particularly those around children and dependants, a sizeable proportion of respondents who were unaware of the particular right thought that it was very important for them to know about it. These rights, therefore, had some of the highest awareness deficits: 28 per cent for time off for dependants in an emergency, 18 per cent for parental leave, 16 per cent for the right to request flexible working, 15 per cent for additional maternity leave and 11 per cent for paid paternity leave. The exception was ordinary maternity leave, which had high awareness among respondents and so the deficit was only five per cent.

Differences in the awareness deficits for these rights were examined to see if it was only those who had family responsibilities (respondents who either had dependent children or were planning a child) who showed high awareness deficits. In fact, there were no significant variations between those with family responsibilities and those without in the awareness deficits around time off for dependants, the right to request flexible working, ordinary maternity leave or additional maternity leave.

There were significant variations between those who had family responsibilities, and those who did not in the awareness deficit around parental leave, where 24 per cent of those with family responsibilities showed an awareness deficit, compared to 13 per cent who did not have such responsibilities. There was also significant variation in the right to paid paternity leave, where 14 per cent of those with family responsibilities cited an awareness deficit, compared to eight per cent who did not have such responsibilities. However, these figures also demonstrate that it is not only those with family responsibilities who see their low awareness of parental rights as a problem for themselves.

Other rights that also had relatively high awareness deficits were the rights to: a limit on working hours (13 per cent), paid holidays (ten per cent), having a set disciplinary procedure (ten per cent), having a set grievance procedure (ten per cent), and the right to have a written contract (nine per cent). These rights may have high awareness deficits, as they have low levels of awareness, but are universally relevant rights, which may mean that respondents think that it is very important for them to know about them.

## **2.7 Awareness score**

An awareness score was developed by giving respondents points in the following cases:

- two points if they said that they were *very well* informed about their rights at work, and one point if they said they were *well* informed, when asked how well informed they felt about their rights at work

- one point if they said that they knew as much as they needed to know about their rights at work
- one point if they said that they knew where to find out information about their rights at work if they needed to
- one point for each time they said that an actual employment right (19 in all) was an actual legal obligation of employers
- one point for each time they said that a provision that was not an actual employment right (six in all) was something that employers could choose to do.

Table 2.5 shows the mean awareness score by key groups, as well as those scoring 15 or less, and those scoring 24 or more, out of a possible 29 points. The cut-off point of a score of 15 points was chosen as this accounts for, approximately, the lowest scoring ten per cent of respondents. Those scoring 24 or more were also isolated as, likewise, they accounted for, approximately, the top scoring ten per cent of respondents.

**Table 2.5: Awareness score**

		Awareness score	Those scoring 15 or less	Those scoring 24 or more	Unweighted base
		Mean	%	%	
All respondents		19.7	10	11	1,038
Age	16-21	17.8	21	6	60
	22-34	19.9	8	9	269
	35-44	20.1	10	14	289
	45-54	20.0	8	11	249
	55-64	19.4	14	11	170
Gender	Male	19.5	11	10	472
	Female	19.9	8	11	566
Earnings	Under £5,000	19.4	11	5	89
	£5,000 to £9,999	18.8	13	7	129
	£10,000 to £14,999	19.4	10	7	194
	£15,000 to £19,999	20.3	7	15	158
	£20,000 to £39,999	20.3	5	12	276
	£40,000 +	20.2	5	13	79
Hours worked	Full-time	19.8	9	11	781
	Part-time	19.8	10	10	250
Type of organisation	Public sector	20.3	8	13	336
	Private sector	19.4	11	9	662
Whether has HR/personnel dept	Yes	20.2	8	13	735
	No	19.1	12	7	259

**Table 2.5: continued**

		Awareness score	Those scoring 15 or less	Those scoring 24 or more	Unweighted base
		Mean	%	%	
Whether experienced problems	Yes	19.4	10	7	416
	No	20.0	10	13	622
Managerial/supervisory duties	Yes	20.4	6	15	387
	No	19.3	12	8	651
Number of employees in workplace	1 to 9	20.0	7	10	159
	10 to 24	19.1	14	8	168
	25 to 99	19.3	13	8	250
	100 to 499	20.1	4	11	228
	500+	20.3	8	18	208
Whether member of TU/staff assoc.	Yes	20.2	7	11	329
	No	19.5	11	10	701
How much known about rights at work	As much as need to know	21.1	4	18	464
	Could know more	18.6	15	5	563
How well informed about rights at work	Well informed	20.8	4	15	680
	Not well informed	17.7	20	2	353
Whether signed opt-out agreement	Yes	19.6	15	13	135
	No	19.8	9	10	866
Whether work over 48 hrs per week	Yes	19.8	9	13	172
	No	19.7	10	10	826

Note: A higher score shows a higher level of awareness.

Source: IES/BMRB, 2005

Table 2.5 shows that all respondents had a mean score of 19.7, with ten per cent of respondents scoring 15 points or less, and 11 per cent of respondents scoring 24 points or more (out of a possible 29 points).

Looking first at mean scores, respondents aged 16 to 21 were more likely to have a lower score than respondents in other age groups. Women were more likely to have a higher score than men and those earning £15,000 or more were likely to have a higher score than those earning under this. Public-sector workers were more likely than private-sector workers to have a higher score, as were those with an HR department compared to those without one. Those who had not experienced a problem at work in the past were more likely than those who had to have a higher score. Those with managerial/supervisory duties were more likely than those without such duties to have a higher score, as were trade union/staff association members compared to non-members. Respondents who felt that they knew as much as they needed to know about rights at work were likely to have a higher score

than those who said that they could do with knowing more. Similarly, those who felt well informed about their rights at work were more likely than those who did not feel well informed to have a higher score. Those in organisations of 500 or more staff were more likely than those in organisations of other sizes to have a higher score.

Table 2.5 also shows respondents who scored 15 points or less. Those aged under 21, or aged 55 and over were more likely to score 15 points or less than those aged between 22 and 54. Those without an HR department were more likely to score 15 points or less than those with an HR department, and those without managerial/supervisory responsibilities were more likely to score 15 or less than those with such duties. Non-members of trade unions/staff associations were more likely to score 15 points or less than members, and those who had opted-out of the working time limit were more likely to score 15 points or less than those who had not. Those in organisations with ten to 24 employees were most likely to score 15 points or less compared to those in organisations of other sizes. Those who said that they could do with knowing more about their rights at work were more likely to score 15 points or less than those who said that they knew as much as they needed to know. Similarly, those who did not feel well informed about their rights were more likely to score 15 points or less than those who felt well informed.

Finally, Table 2.5 also shows respondents who scored 24 points or more. Those with an HR department were more likely to score 24 points or more compared to those without one, as were those with managerial/supervisory duties compared to those without such duties. Those who had not experienced a problem to do with their rights at work in the past were more likely than those who had experienced a problem to score 24 points or more. Respondents in workplaces with 100 or more staff were more likely to score 24 points or more compared to those in other sized workplaces. Those who felt well informed about their rights at work were more likely to score 24 or more than those who felt not well informed, as were those who felt that they knew as much as they needed to know about their rights at work, compared to those who said that they could do with knowing more.

A 'vulnerable worker' is someone working in an environment where the risk of adverse treatment is high, but where their capacity or willingness to take action to protect their employment rights is low. This analysis suggests that the groups of workers that may be more vulnerable with lower awareness levels of their rights at work do in fact have lower awareness. For example, younger workers, those without an HR department, those who do not have managerial/supervisory duties, non-union/staff association members, and those employed in smaller workplaces. Those who did not feel well informed or felt that they could do with knowing more about their rights at work also had low awareness levels.

## 2.8 Summary

### 2.8.1 How well informed respondents feel about their rights at work

- 15 per cent of respondents feel very well informed about their rights at work, with a further 51 per cent feeling well informed, 28 per cent feeling not very well informed, and six per cent feeling not well informed at all.
- Having a dependent child (compared to not having one), being a trade union/staff association member (compared to not being one), earning between £10,000 and £39,999 per year (compared to earning under £10,000 per year), and having a highest qualification that is 'NVQ level 2 or equivalent', 'NVQ level 4 or equivalent' and 'NVQ level 5 or equivalent' (compared to having no qualifications), all increase the odds of a respondent being aware of their employment rights.
- Having experienced a problem (compared to not having experienced a problem) decreases the odds of a respondent being aware of their employment rights.

### 2.8.2 Whether respondents know as much as they need to know

- 44 per cent of all respondents felt that they knew as much as they needed to know, while 55 per cent felt that they could do with knowing more.

### 2.8.3 Whether respondents would know where to find information about rights at work

- Three-quarters of all respondents (76 per cent) said that they would know where to find out information about their rights at work if they needed to.

### 2.8.4 Awareness of employers' legal obligations

- Rights to do with ensuring employees are not discriminated against on the basis of various personal characteristics had higher levels of awareness than did some of those rights to do with having children and dependants. Some provisions that are a legal obligation of employers only had low levels of awareness. In addition, some provisions that are not a legal obligation of employers was thought by some respondents to be an actual right.

#### Being discriminated against

- 94 per cent of respondents were aware that employers have a legal obligation to ensure that employees are not treated unfairly because of their race.
- 92 per cent of respondents were aware that employers have a legal obligation to ensure that employees are not treated unfairly because of their disability.
- 91 per cent of respondents were aware that employers have a legal obligation to ensure that employees are not treated unfairly because of their gender.

- 87 per cent of respondents were aware that employers have a legal obligation to ensure that employees are not treated unfairly because of their sexual orientation.
- 87 per cent of respondents were aware that employers have a legal obligation to ensure that employees are not treated unfairly because of their religion.
- 78 per cent of respondents incorrectly thought that employers already have a legal obligation to ensure that employees are not treated unfairly because of their age.

#### Working time

- 81 per cent of respondents were aware that employers have a legal obligation to let employees take a minimum number of weeks' paid holiday each year.
- 85 per cent of respondents were aware that employers have a legal obligation to give employees a rest break after working a certain number of hours.
- 63 per cent of respondents were aware that employers have a legal obligation not to make employees work more than a given number of hours each week.

#### Pay, contracts, disciplinary and grievance procedures

- 93 per cent of respondents were aware that employers have a legal obligation to pay employees a minimum hourly wage.
- 90 per cent of respondents were aware that employers must not dismiss an employee without having a fair reason for doing so.
- 84 per cent of respondents were aware that employers must provide employees with a written statement of the terms and conditions of their job.
- 81 per cent of respondents were aware that employers must follow a set procedure when dealing with a complaint against employees.
- 78 per cent of respondents were aware that employers must follow a set procedure when dealing with a grievance or other work-related problem which an employer has against employees.

#### Children and dependants

- 88 per cent of respondents were aware that employers have a legal obligation to let women take paid time off when they have a baby.
- 55 per cent of respondents were aware that employers have a legal obligation to let men take paid time off when their partner has a baby.

- 51 per cent of respondents were aware that employers have a legal obligation to seriously consider a request for flexible working from parents of a young or disabled child.
- 49 per cent of respondents were aware that employers have a legal obligation to let women take additional unpaid time off when they have a baby.
- 42 per cent of respondents were aware that employers have a legal obligation to let employees take time off to look after a dependant in an emergency.
- 27 per cent of respondents were aware that employers have a legal obligation to let parents of young children have a set amount of unpaid time off work to spend with them.

### 2.8.5 Knowledge of the detail of the law

There were a number of rights where a high proportion of respondents said that they knew a lot about the detail of the law. These were: the right to have a written statement of terms and conditions (37 per cent knew a lot about the detail), the right to the NMW (33 per cent knew a lot about the detail), the right not to be dismissed unfairly (28 per cent knew a lot about the detail), the right to an in-work rest break (27 per cent knew a lot about the detail), and the right not to be discriminated against on the grounds of race (27 per cent knew a lot about the detail). Other rights to do with discrimination, working time and pay/contracts/disciplinary and grievance procedures also had around a quarter of respondents saying that they knew a lot about the detail.

In contrast to these universally relevant rights, the rights where the highest proportions of respondents said that they knew *hardly anything* about the detail were in the area of children and dependants. Thirty-one per cent said that they knew hardly anything about the detail of the right to request flexible working, while 30 per cent said that they knew hardly anything about the detail of parental leave, 30 per cent said that they knew hardly anything about the detail of the right to take time off for dependants in an emergency, 22 per cent said that they knew hardly anything about the detail of additional maternity leave, and 21 per cent said that they knew hardly anything about the detail of paid paternity leave (the exception to this was ordinary maternity leave, where only 15 per cent said that they knew hardly anything about the detail).

### 2.8.6 Awareness deficits

An 'awareness deficit' was calculated for each right: the proportion of all respondents who were unaware that a right was an actual legal obligation, but felt that it was *very important* for them to know about it.

It is important to note that rights will only have a high awareness deficit if there was a low level of awareness among respondents of the right. Issues that had a high awareness (such as those to do with discrimination and the

NMW), therefore, have a small awareness deficit. It is interesting, however, that for issues where there was a low level of awareness, particularly those around children and dependants, a sizeable proportion of respondents who were unaware of the right think that it is very important for them to know about it. These rights, therefore, have some of the highest awareness deficits: 28 per cent for time off for dependants in an emergency, 18 per cent for parental leave, 16 per cent for the right to request flexible working, 15 per cent for additional maternity leave and 11 per cent for paid paternity leave (the exception being ordinary maternity leave of which there was high awareness among respondents).

Other rights that also had relatively high awareness deficits were the rights to: a limit on working hours (13 per cent), paid holidays (ten per cent), having a set disciplinary procedure (ten per cent), having a set grievance procedure (ten per cent), and the right to have a written contract (nine per cent). These rights may have high awareness deficits, as they have low levels of awareness, but are universally relevant rights, which may mean that respondents think that it is very important for them to know about them.

#### 2.8.7 Awareness score

- An awareness score was developed by giving respondents points for getting the answers to awareness questions right and based on issues such as how well informed they were.
- Respondents had an average (mean) score of 19.7, with ten per cent of respondents scoring 15 points or less, and 11 per cent of respondents scoring 24 points or more (out of a possible 29 points). Groups of respondents were examined to see which were more likely to have a higher mean score, to score 15 points or less, and to score 24 points or more.
- This analysis suggests that it is the groups of workers that may be more vulnerable and that have low awareness levels of their rights at work that do in fact have lower awareness. For example, younger workers, those without an HR department, those who do not have managerial/supervisory duties, non-union/staff association members, and those employed in smaller workplaces. Those who did not feel well informed, or felt that they could do with knowing more about their rights at work, also had low awareness levels.

# 3

## Knowledge of specific employment rights

This chapter first outlines the approach taken to measuring factual knowledge in the survey. It then looks at respondents' knowledge of rights in the areas of working time, annual leave and rest breaks, the NMW, and children and dependants. The chapter then examines other key knowledge issues: the point at which employees are legally entitled to some key rights, the right to be accompanied to a disciplinary or grievance hearing, and what employees have to do before making a claim to an employment tribunal. This section of the report finishes by presenting analysis on the development of a knowledge score, where respondents were given a score based on giving correct answers to key factual questions. Relationships are only reported in the text of this chapter if they are statistically significant (unless otherwise stated).

### **3.1 The approach to measuring and analysing factual knowledge**

Sturgis et al. (2005) have examined the measurement of factual knowledge in surveys and concluded that when obtaining survey measures of factual knowledge it is best to encourage 'don't know' responses, as there is no strong evidence to suggest that blind guessing occurs on survey knowledge items to any meaningful extent. The approach in this survey was therefore first to reassure respondents by saying:

*'Please don't worry if you don't know the answers – it's not meant to be a test'.*

'Don't know' responses were included in the knowledge questions, and then each knowledge question was followed-up by asking how sure the respondent was of their answer. This was done by asking respondents: 'How sure are you about the answer to this question?' with the possible responses: 'I know it's right', 'I think it's right', 'I'm not sure, it was just a guess'. This enabled a distinction to be made in the analysis between actual knowledge and guesswork.

Respondents were told, at the start of the knowledge section, that the employment rights that they were being asked specific questions about were actual legal obligations of employers. Comparisons between awareness levels of specific rights (reported in Chapter 2) and the knowledge of the specific rights discussed in this chapter are not made within this chapter. These comparisons are outlined in Chapter 6 which presents a thematic summary of the findings by employment right.

Rather than having detailed knowledge of all employment rights, what individuals need is an awareness of their rights, plus enough knowledge of the coverage of those rights to know what to check if they feel that their employer may be contravening their legal entitlements. It is both unnecessary and unlikely that most individuals will have a detailed knowledge of the whole range of employment rights before their circumstances necessitate this knowledge.

### **3.2 Working time, annual leave and rest breaks**

As discussed in Chapter 2, the WTR came into force in the UK on 1 October 1998 and marked the introduction of law into what had previously been a largely unregulated area in the UK. The WTR introduced average weekly working hours limits; placed restrictions on night working; provided for minimum in-work, daily and weekly rest breaks; and introduced a minimum entitlement to paid annual leave. However, the new law also provided the option for individuals to voluntarily opt out of the weekly working hours limits. In addition, the WTR included a series of derogations which meant that aspects of the law could be varied or would not apply in certain circumstances.

Rights in the area of working time, annual leave and rest breaks were examined by the standard set of personal or employment characteristics (the standard breaks), as well as by how well informed a respondent was about their rights, whether they were a member of a trade union/staff association, how sure they were of their answer to the question, whether they had signed an opt-out agreement, and whether they worked 48 hours a week or more.

#### **3.2.1 Estimates of the working time limit**

Respondents were first asked:

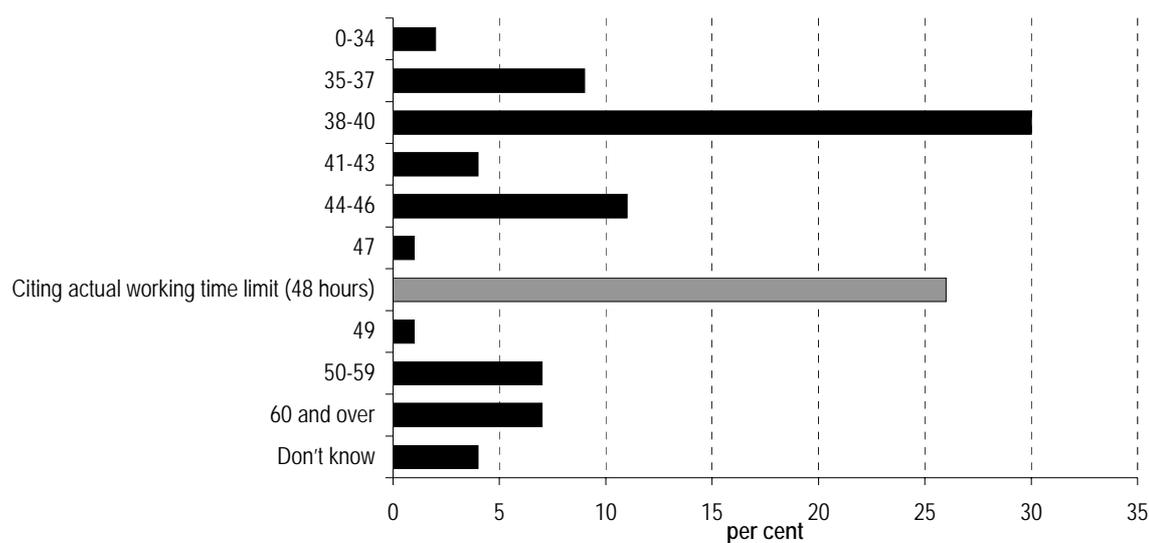
*'First, for most jobs there is a limit on the average number of hours an employer can make you work per week. How many hours per week do you think this is?'*

Figure 3.1 shows that just over one-quarter (26 per cent) of respondents cited the actual working time limit of 48 hours. Over half of respondents (57 per cent) thought that the working time limit was less than 48 hours, 15 per cent of respondents thought that the limit was more than 48 hours, and four per cent of respondents did not know what the limit was. The average (mean) number of hours cited by respondents was 44.54, while the median<sup>18</sup> number was 45.00 hours, both below the actual working time limit. Table 3.1 examines in more detail the average number of hours cited by respondents, and the group of respondents who were correct in citing 48 hours.

---

<sup>18</sup> The median is the middle of a distribution: half the scores are above the median and half are below the median. The median is less sensitive to extreme scores than the mean and this makes it a better measure than the mean for highly skewed distributions.

**Figure 3.1: Estimate of the weekly working time limit**



Note: Base is 1,038 (all respondents). Darker shade in chart indicates incorrect answer.

Source: IES/BMRB, 2005

**Table 3.1: Estimates of the weekly working time limit**

		Mean no. of hours	Unweighted base	Citing 48 hours %	Unweighted base
All respondents		44.5	995	26	1,038
Age	16-24	44.3	107	11	114
	25-34	44.5	212	21	215
	35-44	45.1	275	32	289
	45-54	44.8	239	31	249
	55-64	43.3	161	31	170
Gender	Male	45.4	451	34	472
	Female	43.7	544	16	566
Earnings	Under £15,000	44.0	391	18	412
	£15,000 to £24,999	44.5	251	31	260
	£25,000 to £39,999	45.1	170	31	174
	£40,000 +	47.1	75	42	79
Hours worked	Full-time	44.8	531	29	781
	Part-time	43.8	196	15	250
Type of organisation	Public sector	44.0	324	23	336
	Private sector	44.8	633	27	662
Whether has HR/personnel dept	Yes	44.5	708	29	735
	No	45.1	247	18	259

**Table 3.1: continued**

		Mean no. of hours	Unweighted base	Citing 48 hours %	Unweighted base
Whether experienced problems	Yes	44.3	403	26	416
	No	44.7	592	25	622
Managerial/supervisory duties	Yes	45.7	372	29	387
	No	43.8	623	23	651
Number of employees in workplace	1 to 9	45.4	148	21	159
	10 to 24	46.0	159	20	168
	25 to 99	43.6	240	25	250
	100 to 499	44.9	221	32	228
	500+	43.9	203	26	208
Whether member of TU/staff assoc.	Yes	44.4	315	29	329
	No	44.6	672	24	701
How well informed about rights at work	Well informed	44.4	464	28	680
	Not well informed	44.8	265	20	353
Whether signed opt-out agreement	Yes	45.7	128	44	135
	No	44.5	833	23	866
Whether work over 48 hrs per week	Yes	45.7	166	34	172
	No	44.3	793	24	826
How sure are you about the answer to this question	I know it's right	45.3	177	71	177
	I think it's right	43.3	514	24	514
	A guess	46.1	304	5	304

Note: Base = all respondents.

Source: IES/BMRB, 2005

Looking first at the average (mean) number of hours cited by respondents, Table 3.1 shows that men are more likely than women to cite a higher average number of hours (and therefore be closer to the actual working time limit). The higher the earnings of respondents, the more likely they are to cite a higher average number of hours (and therefore be closer to the actual working time limit). The fact that men, and those with higher earnings, are closer to citing the actual working time limit may reflect their propensity to work longer hours.

Respondents who had managerial duties, worked more than 48 hours, had signed a working-time opt-out agreement, or worked in organisations employing ten to 24 staff were more likely to cite a higher number of hours (and so give a more accurate answer). Those who guessed their answer were actually more likely than those who said that they knew their answer was right, or thought it was right, to cite a higher number of hours.

Table 3.1 shows respondents who got the answer correct and cited 48 hours a week. It shows that those most likely to cite the actual working time limit were: men, older workers, those earning £40,000 per year, and full-time workers. The results may be because these groups have a higher propensity to work longer hours. The level of accuracy was also higher among respondents in an organisation with an HR department, and among those with managerial/supervisory duties. Respondents who felt well informed about their rights at work were more likely to cite the actual limit, as were those who were sure that their answer was right. Finally, a higher proportion of those in workplaces of 100 to 499 employees cited the actual limit compared to those in workplaces of other sizes.

Those working more than 48 hours per week were more likely to cite the exact limit than those working 48 hours per week or less, as were those who had signed an opt-out agreement compared to those who had not signed one. The estimates of the working time limit were also analysed by the number of hours worked by respondents, to see if the more hours a respondent worked per week, the more likely they were to have an accurate estimate of the working time limit. However, while there was a distinct difference between those working more and less than 48 hours, there was no linear relationship between increasing hours worked and increasing knowledge of the limit.

### 3.2.2 Opting out of the working time limit

Respondents were then asked some questions about opting out of the working time limit:

*'The law on working hours states that the limit on the average number of hours employers can make employees work per week is 48 hours.'*

*'Do you think an employee can legally opt out of this maximum limit by informally agreeing with their employer to work longer hours?'*

*'Do you think an employee can legally opt out of this maximum limit by **signing a written document agreeing to work longer hours?**'*

*'Some employers make it a condition of employment that workers agree to work more than the weekly limit – that is, they won't give someone a job unless they agree to work more than the weekly limit. Do you think this practice is legal or not?'<sup>19</sup>.*

Table 3.2 shows the results of these questions.

---

<sup>19</sup> As this question states that some employers do this, some respondents may conclude that it is legal. The number who got this question wrong may, therefore, be artificially high.

**Table 3.2: Opting out of the working time limit**

		Individual can opt out informally	Individual can opt out in writing	Employer can make opt-out a condition of employment	Unweighted base
		%	%	%	
All respondents		43	66	20	1,038
Age	16-24	43	71	27	114
	25-34	46	71	21	215
	35-44	39	65	18	289
	45-54	41	64	18	249
	55-64	45	61	14	170
Gender	Male	46	72	22	472
	Female	38	61	17	566
Earnings	Under £15,000	42	64	20	412
	£15,000 to £24,999	45	71	19	260
	£25,000 to £39,999	40	67	19	174
	£40,000 +	42	73	19	79
Hours worked	Full-time	43	68	20	781
	Part-time	40	62	20	250
Type of organisation	Public sector	39	58	17	336
	Private sector	44	70	21	662
Whether has HR/personnel dept	Yes	42	67	19	735
	No	43	65	19	259
Whether experienced problems	Yes	48	70	19	416
	No	39	64	20	622
Managerial/supervisory duties	Yes	42	70	17	387
	No	43	64	21	651
Number of employees in workplace	1 to 9	37	59	21	159
	10 to 24	47	70	20	168
	25 to 99	43	70	22	250
	100 to 499	43	68	15	228
	500+	41	68	21	208
Whether member of TU/staff assoc.	Yes	42	67	17	329
	No	43	67	20	701
Whether signed opt-out agreement	Yes	51	88	19	135
	No	40	63	20	866
Whether work over 48 hrs per week	Yes	50	79	24	172
	No	41	64	19	826

**Table 3.2: continued**

		Individual can opt out informally	Individual can opt out in writing	Employer can make opt-out a condition of employment	Unweighted base
		%	%	%	
How well informed about rights at work	Well informed	40	66	20	680
	Not well informed	47	67	18	353
How sure are you about the answer to this question	I know it's right	44	88	16	177
	I think it's right	47	71	21	514
	A guess	44	55	25	304

Source: IES/BMRB, 2005

Table 3.2 shows that 43 per cent of respondents incorrectly thought that an individual could opt out informally. Those who had experienced a problem at work in the past were more likely to think that an individual could opt out informally. One in five respondents incorrectly thought that an employer could make opting out a condition of employment. While there were some variations between groups in terms of thinking an employer could make it a condition of employment, none was statistically significant.

- Two-thirds of respondents (66 per cent) were correct in knowing that employees could legally opt out by signing a written document. In contrast to findings in relation to many other rights, the younger a respondent was, the more likely they were to know that an employee could opt out by signing a written document. Men were more likely than women to know employees could opt out by signing a written document, as were full-time workers compared to part-timers, private-sector workers compared to public-sector workers, and those with managerial/supervisory duties compared to those without such duties. These results are similar to results for the proportion citing 48 hours, discussed above. Those who had experienced problems at work were more likely to know employees could opt out in this way, compared to those who had not experienced such a problem.
- Employees in workplaces with ten to 24 employees, and workplaces with 25 to 99 staff were more likely than those in other workplace sizes to know that employees could opt out in writing. Those who had signed an opt-out were more likely to know about this right than those who had not, as were those working more than 48 hours compared to those working 48 hours or less. Respondents who were sure that their answer was right were also more likely than respondents who thought their answer was right, or guessed the answer, to know about this right.

### 3.2.3 Paid holiday entitlement

Respondents were asked:

*'Workers have the right to a **minimum** number of weeks' of paid holiday each year. How many weeks do you think this is for someone working full-time?'*

**Table 3.3: Estimates of minimum holiday entitlement**

		Mean no. of weeks	Unweighted base	Citing 4 weeks %	Unweighted base
All respondents		3.9	1,008	61	1,038
Age	16-24	3.9	109	58	114
	25-34	4.2	212	65	215
	35-44	3.7	276	63	289
	45-54	3.8	244	65	249
	55-64	3.7	166	48	170
Gender	Male	3.9	193	57	472
	Female	3.9	178	66	566
Earnings	Under £15,000	3.9	399	64	412
	£15,000 to £24,999	4.1	255	65	260
	£25,000 to £39,999	3.5	172	53	174
	£40,000 +	3.7	73	60	79
Hours worked	Full-time	3.9	760	61	781
	Part-time	3.9	243	62	250
Type of organisation	Public sector	3.9	332	58	336
	Private sector	3.8	638	64	662
Whether has HR/personnel dept	Yes	3.8	715	61	735
	No	3.9	253	61	259
Whether experienced problems	Yes	4.0	406	63	416
	No	3.8	602	60	622
Managerial/supervisory duties	Yes	3.7	379	62	387
	No	4.0	629	61	651
Number of employees in workplace	1 to 9	3.7	155	64	159
	10 to 24	4.2	168	63	168
	25 to 99	3.8	241	61	250
	100 to 499	3.7	219	63	228
	500+	3.9	204	59	208
Whether member of TU/staff assoc.	Yes	3.9	321	58	329
	No	3.9	680	63	701
How well informed about rights at work	Well informed	3.8	661	59	680
	Not well informed	4.1	343	65	353
How sure are you about the answer to this question	I know it's right	4.0	212	89	212
	I think it's right	3.9	585	61	585
	A guess	3.7	211	39	211

Source: IES/BMRB, 2005

The median number of weeks cited by all respondents, and all sub-groups shown in Table 3.3, was 4.0. Looking first at the mean number of weeks cited by respondents, Table 3.3 shows that the mean number for all respondents was 3.9 weeks, very close to the correct answer of four weeks. Perhaps surprisingly, those aged 16 to 24 were more likely than other age groups to get their answer closest to the correct answer of four weeks. Those earning less than £25,000 per year were more likely than those earning more to get their answer closest to the correct answer of four weeks. Those who had experienced a problem to do with their rights at work in the past were more likely than those who had not, to cite the correct number of weeks, as were those who did not have managerial/supervisory duties compared to those who did have such duties. Those in workplaces of 500 or more employees were more likely than those in smaller workplaces to get their answer closest to the correct answer of four weeks. Those who felt less well informed about their rights at work were actually *more* likely than those who did feel informed to get their answer closest to the correct answer of four weeks.

Moving on to examine the proportion of respondents who got this answer correct, citing four weeks, Table 3.3 shows that 61 per cent of all respondents got this correct. A higher proportion of respondents aged 25 to 34 and aged 45 to 54 got this correct compared to other age groups. Women were more likely than men to get this answer correct. Those earning under £25,000 per year were more likely to get this answer correct than those earning over £25,000 per year. Respondents who were sure about their answer to the question were more likely than those who only thought that their answer was correct, or who had guessed their answer, to get this answer correct.

Respondents were then asked:

*'You said you thought that workers have a right to at least [number of weeks cited] of paid holiday each year. Do you think employees are entitled to public or bank holidays in addition to the [number of weeks cited] or do you think employers can include public or bank holidays as part of the [number of weeks cited]?'.*

Table 3.4 shows that only just under one-third of respondents (32 per cent) knew that employers can include public holidays in the minimum holiday entitlement, with 64 per cent incorrectly thinking that employers cannot include public holidays, and four per cent of respondents not knowing. Respondents who had had a problem to do with their rights at work in the past were more likely to get the answer right than those who had not had such a problem. Those who had guessed their answer were more likely than those who thought that their answer was right, or were sure that it was right, to get the answer right, reinforcing the level of uncertainty around this entitlement.

**Table 3.4: Is there a legal entitlement to public holidays on top of the minimum leave entitlement?**

		Public holidays not included	Public holidays included	Don't know	Unweighted base
		%	%	%	
All respondents		64	32	4	1,008
Age	16-24	55	37	8	109
	25-34	60	35	5	212
	35-44	69	30	*	276
	45-54	65	31	4	244
	55-64	70	27	*	166
Gender	Male	65	32	4	456
	Female	64	33	4	552
Earnings	Under £15,000	61	34	5	399
	£15,000 to £24,999	65	31	4	255
	£25,000 to £39,999	62	36	*	172
	£40,000 +	72	24	*	73
Hours worked	Full-time	63	33	4	760
	Part-time	68	28	5	243
Type of organisation	Public sector	66	30	4	332
	Private sector	64	33	4	638
Whether has HR/personnel dept	Yes	64	32	4	715
	No	61	35	4	253
Whether experienced problems	Yes	60	37	3	406
	No	67	28	4	602
Managerial/supervisory duties	Yes	63	34	3	397
	No	65	31	4	629
Number of employees in workplace	1 to 9	58	38	4	155
	10 to 24	59	35	6	168
	25 to 99	70	26	4	241
	100 to 499	65	33	2	219
	500+	64	31	5	204
Whether member of TU/staff assoc.	Yes	64	32	4	321
	No	64	32	4	680
How well informed about rights at work	Well informed	63	32	5	661
	Not well informed	66	32	2	343
How sure are you about the answer to this question	I know it's right	71	29	-	300
	I think it's right	68	32	-	536
	A guess	52	48	-	136

Source: IES/BMRB, 2005

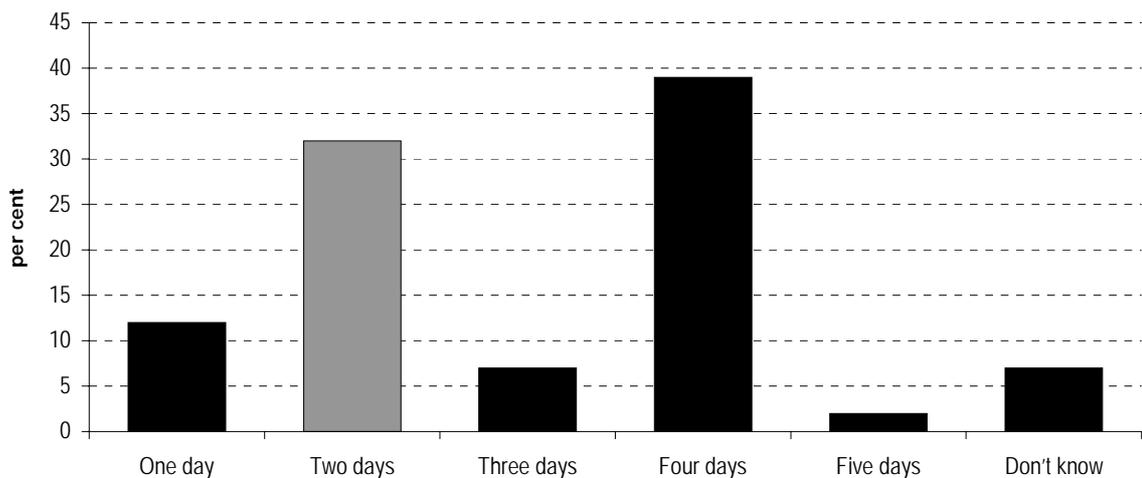
### 3.2.4 Days off in a 14-day period and in-work rest breaks

Respondents were asked:

*'As well as paid holiday, employees in most jobs are legally entitled to have a certain number of days off, either at the weekend or during the week. How many days off do you think employees are legally entitled to within any 14-day period?'*

Figure 3.2 shows the results of this question.

**Figure 3.2: Entitlement to days off over a 14-day period**



Note: Base is 1,038. Darker shade in chart indicates incorrect answer.

Source: IES/BMRB, 2005

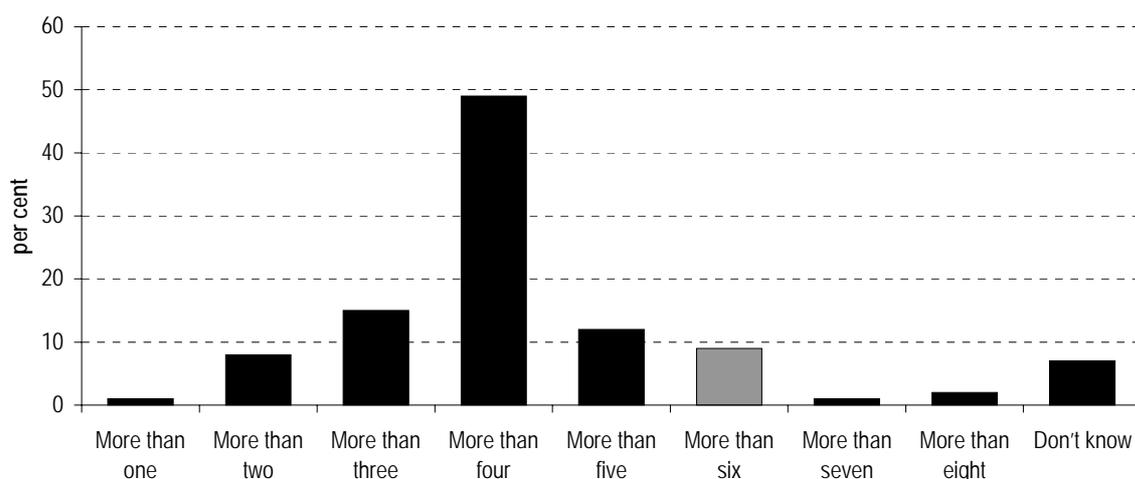
Figure 3.2 shows that only one-third of respondents (33 per cent) knew that employees were entitled to two days off in a 14-day period. Thirty-nine per cent of respondents thought that it was four days off, perhaps equating it to weekends; while over one in ten respondents (12 per cent) thought it was one day off, seven per cent thought that it was three days off, two per cent thought it was five days off and seven per cent did not know the answer.

Respondents were then asked:

*'Now thinking about rest breaks at work. If you work a certain number of hours, you are **legally** entitled to a rest break of at least 20 minutes. How many hours do you think you have to work to be **legally** entitled to a rest break?'*

Figure 3.3 shows the results of this question.

**Figure 3.3: Number of hours before rest break**



Note: Base is 1,038. Darker shade in chart indicates incorrect answer.

Source: IES/BMRB, 2005

Figure 3.3 shows that fewer than one in ten respondents (nine per cent) knew that employees had to work more than six hours before being legally entitled to a rest break. Almost half of respondents (49 per cent) incorrectly thought that they had to work more than four hours before being legally entitled to a rest break, while 15 per cent thought they had to work more than three hours before a rest break, and 12 per cent thought they had to work more than five hours. Eight per cent thought they had to work more than two hours, two per cent thought they had to work more than eight, one per cent thought they had to work more than one, and one per cent thought they had to work more than seven. Seven per cent of respondents did not know the answer to the question.

Table 3.5 examines the results from the above two questions in more detail, by looking at the proportion of respondents who gave the correct answers to these questions.

**Table 3.5: Proportions giving correct responses to days off in 14-day period and rest breaks questions**

		Entitled to 2 days in 14-day period	Entitled to break when worked more than six hours	Unweighted base
		% citing	% citing	
All respondents		33	9	1,038
Age	16-24	33	9	114
	25-34	36	10	215
	35-44	32	10	289
	45-54	37	9	249
	55-64	19	7	170
Gender	Male	34	7	472
	Female	32	12	566

**Table 3.5: continued**

		Entitled to 2 days in 14-day period	Entitled to break when worked more than six hours	Unweighted base
		% citing	% citing	
Earnings	Under £15,000	33	11	412
	£15,000 to £24,999	31	7	260
	£25,000 to £39,999	36	8	174
	£40,000 +	35	8	79
Hours worked	Full-time	32	9	781
	Part-time	35	10	250
Type of organisation	Public sector	30	13	336
	Private sector	34	8	662
Whether has HR/personnel dept	Yes	32	10	735
	No	35	8	259
Whether experienced problems	Yes	33	9	416
	No	33	9	622
Managerial/supervisory duties	Yes	35	10	387
	No	31	9	651
Number of employees in workplace	1 to 9	33	8	159
	10 to 24	34	11	168
	25 to 99	30	9	250
	100 to 499	39	10	228
	500+	31	9	208
Whether member of TU/staff assoc.	Yes	27	9	329
	No	35	10	701
How well informed about rights at work	Well informed	34	9	680
	Not well informed	31	9	353
Whether signed opt-out agreement	Yes	31	8	135
	No	33	10	866
Whether work over 48 hrs per week	Yes	39	5	172
	No	31	10	826
How sure are you about the answer to this question	I know it's right	28	17	177
	I think it's right	33	6	514
	A guess	41	10	304

Source: IES/BMRB, 2005

Table 3.5 shows that the proportion of respondents knowing that employees are entitled to two days off in a 14-day period varies by age group, with those aged 45 to 54 being more likely than other age groups to get the answer right. Those who were not members of a trade union/staff association were actually more likely to get the answer right than those who were members, perhaps reflecting an over-estimation of the generosity of

employment rights. As with other rights in the area of working time, those working more than 48 hours per week were more likely than those working 48 hours a week or less to get the answer right. Those who said that they knew their answer was right, as compared to those who were less sure, were actually least likely to get the answer right.

Table 3.5 also shows that in terms of knowing that employees are entitled to a break when they have worked more than six hours, women were more likely to get the answer right than men, as were those working in the public sector compared to the private sector, and those who were sure about their answer compared to those who were not. In this case, those working 48 hours a week or less were actually more likely to get the answer right than those working more than 48 hours.

### 3.3 National Minimum Wage

As set out in Chapter 2, a statutory NMW was introduced in April 1999. The original legislation set minimum rates for almost all workers aged 22 and over and those aged 18 to 21. It included some exemptions in cases of younger workers on apprenticeship programmes. The two rates have been increased each year since the introduction of the NMW. Until October 2004, the major provisions of the NMW legislation remained largely unchanged. October 2004 saw the first major structural change to the law<sup>20</sup> with the introduction of a minimum rate for 16 and 17 year olds over compulsory school leaving age but not on apprenticeships. The rates introduced in October 2004 were: £3 an hour for 16 and 17 year olds, £4.10 an hour for 18 to 21 year olds, and £4.85 an hour for workers aged 22 and over. These were the rates in place at the time of the survey.

The questions on the right to a NMW were examined by the standard set of personal or employment characteristics (the standard breaks), as well as by how well informed a respondent was about their rights, whether they were a member of a trade union/staff association, and how accurate they thought their answer was.

#### 3.3.1 Who is eligible for the NMW?

A series of questions explored respondents' knowledge of the rights relating to the NMW. The first question was asked of all respondents:

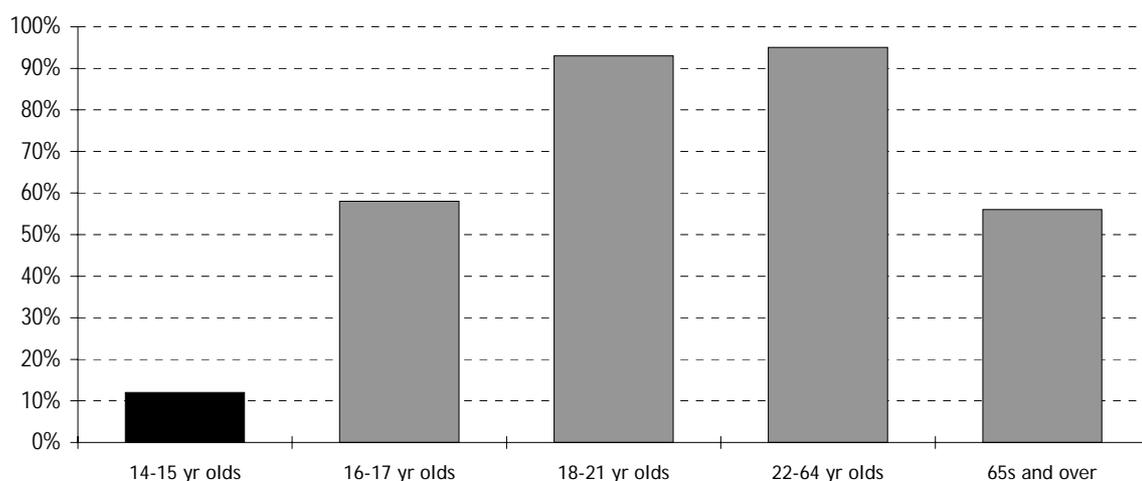
*'One right that employees have is the right to a **National Minimum Wage**, that is, a minimum rate of pay per hour that they work. Which of the following age groups do you think are covered by the National Minimum Wage: 14-15 year olds? 16-17 year olds? 18-21 year olds? 22-64 year olds? 65s and over?'*

Figure 3.4 shows the results of this question.

---

<sup>20</sup> A series of smaller changes have, however, been introduced following recommendations from the Low Pay Commission. For example, in addition to the new NMW for 16 and 17 year olds, October 2004 also saw new regulations on piece rates aimed, in particular, at protecting home workers.

**Figure 3.4: Which groups are covered by the NMW?**



Note: Base 1,038. Darker shade in chart indicates incorrect answer.

Source: IES/BMRB, 2005

Figure 3.4 shows that most people knew that 18 to 64 year olds are covered by the NMW; and that 14 and 15 year olds are not covered. However, there was less clarity about the status of 16 and 17 year olds and those aged 65 and over.

Almost all respondents (95 per cent) said correctly that 22 to 64 year olds have a right to the NMW; and nearly as many (93 per cent), that workers aged 18 to 21 are covered. The large majority (83 per cent) also said that 14 and 15 year olds do not have minimum wage protection; however, a larger group of respondents than for the first two questions gave an incorrect response, with over one in ten (12 per cent) saying that this age group have a right to the NMW.

There was less knowledge of the law for people aged 65 and older. There is no upper-age limit on NMW entitlement; however, over a quarter (26 per cent) of survey respondents thought that people above the standard retirement age do not have a right to the NMW. This question was the one where there was most uncertainty among respondents: 18 per cent were unsure of their answer to this question.

The NMW for 16 and 17 year olds was introduced in October 2004. The fact that this was a relatively recent change to the law may be one of the reasons why a rather lower proportion of respondents knew that this age group had the right to the NMW, than was the case for older workers. Just under six in ten (58 per cent) thought that 16 and 17 year olds were covered by the NMW, with 38 per cent saying that they were not covered.

Table 3.6 examines differences in knowledge for the NMW status of each age group in more detail.

**Table 3.6: Which groups are covered by the NMW? (percentage saying yes)**

		14-15 yrs %	16-17 yrs %	18-21 yrs %	22-64 yrs %	65 + %	Unweighted base
All respondents		12	58	93	95	56	1,038
Age	16-21	15	55	92	86	61	60
	22-34	16	64	95	96	65	269
	35-44	12	57	94	95	53	289
	45-54	8	53	90	95	48	249
	55-64	9	56	94	97	49	170
Gender	Male	11	60	93	95	53	472
	Female	14	55	93	95	59	566
Earnings	Under £5,000	15	52	93	88	60	89
	£5,000 to £9,999	14	52	90	96	58	129
	£10,000 to £14,999	11	52	95	96	57	194
	£15,000 to £19,999	11	57	89	89	53	158
	£20,000 to £39,999	10	63	95	99	53	276
	£40,000 +	12	67	94	98	46	79
Hours worked	Full-time	11	59	94	95	55	781
	Part-time	15	53	93	96	59	250
Type of organisation	Public sector	13	59	95	97	58	336
	Private sector	12	57	92	94	55	662
Whether has HR/personnel dept	Yes	12	60	93	96	58	735
	No	13	52	92	94	51	259
Whether experienced problems	Yes	14	60	92	94	55	416
	No	11	56	94	96	56	622
Managerial/supervisory duties	Yes	12	59	92	97	56	387
	No	12	57	94	94	56	651
Number of employees in workplace	1 to 9	14	57	91	97	52	159
	10 to 24	12	61	92	95	59	168
	25 to 99	12	59	95	96	60	250
	100 to 499	12	56	95	95	57	228
	500+	11	56	93	96	50	208
Whether member of TU/staff assoc.	Yes	12	58	94	95	53	329
	No	13	58	93	95	57	701
How well informed about rights at work	Well informed	13	60	93	96	57	680
	Not well informed	12	54	93	94	54	353

Source: IES/BMRB, 2005

Table 3.6 shows that:

- A small proportion of most groups incorrectly thought that 14 and 15 year olds had a right to the NMW. Those who had experienced a problem to do with their rights at work in the past were more likely than those who had not incorrectly to think that the NMW covered this age group.
- Knowledge of the minimum wage entitlement of 16 and 17 year olds was highest among higher earners: those earning £15,000 per year or more were more likely than those earning under £15,000 per year to say that 16 and 17 year olds were covered by the NMW. Those who thought that they were well informed about their rights at work were more likely than those who did not to say that 16 and 17 year olds are covered.
- The vast majority of most groups knew that 18 to 21 year olds were entitled to the NMW, while those with managerial or supervisory duties were actually less likely than those who did not have such duties to know 18 to 21 year olds are covered by the NMW.
- As with knowledge of the minimum wage entitlement of 18 to 21 year olds, the majority of most groups knew that 22 to 64 year olds are entitled to the NMW. Those who had experienced a problem to do with their rights at work in the past were less likely to know that 22 to 64 year olds are entitled to the NMW than those who had not experienced a problem.
- Those most likely to know that workers aged 65 and over were covered by the NMW were respondents aged 22 to 34. The employees least likely to know of the right were those in the age groups who would seem to have most interest in knowing about it: those aged 45 to 54, and those aged 55 to 64. Women were more likely than men to be aware that 65 year olds and above are covered, while those who had experienced a problem to do with their rights at work were less likely than those who had not to be aware of this right. Those working for small employers (with one to nine employees), and large employers (with 500 or more employees) were least likely to know that this older age group were covered.

### 3.3.2 Is the NMW the same for all groups?

All respondents who had said that at least two age groups had rights to the NMW were then asked:

*'Do you think the National Minimum Wage is the same for all of these age groups?'*

Table 3.7 shows the results of this question.

**Table 3.7: Is the NMW the same for different age groups?**

		Yes %	No %	Don't know %	Unweighted base
All respondents		33	63	4	998
Age	16-21	30	66	4	56
	22-34	32	65	4	267
	35-44	35	60	5	276
	45-54	31	66	3	232
	55-64	34	60	7	166
Gender	Male	33	63	4	451
	Female	32	64	4	547
Earnings	Under £5,000	26	68	*	84
	£5,000 to £9,999	32	68	-	123
	£10,000 to 14,999	29	67	4	189
	£15,000 to £19,999	28	65	7	149
	£20,000 to £39,999	34	63	3	268
	£40,000 +	42	54	4	77
Hours worked	Full-time	34	62	4	752
	Part-time	29	67	3	240
Type of organisation	Public sector	35	60	5	324
	Private sector	32	64	4	635
Whether has HR/personnel dept	Yes	35	61	5	709
	No	29	67	4	247
Whether experienced problems	Yes	31	66	2	400
	No	34	61	5	598
Managerial/supervisory duties	Yes	33	63	4	373
	No	33	63	4	625
Number of employees in workplace	1 to 9	25	72	3	151
	10 to 24	31	67	3	164
	25 to 99	35	62	3	242
	100 to 499	34	61	5	222
	500+	36	59	5	198
Whether member of TU/staff assoc.	Yes	35	60	6	313
	No	32	66	3	678
How well informed about rights at work	Well informed	32	64	4	655
	Not well informed	34	62	4	338

Source: IES/BMRB, 2005

One-third (33 per cent) of all respondents, indicated that they thought that there was a single rate applying regardless of age. Those who had

experienced a problem in relation to their rights in the past were less likely incorrectly to think there was a single rate. Perhaps surprisingly, trade union/staff association members were more likely than non-union members incorrectly to think that there was a single rate.

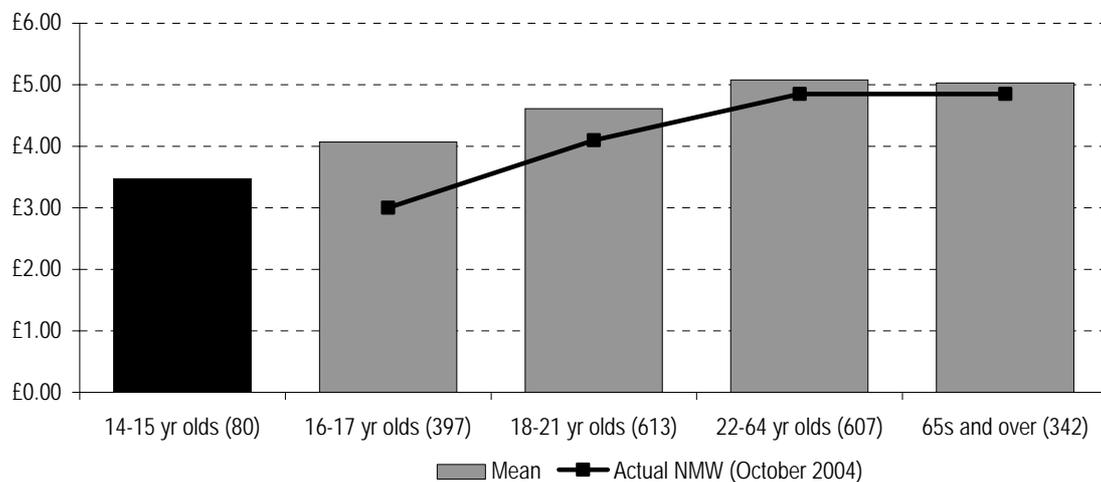
### 3.3.3 How much is the NMW?

Respondents who thought an age group was covered by the NMW and who thought the NMW varied by age group were then asked:

*'How much per hour do you think the minimum wage is for: (each group as applicable: 14-15 year olds? 16-17 year olds? 18-21 year olds? 22-64 year olds? 65s and over?) Please give your best guess if you don't know'.*

Figure 3.5 shows the results of this question.

**Figure 3.5: How much is the NMW for each age group?**



Note: Bases are all respondents who think that age group is covered by the NMW and that the NMW varies by age group. Darker shade in chart indicates incorrect answer.

Source: IES/BMRB, 2005

Figure 3.5 shows that in all age groups where the NMW applies, respondents over-estimated the rate. The average (mean) rate cited was £4.07 for 16 and 17 year olds, where the actual rate was £3, and the average rate cited for 18 to 21 year olds was £4.61, considerably higher than the actual rate of £4.10. For 22 to 64 year olds the average rate cited was £5.08, and the actual rate was £4.85, while for those aged 65 and over the average rate cited was slightly less at £5.03, compared to the actual rate of £4.85.

The analysis below looks at each age group that is entitled to the NMW in turn.

## Estimates of the rate for 16 and 17 year olds

Firstly, Table 3.8 examines how much respondents<sup>21</sup> thought that the NMW was for this age group.

**Table 3.8: How much is the NMW for 16 and 17 year olds?**

		Mean	Median	Citing correct answer (£3.00)	Within 10% of correct answer	Unweighted base
		£	£	%	%	
All respondents		4.07	4.00	6	6	397
Age	16-21	3.80	3.75	*	*	23
	22-34	4.11	4.10	4	6	118
	35-44	4.13	4.05	6	5	109
	45-54	4.05	4.00	7	9	89
	55-64	4.04	4.00	*	*	58
Gender	Male	4.13	4.10	6	5	186
	Female	4.00	4.00	5	7	211
Earnings	Under £5,000	3.87	3.75	*	*	30
	£5,000 to £9,999	3.95	4.00	12	*	48
	£10,000 to £14,999	4.07	4.04	*	7	78
	£15,000 to £19,999	4.12	4.13	*	*	58
	£20,000 to £39,999	4.14	4.18	*	5	109
	£40,000 +	4.21	4.00	*	*	32
Hours worked	Full-time	4.14	4.10	4	4	307
	Part-time	3.80	3.80	10	14	88
Type of organisation	Public sector	4.11	4.00	*	5	124
	Private sector	4.06	4.00	6	6	254
Whether has HR/personnel dept	Yes	4.09	4.00	6	6	287
	No	3.95	3.87	5	8	93
Whether experienced problems	Yes	4.06	4.00	5	6	162
	No	4.08	4.00	6	5	235
Managerial/supervisory duties	Yes	4.10	4.06	7	5	148
	No	4.05	4.00	4	7	249
Number of employees in workplace	1 to 9	4.07	4.00	*	11	58
	10 to 24	3.95	4.00	7	*	68
	25 to 99	4.03	4.00	7	6	97
	100 to 499	4.21	4.25	6	*	89
	500+	4.05	4.00	*	*	77

<sup>21</sup> Respondents who thought 16 and 17 year olds were covered by the NMW and thought the NMW varied by age group.

**Table 3.8: continued**

		Mean	Median	Citing correct answer (£3.00)	Within 10% of correct answer	Unweighted base
		£	£	%	%	
Whether member of TU/staff assoc.	Yes	4.08	4.00	*	7	122
	No	4.07	4.00	7	6	273
How well informed about rights at work	Well informed	4.07	4.00	5	7	275
	Not well informed	4.06	4.00	7	4	120
How accurate they think answer was	Right or close to right	4.01	4.00	6	7	193
	Just a guess	4.11	4.00	6	4	154

Note: Ten per cent limits defined as £2.70 to £3.30 for 16 and 17 year olds.

Source: IES/BMRB, 2005

Table 3.8 shows that respondents who thought 16 and 17 year olds were covered by the NMW and thought the NMW varied by age group, cited £4.07 as the average (mean) level of the NMW for this group, over £1 more than the actual rate of £3.00. The median cited by respondents was slightly less, at £4.00. Men were more likely than women to cite a higher average (mean) rate (and therefore be further from the actual rate), as were those working full-time compared with part-time workers, and those with an HR department compared to those without.

Only six per cent of respondents cited the correct answer, while another six per cent cited an answer within ten per cent of the correct answer, with the remaining respondents citing an answer that was even less accurate. While there were variations between groups in the proportion citing the correct answer, being within ten per cent of the correct answer, or being even less accurate, none was statistically significant.

These results show that those for whom the NMW may be more relevant, as they may be lower paid – women, part-timers and those without an HR department – are likely to be more accurate about the rate for this age group.

#### Estimates of the rate for 18 to 21 year olds

Table 3.9 now goes on to examine how much respondents<sup>22</sup> thought that the NMW was for this age group.

<sup>22</sup> Respondents who thought 18 to 21 year olds were covered by the NMW and thought the NMW varied by age group.

**Table 3.9: How much is the NMW for 18 to 21 year olds?**

		Mean	Median	Citing correct answer (£4.10)	Within 10% of correct answer	Unweighted base
		£	£	%	%	
All respondents		4.61	4.65	4	38	613
Age	16-21	4.59	4.50	*	45	34
	22-34	4.64	4.75	6	35	169
	35-44	4.67	4.80	*	34	168
	45-54	4.56	4.50	*	49	148
	55-64	4.52	4.75	*	31	94
Gender	Male	4.68	4.80	4	31	268
	Female	4.54	4.50	4	46	345
Earnings	Under £5,000	4.44	4.35	*	57	50
	£5,000 to £9,999	4.57	4.50	*	44	79
	£10,000 to £14,999	4.62	4.54	4	45	129
	£15,000 to £19,999	4.66	4.75	6	33	91
	£20,000 to £39,999	4.64	4.75	4	30	166
	£40,000 +	4.79	4.97	*	28	43
Hours worked	Full-time	4.66	4.75	4	35	458
	Part-time	4.47	4.50	4	51	153
Type of organisation	Public sector	4.65	4.75	3	37	194
	Private sector	4.59	4.57	4	40	391
Whether has HR/personnel dept	Yes	4.64	4.75	4	37	436
	No	4.49	4.50	6	44	149
Whether experienced problems	Yes	4.66	4.75	5	33	252
	No	4.57	4.50	4	43	361
Managerial/supervisory duties	Yes	4.64	4.75	5	32	234
	No	4.59	4.55	4	43	379
Number of employees in workplace	1 to 9	4.51	4.55	9	34	102
	10 to 24	4.59	4.50	5	40	102
	25 to 99	4.61	4.71	*	38	145
	100 to 499	4.65	4.70	*	42	137
	500+	4.66	4.75	*	38	117
Whether member of TU/staff assoc.	Yes	4.66	4.75	*	35	189
	No	4.59	4.55	5	40	421
How well informed about rights at work	Well informed	4.60	4.60	4	41	413
	Not well informed	4.62	4.70	4	33	198
How accurate they think answer was	Right or close to right	4.58	4.65	6	38	312
	Just a guess	4.65	4.60	*	40	225

Note: Ten per cent limits defined as £3.69 to £4.51 for 18 to 21 year olds.

Source: IES/BMRB, 2005

Table 3.9 shows that respondents who thought 18 to 21 year olds were covered by the NMW and thought the NMW varied by age group, cited £4.61 as the average (mean) level of the NMW for this group, considerably higher than the actual rate of £4.10. The median cited by respondents was slightly higher, at £4.65. As with the rate for 16 and 17 year olds discussed above, men were more likely than women to cite a higher average (mean) rate (and therefore be further from the actual rate), as were those working full-time, compared with part-time workers, and those with an HR department compared to those without. Those who had experienced a problem were also more likely than those who had not to cite a higher average rate for this group.

Only four per cent of respondents cited the correct answer; however, in contrast to the position for 16 and 17 year olds, over one-third of respondents (38 per cent) cited an answer within ten per cent of the correct answer, with the remaining respondents citing an answer that was even less accurate. Women were more likely than men to give the correct answer or be within ten per cent of the correct answer, as were part-time workers compared to full-timers, those who had not experienced a problem to do with their rights at work compared to those who had, and those without managerial/supervisory duties compared to those who had.

These results show that those for whom the NMW may be more relevant as they may be lower paid; women, part-timers, and those without an HR department were likely to be more accurate about the rate for this age group. Those who had experienced a problem are less likely to be accurate, as were, perhaps surprisingly, those with managerial/supervisory duties.

#### Estimates of the rate for 22 to 64 year olds

Table 3.10 examines the results for the core age group entitled to the NMW, and explores how much respondents<sup>23</sup> thought that the NMW was for 22 to 64 year olds.

**Table 3.10: How much is the NMW for 22 to 64 year olds?**

		Mean	Median	Citing correct answer (£4.85)	Within 10% of correct answer	Unweighted base
		£	£	%	%	
All respondents		5.08	5.00	11	56	607
Age	16-21	5.16	5.00	11	45	32
	22-34	5.06	5.00	12	57	165
	35-44	5.11	5.00	12	50	167
	45-54	5.09	5.00	8	59	148
	55-64	5.02	5.00	10	66	95

<sup>23</sup> Respondents who thought 22 to 64 year olds were covered by the NMW and thought the NMW varied by age group.

**Table 3.10: continued**

		Mean	Median	Citing correct answer (£4.85)	Within 10% of correct answer	Unweighted base
		£	£	%	%	
Gender	Male	5.12	5.00	10	50	264
	Female	5.04	5.00	11	62	343
Earnings	Under £5,000	5.03	5.00	*	67	49
	£5,000 to £9,999	5.11	4.91	20	54	81
	£10,000 to £14,999	5.10	5.00	11	54	127
	£15,000 to £19,999	5.15	5.00	14	54	86
	£20,000 to £39,999	5.08	5.00	7	54	166
	£40,000 +	5.13	5.00	*	51	43
	Hours worked	Full-time	5.12	5.00	10	54
Part-time		4.97	4.94	12	63	153
Type of organisation	Public sector	5.09	5.00	6	58	193
	Private sector	5.08	5.00	13	54	387
Whether has HR/personnel dept	Yes	5.06	5.00	10	56	434
	No	5.07	5.00	14	54	145
Whether experienced problems	Yes	5.16	5.00	12	53	249
	No	5.03	5.00	10	58	358
Managerial/supervisory duties	Yes	5.09	5.00	10	53	233
	No	5.08	5.00	11	58	374
Number of employees in workplace	1 to 9	5.01	4.90	11	60	103
	10 to 24	5.07	4.90	13	51	100
	25 to 99	5.12	5.00	11	53	147
	100 to 499	5.09	5.00	8	59	130
	500+	5.10	5.00	12	57	116
Whether member of TU/staff assoc.	Yes	5.10	5.00	6	57	184
	No	5.08	5.00	12	55	420
How well informed about rights at work	Well informed	5.05	5.00	10	56	408
	Not well informed	5.16	5.00	13	55	197
How accurate they think answer was	Right or close to right	5.03	5.00	15	58	312
	Just a guess	5.16	5.00	4	52	219

Note: Ten per cent limits defined as £4.37 to £5.34 for 22 to 64 year olds.

Source: IES/BMRB, 2005

Table 3.10 shows that the average (mean) level of the NMW for this group given by respondents was £5.08, somewhat higher than the actual rate of £4.85. The median cited by respondents was slightly lower, at £5.00. Full-time workers were more likely than part-timers to cite a higher average (mean) rate (and therefore be further from the actual rate), as were those

who had experienced a problem compared to those who had not, those who felt that they were not well informed about their rights at work compared to those who felt well informed, and those who guessed their answer compared to those who thought that their answer was right or close to right.

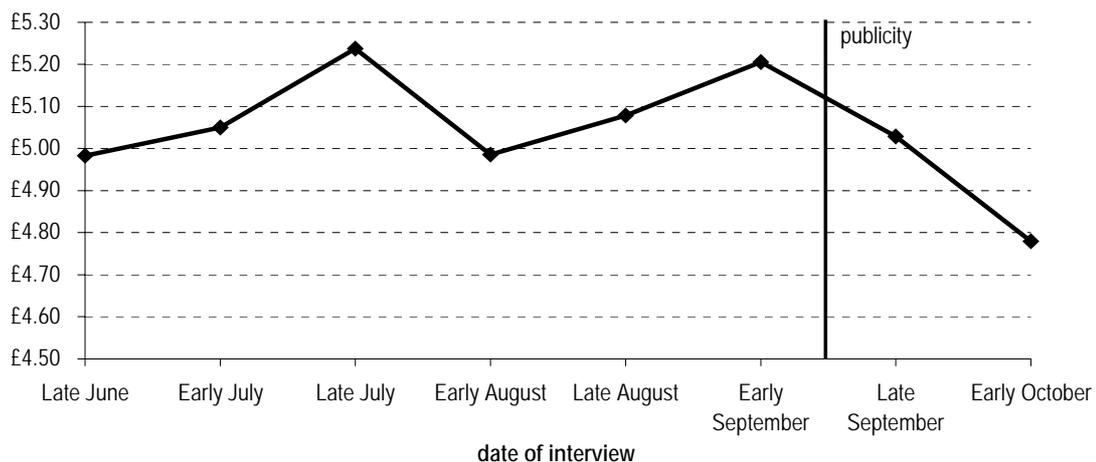
For this age group, accuracy was much higher than it was for the younger age groups, with more than one in ten (11 per cent) of respondents citing the correct answer, and over half (56 per cent) citing an answer within ten per cent of the correct answer. Women were more likely than men to cite the correct answer or be within ten per cent of the correct answer, as were part-time workers compared to full-timers, and those who thought that their answer was right, or close to right, compared to those who guessed their answer.

Overall, non-union members were more likely to be either correct or within ten per cent than union members, perhaps reflecting the fact that union members were likely to think some rights were more generous than they actually were. Public-sector workers were less likely to be correct and more likely to be within ten per cent of the correct answer than private-sector workers.

These results show that, again, women, part-time workers, those who felt well informed about their rights, and those who thought that their answer was right were more accurate about the adult rate of the NMW.

Analysis was also conducted on the average (mean) cited by respondents for the rate for 22 to 64 year olds, to see if the timing of the interview was associated with the level of the NMW cited. This was done to see if knowledge about the rate increased over the time-span in which the survey was conducted, owing to publicity (which began in mid-September) about the new NMW rates to be introduced on 1 October 2005.

**Figure 3.6: Estimate of the average (mean) NMW rate for 22 to 64 year olds, by date of interview**



Note: Base is respondents who thought 22 to 64 year olds were covered by the NMW and thought the NMW varied by age group. There were 57 weighted respondents interviewed in late September (16 September onwards) after the publicity was introduced. There were only two weighted respondents who were interviewed at the beginning of October 2005, after the new rates had been introduced.

Source: IES/BMRB, 2005

Figure 3.6 shows that responses varied over time, with estimates rising in late July and again in early September, before dropping to a more accurate estimate of the 2004 rate in late September and early October after publicity of the new rates had begun. This would suggest that publicity of the new rates did not lead to respondents interviewed later in the fieldwork period citing the higher 2005 rates, rather than the 2004 rates (if they had cited the higher 2005 rates the rate would have risen in late September and early October). However, publicity of the new rates may also have led to people becoming more aware of the old (existing) rates.

#### Estimates of the rate for those aged 65 and over

Table 3.11 completes this analysis of NMW rates by examining the findings on how much respondents<sup>24</sup> thought that the NMW was for people aged 65 and over.

**Table 3.11: How much is the NMW for those aged 65 and over?**

		Mean	Median	Citing correct answer (£4.85)	Within 10% of correct answer	Unweighted base
		£	£	%	%	
All respondents		5.03	5.00	13	56	342
Age	16-21	5.03	4.98	12	35	22
	22-34	4.95	4.90	13	61	107
	35-44	5.22	5.00	13	49	94
	45-54	4.97	4.98	12	60	69
	55-64	4.99	5.00	14	62	50
Gender	Male	5.10	5.00	13	48	147
	Female	4.98	5.00	13	62	195
Earnings	Under £5,000	5.04	5.00	7	63	25
	£5,000 to £9,999	4.96	4.86	16	59	50
	£10,000 to £14,999	5.02	5.00	12	52	71
	£15,000 to £19,999	5.01	4.90	16	61	50
	£20,000 to £39,999	5.08	5.00	9	49	85
	£40,000 +	5.33	5.00	14	43	26
Hours worked	Full-time	5.07	5.00	12	55	258
	Part-time	4.94	4.95	15	58	83
Type of organisation	Public sector	4.99	5.00	8	56	108
	Private sector	5.06	5.00	15	54	221
Whether has HR/personnel dept	Yes	5.06	5.00	12	54	250
	No	4.98	4.90	18	54	77

<sup>24</sup> Respondents who thought those aged 65 and over were covered by the NMW and thought the NMW varied by age group.

**Table 3.11: continued**

		Mean	Median	Citing correct answer (£4.85)	Within 10% of correct answer	Unweighted base
		£	£	%	%	
Whether experienced problems	Yes	5.05	4.98	15	51	134
	No	5.02	5.00	11	59	208
Managerial/supervisory duties	Yes	5.06	5.00	15	50	133
	No	5.02	5.00	11	59	209
Number of employees in workplace	1 to 9	4.84	4.85	14	63	53
	10 to 24	4.99	4.90	15	49	54
	25 to 99	5.03	5.00	12	54	96
	100 to 499	5.16	5.00	11	55	75
	500+	5.08	5.00	15	57	57
Whether member of TU/staff assoc.	Yes	5.05	5.00	12	58	95
	No	5.03	5.00	13	55	242
How well informed about rights at work	Well informed	5.00	5.00	13	56	234
	Not well informed	5.10	5.00	13	55	108
How accurate they think answer was	Right or close to right	5.05	5.00	18	53	172
	Just a guess	4.99	5.00	5	58	122

Note: Ten per cent limits defined as £4.37 to £5.34 for those aged 65 and over.

Source: IES/BMRB, 2005

Table 3.11 shows that respondents who thought those aged 65 and over were covered by the NMW and thought the NMW varied by age group, cited £5.03 as the average (mean) level of the NMW for this group, somewhat higher than the actual rate of £4.85. The median cited by respondents was slightly lower, at £5.00. While there were variations between groups in the average (mean) level of the NMW cited for this group, none was statistically significant.

For those aged 65 and over, accuracy was at a similar level to that for the rate for 22 to 64 year olds, with more than one in ten (13 per cent) of respondents citing the correct answer, and over half (56 per cent) citing an answer within ten per cent of the correct answer, with the remaining respondents citing an answer that was less accurate.<sup>25</sup> Women were more likely than men to cite the correct answer or be within ten per cent of the correct answer, as were those who thought that their answer was right, or close to right, compared to those who guessed their answer.

<sup>25</sup> Although the base for this question was smaller, as fewer respondents both thought that this age group was covered by the NMW and thought that the NMW varied by age group.

### 3.4 Children and dependants

As set out in Chapter 2 (see Section 2.4.4), the right to time off for dependants is contained in section 57A of the Employment Rights Act 1996, as amended by the Employment Relations Act 1999. The right does not include an entitlement to pay. The right to maternity leave is long established and has recently been improved through the Employment Rights Act 1996, as amended by the Employment Relations Act 1999 and the Employment Act 2002. All pregnant employees are entitled to at least 26 weeks' ordinary maternity leave. Employees who have completed 26 weeks' continuous employment by the beginning of the 14th week before the expected week of childbirth have been entitled to 26 weeks' additional maternity leave since 6 April 2003.

Rights in the area of children and dependants were examined by whether respondents had a dependent child, had a child under six years, were planning to have a child in the next year, as well as by how well informed a respondent was about their rights, by whether they were a member of a trade union/staff association, and for time off for dependants, whether they gave support to family/friends.

#### 3.4.1 Whether respondents think employees are entitled to be paid if they have to take time off to look after a child/dependant in an emergency

Respondents were asked:

*'Firstly, if a person has to take time off work to look after their child or other dependant in an emergency, do you think they are legally entitled to be paid for this time off?'*

**Table 3.12: Time off for dependants (in an emergency)**

	All respondents	Dependent children		Children aged 0-5		Planning to have a child in next year		Support given to family/friends		Trade union/staff assoc. member		How well informed about rights	
		Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Well informed	Not well informed
		%	%	%	%	%	%	%	%	%	%	%	%
Employees are entitled to be paid	31	31	31	30	31	39	30	34	30	34	29	33	28
Employees are not entitled to be paid	62	63	61	61	62	53	63	63	62	56	64	60	65
Don't know	7	7	8	9	7	9	7	3	8	10	6	7	7
Unweighted base	1,038	426	612	188	850	68	948	164	874	329	701	680	353

Source: IES/BMRB, 2005

Table 3.12 shows that 62 per cent of respondents knew that employees are not entitled to be paid for taking time off for a dependant in an emergency. However, of those respondents who gave the correct answer (ie knew employees were not entitled to be paid), only 19 per cent were sure about their answer (saying 'I know it's right').

Those who gave support to family/friends were more likely than those who did not to know that employees are not entitled to be paid for this right, while interestingly, trade union/staff association members were actually less likely than non-union members to know that employees were not entitled to be paid (thinking the right was more generous than it is or saying that they did not know).

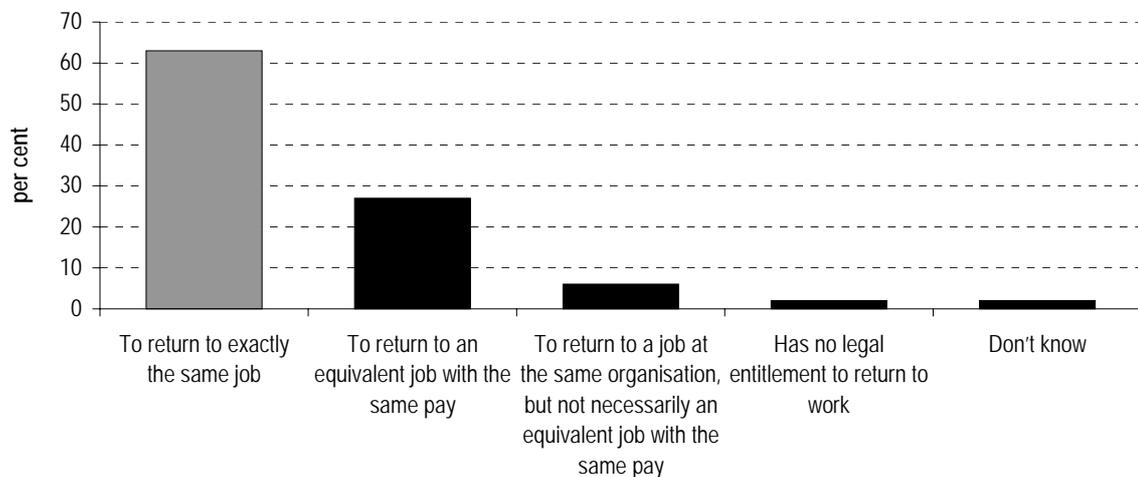
### 3.4.2 What rights respondents think a mother has if she returns to work straight after her paid maternity leave ends

Respondents were then asked:

*'A woman has been employed by the same employer for more than six months. She is pregnant and is legally entitled to six months' paid maternity leave. If she returns to work straight after her **paid** maternity leave ends and she wishes to return to her previous job, what do you think her rights are?'*

Figure 3.7 shows the results of this question.

**Figure 3.7: What rights a mother has after ordinary maternity leave**



Note: Base is 1,038. Darker shade in chart indicates incorrect answer.

Source: IES/BMRB, 2005

Figure 3.7 shows that almost two-thirds of respondents (63 per cent) knew that a mother would be entitled to return to exactly the same job after ordinary maternity leave. Twenty-seven per cent of respondents were incorrect in thinking she only had the right to return to an equivalent job with the same rate of pay, six per cent incorrectly thought that she only had the right to return to a job at the same organisation, but not necessarily an equivalent job with the same pay, while two per cent incorrectly thought that

she had no legal entitlement to return to work, and two per cent did not know what her rights were. Of those respondents who gave the correct answer, just over one-third (37 per cent) were sure about their answer (saying 'I know it's right').

Table 3.13 examines these results by whether respondents had family responsibilities, were trade union/staff association members, and by how well informed they were about their rights at work.

Those with dependent children were less likely than those without to know that a mother is entitled to return to exactly the same job, while those with children under six years were more likely to know that a mother is entitled to return to exactly the same job.

**Table 3.13: What rights a mother has after ordinary maternity leave, by respondents' characteristics**

	All respondents %	Dependent children		Children aged 0-5		Planning to have a child in next year		Trade union/staff assoc. member		How well informed about rights	
		Yes	No	Yes	No	Yes	No	Yes	No	Well informed	Not well informed
		%	%	%	%	%	%	%	%	%	%
To return to exactly the same job	63	62	63	70	61	74	62	61	64	61	67
To return to an equivalent job with the same pay	27	29	25	26	27	23	27	30	25	30	21
To return to a job at the same organisation, but not necessarily an equivalent job with the same pay	6	3	9	*	8	*	7	5	7	6	8
She has no legal entitlement to return to work	2	3	*	-	2	-	2	2	1	1	2
Don't know	2	3	2	2	2	-	3	2	2	2	2
Unweighted base	1,038	426	612	188	850	68	948	329	701	680	353

Source: IES/BMRB, 2005

### 3.4.3 What rights respondents think a mother has if she returns to work after taking her full entitlement to paid and unpaid maternity leave

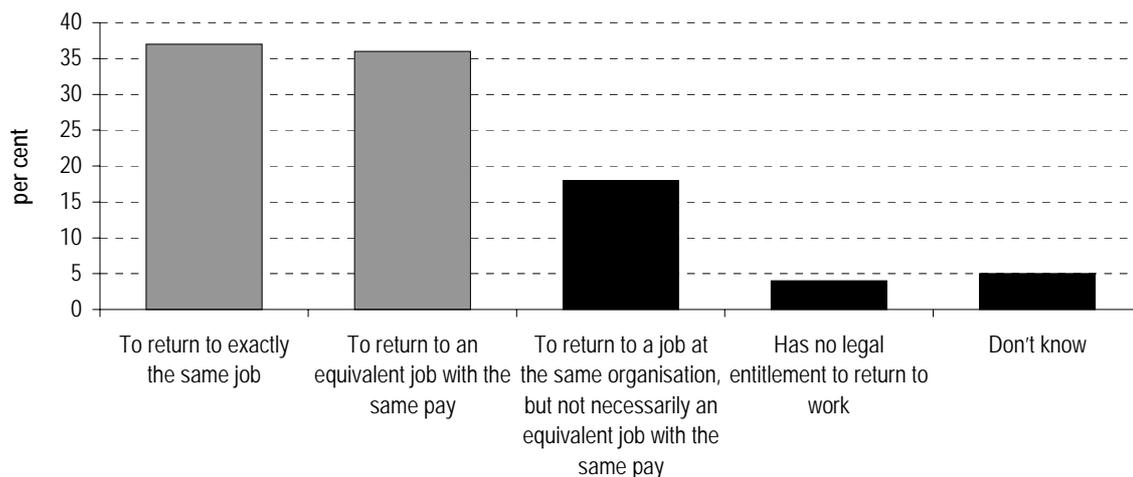
An employee who returns to work after additional maternity leave is entitled to return to the same job on the same terms and conditions as if she had not been absent, unless a redundancy situation has arisen. If, however, there is some reason other than redundancy why it is not reasonably practicable for her employer to take her back in her original job, she is entitled to be offered suitable alternative work.

Respondents were asked about a mother's rights after additional maternity leave:

*'As well as six months' paid maternity leave, the woman is also legally entitled to take up to six months' unpaid maternity leave. If she takes her full legal entitlement to maternity leave, both paid and unpaid, and then wishes to return to her previous job, what do you think her rights are?'*

Figure 3.8 shows the results of this question.

**Figure 3.8: What rights a mother has after additional maternity leave**



Note: Base is 1,038. Darker shade in chart indicates incorrect answer.

Source: IES/BMRB, 2005

Figure 3.8 shows that 73 per cent of respondents thought that a mother was entitled to return to exactly the same job or to an equivalent job with the same rate of pay. Just over one-third of respondents (36 per cent) knew that a mother has the right to return to an equivalent job with the same rate of pay. Just over one-third of respondents (37 per cent) knew that she was entitled to return to exactly the same job. Eighteen per cent incorrectly thought that she is only entitled to return to a job at the same organisation, but not necessarily an equivalent job with the same pay, and four per cent incorrectly thought that she has no legal right to return (five per cent did not know what her rights were). Of those respondents who knew employees had the right to return to an equivalent job with the same rate of pay, only 13 per cent were sure about their answer (saying 'I know it's right'). Of those respondents who knew employees had the right to exactly the same job, 30 per cent were sure about their answer (saying 'I know it's right').

Table 3.14 examines these results by whether respondents had family responsibilities, were trade union/staff association members, and by how well informed they were about their rights at work.

**Table 3.14: What rights a mother has after additional maternity leave, by respondents' characteristics**

	All respondents	Dependent children		Children aged 0-5		Planning to have a child in next year		Trade union/staff assoc. member		How well informed about rights	
		Yes	No	Yes	No	Yes	No	Yes	No	Well informed	Not well informed
		%	%	%	%	%	%	%	%	%	%
To return to exactly the same job	37	41	33	43	35	41	36	37	36	39	33
To return to an equivalent job with the same pay	36	39	34	43	35	52	35	44	34	39	32
To return to a job at the same organisation, but not necessarily an equivalent job with the same pay	18	12	22	11	19	6	19	12	21	15	22
She has no legal entitlement to return to work	4	2	5	-	5	-	4	2	4	3	6
Don't know	5	5	6	3	6	*	6	5	5	5	7
Unweighted base	1,038	426	612	188	850	68	948	329	701	680	353

Source: IES/BMRB, 2005

Table 3.14 shows that respondents with a dependent child were more likely to get the answer right, as were those with a child under six compared to those who do not have a child under six, those planning to have a child in the next year compared to those not planning to have a child, trade union/staff association members compared to non-union members, and those who feel well informed about their rights compared to those who feel not well informed. It is reassuring that those with a family or planning a family are more likely to answer this question correctly, and it might be anticipated that trade union/staff association members and those who feel well informed about their rights are more likely to get it right. However, even among those with families or planning them, the majority of respondents gave an incorrect answer.

### 3.5 Other key knowledge issues

The point at which employees are legally entitled to some key rights, the right to be accompanied to a disciplinary or grievance hearing, and what employees have to do before making a claim to an employment tribunal, were examined by the standard set of personal or employment characteristics (the standard breaks), as well as by how well informed a respondent felt about their rights, whether they were a member of a trade union/staff association, and for the point at which rights came into force, how sure they were of their answer to the question.

### 3.5.1 At what point employees are legally entitled to rights

All respondents were asked:

*'I'm now going to read out some rights that employees have at work. For each one, please tell me at what point in their employment you think employees are legally entitled to these rights.'*

*'The right to the **National Minimum Wage**. At what point in their employment do you think employees are legally entitled to this right?'*

*'The right to a **contract** setting out their main terms and conditions of employment. At what point in their employment you think employees are legally entitled to this right?'*

*'At what point in their employment you think employees are covered by anti-discrimination laws?'*

*'And at what point in their employment you think employees are covered by unfair dismissal laws?'*

For each right, respondents were asked to select an answer from the following list:

- from the first day of their employment
- after they have been with an employer for one month
- after they have been with an employer for two months
- after they have been with an employer for three months
- after they have been with an employer for six months
- after they have been with an employer for one year
- after they have been with an employer for two years.

Table 3.15 shows that over nine in ten respondents knew that the right to the NMW covers employees from the first day of their employment. Around half (48 per cent) of those who got the answer correct were sure about their answer (saying 'I know it's right'). Again, over nine in ten respondents (93 per cent) knew that the right to be covered by anti-discrimination laws covers employees from the first day of their employment. Half of those who got the right answer were sure about their answer.

Far fewer respondents were sure about the point at which the rights to a contract and to be covered by unfair dismissal laws come into force. Only six per cent of respondents knew that the right to be covered by unfair dismissal laws comes into force after they have been with their employer for one year. Of those who did give the correct answer, only around one in five (21 per cent) were sure about their answer. Only two per cent of respondents knew that the right to a contract comes into force after employees have been with

their employer for two months. Around one-quarter (24 per cent) of those who got the answer right were sure about their answer.

**Table 3.15: The point at which employees are legally entitled to rights**

	The right to the NMW	The right to a contract	The right to be covered by anti-discrimination laws	The right to be covered by unfair dismissal laws
From the first day of their employment	<b>93</b>	68	<b>93</b>	58
After they have been with an employer for one month	3	12	1	8
After they have been with an employer for two months	-	2	*	1
After they have been with an employer for three months	2	15	1	12
After they have been with an employer for six months	2	4	**	8
After they have been with an employer for one year	*	*	**	<b>6</b>
After they have been with an employer for two years	*	*	*	3
Don't know	1	1	4	4

Note: Unweighted base 1,038. Bold denotes the correct answer.

Source: IES/BMRB, 2005

Table 3.16 examines the proportion of those getting the correct answers by the characteristics of respondents.

**Table 3.16: Proportion of respondents giving the right answer about the point at which employees are legally entitled to rights**

		NMW: first day	Anti-discrimination: first day	Unfair dismissal: one year	Contract: two months	Unweighted base
		%	%	%	%	
<b>All respondents</b>		<b>93</b>	<b>93</b>	<b>6</b>	<b>2</b>	<b>1,038</b>
Age	16-24	88	90	4	3	114
	25-34	95	94	4	*	215
	35-44	91	94	9	2	289
	45-54	95	93	6	2	249
	55-64	93	92	6	*	170
Gender	Male	92	94	7	2	472
	Female	93	92	5	2	566
Earnings	Under £15,000	90	90	4	1	412
	£15,000 to £24,999	96	94	6	2	260
	£25,000 to £39,999	95	98	10	*	174
	£40,000 +	95	98	7	*	79

**Table 3.16: continued**

		NMW: first day %	Anti-discrimination: first day %	Unfair dismissal: one year %	Contract: two months %	Unweighted base
Hours worked	Full-time	93	93	6	2	781
	Part-time	91	92	4	*	250
Type of organisation	Public sector	95	96	7	*	336
	Private sector	91	92	6	2	662
Whether has HR/personnel dept	Yes	94	94	6	1	735
	No	91	91	6	4	259
Whether experienced problems	Yes	91	92	6	2	416
	No	94	94	6	1	622
Managerial/supervisory duties	Yes	94	95	10	2	387
	No	93	92	4	2	651
Number of employees in workplace	1 to 9	89	93	6	*	159
	10 to 24	91	89	4	4	168
	24 to 99	96	92	8	3	250
	100 to 499	93	96	6	*	228
	500+	93	95	5	*	208
How well informed about rights at work	Well informed	94	95	7	2	680
	Not well informed	90	90	4	*	353
Member of trade union/staff association	Yes	96	93	7	*	329
	No	92	94	6	2	701
How sure about answer	I know it's right	99	100	5	1	254
	I think it's right	92	96	7	2	577
	I'm not sure – just a guess	74	84	5	3	175

Source: IES/BMRB, 2005

Table 3.16 shows the variations between groups in the proportions citing the correct answer to the point at which the NMW comes into force; however, none of these differences were statistically significant. This was also the case for the point at which the right to anti-discrimination legislation, and the right to a contract, come into force.

There were significant variations between groups in the point at which respondents thought that the right to be covered by unfair dismissal comes into force. Those aged 35 to 44 were most likely to get the answer right in relation to unfair dismissal compared to other age groups. Those with managerial/supervisory responsibilities were also more likely to get the answer right than those without such responsibilities, perhaps because they needed to be aware of this right as part of their management responsibilities, and those who thought that their answer was right were more likely than

those who said that they knew it was right, or that it was just a guess, to get the answer correct.

### 3.5.2 Right to be accompanied

Employees have a right in the case of disciplinary or grievance hearings with the employer to be accompanied by a work-mate or trade union official. The right to be accompanied in disciplinary and grievance hearings was introduced in the Employment Relations Act 1999 and took effect on 4 September 2000. The Employment Relations Act 2004 clarified the role of such companions, making it clear that they can take on a representative role if this is the employee's wish.

All respondents were asked:

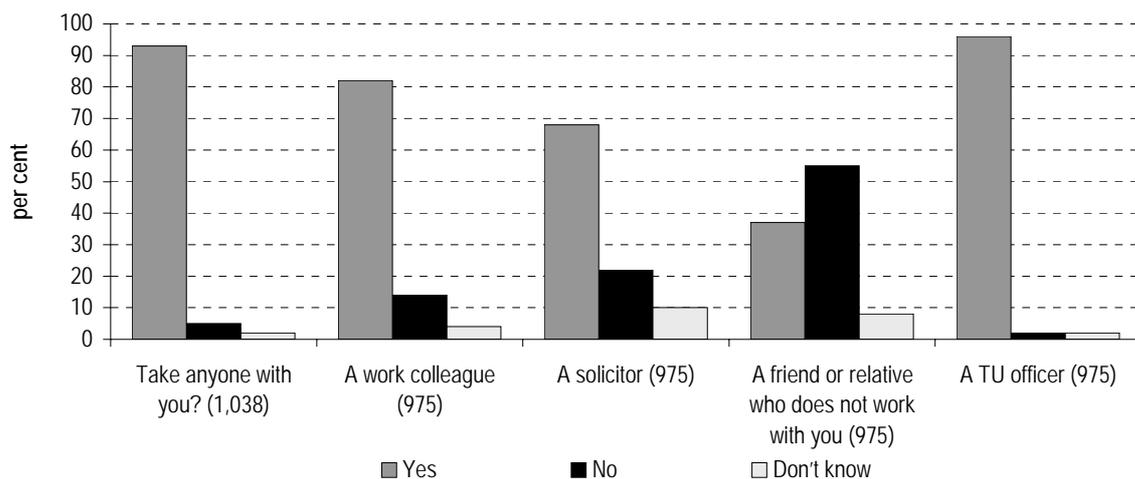
*'Imagine you had a meeting with your employer about a complaint you had against them or a disciplinary matter they had raised about you. Do you think you would be legally entitled to take anyone to the meeting with you?'*

Respondents who thought that they would be entitled to take someone with them were then asked:

*'Which of the following do you think you would be able to take to the meeting with you? A work colleague? A solicitor? A friend or relative who does not work at your organisation? A trade union officer?'*

Figure 3.9 shows the results of these two questions.

**Figure 3.9: Whether respondents have the right to be accompanied to disciplinary or grievance hearings, and who can accompany employees**



Source: IES/BMRB, 2005

Figure 3.9 shows that over nine out of ten respondents (93 per cent) were correct in thinking that employees have the right to be accompanied to disciplinary or grievance hearings. Whether respondents thought that they

had the right to be accompanied was examined by the standard set of personal and employment characteristics (the standard breaks) and by whether they were a trade union/staff association member, and by how well informed they felt about their rights at work. Those with an HR department were more likely than those who did not have one to know that employees have the right to be accompanied: 95 per cent compared to 90 per cent. Those who worked for large employers were more likely to be aware that employees have the right to be accompanied: 96 per cent of respondents in workplaces with 500 or more employees and 96 per cent of respondents in workplaces with 100 to 499 employees knew about this right, compared to 94 per cent of respondents in workplaces with 25 to 99 employees, 90 per cent of respondents in workplaces of one to nine employees, and 89 per cent of respondents in workplaces with ten to 24 employees.

When respondents who thought that they would be entitled to take someone with them were asked who they could take with them, 96 per cent correctly identified that employees could take a trade union officer to such hearings, and 82 per cent correctly said that employees could take a work colleague. However, over two-thirds of respondents (68 per cent) incorrectly thought employees could take a solicitor, while just over one-third (37 per cent) incorrectly thought employees could take a friend or relative who did not work with them.

Table 3.17 examines only those who got exactly the right answer: that is, knew that they could only take a trade union officer and a work colleague with them.

**Table 3.17: Proportion of respondents getting the right answer about who can accompany employees to disciplinary or grievance hearings**

		% who knew employees can only take a TU officer and work colleague	Unweighted base
All respondents		18	1,038
Age	16-24	8	114
	25-34	18	215
	35-44	19	289
	45-54	23	249
	55-64	21	170
Gender	Male	19	472
	Female	18	566
Earnings	Under £15,000	13	412
	£15,000 to £24,999	23	260
	£25,000 to £39,999	20	174
	£40,000 +	26	79
Hours worked	Full-time	20	781
	Part-time	12	250

**Table 3.17: continued**

		% who knew employees can only take a TU officer and work colleague	Unweighted base
Type of organisation	Public sector	11	336
	Private sector	21	662
Whether has HR/personnel dept	Yes	19	735
	No	16	259
Whether experienced problems	Yes	18	416
	No	18	622
Managerial/supervisory duties	Yes	20	387
	No	17	651
Number of employees in workplace	1 to 9	12	159
	10 to 24	18	168
	24 to 99	22	250
	100 to 499	21	228
	500+	15	208
How well informed about rights at work	Well informed	18	680
	Not well informed	19	353
Member of trade union/staff association	Yes	18	329
	No	18	701

Source: IES/BMRB, 2005

Table 3.17 shows that only 18 per cent got the answer exactly right and knew employees were only entitled to take a trade union officer and a work colleague with them. There was significant variation by age group in the proportion giving a correct answer, with those aged 45 to 54 most likely to get the answer right. Those earning £40,000 per year or more were more likely than those earning less to get the answer right. Full-time workers were more likely than part-time workers to get the answer right, and workers in the private sector were more likely to get the answer right than public-sector workers.

### 3.5.3 Making a claim to an employment tribunal

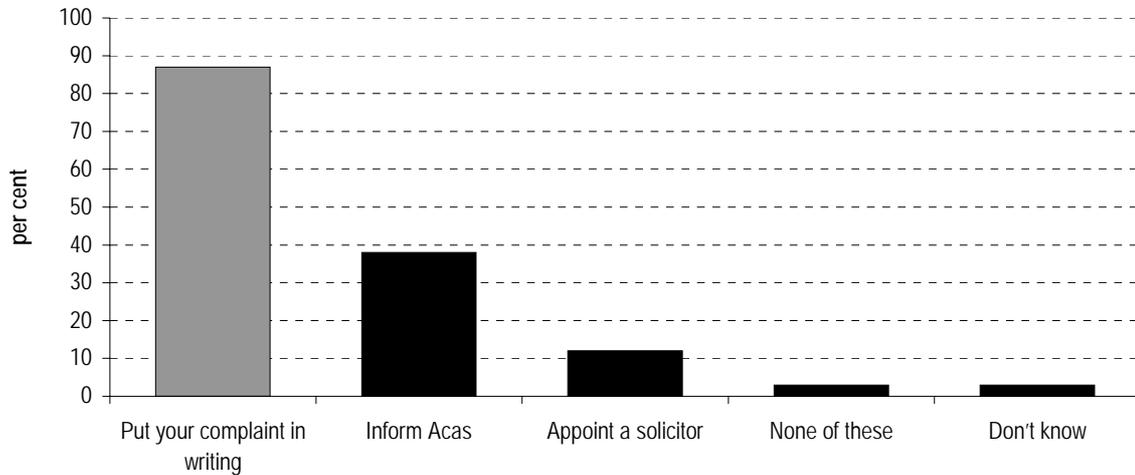
The Employment Act 2002 (Dispute Resolution) Regulations came into force on 1 October 2004, requiring that employers and employees follow statutory minimum dispute resolution procedures in the event of an employment dispute. Employees are now required to put their complaint in writing to their employer before submitting an employment tribunal application.

All respondents were asked:

*'Employees who believe that their employer has treated them unfairly can make a claim to an **employment tribunal**, which is a special type of court*

*that deals with employment disputes. Which, if any, of the following do you think you have to do before you can apply to an employment tribunal?'*

**Figure 3.10: What employees have to do before making a claim to an employment tribunal**



Note: Darker shade in chart indicates incorrect answer.

Source: IES/BMRB, 2005

Figure 3.10 shows that 87 per cent of respondents thought that employees had to put their complaint in writing before making a claim to an employment tribunal. When asked if employees had to inform Acas before making a claim, over one-third of respondents (38 per cent) incorrectly thought that they did. When asked if employees had to appoint a solicitor, 12 per cent incorrectly thought that this was a requirement. Only three per cent of respondents incorrectly thought when asked that employees did not have to take any of these actions before making a claim to an employment tribunal. Three per cent of respondents said that they did not know what an employee had to do before making a claim to an employment tribunal.

Table 3.18 examines those respondents who got the correct answer: that is to say, knew that employees only had to put their complaint in writing. It shows that, in all, just over half of respondents (52 per cent) got the answer to this question exactly right. Of those who gave the correct answer, two-thirds (67 per cent) were sure about their answer. Those who were sure about their answer were more likely to know that employees only had to put it in writing than those who only thought that their answer was right, or said it was just a guess. Those who felt well informed about their rights at work were more likely than those who did not feel well informed to get the answer right, as were those in the public sector compared with private-sector workers, and those with managerial/supervisory duties, compared to those without such responsibilities.

**Table 3.18: Proportion of respondents getting the right answer about what employees have to do before making a claim to an employment tribunal**

		% of respondents who knew you only had to put it in writing	Unweighted base
All respondents		52	1,038
Age	16-24	45	114
	25-34	46	215
	35-44	53	289
	45-54	57	249
	55-64	50	170
Gender	Male	49	472
	Female	53	566
Earnings	Under £15,000	47	412
	£15,000 to £24,999	50	260
	£25,000 to £39,999	51	174
	£40,000 +	63	79
Hours worked	Full-time	51	781
	Part-time	50	250
Type of organisation	Public sector	56	336
	Private sector	48	662
Whether has HR/personnel dept	Yes	51	735
	No	48	259
Whether experienced problems	Yes	48	416
	No	53	622
Managerial/supervisory duties	Yes	55	387
	No	48	651
Number of employees in workplace	1 to 9	56	159
	10 to 24	49	168
	24 to 99	48	250
	100 to 499	48	228
	500+	56	208
How well informed about rights at work	Well informed	54	680
	Not well informed	45	353
Member of trade union/staff association	Yes	52	329
	No	50	701
How sure about answer	I know it's right	67	254
	I think it's right	48	577
	I'm not sure – just a guess	44	175

Source: IES/BMRB, 2005

### 3.6 Knowledge scores

Previous sections of this chapter have focused on knowledge of specific employment rights. In this section, an analysis of differences in knowledge across a range of rights is provided. A knowledge score was developed by giving respondents one point for each answer they got exactly right for some key knowledge questions that were most universally relevant to respondents. These questions were:

- How many hours is the working time limit?
- Can employees opt out informally?
- Can employees opt out in writing?
- Can employers make opting out a condition of employment?
- How many weeks is the minimum paid holiday entitlement?
- Does this paid holiday entitlement include public holidays?
- How many days off are employees entitled to in a 14-day period?
- How many hours do employees have to work before being entitled to a rest break?
- Are 14 and 15 year olds covered by the NMW?
- Are 16 and 17 year olds covered by the NMW?
- Are 18 to 21 year olds covered by the NMW?
- Are 22 to 64 year olds covered by the NMW?
- Are those aged 65 and over covered by the NMW?
- At what point are employees legally covered by the NMW?
- At what point are employees legally covered by the right to a contract?
- At what point are employees legally covered by anti-discrimination laws?
- At what point are employees legally covered by unfair dismissal laws?
- Who can employees take with them to a disciplinary or grievance hearing?
- What do employees have to do before making a claim to an employment tribunal?

Table 3.19 shows the mean knowledge score by key groups, as well as those scoring seven or less, and those scoring 13 or more, out of a possible 19 points. The cut-off point of a score of seven points was chosen as this accounts for approximately the lowest scoring ten per cent of respondents.

Those scoring 13 or higher were also highlighted as, likewise, they accounted for approximately the top scoring ten per cent of respondents.

**Table 3.19: Results of the knowledge score**

		Knowledge score	Those scoring 7 or less	Those scoring 13 or more	Unweighted base
		Mean	%	%	
All respondents		10.0	10	10	1,038
Age	16-21	9.0	18	*	60
	22-34	10.2	6	9	269
	35-44	10.1	9	11	289
	45-54	10.1	10	15	249
	55-64	9.6	13	6	170
Gender	Male	10.1	8	11	472
	Female	9.9	11	9	566
Ethnicity	White	10.1	9	10	89
	Mixed/Asian/Black/Chinese/Other	9.2	19	*	129
Earnings	Under £5,000	9.3	21	*	194
	£5,000 to £9,999	9.6	9	*	158
	£10,000 to £14,999	10.1	11	13	276
	£15,000 to £19,999	10.1	11	10	79
	£20,000 to £39,999	10.3	6	11	781
	£40,000 +	10.4	6	21	250
Hours worked	Full-time	10.1	8	11	336
	Part-time	9.7	12	5	662
Type of organisation	Public sector	10.0	9	12	735
	Private sector	10.0	10	9	259
Whether has HR/personnel dept	Yes	10.1	8	11	416
	No	9.7	14	6	622
Whether experienced problems	Yes	10.1	7	9	387
	No	10.0	11	11	651
Managerial/supervisory duties	Yes	10.3	8	16	159
	No	9.8	11	7	168
Number of employees in workplace	1 to 9	9.9	9	6	250
	10 to 24	10.0	12	9	228
	25 to 99	10.0	9	10	208
	100 to 499	10.3	6	14	329
	500+	9.9	11	11	701

**Table 3.19: continued**

		Knowledge score	Those scoring 7 or less	Those scoring 13 or more	Unweighted base
		Mean	%	%	
Whether member of TU/staff assoc.	Yes	10.0	9	10	464
	No	10.0	9	10	563
How much known about rights at work	As much as need to know	10.1	7	11	680
	Could know more	9.9	12	9	353
How well informed about rights at work	Well informed	10.1	8	12	135
	Not well informed	9.7	12	6	866
Whether signed opt-out agreement	Yes	10.5	6	12	172
	No	9.9	10	10	826
Whether work over 48 hrs per week	Yes	10.2	10	13	192
	No	9.9	10	9	808

Source: IES/BMRB, 2005

Table 3.19 shows that the mean score for all respondents was ten, with ten per cent scoring seven points or less, and ten per cent of respondents scoring 13 points or more (out of a possible 19 points).

Looking first at mean scores, those aged between 22 and 54 were more likely to have a higher mean score (and therefore have greater knowledge of their employment rights) than those aged under 21, or aged 55 and over. Men were more likely to have a higher mean score than women, as were full-time workers compared to part-time workers, those with an HR department compared to those without, and those with managerial/supervisory duties compared with those without such duties. The more a respondent earned, the more likely they were to have a higher score and therefore a better knowledge of their employment rights. Those who felt that they knew as much as they needed to know about their rights at work were more likely to score highly than those who felt that they could do with knowing more. Similarly, those who felt well informed about their rights at work were more likely to score higher than those who felt less informed. Those who worked over 48 hours a week were more likely to have scored higher than those working 48 hours or less, and those who had signed an opt-out agreement were more likely than those who had not to have a higher score.

Table 3.19 also shows respondents who scored seven points or less. Again, those aged under 21, or aged 55 and over were more likely to score seven points or less than those aged between 22 and 54. Those earning under £5,000 per year were more likely to score seven points or less than those earning £5,000 per year or more. Those who had not experienced a problem to do with their rights at work were more likely than those who had to score seven points or less. Those who felt that they could do with knowing more about their rights at work were more likely than those who felt that they knew as much as they needed to know to score seven points or less.

Finally, Table 3.19 also shows respondents who scored 13 points or more. The age group most likely to score 13 points or more was those aged 45 to 54. Full-time workers were more likely to score 13 points or more than part-time workers, as were those with an HR department compared to those without one, and those with managerial/supervisory duties compared to those without such duties. Those who feel well informed about their rights at work were more likely to score 13 or more than those who felt less well informed.

This analysis shows that the groups of workers that may be more vulnerable and to have low knowledge levels of their rights at work do in fact have lower knowledge. For example, younger and older workers, part-time workers, those without an HR department, those who do not have managerial/supervisory duties, and lower earners. Those who did not feel well informed or felt that they could do with knowing more about their rights at work also had low knowledge levels.

### **3.7 Summary**

#### **3.7.1 Working time, annual leave and rest breaks**

- Just over a quarter (26 per cent) of respondents cited the actual working time limit of 48 hours. Over half of respondents (57 per cent) thought that the working time limit was less than 48 hours, 15 per cent of respondents thought that the limit was more than 48 hours, and four per cent of respondents did not know what the limit was. The average (mean) number of hours cited by respondents was 44.54, while the median number was 45.00 hours, both below the actual working time limit.
- 43 per cent of respondents incorrectly thought that an individual could opt out of the working time limit informally, and one in five respondents incorrectly thought that an employer could make opting out a condition of employment.
- Two-thirds of respondents (66 per cent) were correct in knowing that employees could legally opt out by signing a written document.
- When asked the minimum number of weeks of paid holiday employees are entitled to, 61 per cent of respondents knew the entitlement was four weeks. The average (mean) number cited by respondents was 3.9 weeks. However, only just under one-third of respondents (32 per cent) knew that employers can include public holidays in the minimum holiday entitlement.
- Only one-third of respondents (33 per cent) knew that employees were entitled to two days off in a 14-day period. Thirty-nine per cent of respondents thought that it was four days off, perhaps equating it to weekends; while over one in ten respondents (12 per cent) thought it was one day off, seven per cent thought that it was three days off, two per cent thought it was five days off and seven per cent did not know the answer.
- Fewer than one in ten respondents (nine per cent) knew that employees had to work more than six hours before being legally entitled to a rest break.

Almost half of respondents (49 per cent) incorrectly thought that they had to work more than four hours before being legally entitled to a rest break.

### 3.7.2 National Minimum Wage

- Almost all respondents (95 per cent) said, correctly, that 22 to 64 year olds have a right to the NMW; and nearly as many (93 per cent), that workers aged 18 to 21 are covered. The large majority (83 per cent) also said that 14 and 15 year olds do not have minimum wage protection. There was less knowledge of the law regarding people aged 65 and over. There is no upper-age limit on NMW entitlement; however, over a quarter (26 per cent) of survey respondents thought that people above the standard retirement age do not have a right to the NMW.
- The NMW for 16 and 17 year olds was introduced in October 2004. The fact that this was a relatively recent change to the law may be one of the reasons why a rather lower proportion of respondents knew that this age group had the right to the NMW, than was the case for older workers. Just under six in ten (58 per cent) thought that 16 and 17 year olds were covered by the NMW, with 38 per cent saying that they were not covered.
- One-third (33 per cent) of all respondents, indicated that they thought that there was a single rate for the NMW that applied regardless of age, while 63 per cent thought that the rate varied by age.
- For all age groups where the NMW applied, respondents over-estimated the rate. The average (mean) rate cited was £4.07 for 16 and 17 year olds, where the actual rate was £3.00; the average rate cited for 18 to 21 year olds was £4.61, considerably higher than the actual rate of £4.10. For 22 to 64 year olds the average rate cited was £5.08, and the actual rate was £4.85, while for those aged 65 and over the average rate cited was slightly less at £5.03 compared to the actual rate of £4.85.
- For 16 and 17 year olds, the median cited by respondents was slightly less than the mean, at £4.00. Only six per cent of respondents gave the correct answer, while another six per cent cited an answer within ten per cent of the correct answer. The remaining respondents cited an answer that was even less accurate.
- For 18 to 21 year olds, the median cited by respondents was slightly higher than the mean, at £4.65. Only four per cent of respondents cited the correct answer, while over one-third (38 per cent) cited an answer within ten per cent of the correct answer (again, with the remaining respondents citing an answer that was even less accurate).
- For 22 to 64 year olds, the median cited by respondents was slightly lower than the mean, at £5.00. For this age group, accuracy was much higher than it was for the younger age groups, with more than one in ten (11 per cent) of respondents citing the correct answer, and over half (56 per cent) citing an answer within ten per cent of the correct answer, with the remaining respondents citing an answer that was less accurate.

- For those aged 65 and older the median cited by respondents was slightly lower than the mean, at £5.00. For this age group, accuracy was a similar level to that for the rate for 22 to 64 year olds, with more than one in ten respondents (13 per cent) citing the correct answer, and over half (56 per cent) citing an answer within ten per cent of the correct answer. The remaining respondents cited an answer that was even less accurate.

### 3.7.3 Children and dependants

- 62 per cent of respondents knew that employees were not entitled to be paid for taking time off for a dependant in an emergency. However, of those respondents who gave the correct answer (ie knew employees were not entitled to be paid), only 19 per cent were sure about their answer (saying 'I know it's right').
- Almost two-thirds of respondents (63 per cent) knew that a mother would be entitled to return to exactly the same job after ordinary maternity leave. Of those respondents who gave the correct answer, just over one-third (37 per cent) were sure about their answer (saying 'I know it's right').
- 73 per cent of respondents thought that a mother was entitled to return to exactly the same job or to an equivalent job with the same rate of pay. Of those respondents who knew employees had the right to return to an equivalent job with the same rate of pay, only 13 per cent were sure about their answer (saying 'I know it's right'). Of those respondents who knew employees had the right to exactly the same job, 30 per cent were sure about their answer (saying 'I know it's right').

### 3.7.4 Other key issues

- Over nine in ten respondents knew that the right to the NMW covers employees from the first day of their employment. Around half (48 per cent) of those who got the answer correct were sure about their answer.
- Again, over nine in ten respondents (93 per cent) knew that the right to be covered by anti-discrimination laws covers employees from the first day of their employment. Half of those who got the right answer were sure about their answer.
- Only six per cent of respondents knew that the right to be covered by unfair dismissal laws comes into force after they have been with their employer for one year. Of those who did give the correct answer, only around one in five (21 per cent) were sure about their answer.
- Only two per cent of respondents knew that the right to a contract came into force after employees have been with their employer for two months. Around a quarter (24 per cent) of those who got the answer right were sure about their answer.
- Over nine out of ten respondents (93 per cent) were correct in thinking that employees have the right to be accompanied to disciplinary or grievance hearings.

- When asked who could accompany them, only 18 per cent got the answer exactly right and knew employees were only entitled to take a trade union officer and a work colleague with them.
- 87 per cent of respondents correctly said that employees had to put their complaint in writing before making a claim to an employment tribunal.
- Just over half of respondents (52 per cent) knew that employees only had to put their complaint in writing before making a claim (and so did not have to inform Acas or appoint a solicitor, or make a claim without doing any of these things).

### 3.7.5 Knowledge score

- A knowledge score was developed by giving respondents one point for each answer they got exactly right for some key knowledge questions.
- Respondents had an average (mean) score of ten, with ten per cent of respondents scoring seven points or less, and ten per cent of respondents scoring 13 points or more (out of a possible 19 points). Groups of respondents were examined to see which were more likely to have a higher mean score, to score seven points or less, and to score 13 points or more.
- The analysis suggests that the groups of workers that may be more vulnerable and have low knowledge levels of their rights at work do in fact have lower knowledge. For example, younger and older workers, part-time workers, those without an HR department, those who do not have managerial/supervisory duties, and lower earners. Those who did not feel well informed or felt that they could do with knowing more about their rights at work also had low knowledge levels.

# 4

## Experience of problems

This chapter reports the prevalence and experiences of respondents who noted that they had experienced a problem at work in the previous five years. The chapter begins by setting out the approach to measuring the incidence of problems used in this survey. It then examines the extent of reported problems, and which groups are more likely to experience a problem. The chapter moves on to examine the types of problems experienced and the number of separate problems experienced. The remainder of the analysis then focuses on the most serious problem experienced by respondents: the type of problem that was most serious, whether it was ongoing or over, the advice and information sought by respondents, the actions taken by respondents, and the resolution of the problem. Finally, the chapter examines findings from the part of the survey which asked respondents who were working at the time of the survey how likely they thought it was that they would have problems to do with their rights at work in the future. It examines the types of problems they thought they might have, and if they thought they would be able to solve them.

Where appropriate, comparisons are drawn with the LSRC English and Welsh Civil and Social Justice Survey findings (Pleasence, 2006), although as the summary in Section 1.2.5 shows, the characteristics of the LSRC respondents varied considerably from those presented here, which invalidated many of the possible comparisons. Relationships are only reported in the text of this chapter if they are statistically significant (unless otherwise stated).

### 4.1 Measuring the incidence of problems

In this survey, respondents were shown a series of cards, each of which named one of the following potential problem areas:

- asking your employer if you could work hours that are more flexible
- taking parental leave – that is, taking a set amount of **unpaid** time off work to spend with your children
- taking time off to look after a dependent child or relative in an emergency
- maternity or paternity leave/pay
- adoption leave or pay
- holiday entitlement/holiday pay
- taking rest breaks at work

- the number of hours or days you were required to work
- problems to do with pay
- your rights as an agency worker/temp
- your rights as a part-time worker
- receiving a contract or written statement of the terms and conditions of your job
- being treated unfairly because of your **gender**
- being treated unfairly because of your **sexual orientation**
- being treated unfairly because of your **race**
- being treated unfairly because of your **religion**
- being treated unfairly because of your **age**
- being treated unfairly because of a **disability**
- your employer not following a set procedure when dealing with a complaint against you or a problem with your performance at work
- your employer not following a set procedure when dealing with a grievance or other work-related problem which you had
- being unfairly dismissed.

Respondents were asked to identify any of these areas with which they had had difficulties at work in the previous five years.

This prompted different methodology from that used in the 2001 survey, which asked respondents to spontaneously name any problem they had had in relation to their rights at work. As such, the prevalence of problems within each of the survey samples cannot be directly compared, since prompting respondents to think about a series of problem areas (as has been done in this survey) will result in a 'higher' reporting level than asking for a spontaneous, unprompted response. Prompting respondents with a series of potential problem areas not only widens the subject of discussion, since it might include an area that a respondent would not necessarily have thought of as being a problem, but it also serves to focus the mind and might help respondents to recall incidents that they would otherwise not have remembered.

In a similar survey on problems at work, Pollert (2004) conducted cognitive testing on various ways of phrasing questions about 'problems', and concluded that respondents '*needed prompting to recall all the relevant problems they had experienced*' as this ensured they '*considered concerns that may not be immediately at the top of the mind*'. She also concluded that using the words 'difficulty, concern or worry' as a softer version of 'problem'

led to the inclusion by respondents of vague concerns such as broad dissatisfaction with pay or work colleagues.

Because of the prompted methodology used in this survey, although at first glance the question appears comparable to that used in the 2001 survey, they should not be compared directly. This is borne out by the data itself: in the 2001 survey, 16 per cent of the sample spontaneously reported having experienced a problem at work, compared with 42 per cent of this survey who identified with at least one of the problem areas shown on the cards.

## 4.2 Experiencing a problem

All respondents in the survey were given a set of cards showing problem areas (see list above) and were asked to sort them to identify those where:

*'... you personally have had a problem to do with your rights at work in any of these areas in the last five years. Please only include problems that started between [month of interview] 2000 and now, either in your current job or in any previous jobs you have had during that time'.*

Table 4.1 illustrates those who reported experiencing one or more of these problem areas at work in the past five years, broken down by personal and employment characteristics. Almost three out of four respondents (72 per cent) were working for their current employer at the time of the problem.

**Table 4.1: Percentage reporting a problem at work in the past five years**

		Yes %	No %	Unweighted base
All respondents		42	58	1,038
Age	16-24	60	40	114
	25-34	46	54	215
	35-44	35	65	289
	45-54	35	65	249
	55-64	37	63	170
Gender	Male	42	58	472
	Female	42	58	566
Earnings	Under £15,000	50	50	412
	£15,000 to £24,999	42	58	260
	£25,000 to £39,999	40	60	174
	£40,000 +	37	63	79
Hours worked	Full-time	42	58	781
	Part-time	41	59	250
Type of organisation	Public sector	36	64	336
	Private sector	44	56	662

**Table 4.1: continued**

		Yes %	No %	Unweighted base
Whether has HR/personnel dept	Yes	39	61	735
	No	48	52	259
Managerial/supervisory duties	Yes	36	64	387
	No	45	55	651
Number of employees in workplace	1 to 9	44	56	159
	10 to 24	46	54	168
	24 to 99	45	55	250
	100 to 499	42	58	228
	500+	32	68	208
Whether children aged 0-5 yrs	Yes	42	58	188
	No	42	58	850
Whether member of TU/staff assoc.	Yes	41	59	329
	No	42	58	701
Whether has dependent children	Yes	39	61	426
	No	44	56	612
Whether planning to have children in next year	Yes	41	59	68
	No	42	58	948
Whether give support to family/friends	Yes	53	47	164
	No	40	60	874
Whether has long-term health problems/disabilities	Yes	50	51	107
	No	41	59	929
Religion	Christian	39	61	784
	All other religions	43	57	37
Whether practising religion	Yes	43	57	226
	No	38	62	594
Sexual orientation	Straight/heterosexual	42	58	1,025
	Gay/lesbian/homosexual	*	*	7
	Bisexual/other	*	-	*
Ethnicity	White	41	59	968
	Mixed/Asian/Black/Chinese/Other	53	47	69

Source: IES/BMRB, 2005

Table 4.1 shows that 42 per cent of respondents said they had experienced a problem at work in the past five years. Those with lower earnings were more likely to have experienced a problem than those with higher earnings. A higher likelihood of having experienced a problem was also found in the private sector (compared with public sector), and within organisations that lacked an HR department. In relation to personal characteristics, individuals

who did not have managerial or supervisory positions (compared to those who did), and those who gave support to family or friends (compared to those who did not) had a higher likelihood of experiencing a problem. Variation was also found by age group, with those aged 16 to 24 being more likely to experience a problem compared to other age groups. These characteristics are the ones that may make workers more vulnerable to experiencing a problem at work.

#### 4.2.1 Regression analysis on experiencing a problem

Logistic regression was used to analyse the separate influences some of the factors (such as age and hours worked) may have on determining whether or not someone has had a problem at work in the past five years, while holding all the other factors constant. For a detailed account of how regression analysis on experiencing a problem at work was conducted see Appendix 2.

Independent variables were selected which might have affected whether someone had experienced a problem at work in the past five years: whether they had 'had a problem' or 'had not had a problem'. These included 16 of the variables that were used in the general awareness regression; the ones categorised as personal characteristics, such as gender and age, and the variables termed employment characteristics, such as earnings and hours worked. These are listed in Section 2.1.1. Two additional variables were also included in this model which were:

- a self-assessed measure of a respondent's general awareness of their employment rights: whether they are 'aware' or 'not aware'
- whether there was an HR department at the respondent's workplace.

Logistic regression was used to isolate which of the factors were significant, ie whether they are likely to affect whether someone had experienced a problem or not. In total, six variables had co-efficients which were significant. The factors below increased the odds of a respondent having experienced a problem at work in the past five years:

- having a disability, long-term illness or health problem (compared to not having one)
- being in the marital status category 'separated/divorced' (compared to being 'single')
- being in the occupation categories 'sales and customer services' and 'professionals' (compared to being in the occupation category 'elementary occupations')
- being a trade union/staff association member (compared to not being one).

The factors below decreased the odds of a respondent having experienced a problem at work in the past five years:

- being 'aware' of their general employment rights (compared to 'not being aware')

- being older by one year, ie if someone is 35 years old the odds of their having experienced a problem are less than for someone who is 34 years old.

Being disabled or having a long-term health problem (compared to not having one), may perhaps increase the odds of having had a problem, because respondents may be more likely to experience discrimination in the workplace as a result of their health problem/disability. If a respondent is 'aware' of their employment rights (compared to 'not being aware'), then it may be that they are less likely to have experienced a problem because any issues that arose would have been recognised and addressed by the respondent early on before they became problems. The result that as a respondent's age increases, the odds of their having had a problem *decrease* is to some degree supported by the bivariate analysis presented above.

Some of the other results from this regression are harder to explain, for example, why being in a 'sales and customer services' or 'professional' occupation (compared to being in an 'elementary' occupation) increases the odds of having experienced a problem at work in the past five years. It is also unclear why being a trade union/staff association member (compared to not being one) increases the odds of having experienced a problem at work. It might be expected that being a member of a trade union/staff association would reduce the likelihood of problems occurring.

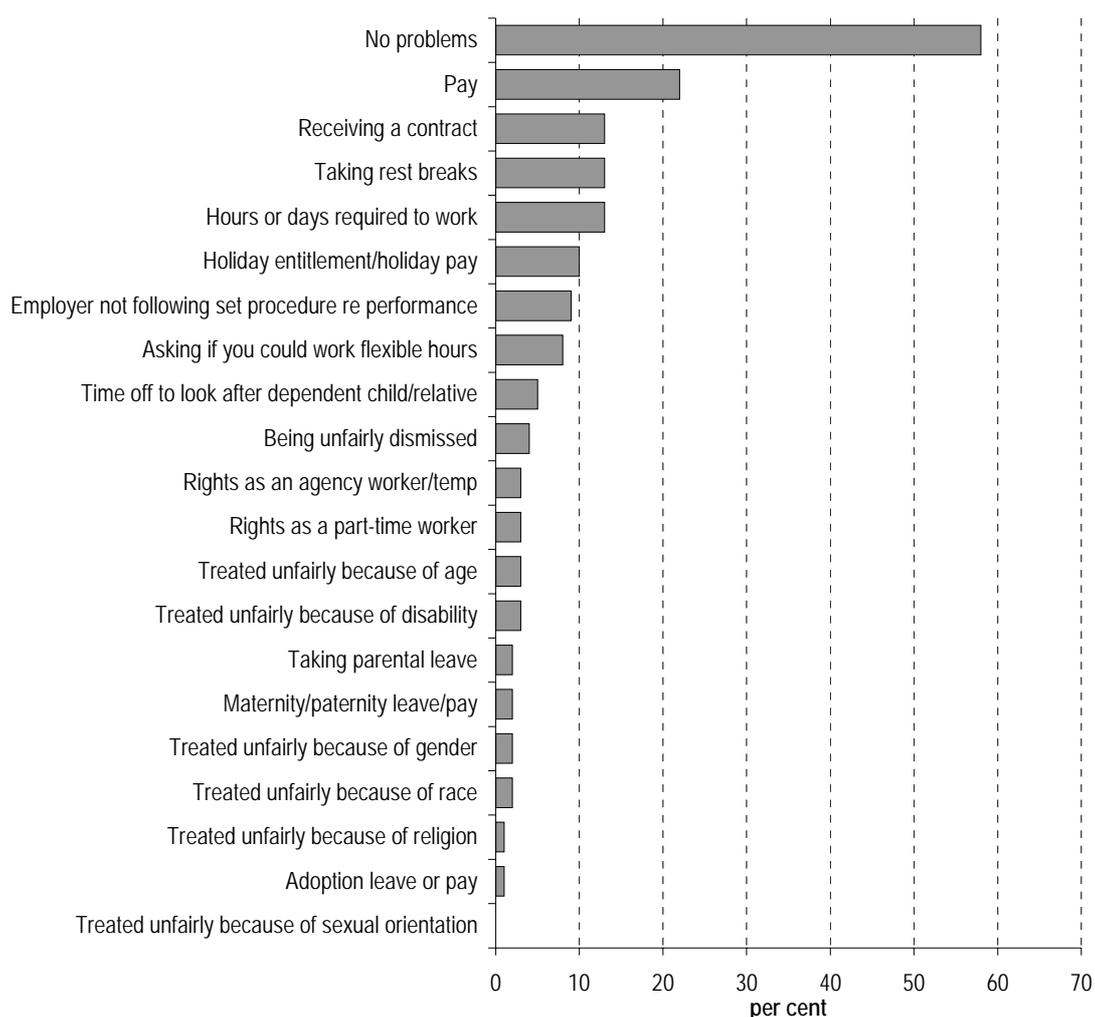
### **4.3 Types of problems experienced**

Of the total sample of 1,038 respondents, the majority of 58 per cent had not experienced any problems at work. For the remaining respondents, Figure 4.1 outlines the most common types of problem<sup>26</sup> experienced at work.

---

<sup>26</sup> Multiple responses were allowed.

**Figure 4.1: Type of problem(s) experienced in the past five years**



Note: Base is all respondents 1,038.

Source: IES/BMRB, 2005

Figure 4.1 shows that the most common problem area reported was pay, which affected 22 per cent of respondents. This was followed by problems associated with receiving a contract or written statement of the terms and conditions of the job, taking rest breaks at work, and the number of hours or days required to work; all of which were reported by 13 per cent of respondents.

#### **4.4 Number of separate problems experienced**

Respondents were asked to focus on the problem areas they had identified and to consider whether any of these were separate problems or were in fact part of the same larger problem. They were asked:

*'In total, how many separate problems to do with your rights at work have you personally had at work in the last five years?'*

Table 4.2 isolates all those who have experienced a problem and shows the average number of separate problems experienced.

**Table 4.2: Average number of separate problems experienced in the past five years**

		Mean number	Unweighted base
All respondents		2.8	416
Age	16-24	3.1	67
	25-34	3.0	92
	35-44	2.6	108
	45-54	2.7	85
	55-64	2.6	63
Gender	Male	3.0	187
	Female	2.6	229
Earnings	Under £15,000	3.1	189
	£15,000 to £24,999	3.1	103
	£25,000 to £39,999	2.0	65
	£40,000 +	2.4	32
Hours worked	Full-time	2.8	318
	Part-time	2.9	95
Type of organisation	Public sector	2.2	122
	Private sector	3.0	278
Whether has HR/personnel dept	Yes	2.4	281
	No	3.7	117
Managerial/supervisory duties	Yes	2.7	137
	No	2.9	279
Number of employees in workplace	1 to 9	3.5	66
	10 to 24	3.2	65
	24 to 99	2.6	106
	100 to 499	2.4	95
	500+	2.7	73
Whether children aged 0-5 yrs	Yes	3.0	76
	No	2.8	340
Whether member of TU/staff assoc.	Yes	2.5	133
	No	2.9	281
Whether has dependent children	Yes	2.9	161
	No	2.8	255
Whether planning to have children in next year	Yes	3.2	27
	No	2.8	379

---

**Table 4.2: continued**

		Mean number	Unweighted base
Whether give support to family/friends	Yes	3.1	83
	No	2.8	333
Whether has long-term health problems/disabilities	Yes	3.5	54
	No	2.7	361
Religion	Christian	2.8	299
	All other religions	3.7	15
Whether practising religion	Yes	2.8	93
	No	2.9	222
Sexual orientation	Straight/heterosexual	2.8	409
	Gay/lesbian/homosexual	*	*
	Bisexual/other	*	*
Ethnicity	White	2.7	381
	Mixed/Asian/Black/Chinese/other	4.0	35

Source: IES/BMRB, 2005

---

Overall, respondents reported an average of 2.8 distinct problems in the previous five years. As Table 4.2 shows, there is considerable variation by sub-groups. Those who were more likely to have a higher average number of problems were:

- those in the private sector (compared to those in the public sector)
- those in workplaces without an HR department (compared to those with an HR department)
- those with long-term health problems or disabilities (compared to those without health problems/disabilities)
- respondents of mixed, Asian, Black, Chinese or other ethnic origin (compared to White respondents)
- those earning less than £25,000 per year (compared to those earning £25,000 per year or more).

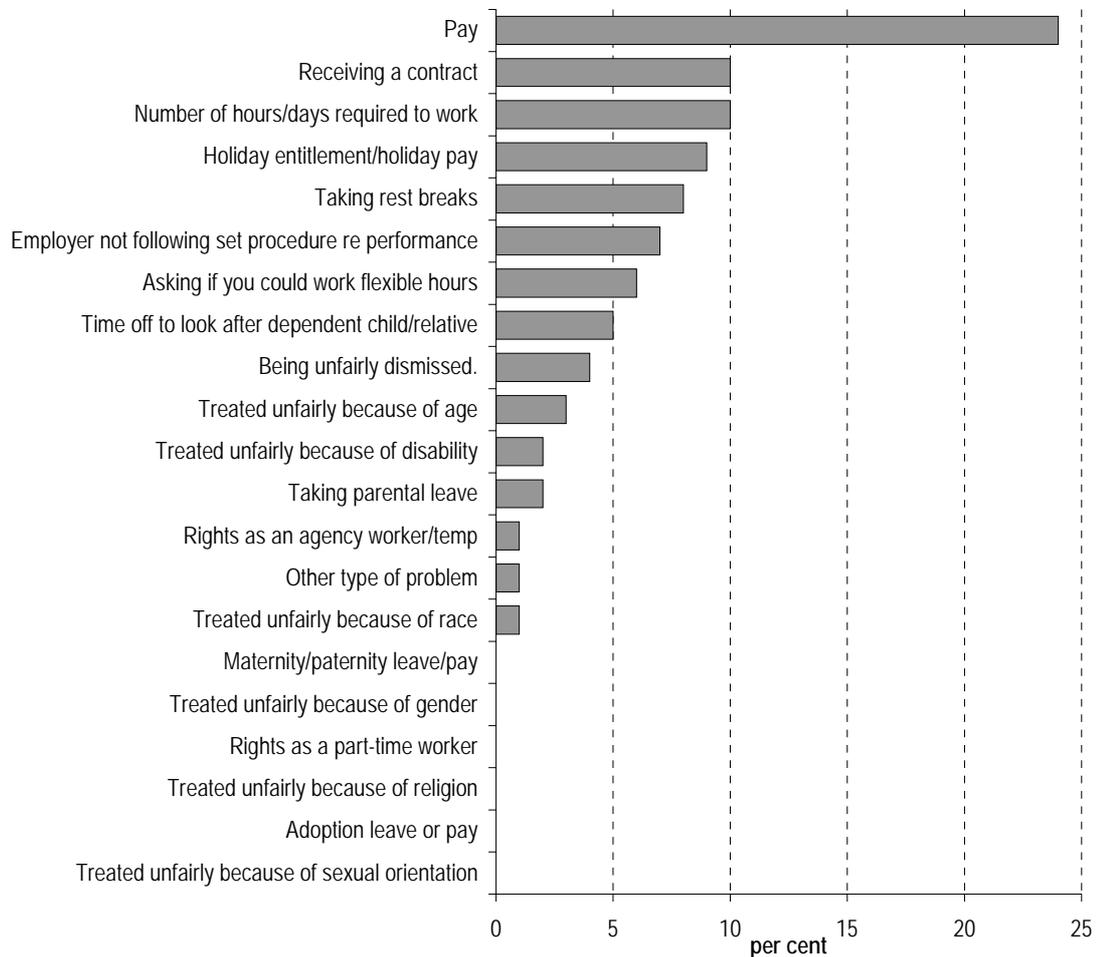
Again, these characteristics are what we might expect to make workers more vulnerable to experiencing problems.

#### **4.5 What types of problems were the most serious?**

As it is clear that many of the respondents had experienced more than one problem in the past five years, respondents were asked to identify and subsequently focus on the problem which they considered to be the most serious. This problem identified as the most serious is, therefore, the focus of the remainder of this chapter.

Figure 4.2 below lists the areas into which respondents' most serious problem fell.

**Figure 4.2: Most serious problem experienced in the past five years**



Note: Base is 416 (all those who experienced a problem).

Source: IES/BMRB, 2005

Figure 4.2 shows that, as with Figure 4.1, the most common area was pay, which accounted for 24 per cent of the total response.

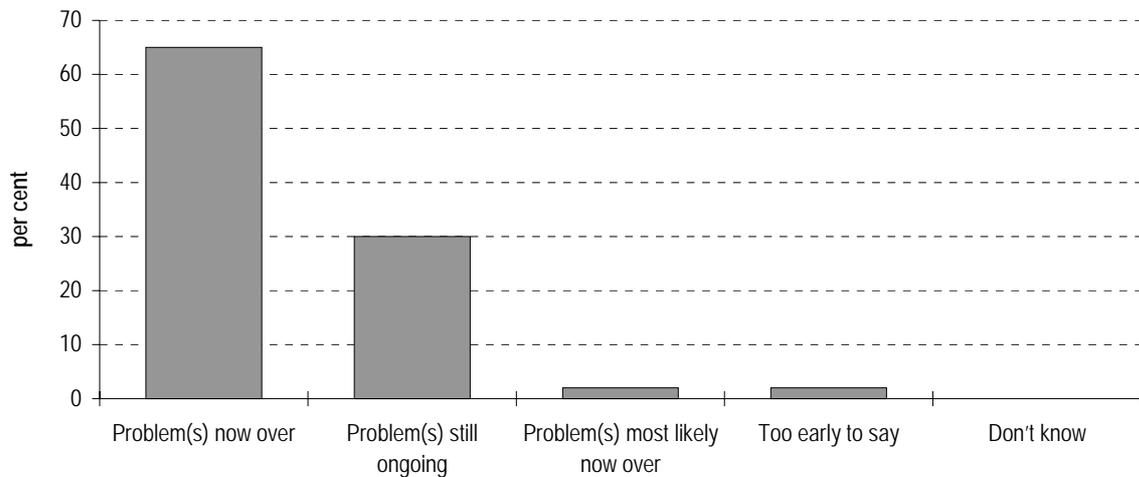
#### 4.5.1 Whether the most serious problem is ongoing or now over

Once the most serious problem had been identified, respondents were asked:

*'And would you say this problem or dispute is now over or is it still ongoing?'*

Figure 4.3 shows the results of this question.

**Figure 4.3: Whether the most serious problem is now over, or is still ongoing**



Note: Base is 416 (all those who experienced a problem).

Source: IES/BMRB, 2005

Figure 4.3 shows that the majority (65 per cent) of respondents felt that their problem had now been resolved.

The elapsed time between the start of the problem and its resolution was asked of all those who felt their problem was over, or probably over. The average elapsed time was around six months, although this ranged from within the same month to more than five years. Those that lasted for longer than two years accounted for eight per cent of the total and there was no pattern with any particular type(s) of problem(s).

## 4.6 Advice or information sought

### 4.6.1 Was advice or information sought?

In relation to their most serious problem, respondents were shown a list of sources of potential advice or information and were asked:

*'Did you, or someone acting on your behalf, try to get advice or information to help you resolve this problem from any of the sources on this card?'*

Table 4.3 illustrates the patterns in seeking advice or information and shows that just over half the respondents who had faced a problem (53 per cent) did seek advice or information.

**Table 4.3: Whether advice/information was sought**

		Yes %	No %	Unweighted base
All respondents		53	47	416
Age	16-24	47	53	67
	25-34	52	48	92
	35-44	54	45	108
	45-54	58	42	85
	55-64	58	41	63
Gender	Male	49	51	187
	Female	57	42	229
Earnings	Under £15,000	50	49	189
	£15,000 to £24,999	59	41	103
	£25,000 to £39,999	44	56	65
	£40,000 +	69	31	32
Hours worked	Full-time	52	48	318
	Part-time	57	43	95
Type of organisation	Public sector	69	30	122
	Private sector	46	54	278
Whether has HR/personnel dept	Yes	61	39	281
	No	35	65	117
Managerial/supervisory duties	Yes	53	44	137
	No	52	48	279
Number of employees in workplace	1 to 9	34	66	66
	10 to 24	49	51	65
	24 to 99	49	50	106
	100 to 499	63	37	95
	500+	68	32	73
Whether children aged 0-5 yrs	Yes	57	43	76
	No	52	47	340
Whether member of TU/staff assoc.	Yes	73	27	133
	No	45	55	281
Whether has dependent children	Yes	57	43	161
	No	50	49	255
Whether planning to have children in next year	Yes	63	37	27
	No	53	47	379
Whether give support to family/friends	Yes	59	41	83
	No	52	48	333

---

**Table 4.3: continued**

		Yes %	No %	Unweighted base
Whether has long-term health problems/disabilities	Yes	53	47	54
	No	53	47	361
Religion	Christian	55	44	299
	All other religions	87	13	15
Whether practising religion	Yes	68	32	93
	No	52	48	222
Sexual orientation	Straight/heterosexual	53	47	409
	Gay/lesbian/homosexual	*	*	*
	Bisexual/other	*	*	*
Ethnicity	White	53	47	381
	Mixed/Asian/Black/Chinese/Other	57	43	35

Note: Base is all those who experienced a problem.

Source: IES/BMRB, 2005

---

Although the seeking of advice or information was particularly high within the public sector, in organisations with an HR department and within larger workforces, these differences were not statistically significant, and neither were any of the others in Table 4.3.

#### 4.6.2 Who or where was consulted?

Respondents were asked which source of information or advice they turned to initially, and were then asked to list any other sources consulted subsequently:

*'Who or where did you, or someone acting on your behalf, try to get advice or information from first?'*

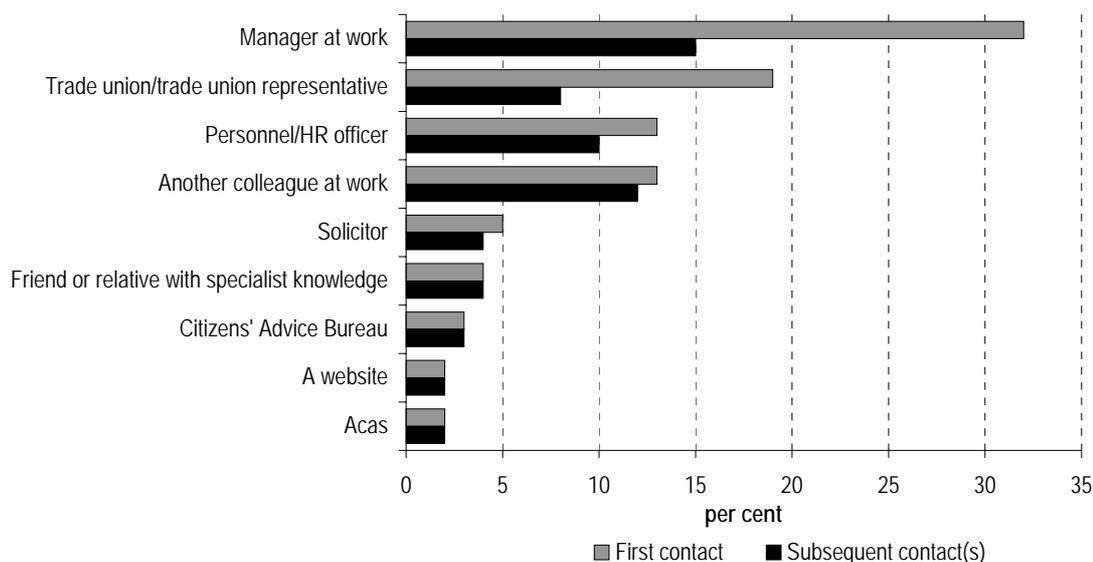
*'And who else did you, or someone acting your behalf, try to get advice or information from to help you resolve this problem?'*

Figure 4.4 shows which sources were consulted, both initially and subsequently.<sup>27</sup>

---

<sup>27</sup> The first source is a single response, the subsequent sources can be multiple responses. Only those where first contact is above cell count of five are shown.

**Figure 4.4: Advice or information sought (multiple response for subsequent sources)**



Note: Base is those who sought advice (226).

Source: IES/BMRB, 2005

Figure 4.4 shows that a manager at work (cited by 32 per cent of respondents) followed by a trade union representative (cited by 19 per cent of respondents) were the most popular sources of advice or information for the first contact a respondent made. The most popular sources of advice for subsequent contacts were a manager at work (cited by 15 per cent of respondents) followed by another colleague at work (cited by 12 per cent of respondents).

Those who reported consulting a website were asked to specify which one, and those named included: the Acas website, the DTI website, and a trade union website.

#### 4.6.3 Variations in the advice sought

Because of the small number of respondents<sup>28</sup>, it was not possible to examine any patterns between the advice or information sources and the type of problem experienced. This also limits the analysis of differences in the chosen information sources according to personal and employment characteristics of the respondents. However, the consultation levels were relatively high for four sources: managers at work, trade unions, other colleagues at work, and HR/Personnel departments, which can be examined in more detail. The data for the initial contact was combined with that for any subsequent contact and these top four sources were examined by the personal and employment characteristics with the following results.

<sup>28</sup> Small base sizes.

### Consultation with a manager at work

Overall, more than half (51 per cent) of those seeking advice or information turned to a manager at work either as a first point of contact or subsequently. Consulting a manager was more likely for:

- part-time workers (66 per cent compared with 46 per cent of full-time employees)
- those in a workplace with an HR department (54 per cent compared with 36 per cent of those whose workplace lacked an HR department)
- those who actively practice their religion (54 per cent compared with 46 per cent who did not). However, variation according to the actual religion was not significant.

The proportion consulting a manager also varied according to the size of the workforce and varied from 36 per cent in workplaces with one to nine employees; 39 per cent for ten to 24 employees; 63 per cent for 25 to 99 employees; 49 per cent for 100 to 499 employees; to 56 per cent for the largest workplaces of 500 plus.

### Consultation with a trade union

Overall, 28 per cent consulted with a trade union or trade union representative. This was influenced by being a member of a union (or a staff association) with a consultation level of 54 per cent for members compared with 12 per cent of non-members. Other significant variations were also evident for those:

- working full-time (34 per cent compared with 13 per cent of part-time employees)
- working in the public sector (39 per cent compared with 25 per cent in the private sector)
- who gave support to family or friends (32 per cent compared with 28 per cent for others)
- with a long-term illness, health problem or disability (52 per cent compared with 26 per cent for those without health problems/disabilities).

There was also variation by age and earnings with the following levels of consultation with a trade union or union representative:

- four per cent of those aged 16 to 24; 26 per cent of 15 to 24 year olds; 42 per cent of 35 to 44 year olds; 37 per cent of 45 to 54 year olds; and 39 per cent of those aged 55 to 64
- 21 per cent (for those earning under £15k); 27 per cent (£15k to under £25k); 71 per cent (£25k to under £40k); and two per cent of those earning £40k plus.

### Consultation with a colleague at work

Overall, 28 per cent said they had consulted with a colleague at work (other than a manager). There were only two sub-groups of respondents where the variation was significant.

- Those in a workplace with an HR department were a little more likely to consult with a colleague than those without (28 per cent compared to 22 per cent).
- Those who actively practiced their religion were slightly more likely to consult with a colleague (31 per cent compared with 28 per cent of those who did not practise a religion).

### Going to the HR/personnel department for advice or information

A quarter (25 per cent) of respondents who sought some sort of advice said they would consult with their HR/personnel department. There was a significant variation for the following sub-groups:

- 34 per cent of those employed in the public sector said they would consult their HR/personnel department, compared with 18 per cent of those in the private sector.
- Consultation also increased for those in trade unions or staff associations (32 per cent of those who were members compared with 20 per cent of non-members) and for those with support/caring responsibilities (35 per cent compared with 23 per cent of those without such responsibilities).
- Only two per cent of those in workplaces without a dedicated HR/personnel department were likely to try and source information there, compared with 33 per cent of those with an HR/personnel department.

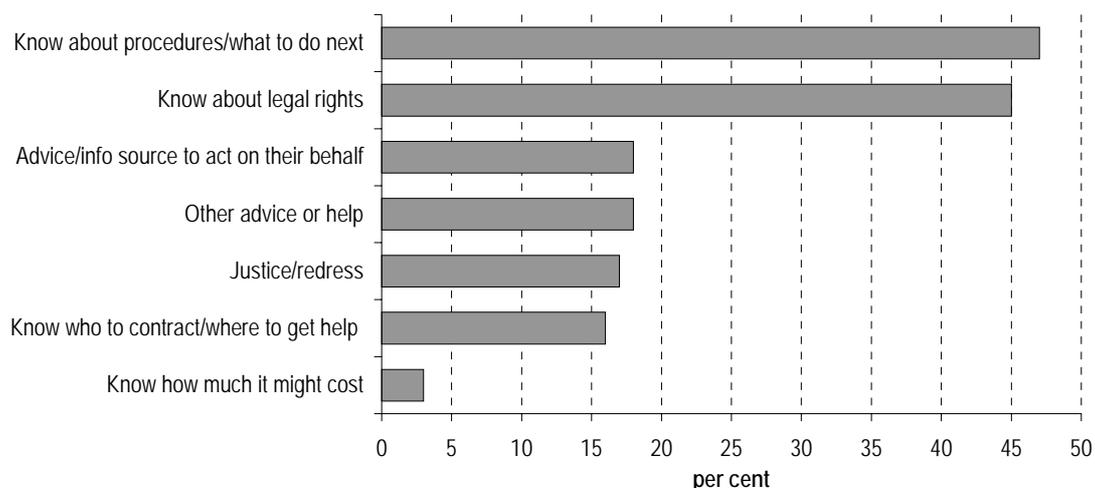
#### 4.6.4 What was wanted from the advice/information

All those who specified that they had looked for advice or information were asked:

*'When you, or someone acting on your behalf, tried to get advice or information from [the named adviser] which of these things were you looking for?'*

Figure 4.5 refers to the desired outcome(s) from the *initial* source of advice or information.

**Figure 4.5: What respondents were looking for when trying to get advice or information from their initial source**



Source: IES/BMRB, 2005

Figure 4.5 shows that the main goals were information about how the problem should be pursued (cited by 47 per cent of these respondents), and information about legal rights (cited by 45 per cent of these respondents).

#### 4.6.5 Getting subsequent information

Respondents were then asked:

*'And were you able to get the advice or information you needed from [the named adviser]?'.*

Table 4.4 illustrates whether respondents got the information they wanted from their first source.

**Table 4.4: Whether respondents got what they wanted from the first source**

	%	Unweighted base
Got all of the advice/info needed	49	226
Got some of the advice/info needed	37	226
Got none of the advice/info needed	14	226

Note: Base = all those who sought advice/info.

Source: IES/BMRB, 2005

Table 4.4 shows that 49 per cent said that they were able to get the information and advice they needed.

Regardless of the level of information they had received from their first source, respondents were asked whether they had gone on to seek further advice or information from another source.

- Of those who found all that they needed from their first source, 59 per cent went on to get additional advice/information despite already having found what they needed, while the remaining 41 per cent did not pursue additional advice/information.
- Of those who found only 'some' of the advice/information they needed, a higher proportion of 75 per cent sought additional information, with 25 per cent not pursuing anything further.
- Of those who got 'none' of the advice/information needed, the majority consulted a manager at work.<sup>29</sup> Although the respondent numbers are too small to analyse in more detail, one in three of these did not pursue additional sources despite getting none of the information they needed from their first contact. This may suggest a small sub-group of respondents who did not know where to turn for further information.

Table 4.5 examines whether the completeness of the initial information gained varied according to the source consulted.

**Table 4.5: Whether respondents got what they wanted from their first source**

	% saying they got all the info needed	Unweighted base
Solicitor	100	8
Trade union/trade union representative	59	50
<b>Overall/all sources combined</b>	<b>49</b>	<b>226</b>
Personnel/HR manager	42	30
Manager at work	41	67
Another colleague at work	39	29

Note: Base = all those who sought advice/info overall, and for specific sources.

Source: IES/BMRB, 2005

Table 4.5 shows that the most positive results were associated with making initial contact with solicitors or trade unions.<sup>30</sup>

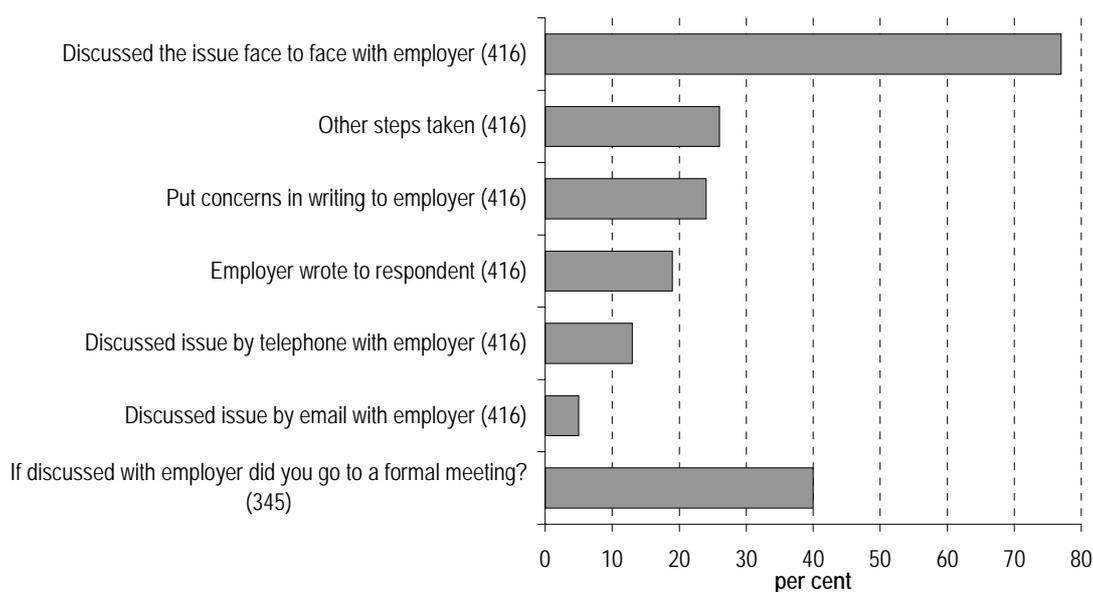
#### 4.7 Actions taken

Respondents were then asked whether they had undertaken a range of actions, and the results are shown in Figure 4.6.

<sup>29</sup> Here the numbers are very small so should be treated with caution. This refers to an unweighted base of 20 out of 32 respondents, and consultation with a manager is the number one source overall.

<sup>30</sup> Only sources with sufficiently large base sizes are shown.

**Figure 4.6: Actions taken (multiple responses given)**



Note: Bases shown in brackets. Base of 416 = all those who experienced a problem. Base of 345 = all those who discussed the issue with their employer (either face to face, telephone or email).

Source: IES/BMRB, 2005

Figure 4.6 shows that over three-quarters of respondents (77 per cent) discussed the issue face to face with their employer. Almost a quarter of respondents (24 per cent) put their concerns in writing to their employer. Of those respondents that did discuss the issues with their employer, one in four went to a formal meeting with their employer.

Of those who did not discuss the issue with their employer, more than half (54 per cent) said they would have liked to have had this opportunity.

Other steps that were taken to try and resolve the problem by 26 per cent of respondents included:

- discussing with senior management
- contacting a trade union or staff association
- discussion with other colleagues.

Those who did not take any further steps to resolve the problem did so because<sup>31</sup>:

- they did not think it was worth the hassle or aggravation (31 per cent)
- they did not think it would solve the problem (17 per cent)
- the problem was resolved without any action (14 per cent)

<sup>31</sup> Those named by more than five per cent are listed.

- the employer was not willing to sort it out (13 per cent)
- they were afraid it would affect their future employment prospects (eight per cent)
- they were not confident they would be treated fairly (seven per cent)
- they did not know where, or how, to go about it (seven per cent)
- they had no faith in the system (six per cent).

This largely agrees with the findings from the LSRC English and Welsh Civil and Social Justice Survey (Plesence, 2006) research, that respondents who did not believe anything could be done to resolve employment problems were either generally unaware of their rights, or did not think it would have any effect – none of their respondents reported that they did not know how to pursue the problem.

## **4.8 Resolution**

### *4.8.1 Time taken to reach resolution*

Section 4.5.1 showed that the average length of time taken to resolve a problem was around six months for problems that had already been, or were assumed to have been resolved. The average elapsed time was a little higher (around six and a half months) for those who had taken advice on their problem, compared with those who had not taken advice (around five and a half months), suggesting that advice may have been sought for problems of a more complex nature, or that there may have been a delay in sourcing the necessary information. In comparison, the LSRC English and Welsh Civil and Social Justice Survey research (Plesence, 2006) found a mean elapsed time of eight months and a median elapsed time of three months for employment problems (see Section 1.2.5 for more information on the comparability between the two surveys).

In relation to the type of problems experienced, there was also variation in the elapsed time before resolution. Table 4.6 shows the average length of time taken to reach resolution by the type of problem. Because of the small numbers, however, any inferences from the data presented in Table 4.6 should be treated with caution.<sup>32</sup>

---

<sup>32</sup> Only problem areas with 20 or more respondents are shown.

**Table 4.6: Average length of time taken to reach resolution, by type of problem**

	Average number of months	Unweighted base
Problems to do with pay	5	55
The number of hours or days required to work	12	24
Holiday entitlement/holiday pay	2	22
Your employer not following a set procedure when dealing with a grievance or other work-related problem	5	22
Your employer not following a set procedure when dealing with a complaint/problem with your performance at work	3	20

Note: Base = all those with a problem that has now been, or is thought to have been, resolved.

Source: IES/BMRB, 2005

Resolution times of more than one year were also reported by individuals, or small groups of respondents, in the problem areas of: being unfairly treated because of a disability; or because of age; and problems related to part-time working; and being an agency worker or a temporary member of staff.

#### 4.8.2 Those who left their employer as a direct result

Of those who had experienced problems at work, the majority (72 per cent) had stayed with the same employer. Those who had subsequently changed employer were asked whether this decision was a direct result of the problem, and were then asked the way in which they had left their employer. Table 4.7 shows the results of these questions.

**Table 4.7: Leaving an employer as a direct result of problems**

	Yes %	Unweighted base
Did you leave your employer as a direct result of the problem(s)?	53	160*
Of those who left: how did you leave?		
Resigned/left of own accord	63	87**
Was dismissed	21	87**
Was made redundant	11	87**
Waited until end of contract	4	87**
Other	1	87**

Note: \*Base = all those who are no longer with the same employer. \*\*Base = all those who left their employer as a direct result of the problem(s).

Source: IES/BMRB, 2005

Table 4.7 shows that 53 per cent of those who has subsequently changed employer had done so as a direct result of the problem. This is equivalent to 20 per cent of respondents who experienced a problem at work, or eight per

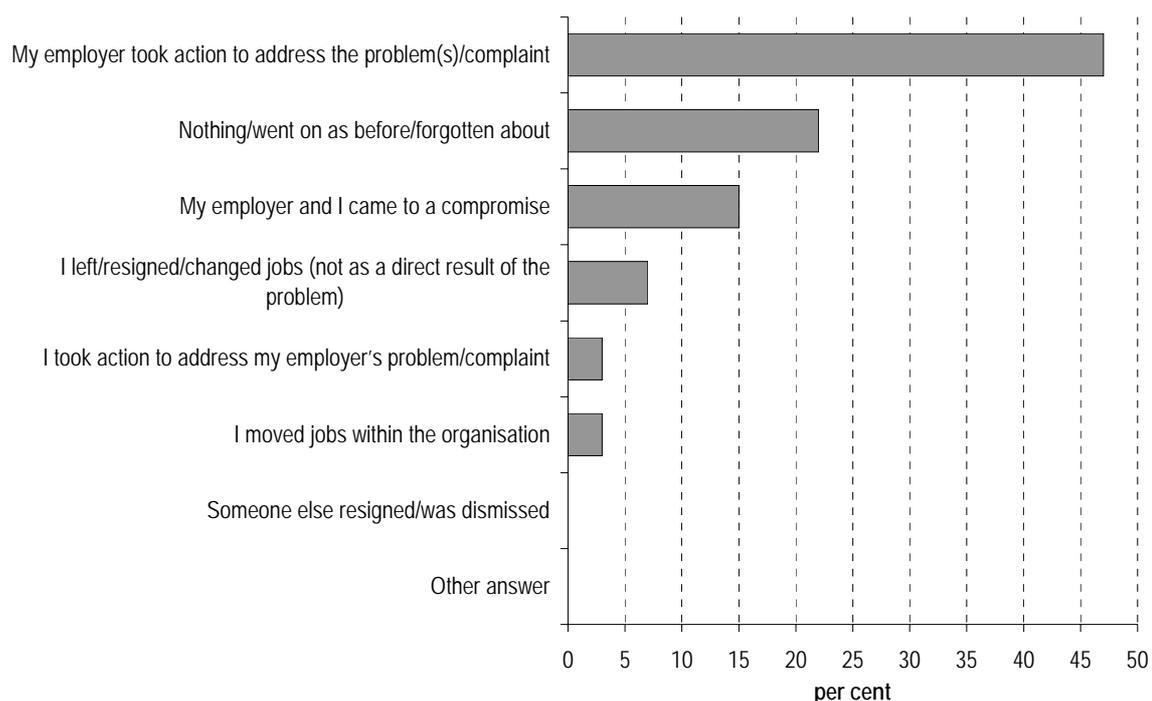
cent of all respondents, leaving their employer as a direct result of a problem at work. Of those who left their employer as a direct result of the problem, almost two-thirds (63 per cent) resigned or left of their own accord, which is equivalent to five per cent of all respondents.

Although it is difficult to compare directly with the LSRC English and Welsh Civil and Social Justice Survey findings (Pleasence, 2006) (see Section 1.2.5 for more information on the comparability of the two surveys), their research found that 25 per cent of those experiencing employment problems had been sacked or made redundant, with a further eight per cent reporting that they resolved their problem by leaving their employer.

#### 4.8.3 Those who did not leave their employer as a direct result

Those who did not leave their employer, and reported that their problem had since been resolved, were asked how the resolution had been achieved. This is shown in Figure 4.7, and because of the small numbers once the nature of the problem is included, it is not possible to make any conclusions about how this might differ according to the problem area.

**Figure 4.7: How the problem(s) were resolved**



Note: Base is 201 – all those whose problems are now resolved and did not leave their employer as a direct result.

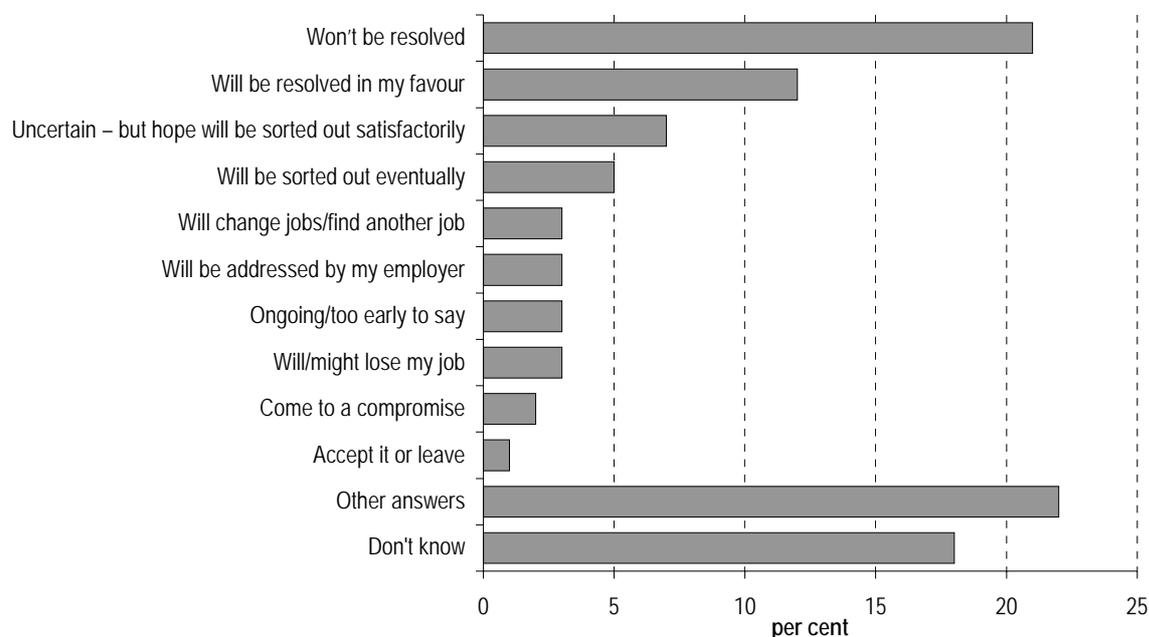
Source: IES/BMRB, 2005

Figure 4.7 shows that of those who had not left their employer, and whose problem had been resolved, nearly half (47 per cent) said that their employer had taken action to address the problem, while 22 per cent said that nothing had happened, they had gone on as before or that they had forgotten about the problem.

#### 4.8.4 Ongoing problems

A small proportion of respondents still had ongoing problems. Their expectation of how the problem would be resolved is shown in Figure 4.8.

**Figure 4.8: How the problem(s) were expected to be resolved**



Note: Base is 138 – all those whose problems are ongoing.

Source: IES/BMRB, 2005

Figure 4.8 shows that just over one in five respondents thought that the problem would not be resolved, that nothing would happen, that they would go on as normal or that the problem would resurface again. A further seven percent said that they would find another job, would either accept the problem or leave, or that they might lose their job. Taken together, the proportion of all respondents who are experiencing a problem which they expect not to be resolved, or to be resolved by leaving or losing their job, is approximately four per cent.

#### 4.8.5 Employment tribunals

Only three per cent of those who experienced a problem reported that they had brought an employment tribunal case against their employer as a result of the problem(s). Of these 11 (unweighted) respondents:

- seven were still awaiting the outcome
- three had made a settlement with their employer for money or for something else
- one went to full tribunal hearing which was decided in the respondent's favour.

#### 4.8.6 What respondent wishes they had done differently

Respondents were asked whether there was any aspect of the situation that they wished they had handled differently:

*'Looking back over the experience of trying to sort out the problem/ dispute, is there anything about the way in which you handled the situation that you wish you had done differently?'*

The results of this question are shown in Table 4.8.

**Table 4.8: Whether leaving an employer as a direct result of problems**

	Yes %	Unweighted base
Do you wish you had done anything differently?	30	416*
Of those saying yes: what should you have done differently?		
Been more assertive/forceful	14	128**
Taken things down in writing	12	128**
Found out more information about my rights	9	128**
Acted sooner	9	128**
Seen it through to the end	7	128**
Sought legal advice	6	128**
Acted more calmly/less emotionally	6	128**
Joined a union/gone to the union	5	128**
Discussed with senior management	5	128**
Contacted/appointed an adviser to act on my behalf	4	128**
Gone through formal grievance procedures	4	128**

Note: \*Base = all those who experienced a problem. \*\*Base = all those who experienced a problem and wished they had done something differently.

Source: IES/BMRB, 2005

Table 4.8 shows that nearly one in three (30 per cent) wished that they had done something differently. Of these, 14 per cent wished that they had been more assertive/forceful, and 12 per cent wished that they had taken things down in writing.

#### 4.8.7 Regression analysis on whether a problem was resolved satisfactorily

Logistic regression was carried out to analyse what factors influenced whether a problem was resolved satisfactorily. The sample for this regression consisted of all respondents who had experienced a problem at work in the past five years and whose problem was 'now over' or 'most likely now over'. For a detailed account of how regression analysis on whether a problem was resolved satisfactorily was conducted, see Appendix 2.

Independent variables were selected which may affect whether a problem was resolved satisfactorily: whether it was 'resolved satisfactorily' or 'not resolved satisfactorily'. Eight of these variables were included in the previous two logistic regressions (see Sections 2.1.1 and 4.2.1) and can be grouped as employment characteristics, personal characteristics, or general awareness of employment rights. These are:

#### Personal characteristics

- gender
- whether the respondent has a long-term illness, disability or health problem
- ethnicity
- age (in years).

#### Employment characteristics

- trade union/staff association member
- type of organisation worked for (public, private or voluntary/charitable organisation)
- hours worked – full-time or part-time (less than 30 hours).

#### General awareness of employment rights

- a self-assessed measure of general awareness of employment rights: whether respondents are 'aware' or 'not aware'.

The remaining 14 variables included in this model can be grouped into three categories: where advice was sought from, steps taken to resolve the problem, and additional variables. These variables are listed below.

#### Where advice was sought from

- Was advice sought from HR/personnel?
- Was advice sought from a manager at work?
- Was advice sought from a trade union?
- Was advice sought from another colleague at work?
- Was advice sought from a friend/relative?
- Was advice sought from a telephone helpline/website/intranet?
- Was advice sought from the CAB?
- Was advice sought from a legal source (Employment Tribunals Service, solicitor or other legal representative)?

### Steps taken to resolve the problem

- Whether the respondent wrote to their employer about the problem.
- Whether the respondent discussed the problem face to face with their employer.
- Whether the respondent discussed the problem with their employer by telephone.
- Whether the respondent discussed the problem with their employer by email.

### Additional variables

- Did the employee seek advice?
- Did the employer write to the employee or to someone acting on their behalf?

Logistic regression was used to isolate which of these factors were significant, ie whether they are likely to affect whether a problem was 'resolved satisfactorily' or 'not resolved satisfactorily'. In total, four variables had coefficients which were significant. The factors below increase the odds of a problem at work being resolved satisfactorily:

- being a trade union/staff association member (compared to not being one)
- being 'aware' in general of your employment rights (compared to 'not aware')
- discussing the problem with your employer face to face (compared to not discussing it with your employer face to face).

The factor below decreases the odds of a problem at work being resolved satisfactorily:

- seeking advice from the CAB.

Being a trade union/staff association member compared to not being one, it could be suggested, is likely to increase the odds of a problem being resolved satisfactorily as it may help to facilitate discussions between an employee and employer which result in an amicable solution. Being 'aware' in general of your employment rights compared to 'not being aware', may also increase the odds that a problem is resolved satisfactorily because a respondent is more likely to understand the procedures involved in resolving a problem at work, and what they can expect from their employer. Further, discussing the problem with their employer face to face compared to not discussing it face to face, may result in a more amicable discourse and a better understanding by the employer and employee of the issues involved in the problem, resulting in the problem being resolved satisfactorily.

The reasons why seeking advice from the CAB decreases the odds of a problem being resolved satisfactorily are less clear. One hypothesis is that only respondents with more serious and harder-to-solve problems approach the CAB, therefore, it is less likely that these problems will be resolved satisfactorily. However, this result must be treated with caution as there were only six respondents unweighted (eight weighted) who sought advice from the CAB out of the total sample size of 242 unweighted respondents (259 weighted).

#### 4.9 Likelihood of future problems

A section of the questionnaire asked respondents who were employed at the time of the survey to think about whether they felt that they *might* experience a problem at work in the next two years. This section reports on these *hypothetical* problems to get a general sense of what problems respondents thought they *might* experience.

##### 4.9.1 Types of problems respondents' felt that they were likely to experience

Respondents were asked:

*'Which, if any, of these problems do you think you are likely to experience in the next two years?'*

*'**Family commitments** (eg maternity or paternity leave or pay, taking parental leave, taking time off to look after dependants, adoption leave or pay).'*

*'Being able to work more flexible hours.'*

*'**Working hours and taking leave** (eg holiday entitlement or pay, taking rest breaks at work, the number of hours or days you are required to work).'*

*'Your rights as an agency worker/temp.'*

*'Your rights as a part-time worker.'*

*'Pay.'*

*'**Your contract** (eg not receiving a written statement of your terms and conditions, your contract being changed unlawfully).'*

*'**Being discriminated against** (eg because of your gender, race, age, disability, sexual orientation, religion).'*

*'**Disciplinary or grievance issues** (eg being unfairly dismissed, your employer failing to follow proper procedures when dealing with a complaint you have, a complaint against you or problems with your performance).'*

*'Another type of problem to do with your rights at work.'*

*'None of these.'*

Sixty per cent of respondents in employment at the time of the survey did not expect to experience a problem at work in the next two years. Of respondents currently working, 40 per cent felt they were likely to experience one or more of these problems in the next two years. Those who had experienced a problem in the past were more likely than those who had not to think that they were likely to experience a problem in the next two years. Sixty per cent of those who had experienced a past problem thought that they were likely to experience a future problem, compared to only 27 per cent of those who had not experienced a past problem.

Figure 4.9 shows the types of problems respondents felt they were likely to experience.

**Figure 4.9: Which problems do you think you are likely to experience in the next two years? (multiple response)**



Note: Base is those currently employed (937). 'Don't knows' not included as only two weighted cases.

Source: IES/BMRB, 2005

Figure 4.9 shows that the most common type of problem respondents felt they were likely to experience was one to do with family commitments, cited by 14 per cent of employed respondents. Thirteen per cent of employed respondents felt they were likely to experience a problem to do with pay, while 13 per cent felt they were likely to experience a problem to do with being able to work more flexible hours, and 12 per cent felt they were likely to experience a problem to do with working hours and taking leave. Just under one in ten employed respondents (nine per cent) felt they were likely to experience a problem to do with their contract, while problems to do with their rights as part-time workers, disciplinary and grievance issues, and being discriminated against were all cited by only four per cent of employed respondents. Problems to do with rights as an agency worker or temporary worker, and another type of problem to do with rights at work, were cited by just one per cent of employed respondents.

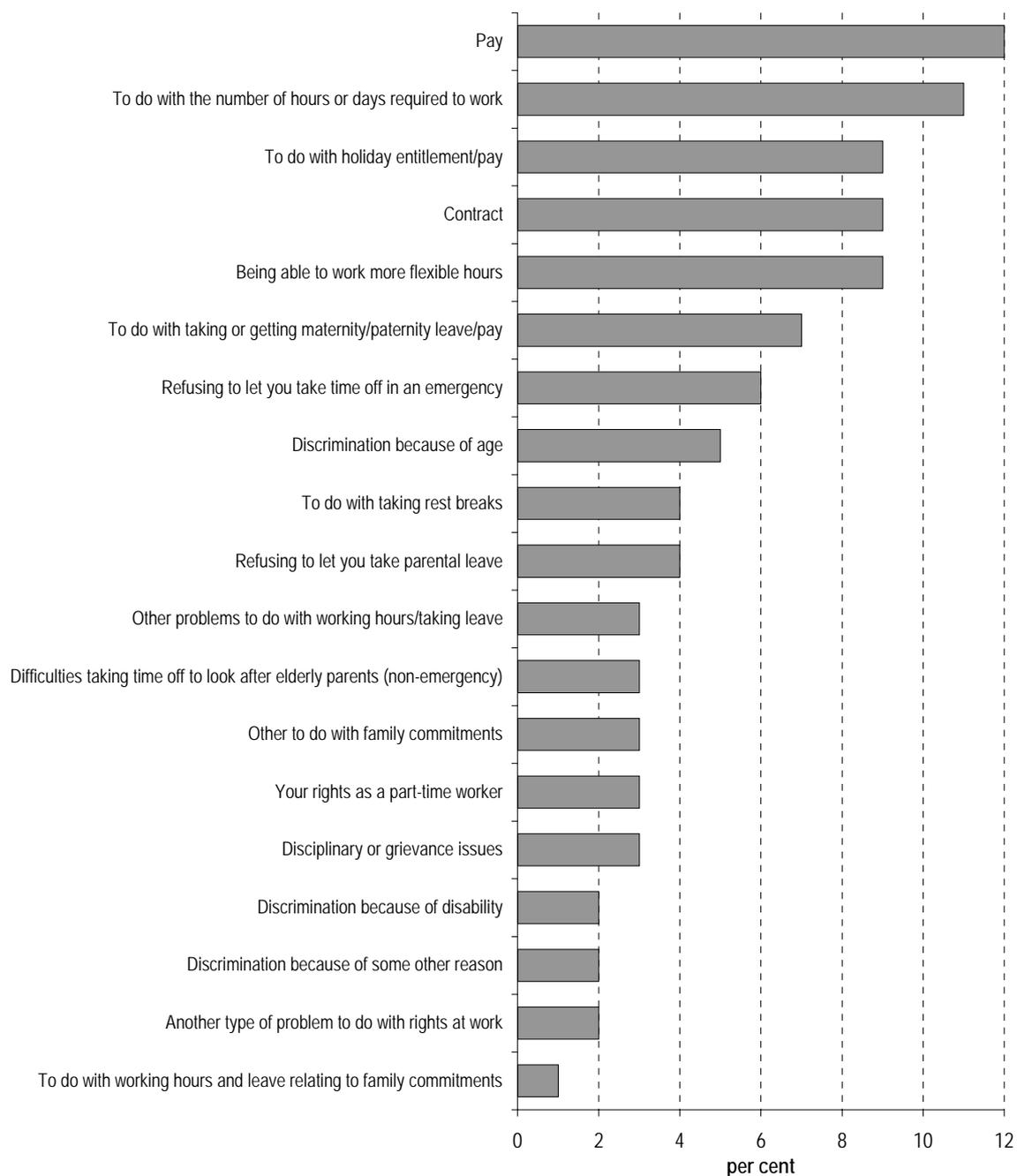
#### 4.9.2 Types of problems respondents' felt they were most likely to experience

Where respondents had cited more than one problem to do with their rights at work, they were then asked:

*'Which of these problems do you think you are **most** likely to experience in the next two years?'*

Figure 4.10 shows the type of problems that those who thought they were likely to experience a problem in the next two years, thought that they were most likely to experience.

**Figure 4.10: Which problem do you think you are most likely to experience in the next two years?**



Note: Base is all those who thought they were likely to experience a problem in the next two years – 378.

Source: IES/BMRB, 2005

Figure 4.10 shows that respondents who thought they were likely to experience a problem in the next two years, thought that the problem they were most likely to experience was a problem to do with pay (12 per cent). Just over one in ten (11 per cent) thought they were most likely to experience a problem to do with the number of days or hours they were required to work. Nine per cent thought they were most likely to have a problem with their contract, a further nine per cent thought they were most

likely to experience a problem to do with their holiday entitlement/pay, while nine per cent thought they were most likely to experience a problem to do with being able to work more flexible hours. Other problems that more than five per cent thought they were likely to experience were problems to do with taking maternity/paternity leave or getting maternity/paternity pay (seven per cent), and problems with employers refusing to let them take time off in an emergency (six per cent).

Respondents were then asked:

*'Now thinking generally about the issue of [their most likely problem], how confident are you that your employer currently meets its legal obligations to its employees in this area?'*

Table 4.9 shows the results of this question.

**Table 4.9: How confident respondents are that their employer meets its legal obligation to its employees in the area of the respondents' most likely problem**

		Very confident	Fairly confident	Not very confident	Not at all confident	Unweighted base
		%	%	%	%	
Respondents who feel likely to experience a problem in the next two years		29	43	19	6	378
Age	16-24	24	55	9	7	50
	25-34	34	41	17	5	86
	35-44	27	47	24	3	108
	45-54	28	37	26	8	87
	55-64	36	33	17	6	46
Gender	Male	35	39	19	5	168
	Female	24	48	20	6	210
Earnings	Under £15,000	23	47	22	7	158
	£15,000 to £24,999	28	41	22	5	91
	£25,000 to £39,999	42	35	17	3	73
	£40,000 +	42	42	8	8	31
Hours worked	Full-time	31	42	18	6	293
	Part-time	22	49	22	4	83
Type of organisation	Public sector	38	44	13	3	130
	Private sector	25	43	23	7	233
Whether has HR/personnel dept	Yes	31	48	15	4	266
	No	23	32	30	12	98
Whether experienced problems	Yes	23	40	26	8	224
	No	38	49	9	1	154
Managerial/supervisory duties	Yes	35	42	13	9	134
	No	26	44	23	3	244

**Table 4.9: continued**

		Very confident	Fairly confident	Not very confident	Not at all confident	Unweighted base
		%	%	%	%	
Number of employees in workplace	1 to 9	21	50	20	6	61
	10 to 24	22	42	24	10	62
	24 to 99	37	41	12	9	82
	100 to 499	27	44	24	2	72
	500+	37	43	18	3	86

Note: 'Don't knows' not reported as only three per cent, or ten weighted cases.

Source: IES/BMRB, 2005

Table 4.9 shows that 29 per cent of respondents who thought they were likely to experience a problem in the next two years were very confident that their employers met their legal obligation to employees in the area of the respondents' most likely problem. A further 43 per cent of respondents were fairly confident. In total therefore, 73 per cent were either very confident or fairly confident. One-fifth of respondents were either not very confident (19 per cent) or not at all confident (six per cent) that their employers were meeting their legal obligations.

Public-sector workers were more likely than private-sector workers to be confident that their employer met their obligations, as were respondents with an HR department, and those with managerial or supervisory duties. Those who had experienced a problem to do with their rights at work in the past were less likely than those who had not had a problem to be confident that their employer met its obligations.

Respondents were finally asked:

*'Overall, if you had a problem to do with [their most likely problem], how confident are you that **you** would be able to deal with this problem?'*

Table 4.10 shows that 24 per cent of respondents who feel likely to experience a problem in the next two years are very confident that they would be able to deal with their most likely problem. A further 49 per cent of respondents are fairly confident, while 20 per cent of respondents are not very confident and five per cent are not at all confident. Those who have experienced a problem in the past to do with their rights at work are less likely than those who have not to feel confident that they would be able to deal with the problem.

**Table 4.10: How confident respondents are that they would be able to deal with their most likely problem themselves**

		Very confident	Fairly confident	Not very confident	Not at all confident	Unweighted base
		%	%	%	%	
Respondents who feel likely to experience a problem in the next two years		24	49	20	5	378
Age	16-24	29	52	14	*	50
	25-34	29	50	16	*	86
	35-44	21	47	28	*	108
	45-54	20	50	23	7	87
	55-64	16	51	12	*	46
Gender	Male	27	48	18	6	168
	Female	21	51	22	4	210
Earnings	Under £15,000	23	50	22	4	158
	£15,000 to £24,999	19	56	19	*	91
	£25,000 to £39,999	31	39	20	7	73
	£40,000 +	16	55	20	*	31
Hours worked	Full-time	26	49	19	4	293
	Part-time	19	54	19	7	83
Type of organisation	Public sector	32	49	14	*	130
	Private sector	21	50	22	6	233
Whether has HR/personnel dept	Yes	29	50	16	4	266
	No	16	45	29	9	98
Whether experienced problems	Yes	19	49	24	6	224
	No	31	49	13	4	154
Managerial/supervisory duties	Yes	27	47	17	7	134
	No	22	51	22	4	244
Number of employees in workplace	1 to 9	21	45	26	7	61
	10 to 24	26	51	21	-	62
	24 to 99	22	45	20	11	82
	100 to 499	23	49	22	*	72
	500+	28	62	7	*	86
How much know about rights at work	As much as need to know	35	51	13	*	126
	No more	19	49	23	7	250
How well informed about rights at work	Well informed	32	50	14	3	229
	Not well informed	13	49	29	8	147

Note: 'Don't knows' not included as only two per cent, or six weighted cases.

Source: IES/BMRB, 2005

## 4.10 Summary

### 4.10.1 Experiencing a problem

- In all, 42 per cent of respondents had experienced a problem at work in the past five years. Those with lower earnings were more likely to have experienced a problem than those with higher earnings. Private-sector workers were more likely to have experienced a problem than public-sector workers, as were those within organisations that lacked an HR department, compared to those in organisations with one. Individuals who did not have managerial or supervisory positions were more likely to experience a problem than those who did, and those who gave support to family or friends had a higher likelihood of experiencing a problem than those who did not. Those aged 16 to 24 were more likely to experience a problem compared to other age groups.
- Regression analysis shows that having a long-term health problem or disability (compared to not having one) increased the odds of having had a problem, as did being 'separated/divorced' compared to 'single', being in a 'sales and customer services' or 'professional' occupation (compared to being in an 'elementary' occupation), and being a trade union/staff association member (compared to not being one). Being 'aware' of their employment rights compared to 'not being aware' decreased the odds of having experienced a problem. As a respondent's age increased by one year, the odds of their having had a problem decreased.

### 4.10.2 Types of problems experienced

- Of those respondents that had experienced a problem, the most common problem reported was a pay issue, which affected 22 per cent of respondents. This was followed by problems associated with receiving a contract or written statement of the terms and conditions of the job, taking rest breaks at work, and the number of hours or days required to work; all of which were reported by 13 per cent of respondents.

### 4.10.3 Number of separate problems experienced

- Overall, respondents who had a problem reported an average of 2.8 distinct problems in the previous five years. Those which have a significantly higher average number of problems were: those in the private sector (compared to those in the public sector), those in workplaces without an HR department (compared to those with an HR department), those with long-term health problems or disabilities (compared to those without health problems/disabilities), respondents of mixed, Asian, Black, Chinese or other ethnic origin (compared to White respondents), and those earning less than £25,000 per year (compared to those earning £25,000 per year or more).

### 4.10.4 What types of problems are the most serious?

- The most common area was, again, pay, which accounted for 24 per cent of the total response. Just under two-thirds (65 per cent) felt that their most serious problem had now been resolved.

- Those who felt their problem was over, or probably over, were asked to give the elapsed time between the start of their most serious problem and its resolution. The average elapsed time was around six months, although this ranged from within the same month to more than five years. Those that lasted for longer than two years accounted for only eight per cent of the total and there was no pattern with any particular type of problem.

#### 4.10.5 Advice or information sought

- Just over half of respondents (53 per cent) reporting a problem sought advice about their most serious problem.
- The most popular sources of advice or information for the first contact a respondent made were a manager at work (cited by 32 per cent of respondents) followed by a trade union representative (cited by 19 per cent of respondents). The most popular sources of advice for subsequent contacts were a manager at work (cited by 15 per cent of respondents) followed by another colleague at work (cited by 12 per cent of respondents).
- The main goals of respondents were to get information about how the problem should be pursued (cited by 47 per cent of these respondents), and to get information about their legal rights (cited by 45 per cent of these respondents) from the initial source of advice or information.
- Just under half (49 per cent) of these respondents were satisfied that they had received everything that they required from their first source of information/advice. Those who made initial contact with solicitors or trade unions were the most satisfied that they had got all of the information they needed.

#### 4.10.6 Actions taken

- Over three-quarters of respondents (77 per cent) discussed the issue face to face with their employer. Almost a quarter of respondents (24 per cent) put their concerns in writing to their employer. Of those respondents that did discuss the issues with their employer, one in four went to a formal meeting with their employer. Of those who did not discuss the issue with their employer, more than half (54 per cent) said they would have liked to have had this opportunity.

#### 4.10.7 Resolution

- The average length of time taken to resolve a problem was a little higher (around six and half months) for those who had taken advice on their problem, compared with those who had not taken advice (around five and half months), suggesting that advice may have been sought for problems of a more complex nature, or that there may have been a delay in sourcing the necessary information.
- Of those who had experienced problems at work, a majority of 72 per cent had stayed with the same employer. Fifty-three per cent of those who had subsequently changed employer had done so as a direct result of the

problem. Almost two-thirds (63 per cent) had resigned or left of their own accord.

- Of those who had not left their employer, and whose problem had been resolved, 47 per cent said that their employer had taken action to address the problem, while 22 per cent said that nothing had happened, they had gone on as before, or had forgotten about the problem.
- Of those who had an ongoing problem, one in five thought that the problem would not be resolved, that nothing would happen, or that they would go on as normal.
- Only three per cent of those who experienced a problem reported that they had brought an employment tribunal case against their employer as a result of the problem(s).
- Nearly one in three (30 per cent) wished that they had done something differently. Of these, 14 per cent wished that they had been more assertive/forceful, and 12 per cent wished that they had taken things down in writing.
- Regression analysis showed that the following factors increased the odds of a problem at work being resolved satisfactorily: being a trade union/staff association member (compared to not being one), being 'aware' in general of their employment rights (compared to 'not being aware'), and discussing the problem with their employer face to face (compared to not discussing it face to face). Seeking advice from the CAB decreased the odds of a problem at work being resolved satisfactorily, although very small numbers sought advice from the CAB, so this result must be treated with caution.

#### 4.10.8 Likelihood of future problems

- The most common type of problem respondents felt they were likely to experience was one to do with family commitments, cited by 14 per cent of employed respondents. Thirteen per cent of employed respondents felt they were likely to experience a problem to do with pay, while 13 per cent felt they were likely to experience a problem to do with being able to work more flexible hours, and 12 per cent felt they were likely to experience a problem to do with working hours and taking leave.
- Employed respondents who thought they were likely to experience a problem in the next two years, thought that the problem they were *most* likely to experience was one to do with pay (12 per cent). Just over one in ten (11 per cent) thought they were most likely to experience a problem to do with the number of days or hours they were required to work. Nine per cent thought they were most likely to have a problem with their contract, a further nine per cent thought they were most likely to experience a problem to do with their holiday entitlement/pay, while nine per cent thought they were most likely to experience a problem to do with being able to work more flexible hours.
- 29 per cent of respondents who felt it was likely they would experience a problem in the next two years were very confident that their employers

would meet their legal obligation to employees in the area of the respondents' most likely problem. A further 43 per cent of respondents were fairly confident, while 19 per cent of respondents were not very confident, and six per cent were not at all confident.

- Around a quarter (24 per cent) of respondents who felt it was likely they would experience a problem in the next two years were very confident that they would be able to deal with their most likely problem themselves. A further 49 per cent of respondents were fairly confident, while 20 per cent of respondents were not very confident and five per cent not at all confident. Those who experienced a problem in the past to do with their rights at work are less likely than those who did not to feel confident that they would be able to deal with the problem.

# 5

## Finding information and advice

This chapter examines how respondents would go about finding information or advice about their rights at work, if they needed to. It firstly examines where respondents would go to find out general information about their rights at work, and moves on to examine who respondents think is responsible for ensuring employees are aware of their rights at work. The chapter then explores how useful respondents think different information services would be, and which information service respondents would find most useful. It finally moves on to examine whether respondents would try to get information or advice about hypothetical future problems which they thought they might experience, and where they would seek information and advice from for these hypothetical problems. Relationships are only reported in the text of this chapter if they are statistically significant (unless otherwise stated).

### **5.1 Where respondent would go to find out general information about their rights at work**

It is important that individuals know where to go to find out general information about their rights at work, to enable them to exercise their rights if necessary. All respondents were, therefore, asked:

*'Imagine you did not have a particular employment problem, but just wanted to find out some general information about your rights at work. Who or where would you go to first in order to get this information?'*

and those who knew where they would go first were then asked:

*'And assuming you couldn't get the information you wanted from [source cited in previous question], how else do you think you might try to get general information about your rights at work?'*

Table 5.1 shows the results from these questions, showing where respondents would go first, and where else they would go if they had not got the information they wanted from the first source.

**Table 5.1: Where respondents would go to find out general information about their rights at work (per cent)**

	Where respondents would go first to get general information	Where else they would seek advice if they had not got the information they wanted	Where respondents would seek advice (first and subsequent sources combined)
Personnel/HR officer	21	19	38
Citizens' Advice Bureau	14	22	36
A website/the Internet	16	16	31
Manager at work	18	13	30
A trade union	11	13	23
Other colleagues at work	4	9	12
Other sources of information at work	3	5	7
Friend or relative with specialist knowledge	2	4	6
Solicitor	*	5	5
Jobcentre or Jobcentre Plus	2	3	5
Acas	1	4	5
Library	1	4	5
DTI	1	3	4
Friend or relative without specialist knowledge	1	2	3
A telephone helpline	1	1	2
Another legal representative	*	1	1
Other answers	1	4	2
Don't know	4	9	12
<i>Unweighted base</i>	<i>1,038</i>	<i>1,000</i>	<i>1,038</i>

Note: Bases are: all respondents in column A, and all respondents who know who they would contact first for general information about rights to work in column B. Column C is multiple response.

Source: IES/BMRB, 2005

Just over one in five respondents (21 per cent) said they would go first to Personnel or an HR officer, while 18 per cent would go first to a manager at work, 16 per cent would first use a website/the Internet, 14 per cent would first use a CAB, and just over one in ten (11 per cent) would first go to a trade union. Much smaller proportions of respondents cited a range of other sources shown in the table. The three per cent<sup>33</sup> who said they would go to another source of information at work, primarily said they would use a staff handbook or an intranet. In all, 42 per cent would go first to personnel/HR, a manager or another source of information at work.

<sup>33</sup> an unweighted base of 27

When examining where respondents would then go if they had not got the information they had wanted, an interesting shift occurs, so that over one in five (22 per cent) would then go to a CAB, while just under one in ten (19 per cent) would then go to a personnel or HR officer. Sixteen per cent would use a website/the Internet if they had not got the information they wanted, while 13 per cent would then go to a manager at work and 13 per cent to a trade union. Of the five per cent<sup>34</sup> who said that if they had not got the information they wanted from the first source they would then go to another source of information at work, the majority either said that they would use the intranet, or an adviser at work, or notices or noticeboards.

Where respondents would go *first* to get general information, and where *else they would go* if they had not got this information from their first source, were combined to see whether certain advice sources were used by respondents with particular characteristics. The top six sources of general information about rights at work were then examined by the standard set of personal or employment characteristics (the standard breaks) and whether a respondent was a member of a trade union/staff association. The results are presented in the sections below.

#### 5.1.1 Going to a personnel/HR officer to get general information

In all, 38 per cent of all respondents said they would go to a personnel/HR officer as a first or subsequent source of general information about their rights at work.

The higher the earnings of a respondent, the more likely they were to say that they would go to a personnel/HR officer. Only 25 per cent of those with earnings of less than £15,000 per year would use this as a source of general information, rising to 44 per cent of those with earnings of £15,000 to £24,999 per year, 46 per cent of those with earnings of £25,000 to £39,999 per year, and 55 per cent of those with earnings over £40,000 per year. Part-time workers were more likely to say they would use a personnel/HR officer (71 per cent) than full-time workers (59 per cent), and public-sector workers were more likely to say they would use a personnel/HR officer (50 per cent) than workers in the private sector (32 per cent).

Respondents with an HR department were more likely to say they would use a personnel/HR officer than those without: 51 per cent compared to seven per cent. Those who had managerial/supervisory duties were more likely to say they would use a personnel/HR officer than those without such duties: 46 per cent compared to 33 per cent. Interestingly, those who had experienced a problem to do with their rights at work in the past were less likely to say they would use a personnel/HR officer than those who had not. Thirty per cent of those who had experienced a problem would use personnel/HR compared to 44 per cent of those who had not.

---

<sup>34</sup> an unweighted base of 38

### 5.1.2 Going to a CAB to get general information

In all, 36 per cent of all respondents said they would go to the CAB as a first or subsequent source of general information about their rights at work.

Older respondents were more likely to say they would go to the CAB than younger respondents: 24 per cent of those aged 16 to 24 would go to the CAB compared to 38 per cent of those aged 25 to 34, 35 to 44, and 45 to 54, and 40 per cent of those aged 55 to 64. Those working in the private sector were more likely to say they would use a CAB: 41 per cent of workers in the private sector, compared to 24 per cent of public-sector workers. Those without an HR department were more likely to use a CAB (52 per cent), than those who had an HR department (30 per cent).

Those who were not trade union/staff association members were also more likely than trade union/staff association members to say they would use a CAB: 41 per cent of non-union members said that they would use a CAB compared to 24 per cent of union members. The likelihood of saying that they would use a CAB also decreased as the size of the organisation where respondents worked got bigger, possibly as respondents in larger organisations felt that they had more opportunity to get advice within the organisation. Forty-five per cent of respondents working for small employers with one to nine employees said they would use a CAB, 43 per cent of those working at employers with ten to 24 employees would use a CAB, falling to 40 per cent of those working at employers with 25 to 99 employees, 34 per cent of those working at employers with 100 to 499 employees, and 21 per cent of those working at employers with more than 500 employees.

### 5.1.3 Going to a website/the Internet to get general information

In all, 31 per cent of all respondents said they would go to a website/the Internet as a first or subsequent source of general information about their rights at work.

Whether respondents would use a website/the Internet varied by age, with those aged 35 to 44 most likely to say that they would (38 per cent), followed by those aged 25 to 34 (35 per cent), those aged 45 to 54 (28 per cent), those aged 16 to 24 (27 per cent); while only one in ten of those aged 55 to 64 said they would use a website/the Internet. The higher a respondent's earnings, the more likely they were to say they would use a website/the Internet, perhaps as respondents with higher earnings may have better access to computers with Internet access. A quarter of those with earnings of less than £15,000 per year said that they would, compared to 30 per cent of those with earnings of £15,000 to £24,999 per year, 41 per cent of those with earnings of £25,000 to £39,999 per year, and 44 per cent of those with earnings of £40,000 per year or more.

Private-sector workers were more likely to say they would use a website/the Internet than public-sector workers: 33 per cent compared to 27 per cent. Those with managerial/supervisory responsibilities were also more likely than those who did not have such responsibilities to say that they would use a website/the Internet: 41 per cent compared to 26 per cent. Those who were

not trade union/staff association members were more likely to say that they would use a website/the Internet than trade union/staff association members: 34 per cent of non-members compared to 26 per cent of members.

#### 5.1.4 Going to a manager at work to get general information

In all, 30 per cent of all respondents said that they would go to a manager at work as a first or subsequent source of general information about their rights at work.

The younger respondents were, the more likely they were to say that they would go to a manager at work to get general information about their rights at work. Thirty-nine per cent of those aged 16 to 24 said they would go to a manager, compared to 36 per cent of those aged 25 to 34, 28 per cent of those aged 35 to 44, 23 per cent of those aged 45 to 54 and those aged 55 to 64. The lower a respondent's earnings, the more likely they were to say they would go to a manager at work. Thirty-four per cent of those with earnings of less than £15,000 per year would go to a manager at work, compared to 26 per cent of those with earnings of £15,000 to £24,999 per year, 23 per cent of those with earnings of £25,000 to £39,999 per year, and 17 per cent of those with earnings of £40,000 per year or above.

Part-time workers were also more likely to say they would go to a manager at work than full-time workers: 38 per cent of part-time workers compared to 28 per cent of full-time workers. Public-sector workers were also more likely to go to a manager at work than workers in the private sector: 36 per cent of public-sector workers compared to 27 per cent of private-sector workers would go to a manager. Those with an HR department were also more likely to say that they would go to a manager at work than those who did not have an HR department: 31 per cent of those with an HR department compared to 25 per cent of those without. Those who had managerial/supervisory duties themselves were less likely to go to a manager at work than those who did not have such duties, perhaps because they were more aware of other sources of information about rights at work they needed to use as part of their own managerial role. Twenty-two per cent of those with managerial/supervisory duties would go to a manager at work compared to 35 per cent of those without managerial/supervisory duties. Interestingly, those who had experienced a problem to do with their rights at work were less likely than those who had not, to go to a manager at work: 26 per cent of those who had experienced a problem before would go to a manager compared to 33 per cent who had not.

#### 5.1.5 Going to a trade union to get general information

In all, 23 per cent of all respondents said they would go to a trade union as a first or subsequent source of general information about their rights at work.

The older respondents were, the more likely they were to say they would go to a trade union. Only nine per cent of those aged 16 to 24 would go to a trade union, compared to 19 per cent of those aged 25 to 34, 23 per cent of those aged 35 to 44, 31 per cent of those aged 45 to 54, and 32 per cent of

those aged 55 to 64. As larger workplaces are more likely to be unionised, the finding that the larger the respondents' employer, the more likely they were to say they would go to a trade union may be owing to a higher rate of unionisation in larger workplaces. Only 11 per cent of those at an employer with one to nine employees would go to a trade union, compared to 13 per cent at employers with ten to 24 employees, 21 per cent at employers with 25 to 99 employees, 27 per cent at employers with 100 to 499 employees, and 35 per cent at employers with 500 or more employees.

Whether a respondent would go to a trade union also varied by earnings. Thirty-seven per cent of those with earnings of £25,000 to £39,999 per year said they would go to a trade union, compared to a quarter of those with earnings of £15,000 to £24,999 per year, one in ten of those with earnings of £40,000 per year or more, and 17 per cent of those with earnings of less than £15,000 per year. Full-time workers were more likely than part-time workers to say they would go to a trade union: 24 per cent of full-timers said they would go to a trade union compared to 17 per cent of part-timers. Public-sector workers were also more likely than private-sector workers to go to a trade union: 39 per cent of public-sector workers said they would go to a union compared to 15 per cent of private-sector workers. Those with an HR department were more likely to say they would go to a trade union than those who did not have an HR department: 26 per cent compared to 14 per cent. Those who were trade union/staff association members were more likely to say they would go to a union than those who were not: 58 per cent of union/staff association members said that they would go to a trade union compared to only eight per cent of non-union/staff association members.

#### 5.1.6 Going to other colleagues at work to get general information

In all, 12 per cent of all respondents said they would go to other colleagues at work as a first or subsequent source of general information about their rights at work. This varied by age and earnings. Those aged 25 to 34 were most likely to say they would go to other colleagues at work (18 per cent), compared to 16 per cent of those aged 16 to 24, 12 per cent of those aged 35 to 44, nine per cent of those aged 55 to 64, and six per cent of those aged 45 to 54. Those with earnings of under £15,000 per year were most likely to say they would go to other colleagues at work (16 per cent), compared to 12 per cent with earnings of £25,000 to £39,999 per year, eight per cent with earnings of £15,000 to £24,999 per year, and only three per cent with earnings of £40,000 per year or more.

## 5.2 Who is responsible for ensuring employees are aware of their rights at work?

Respondents were asked:

*'Whose responsibility do you think it is to make sure that employees are aware of their rights at work?'*

and if they gave more than one response to the above question, were also asked:

*'And who do you think should be mainly responsible for making sure that people are aware of their rights at work?'*

Responses were combined from those who gave only one response to the first question, with responses from the subsequent question, so it was possible to see for all respondents who they felt was *mainly* responsible for informing employees of their rights at work. The results are shown in Table 5.2.

**Table 5.2: Who respondents think is mainly responsible for informing employees of their rights at work**

		Employers	Employees themselves	The Government	Trade unions	Unweighted base
		%	%	%	%	
All respondents		61	27	9	2	1,038
Age	16-24	67	24	7	*	114
	25-34	57	33	8	*	215
	35-44	62	25	11	*	289
	45-54	60	28	8	*	249
	55-64	63	24	9	*	170
Gender	Male	61	27	9	2	472
	Female	61	28	9	2	566
Earnings	Under £15,000	62	27	8	2	412
	£15,000 to £24,999	61	27	10	*	260
	£25,000 to £39,999	66	22	7	*	174
	£40,000 +	68	22	10	-	79
Hours worked	Full-time	62	27	9	2	781
	Part-time	59	29	9	*	250
Type of organisation	Public sector	60	28	8	3	336
	Private sector	61	27	9	1	662
Whether has HR/personnel dept	Yes	61	28	8	2	735
	No	60	27	11	2	259
Whether experienced problems	Yes	60	27	11	*	416
	No	62	28	7	3	622
Managerial/supervisory duties	Yes	66	26	7	*	387
	No	58	28	10	3	651
Number of employees in workplace	1 to 9	71	22	6	*	159
	10 to 24	59	28	11	*	168
	24 to 99	64	27	8	*	250
	100 to 499	58	29	10	2	228
	500+	57	29	7	4	208
Whether member of TU/staff assoc.	Yes	58	28	10	3	329
	No	64	27	8	1	701

Note: 'Don't Knows' are not included in the table as they amount to only one per cent of all respondents (11 weighted cases).

Source: IES/BMRB, 2005

Sixty-one per cent of respondents thought that employers were mainly responsible for informing employees about their rights at work. Twenty-seven per cent of respondents thought that employees were responsible for informing themselves about their rights at work, while nine per cent thought that it was the responsibility of government, two per cent thought that it was the responsibility of trade unions, and one per cent of respondents did not know who they thought was responsible. While there are variations between some groups within Table 5.2, none are statistically significant.

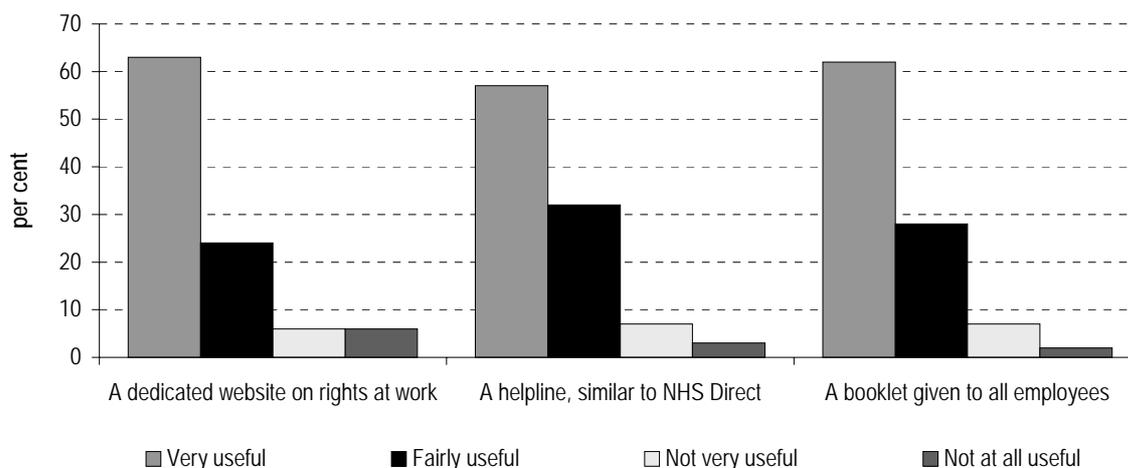
### 5.3 How useful respondents think different information services would be

Respondents were asked:

*'How useful do you think the following services would be to you personally if you needed information about your rights at work? A dedicated website on rights at work? A helpline, similar to NHS direct, which would tell you about your rights at work and help you resolve problems? A booklet given to all employees, giving information about employment rights?'*

Figure 5.1 shows the results of these questions.

**Figure 5.1: How useful respondents thought different information services would be**



Note: Base is 1,038  
Source: IES/BMRB, 2005

Figure 5.1 shows that respondents had similar views on how helpful each of the suggested information services would be. Sixty-three per cent of respondents felt that a dedicated website on rights at work would be very useful, compared to 57 per cent of respondents who felt that a helpline similar to NHS Direct would be very useful, and 62 per cent who felt that a booklet given to all employees would be very useful. Each of the suggested information services was examined by the standard set of personal or employment characteristics (the standard breaks) to see whether certain

information services were thought to be more useful among respondents with particular characteristics. The results are shown below.

### 5.3.1 A dedicated website on rights at work

The extent to which respondents thought that a dedicated website on rights at work would be useful varied by whether they had previously experienced a problem to do with their rights at work, with those who had experienced a problem being more likely to say that a website would be useful. Among those who had experienced a problem, 70 per cent thought that a website would be very useful, 19 per cent thought that it would be fairly useful, six per cent felt that it would not be very useful, and four per cent thought that it would not be at all useful. This compared to 59 per cent of those who had not experienced a problem thinking that it would be very useful, 28 per cent thinking that it would be fairly useful, six per cent thinking that it would not be very useful, and eight per cent thinking it would not be at all useful.

The extent to which respondents thought that a dedicated website on rights at work would be useful also varied by whether they had managerial or supervisory duties, with those with managerial/supervisory duties being more likely to think a website would be very useful, and less likely to think it would be not at all useful. Of those who were managers/supervisors, 67 per cent thought a website would be very useful, 25 per cent thought that it would be fairly useful, five per cent felt that it would not be very useful, and three per cent thought that it would be not at all useful. This compared to 62 per cent of those without managerial/supervisory duties thinking that it would be very useful, 23 per cent thinking that it would be fairly useful, six per cent thinking that it would be not very useful, and nine per cent thinking it would be not at all useful.

### 5.3.2 A helpline, similar to NHS Direct

While there were variations between groups in how useful they thought a helpline would be, none was statistically significant.

### 5.3.3 A booklet given to all employees

The extent to which respondents thought that a booklet given to all employees would be useful varied by whether they had managerial or supervisory duties, with those with managerial/supervisory duties being less likely to think a booklet would be very useful. Of those who were managers/supervisors, 58 per cent thought a booklet would be very useful, 30 per cent thought that it would be fairly useful, 11 per cent felt that it would not be very useful, and two per cent thought that it would not be at all useful. This compared to 64 per cent of those without managerial/supervisory duties thinking that it would be very useful, 27 per cent thinking that it would be fairly useful, six per cent thinking that it would not be very useful, and three per cent thinking it would not be at all useful.

## 5.4 Which information service respondents would find most useful

Respondents were then asked:

*'And which would you find most useful?'*

The results of this question are shown in Table 5.3.

**Table 5.3: Which information service respondents would find most useful**

		The website %	The helpline %	The booklet %	Unweighted base
All respondents		34	31	34	1,038
Age	16-24	31	32	36	114
	25-34	41	30	29	215
	35-44	37	32	30	289
	45-54	28	33	38	249
	55-64	29	27	42	170
Gender	Male	35	33	31	472
	Female	33	29	37	566
Earnings	Under £15,000	31	31	38	412
	£15,000 to £24,999	35	33	32	260
	£25,000 to £39,999	34	35	30	174
	£40,000 +	40	25	34	79
Hours worked	Full-time	33	34	33	781
	Part-time	39	23	38	250
Type of organisation	Public sector	36	28	36	336
	Private sector	32	33	34	662
Whether has HR/personnel dept	Yes	31	31	34	735
	No	32	32	35	259
Whether experienced problems	Yes	35	34	31	416
	No	34	29	36	622
Managerial/supervisory duties	Yes	35	31	34	387
	No	34	32	34	651
Number of employees in workplace	1 to 9	35	31	33	159
	10 to 24	30	39	32	168
	24 to 99	35	27	37	250
	100 to 499	30	36	34	228
	500+	39	29	31	208

Note: 'Don't Knows' are not included in the table as they amount to only one per cent of all respondents (seven weighted cases).

Source: IES/BMRB, 2005

Respondents were very evenly divided between what they thought the most useful information service would be. Thirty-four per cent of respondents thought that a website would be most useful, 31 per cent of respondents thought that a helpline would be most useful, and 34 per cent thought that a booklet would be most useful. While there are variations between some groups within Table 5.3, none are statistically significant.

## 5.5 Getting information or advice about hypothetical future problems

Section 4.9 presents results on problems at work that those employed at the time of the survey thought that they *might* experience. Those respondents who thought that they were likely to experience a problem were asked what type of problems they might experience, and what problem they thought that they were most likely to experience. For this most likely problem, respondents were asked:

*'If you had a problem to do with [respondents' most likely problem], do you think you would try to get some information or advice about your rights in relation to the problem?'*

Eighty-one per cent of those who thought they were likely to experience a problem in the next two years<sup>35</sup> would try to get advice. Whether respondents would seek advice if they had a problem was examined by the standard set of personal or employment characteristics (the standard breaks). Whether or not respondents would seek advice was statistically significant between those who had managerial/supervisory responsibilities and those who did not (however, 81 per cent both of those with managerial/supervisory duties and of those without such duties said they would seek advice). (Nineteen per cent of those with managerial/supervisory duties and 15 per cent of those without managerial/supervisory duties said that they would not seek advice.)

Of the 17 per cent of respondents<sup>36</sup> who would not seek advice, the main reason for this was that 'it was not worth the hassle' (cited by ten per cent), and that 'my employers are fair/trust them' (eight per cent of relevant respondents). These reasons were followed by others cited by less than five respondents.

Those respondents who said they would try to get advice, or did not know whether they would or not, were then asked:

*'[If you did decide to try to get some information or advice about your rights in relation to this problem], where would you try to get this information or advice from?'*

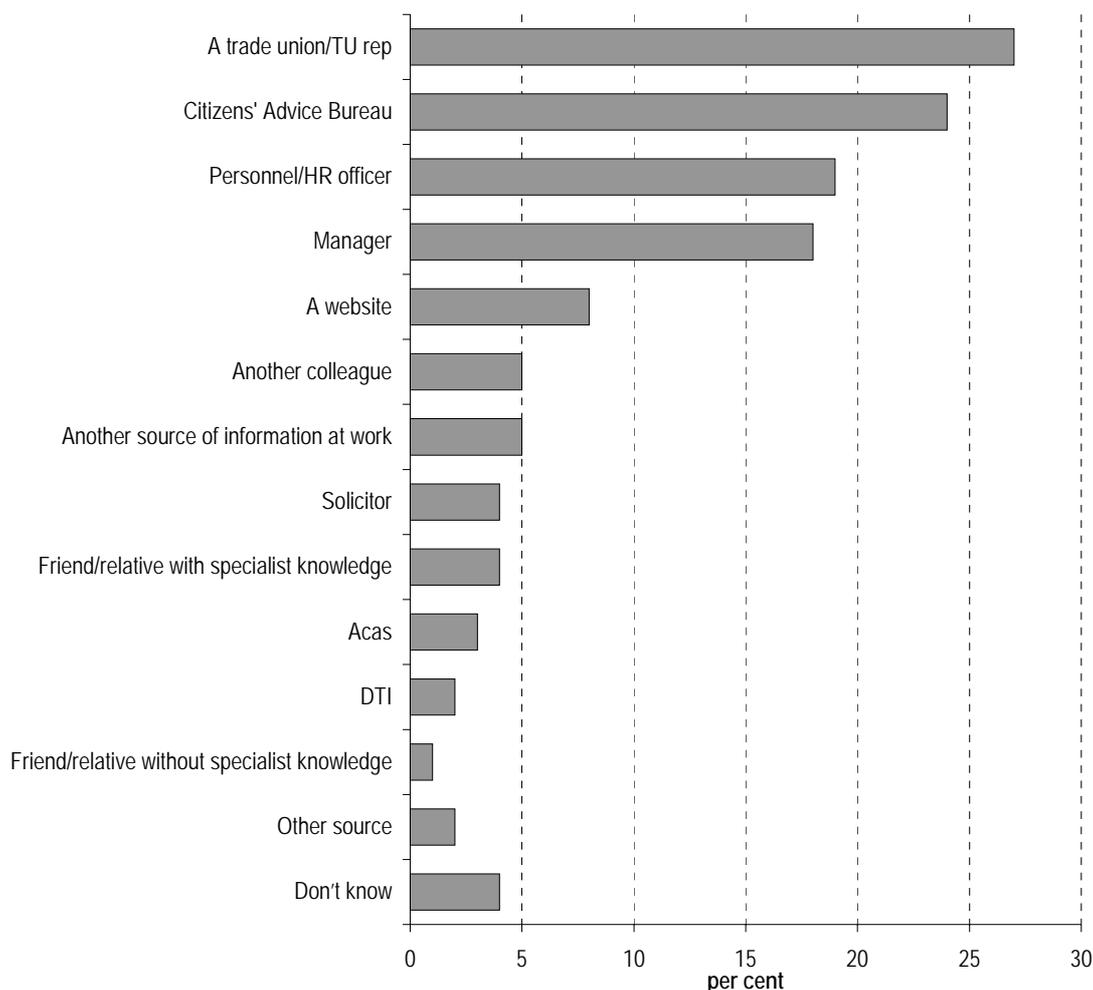
The results of this question are shown in Figure 5.2.

---

<sup>35</sup> unweighted base of 378

<sup>36</sup> 63 weighted respondents

**Figure 5.2: Where respondents would seek information or advice (multiple response)**



Note: Base is 316. (All respondents who would try to get advice or don't know if they would or not.)

Source: IES/BMRB, 2005

Figure 5.2 shows that the information or advice source cited by most of those respondents who would try to get advice, or who do not know whether they would or not, is a trade union/a trade union representative (cited by 27 per cent). Other popular sources of information or advice were CABs (cited by 24 per cent), a Personnel/HR officer (cited by 19 per cent) and a manager at work (cited by 18 per cent). Eight per cent said they would go to a website. Of the five per cent who used another source of information or advice at work, most used an intranet or a staff handbook.

## 5.6 Summary

### 5.6.1 Where respondents would go to find out general information about their rights at work

- In terms of where respondents would go first, just over one in five respondents (21 per cent) said they would go to Personnel or an HR officer, while 18 per cent would go to a manager at work, 16 per cent would use a

website/the Internet, 14 per cent would use a CAB and just over one in ten (11 per cent) would go to a trade union.

- In terms of where respondents would then go if they had not got the information they had wanted, an interesting shift occurs, so that over one in five (22 per cent) would then go to a CAB, while just under one in ten (19 per cent) would then go to a Personnel or HR officer. Sixteen per cent would use a website/the Internet if they had not got the information they wanted, while 13 per cent would then go to a manager at work, and 13 per cent to a trade union.
- Those who were more likely to say they would use a Personnel/HR officer as a first or subsequent information source were: respondents with high earnings, part-time workers, public-sector workers, respondents with an HR department, those who had managerial/supervisory duties, and those who had not experienced a problem to do with their rights at work in the past.
- Those who were more likely to say that they would use a CAB as a first or subsequent information source were: older respondents, private-sector workers, those without an HR department, non-union members, and those working for smaller employers.
- Those who were more likely to say they would use a website/the Internet as a first or subsequent information source were: those aged 35 to 44, respondents with high earnings, private-sector workers, those who had managerial/supervisory duties, and non-union members.
- Those who were more likely to say they would go to a manager as a first or subsequent information source were: younger respondents, respondents with low earnings, part-time workers, public-sector workers, respondents with an HR department, those who did not have managerial/supervisory duties, and those who had not experienced a problem to do with their rights at work in the past.
- Those who were more likely to say they would go to a trade union as a first or subsequent information source were: older respondents, those working for larger employers, those with earnings of £25,000 to £39,999 per year, full-time workers, public-sector workers, respondents with an HR department, and those who were trade union/staff association members.
- Those who were more likely to say they would go to other colleagues at work as a first or subsequent information source were: those aged 25 to 34, and those with earnings of under £15,000 per year.

#### 5.6.2 Who is responsible for ensuring employees are aware of their rights at work?

- In all, 61 per cent of respondents thought that employers were mainly responsible for informing employees about their rights at work, 27 per cent of respondents thought that employees were responsible for informing themselves about their rights at work, while nine per cent thought that it

was the responsibility of government, and two per cent thought that it was the responsibility of trade unions.

#### 5.6.3 How useful respondents' think different information sources would be

- 63 per cent of respondents felt that a dedicated website on rights at work would be very useful, compared to 57 per cent of respondents who felt that a helpline similar to NHS Direct would be very useful, and 62 per cent who felt that a booklet given to all employees would be very useful.
- Those who were more likely to think that a dedicated website on rights at work would be useful were: those who had experienced a problem to do with their rights at work in the past, and those with managerial/supervisory duties.
- Those who were more likely to think that a dedicated booklet on rights at work given to all employees would be useful were those without managerial/supervisory duties.
- Respondents were very evenly divided over what they thought the most useful information service would be. Thirty-four per cent of respondents thought that a website would be most useful, 31 per cent of respondents thought that a helpline would be most useful, and 34 per cent thought that a booklet would be most useful.

#### 5.6.4 Getting information or advice about future problems

- 81 per cent of those who feel likely to experience a problems in the next two years would try to get advice. Of the 17 per cent of respondents who would not seek advice, the main reason for this was that it was not worth the hassle (cited by ten per cent of these), and that 'my employers are fair/trust them' (eight per cent of these).
- The information or advice source cited by most of those respondents who would try to get advice, or do not know whether they would or not, is a trade union/a trade union representative (cited by 27 per cent). Other popular sources of information or advice were CABs (cited by 24 per cent), a Personnel/HR officer (cited by 19 per cent) and a manager at work (cited by 18 per cent). Eight per cent said that they would go to a website. Of the five per cent who used another source of information or advice at work, most used an intranet or a staff handbook.

# 6

## Key findings by employment right

This chapter draws together the key survey findings relating to each employment right covered in the survey. It is designed so that readers can easily locate information related to a particular right that they are interested in, rather than to be read as a chapter in full.

### 6.1 Children and dependants

#### 6.1.1 The right to request flexible working by parents of a young or disabled child

- Just over half of respondents (51 per cent) were aware that employers had a legal obligation to seriously consider a request for flexible working from parents of a young or disabled child. Respondents with a child under six were more likely to be aware of this right than those without children under six. See Section 2.4.4 for more information.
- 31 per cent of respondents said they knew hardly anything about the detail of the right to request flexible working. How much respondents who were aware of the right to request flexible working knew about the detail of that right, varied by whether they had a dependent child and whether they had a child under six. Those with a dependent child were understandably more likely to know a lot/a fair amount about the detail of this right: 40 per cent, compared to 27 per cent of those without dependent children. Those with a child under six were also more likely to know a lot/a fair amount about the detail of this right: 45 per cent, compared to 30 per cent of those without a child under six. See Section 2.5.4 for more information.
- An 'awareness deficit' was calculated for each right: the proportion of all respondents who were unaware that a right was an actual legal obligation, but felt that it was *very important* for them to know about it. The right to request flexible working had an awareness deficit of 16 per cent of respondents. See Section 2.6 for more information.
- Eight per cent of respondents had experienced a problem in the past five years with asking if they could work flexible hours (these respondents included parents and non-parents). See Section 4.3 for more information.
- Six per cent of respondents said that their most serious problem at work in the past five years had been to do with asking if they could work flexible

hours (these respondents included parents and non-parents). See Section 4.5 for more information.

- 13 per cent of respondents who were employed at the time of the survey felt that they were likely to experience a problem to do with being able to work more flexible hours in the next two years (these respondents included parents and non-parents). Nine per cent of respondents who thought they were likely to experience a problem in the next two years, thought that the problem they were *most* likely to experience in the next two years was one to do with being able to work more flexible hours (these respondents included parents and non-parents). See Section 4.9 for more information.

### 6.1.2 Parental leave

- Only 27 per cent of respondents were aware that parental leave was a right. Respondents with a child under six were more likely to be aware of this right than those without children under six. See Section 2.4.4 for more information.
- 30 per cent of respondents knew hardly anything about the detail of parental leave. Those with a dependent child were more likely to know a lot/a fair amount about the detail of this right: 41 per cent, compared to 23 per cent of those without dependent children. Those with a child under six were most likely to know a lot/a fair amount about the detail of this right: 51 per cent, compared to 26 per cent of those without a child under six. See Section 2.5.4 for more information.
- An 'awareness deficit' was calculated for each right: the proportion of all respondents who were unaware that a right was an actual legal obligation, but felt that it was *very important* for them to know about it. The right to take parental leave had an awareness deficit of 18 per cent of respondents. See Section 2.6 for more information.
- Only two per cent of respondents had experienced a problem in the past five years with taking parental leave. See Section 4.3 for more information.
- Two per cent of respondents said that their most serious problem at work in the past five years had been to do with taking parental leave. See Section 4.5 for more information.
- Four per cent of respondents who thought that they were likely to experience a problem in the next two years, thought that the problem they were *most* likely to experience was one to do with taking parental leave. See Section 4.9 for more information.

### 6.1.3 Time off for dependants in an emergency

- 42 per cent of respondents were aware that employers have a legal obligation to let employees take time off to look after a dependant in an emergency. See Section 2.4.4 for more information.

- 30 per cent knew hardly anything about the detail of the right to take time off for dependants in an emergency. See Section 2.5.4 for more information.
- An 'awareness deficit' was calculated for each right: the proportion of all respondents who were unaware that a right was an actual legal obligation, but felt that it was *very important* for them to know about it. The right to take time off for dependants in an emergency had an awareness deficit of 28 per cent of respondents. See Section 2.6 for more information.
- When told that time off for dependants was a right, 62 per cent of respondents knew that employees were not entitled to be paid for taking time off for a dependant in an emergency. However, of those respondents who gave the correct answer, only 19 per cent were sure about their answer. Those who gave support to family/friends were more likely than those who did not do so to know that employees are not entitled to be paid for this right, while interestingly, trade union members were actually less likely than non-union members to know that employees were not entitled to be paid (thinking the right was more generous than it is or saying that they did not know). See Section 3.4.1 for more information.
- Only five per cent of respondents had experienced a problem in the past five years with taking time off for dependants in an emergency. See Section 4.3 for more information.
- Five per cent of respondents said that their most serious problem at work in the past five years had been to do with taking time off for dependants in an emergency. See Section 4.5 for more information.
- Six per cent of respondents who thought they were likely to experience a problem in the next two years, thought that the problem they were *most* likely to experience was one to do with taking time off for dependants in an emergency. See Section 4.9 for more information.

#### 6.1.4 Ordinary maternity leave

- 88 per cent of respondents were aware that employers had a legal obligation to let women take paid time off when they have a baby. See Section 2.4.4 for more information.
- 15 per cent of respondents described themselves as knowing 'hardly anything' about the detail of ordinary maternity leave. How much respondents who were aware of the right to ordinary maternity leave knew about the detail of that right, varied by whether they had a dependent child. Those with a dependent child were more likely to know a lot/a fair amount about the detail of this right: 64 per cent, compared to 50 per cent of those without dependent children. See Section 2.5.4 for more information.
- An 'awareness deficit' was calculated for each right: the proportion of all respondents who were unaware that a right was an actual legal obligation, but felt that it was *very important* for them to know about it. The right to ordinary maternity leave had an awareness deficit of five per cent of respondents. See Section 2.6 for more information.

- When told that ordinary maternity leave was a right, almost two-thirds of respondents (63 per cent) knew that a mother would be entitled to return to exactly the same job after ordinary maternity leave. Twenty-seven per cent of respondents were incorrect in thinking she only had the right to return to an equivalent job with the same rate of pay, six per cent incorrectly thought that she only had the right to return to a job at the same organisation, but not necessarily an equivalent job with the same pay, while two per cent incorrectly thought that she had no legal entitlement to return to work, and two per cent did not know what her rights were. Of those respondents who gave the correct answer, just over one-third (37 per cent) were sure about their answer. See Section 3.4.1 for more information.
- Only two per cent of respondents had experienced a problem in the past five years with maternity or paternity leave or pay. See Section 4.3 for more information.
- Seven per cent of respondents who thought they were likely to experience a problem in the next two years, felt that the problem they were *most* likely to experience was one to do with taking maternity/paternity leave or getting maternity/paternity pay. See Section 4.9 for more information.

#### 6.1.5 Additional maternity leave

- 49 per cent of respondents were aware that employers had a legal obligation to let women take additional unpaid time off when they have a baby. See Section 2.4.4 for more information.
- 22 per cent knew hardly anything about the detail of additional maternity leave. How much respondents who were aware of it knew about the detail of the right to additional maternity leave, again, varied by whether they had a dependent child. Those with a dependent child were more likely to know a lot/a fair amount about the detail of this right: 55 per cent, compared to 33 per cent of those without dependent children. See Section 2.5.4 for more information.
- An 'awareness deficit' was calculated for each right: the proportion of all respondents who were unaware that a right was an actual legal obligation, but felt that it was *very important* for them to know about it. The right to additional maternity leave had an awareness deficit of 15 per cent of respondents. See Section 2.6 for more information.
- When told that additional maternity leave was a right, only just over one-third of respondents (36 per cent) knew that a mother has the right to return to an equivalent job with the same rate of pay. Just over one-third of respondents (37 per cent) incorrectly thought that she was entitled to return to exactly the same job, while 18 per cent incorrectly thought that she is only entitled to return to a job at the same organisation, but not necessarily an equivalent job with the same pay, and four per cent incorrectly thought that she had no legal right to return (five per cent did not know what her rights were). Of those respondents who gave the correct answer, only 13 per cent were sure about their answer. See Section 3.4.1 for more information.

- Only two per cent of respondents had experienced a problem in the past five years with maternity or paternity leave or pay. See Section 4.3 for more information.
- Seven per cent of respondents who thought they were likely to experience a problem in the next two years, felt that the problem they were *most* likely to experience was a problem to do with taking maternity/paternity leave or getting maternity/paternity pay in the next two years. See Section 4.9 for more information.

#### 6.1.6 Paid paternity leave

- 55 per cent of respondents were aware that employers have a legal obligation to let men take paid time off when their partner has a baby. See Section 2.4.4 for more information.
- 21 per cent of respondents knew hardly anything about the detail of paid paternity leave. How much respondents who were aware of the right to paid paternity leave felt they knew about the detail of that right, varied by whether they had a dependent child and whether they had a child under six. Those with a dependent child were more likely to know a lot/a fair amount about the detail of this right (47 per cent, compared to 41 per cent of those without dependent children), as were those with a child under six (57 per cent), compared to 40 per cent of those without a child under six. See Section 2.5.4 for more information.
- An 'awareness deficit' was calculated for each right: the proportion of all respondents who were unaware that a right was an actual legal obligation, but felt that it was *very important* for them to know about it. The right to paid paternity leave had an awareness deficit of 11 per cent of respondents. See Section 2.6 for more information.
- Only two per cent of respondents had experienced a problem in the past five years with maternity or paternity leave or pay. See Section 4.3 for more information.
- Seven per cent of respondents who thought that they were likely to experience a problem in the next two years, felt that the problem they were *most* likely to experience was one to do with taking maternity/paternity leave or getting maternity/paternity pay in the next two years. See Section 4.9 for more information.

## 6.2 Working time, annual leave and rest breaks

### 6.2.1 Minimum holiday entitlement

- 81 per cent of respondents were aware that employers had a legal obligation to let employees take a minimum number of weeks' paid holiday each year. See Section 2.4.2 for more information.
- A quarter of respondents said they knew a lot about the detail of the right to a minimum number of paid holidays each year. See Section 2.5.2 for more information.

- An 'awareness deficit' was calculated for each right: the proportion of all respondents who were unaware that a right was an actual legal obligation, but felt that it was *very important* for them to know about it. The right to a minimum number of weeks of paid holiday a year had an awareness deficit of ten per cent of respondents. See Section 2.6 for more information.
- When asked the minimum number of weeks of paid holiday to which employees are entitled, 61 per cent of respondents knew the entitlement was four weeks. The average (mean) number cited by respondents was 3.9 weeks. However, only just under one-third of respondents (32 per cent) knew that employers could include public holidays in the minimum holiday entitlement. See Section 3.2.3 for more information.
- One in ten respondents had experienced a problem in the past five years to do with holiday entitlement/holiday pay. See Section 4.3 for more information.
- Nine per cent of respondents said that their most serious problem at work in the past five years had been to do with holiday entitlement/holiday pay. See Section 4.5 for more information.
- 12 per cent of respondents who were employed at the time of the survey felt that they were likely to experience a problem to do with working hours and taking leave. Nine per cent of respondents who thought that they were likely to experience a problem in the next two years, thought that the problem they were *most* likely to experience was a problem to do with holiday entitlement/pay. See Section 4.9 for more information.

### 6.2.2 In-work rest breaks

- 85 per cent of respondents were aware that employers had a legal obligation to give employees a rest break after working a certain number of hours. See Section 2.4.2 for more information.
- 27 per cent of respondents said they knew a lot about the detail of the right to in-work rest breaks. See Section 2.5.2 for more information.
- An 'awareness deficit' was calculated for each right: the proportion of all respondents who were unaware that a right was an actual legal obligation, but felt that it was *very important* for them to know about it. The right to in-work rest breaks had an awareness deficit of six per cent of respondents. See Section 2.6 for more information.
- Fewer than one in ten respondents (nine per cent) knew that employees had to work more than six hours before being legally entitled to a rest break. Almost half of respondents (49 per cent) incorrectly thought that they had to work more than four hours before being legally entitled to a rest break. See Section 3.2.4 for more information.
- 13 per cent of respondents had experienced a problem in the past five years with taking rest breaks at work. See Section 4.3 for more information.

- Eight per cent of respondents said that their most serious problem at work in the past five years had been with taking rest breaks. See Section 4.5 for more information.
- 12 per cent of respondents who were employed at the time of the survey felt that they were likely to experience a problem to do with working hours and taking leave. Four per cent of respondents who thought they were likely to experience a problem in the next two years, thought that the problem they were *most* likely to experience was one to do with taking rest breaks. See Section 4.9 for more information.

### 6.2.3 Working time limit

- 63 per cent of respondents were aware that employers had a legal obligation not to make employees work more than a given number of hours each week. See Section 2.4.2 for more information.
- Just under a quarter of respondents (24 per cent) said that they knew a lot about the detail of the right to a limit on working hours. See Section 2.5.2 for more information.
- An 'awareness deficit' was calculated for each right: the proportion of all respondents who were unaware that a right was an actual legal obligation, but felt that it was *very important* for them to know about it. The right to a limit on working hours had an awareness deficit of 13 per cent of respondents. See Section 2.6 for more information.
- Just over a quarter (26 per cent) of respondents cited the actual working time limit of 48 hours. Over half of respondents (57 per cent) thought that the working time limit was less than 48 hours, 15 per cent of respondents thought that the limit was more than 48 hours, and four per cent of respondents did not know what the limit was. The average (mean) number of hours cited by respondents was 44.54, while the median number was 45.00 hours, both below the actual working time limit. See Section 3.2.1 for more information.
- 43 per cent of respondents incorrectly thought that an individual could opt out of the working time limit informally. One in five respondents incorrectly thought that an employer could make opting out a condition of employment. Two-thirds of respondents (66 per cent) were correct in knowing that employees could legally opt out by signing a written document. See Section 3.2.2 for more information.
- 13 per cent of respondents had experienced a problem in the past five years to do with the number of hours or days they were required to work. See Section 4.3 for more information.
- One in ten respondents said that their most serious problem at work in the past five years had been with the number of hours or days they were required to work. See Section 4.5 for more information.
- 12 per cent of respondents who were employed at the time of the survey felt they were likely to experience a problem to do with working hours and

taking leave. Eleven per cent of respondents who thought they were likely to experience a problem in the next two years, thought that the problem they were *most* likely to experience was a problem to do with the number of hours or days they were required to work. See Section 4.9 for more information.

#### 6.2.4 Entitlement to days off in a 14-day period

- Only one-third of respondents (33 per cent) knew that employees were entitled to two days off in a 14-day period. Thirty-nine per cent of respondents thought that it was four days off, perhaps equating it to weekends; while over one in ten respondents (12 per cent) thought it was one day off, seven per cent thought that it was three days off, two per cent thought it was five days off and seven per cent did not know the answer. See Section 3.2.4 for more information.
- 13 per cent of respondents had experienced a problem in the past five years to do with the number of hours or days they were required to work. See Section 4.3 for more information.
- One in ten respondents said that their most serious problem at work in the past five years had been with the number of hours or days they were required to work. See Section 4.5 for more information.
- 12 per cent of respondents who were employed at the time of the survey felt they were likely to experience a problem to do with working hours and taking leave. Eleven per cent of respondents who thought they were likely to experience a problem in the next two years, thought that the problem they were *most* likely to experience was a problem to do with the number of hours or days they were required to work. See Section 4.9 for more information.

### 6.3 Pay, contracts, disciplinary and grievance procedures, and employment tribunals

#### 6.3.1 National Minimum Wage

- 93 per cent of respondents identified the payment of a minimum wage as a legal obligation on employers. See Section 2.4.3 for more information.
- One-third of respondents said that they knew a lot about the detail of a right to the NMW. How much respondents who were aware of the right to a NMW knew about the detail of that right, varied according to the size of their employer. Those working for employers with 25 to 99 employees were least likely to say that they knew a lot or a fair amount about the detail of the right to a NMW (58 per cent knew a lot/a fair amount), compared to 63 per cent of those at employers with 500 or more employees, 68 per cent of those at employers with 100 to 499 employees, 72 per cent of those at employers with one to nine employees and 74 per cent of those at employers with ten to 24 employees. See Section 2.5.3 for more information.

- An 'awareness deficit' was calculated for each right: the proportion of all respondents who were unaware that a right was an actual legal obligation, but felt that it was *very important* for them to know about it. The right to a NMW had an awareness deficit of only four per cent of respondents. See Section 2.6 for more information.
- Almost all respondents (95 per cent) said, correctly, that 22 to 64 year olds have a right to the NMW; and nearly as many (93 per cent), that workers aged 18 to 21 are covered. The large majority (83 per cent) also said that 14 to 15 year olds do not have minimum wage protection. There was less knowledge of the law regarding people aged 65 and over, with a quarter (26 per cent) of survey respondents thinking that people above the standard retirement age do not have a right to the NMW. Just under six in ten (58 per cent) thought that 16 and 17 year olds are covered by the NMW. See Section 3.3.1 for more information.
- One-third (33 per cent) of all respondents, indicated that they thought there was a single rate applying regardless of age. See Section 3.3.2 for more information.
- In all age groups where the NMW applies, respondents over-estimated the rate. The average (mean) rate cited was £4.07 for 16 and 17 year olds, where the actual rate was £3.00, and the average rate cited for 18 to 21 year olds was £4.61, considerably higher than the actual rate of £4.10. For 22 to 64 year olds the average rate cited was £5.08, with the actual rate being £4.85, while for those aged 65 and over the average rate cited was slightly less at £5.03 compared to the actual rate of £4.85. See Section 3.3.3 for more information.
- For 16 and 17 year olds, the median cited by respondents was slightly less than the mean, at £4.00. Only six per cent of respondents cited the correct answer, while another six per cent cited an answer within ten per cent of the correct answer, with the remaining respondents citing an answer that was even less accurate. See Section 3.3.3 for more information.
- For 18 to 21 year olds, the median cited by respondents was slightly higher than the mean, at £4.65. Only four per cent of respondents cited the correct answer, while over one-third (38 per cent) cited an answer within ten per cent of the correct answer, with the remaining respondents citing an answer that was even less accurate. See Section 3.3.3 for more information.
- For 22 to 64 year olds, the median cited by respondents was slightly lower than the mean, at £5.00. For this age group, accuracy was much higher than it was for the younger age groups, with more than one in ten (11 per cent) of respondents citing the correct answer, and over half (56 per cent) citing an answer within ten per cent of the correct answer, with the remaining respondents citing an answer that was less accurate. See Section 3.3.3 for more information.
- For those aged 65 and older, the median cited by respondents was slightly lower than the mean, at £5.00. For this age group, accuracy was at a similar level to that for the rate for 22 to 64 year olds, with more than one in ten

(13 per cent) respondents citing the correct answer, and over half (56 per cent) citing an answer within ten per cent of the correct answer, with the remaining respondents citing an answer that was even less accurate. See Section 3.3.3 for more information.

- Over nine in ten respondents knew that the right to the NMW covers employees from the first day of their employment. Around half (48 per cent) of those who gave the correct answer were sure about that answer. See Section 3.5.1 for more information.

### 6.3.2 A written statement of terms and conditions

- 84 per cent of respondents were aware that employers must provide employees with a written statement of the terms and conditions of their job. See Section 2.4.3 for more information.
- 37 per cent of respondents said that they knew a lot about the detail of the right to have a written statement of terms and conditions. How much respondents who were aware of the right to a written statement of terms and conditions knew about the detail of that right, varied by whether they had managerial/supervisory responsibilities. Those who had such responsibilities were more likely than those who did not to know a lot/a fair amount about the detail of a right: 72 per cent compared to 63 per cent. See Section 2.5.3 for more information.
- An 'awareness deficit' was calculated for each right: the proportion of all respondents who were unaware that a right was an actual legal obligation, but felt that it was *very important* for them to know about it. The right to a written statement of terms and conditions had an awareness deficit of ten per cent of respondents. See Section 2.6 for more information.
- Two per cent of respondents knew that the right to a contract comes into force after employees have been with their employer for two months. Around a quarter (24 per cent) of those who got the answer right were sure about their answer. See Section 3.5.1 for more information.
- 13 per cent of respondents had experienced a problem in the past five years to do with receiving a contract or written statement of terms and conditions of their job. See Section 4.3 for more information.
- One in ten respondents said that their most serious problem at work in the past five years was to do with receiving a contract or written statement of terms and conditions of their job. See Section 4.5 for more information.

### 6.3.3 Complaints procedures

- 81 per cent of respondents were aware that employers had to follow a set procedure when dealing with a complaint against employees. See Section 2.4.3 for more information.
- Just over a quarter of respondents (26 per cent) said they knew a lot about the right to have a set disciplinary procedure. How much respondents who were aware of the right to a set procedure to deal with a complaint against

an employee knew about the detail of that right, also varied by whether they had managerial/supervisory responsibilities. Those with such duties were, again, more likely to know about the detail, with 63 per cent knowing a lot/a fair amount, compared to 53 per cent of those without such responsibilities. Those who had experienced a problem in the past to do with their rights at work were also more likely to know about the detail of this right: 60 per cent knowing a lot/a fair amount, compared to 55 per cent of those who had not had a problem. See Section 2.5.3 for more information.

- An 'awareness deficit' was calculated for each right: the proportion of all respondents who were unaware that a right was an actual legal obligation, but felt that it was *very important* for them to know about it. The right to a set disciplinary procedure had an awareness deficit of only one in ten respondents. See Section 2.6 for more information.
- Over nine out of ten respondents (93 per cent) were correct in thinking that employees have the right to be accompanied to disciplinary or grievance hearings. When respondents who thought they would be entitled to take someone with them were asked who they could take with them, 96 per cent correctly identified that employees could take a trade union officer to such hearings, and 82 per cent correctly identified that employees could take a work colleague. However, over two-thirds of respondents (68 per cent) thought employees could take a solicitor, while just over one-third (37 per cent) thought employees could take a friend or relative who did not work with them. Eighteen per cent got the answer exactly right and knew employees were only entitled to take a trade union officer or a work colleague with them. See Section 3.5.2 for more information.
- Nine per cent of respondents had experienced a problem in the past five years with their employer not following a set procedure when dealing with a complaint against them or a problem with their performance at work. See Section 4.3 for more information.
- Seven per cent of respondents said that their most serious problem at work in the past five years had been to do with their employer not following a set procedure when dealing with a complaint against them or a problem with their performance at work. See Section 4.5 for more information.
- Four per cent of respondents who were employed at the time of the survey felt that they were likely to experience a problem to do with disciplinary or grievance issues in the next two years. Three per cent of respondents who thought they were likely to experience a problem in the next two years, thought that the problem they were *most* likely to experience in the next two years was one to do with disciplinary or grievance issues. See Section 4.9 for more information.

#### 6.3.4 Grievance procedures

- 78 per cent of respondents were aware that employers had to follow a set procedure when dealing with a grievance or other work-related problems which an employee has against the employer. See Section 2.4.3 for more information.

- A quarter of respondents said they knew a lot about the detail of the right to have a set grievance procedure. See Section 2.5.3 for more information.
- An 'awareness deficit' was calculated for each right: the proportion of all respondents who were unaware that a right was an actual legal obligation, but felt that it was *very important* for them to know about it. The right to a set grievance procedure had an awareness deficit of one in ten respondents. See Section 2.6 for more information.
- Over nine out of ten respondents (93 per cent) were correct in thinking that employees have the right to be accompanied to disciplinary or grievance hearings. When respondents who thought they would be entitled to take someone with them were asked who they could take with them, 96 per cent correctly identified that employees could take a trade union officer to such hearings, and 82 per cent correctly identified that employees could take a work colleague. However, over two-thirds of respondents (68 per cent) thought employees could take a solicitor, while just over one-third (37 per cent) thought employees could take a friend or relative who did not work with them. Eighteen per cent got the answer exactly right and knew employees were only entitled to take a trade union officer or a work colleague with them. See Section 3.5.2 for more information.
- Nine per cent of respondents had experienced a problem in the past five years, with their employer not following a set procedure when dealing with a complaint against them or a problem with their performance at work. See Section 4.3 for more information.
- Seven per cent of respondents said that their most serious problem at work in the past five years had been to do with their employer not following a set procedure when dealing with a complaint against them or a problem with their performance at work. See Section 4.5 for more information.
- Four per cent of respondents who were employed at the time of the survey felt that they were likely to experience a problem to do with disciplinary or grievance issues in the next two years. Three per cent of respondents who thought they were likely to experience a problem in the next two years, thought that the problem they were *most* likely to experience was one to do with disciplinary or grievance issues. See Section 4.9 for more information.

#### 6.3.5 Unfair dismissal

- 90 per cent of respondents were aware that employers should not dismiss an employee without having a fair reason for doing so. See Section 2.4.3 for more information.
- 28 per cent of respondents said that they knew a lot about the detail of the right not to be dismissed unfairly. How much respondents who were aware of the right not to be unfairly dismissed knew about the detail of that right, again varied by whether they had managerial/supervisory responsibilities. Sixty-four per cent of those with such responsibilities knew a lot/a fair amount, compared to 60 per cent of those without such responsibilities. See Section 2.5.3 for more information.

- An 'awareness deficit' was calculated for each right: the proportion of all respondents who were unaware that a right was an actual legal obligation, but felt that it was *very important* for them to know about it. The right to a set disciplinary procedure had an awareness deficit of only six per cent of respondents. See Section 2.6 for more information.
- Only six per cent of respondents knew that the right to be covered by unfair dismissal laws comes into force after they have been with their employer for one year. Of those who did give the correct answer, only around one in five (21 per cent) were sure about their answer. Those aged 35 to 44 were most likely to get the answer right in relation to unfair dismissal compared to other age groups. Those with managerial/supervisory responsibilities were also more likely to get the answer right than those without such responsibilities, and those who thought that their answer was right were more likely than those who said they knew it was right, or that it was just a guess, to get the answer correct. See Section 3.5.1 for more information.
- Four per cent of respondents had experienced a problem in the past five years to do with being unfairly dismissed. See Section 4.3 for more information.
- Four per cent of respondents said that their most serious problem at work in the past five years had been to do with being unfairly dismissed. See Section 4.5 for more information.

#### 6.3.6 Making a claim to an employment tribunal

- 87 per cent of respondents thought that employees had to put their complaint in writing before making a claim to an employment tribunal. When asked if employees had to inform Acas before making a claim, over one-third of respondents (38 per cent) incorrectly thought that they did have to do so. When asked if employees had to appoint a solicitor, 12 per cent incorrectly thought that they did. Only three per cent of respondents incorrectly thought, when asked, that employees did not need to take any of these actions before making a claim to an employment tribunal. Three per cent of respondents said they did not know what an employee had to do before making a claim to an employment tribunal. See Section 3.5.3 for more information.
- In all, just over half of respondents (52 per cent) knew that employees only had to put their claim in writing. Of those who got the answer right, two-thirds (67 per cent) were sure about their answer. Those who were sure about their answer were more likely to give the correct answer than those who only thought that their response was right, or said it was just a guess. Those who felt well informed about their rights at work were more likely than those who did not feel well informed to get the answer right, as were those in the public sector compared with private-sector workers, and those with managerial/supervisory duties, compared to those without such responsibilities. See Section 3.5.3 for more information.

## 6.4 Discrimination

### 6.4.1 Sex discrimination

- 91 per cent of respondents were aware that employers had a legal obligation to ensure that employees are not treated unfairly because of their sex. See Section 2.4.1 for more information.
- 16 per cent of respondents knew hardly anything about the detail of the right not to be discriminated against on the grounds of sex. See Section 2.5 for more information.
- An 'awareness deficit' was calculated for each right: the proportion of all respondents who were unaware that a right was an actual legal obligation, but felt that it was *very important* for them to know about it. The right not to be discriminated against on the grounds of sex had an awareness deficit of three per cent of respondents. See Section 2.6 for more information.
- Over nine in ten respondents (93 per cent) knew that the right to be covered by anti-discrimination laws covers employees from the first day of their employment. See Section 3.5.1 for more information.
- Two per cent of respondents had experienced a problem in the past five years owing to being treated unfairly because of their sex. See Section 4.3 for more information.
- Four per cent of respondents who were employed at the time of the survey felt they were likely to experience a problem to do with discrimination in the next two years. See Section 4.9 for more information.

### 6.4.2 Race discrimination

- 94 per cent of respondents were aware that employers had a legal obligation to ensure that employees are not treated unfairly because of their race. See Section 2.4.1 for more information.
- 17 per cent of respondents knew hardly anything about the detail of the right not to be discriminated against on the grounds of race. See Section 2.5 for more information.
- An 'awareness deficit' was calculated for each right: the proportion of all respondents who were unaware that a right was an actual legal obligation, but felt that it was *very important* for them to know about it. The right not to be discriminated against on the grounds of race had an awareness deficit of two per cent of respondents. See Section 2.6 for more information.
- Over nine in ten respondents (93 per cent) knew that the right to be covered by anti-discrimination laws covers employees from the first day of their employment. See Section 3.5.1 for more information.
- Two per cent of respondents had experienced a problem in the past five years owing to unfair treatment because of their race. See Section 4.3 for more information.

- One per cent of respondents said that their most serious problem at work in the past five years had been to do with being treated unfairly because of their race. See Section 4.5 for more information.
- Four per cent of respondents who were employed at the time of the survey felt that they were likely to experience a problem to do with discrimination in the next two years. See Section 4.9 for more information.

#### 6.4.3 Disability discrimination

- 92 per cent of respondents were aware that employers had a legal obligation to ensure that employees are not treated unfairly because of their disability. See Section 2.4.1 for more information.
- 16 per cent of respondents knew hardly anything about the detail of the right not to be discriminated against on the grounds of disability. See Section 2.5 for more information.
- An 'awareness deficit' was calculated for each right: the proportion of all respondents who were unaware that a right was an actual legal obligation, but felt that it was *very important* for them to know about it. The right not to be discriminated against on the grounds of disability had an awareness deficit of four per cent of respondents. See Section 2.6 for more information.
- Over nine in ten respondents (93 per cent) knew that the right to be covered by anti-discrimination laws covers employees from the first day of their employment. See Section 3.5.1 for more information.
- Three per cent of respondents had experienced a problem in the last five years owing to being treated unfairly because of their disability. See Section 4.3 for more information.
- Two per cent of respondents said that their most serious problem at work in the past five years had been to do with being treated unfairly because of their disability. See Section 4.5 for more information.
- Four per cent of respondents who were employed at the time of the survey felt that they were likely to experience a problem to do with discrimination in the next two years. Two per cent of respondents who thought that they were likely to experience a problem in the next two years, thought that the problem they were *most* likely to experience in the next two years was one to do with being discriminated against on the grounds of disability. See Section 4.9 for more information.

#### 6.4.4 Discrimination on the grounds of sexual orientation

- 87 per cent of respondents were aware that employers had a legal obligation to ensure that employees are not treated unfairly because of their sexual orientation. See Section 2.4.1 for more information.

- 20 per cent of respondents knew hardly anything about the detail of the right not to be discriminated against on the grounds of sexual orientation. See Section 2.5 for more information.
- An 'awareness deficit' was calculated for each right: the proportion of all respondents who were unaware that a right was an actual legal obligation, but felt that it was *very important* for them to know about it. The right not to be discriminated against on the grounds of sexual orientation had an awareness deficit of four per cent of respondents. See Section 2.6 for more information.
- Over nine in ten respondents (93 per cent) knew that the right to be covered by anti-discrimination laws covers employees from the first day of their employment. See Section 3.5.1 for more information.
- Four per cent of respondents who were employed at the time of the survey felt that they were likely to experience a problem to do with discrimination in the next two years. See Section 4.9 for more information.

#### 6.4.5 Discrimination on the grounds of religion

- 87 per cent of respondents were aware that employers had a legal obligation to ensure that employees are not treated unfairly because of their religion. See Section 2.4.1 for more information.
- 19 per cent of respondents knew hardly anything about the detail of the right not to be discriminated against on the grounds of religion. See Section 2.5 for more information.
- An 'awareness deficit' was calculated for each right: the proportion of all respondents who were unaware that a right was an actual legal obligation, but felt that it was *very important* for them to know about it. The right not to be discriminated against on the grounds of religion had an awareness deficit of four per cent of respondents. See Section 2.6 for more information.
- Over nine in ten respondents (93 per cent) knew that the right to be covered by anti-discrimination laws covers employees from the first day of their employment. See Section 3.5.1 for more information.
- One per cent of respondents had experienced a problem in the past five years owing to being treated unfairly because of their religion. See Section 4.3 for more information.
- Four per cent of respondents who were employed at the time of the survey felt that they were likely to experience a problem to do with discrimination in the next two years. See Section 4.9 for more information.

#### 6.4.6 Age discrimination (legislation due to come into force in October 2006)

- 78 per cent of respondents incorrectly thought that employers already had a legal obligation to ensure that employees are not treated unfairly because of their age. See Section 2.4.1 for more information.
- 19 per cent of respondents knew hardly anything about the detail of the right not to be discriminated against on the grounds of age. See Section 2.5 for more information.
- Over nine in ten respondents (93 per cent) knew that the right to be covered by anti-discrimination laws covers employees from the first day of their employment. See Section 3.5.1 for more information.
- Three per cent of respondents had experienced a problem in the past five years owing to being treated unfairly because of their age. See Section 4.3 for more information.
- Three per cent of respondents said that their most serious problem at work in the past five years had been to do with being treated unfairly because of their age. See Section 4.5 for more information.
- Four per cent of respondents who were employed at the time of the survey felt that they were likely to experience a problem to do with discrimination in the next two years. Five per cent of respondents who thought that they were likely to experience a problem in the next two years, thought that the problem they were *most* likely to experience in the next two years was one to do with being discriminated against on the grounds of age. See Section 4.9 for more information.

# 7

## Concluding remarks

This study has covered a wide range of employment rights, with a complex research instrument, utilising a variety of measures of awareness, knowledge and experience of employment rights. The main findings of the study have already been presented in detail in the Executive summary, while Chapter 6 presented findings by each employment right, so it is not the intention to repeat the findings again here. Instead, it is more useful to examine what can be learned from the study in general terms about questions such as:

- Which rights and entitlements are people most (and least) aware of?
- Which groups in the economically active population are most (and least) aware and knowledgeable about their rights?
- Who experiences problems at work and who resolves them?
- Which sources of information and advice are most commonly used and are most useful?

Presented below are some preliminary interpretations of how some of the key findings address these issues.

### **7.1 Which rights are people most (and least) aware of, or knowledgeable about?**

#### **7.1.1 Awareness**

Some areas of rights had higher levels of awareness in general terms than did other areas, for example, rights to do with ensuring employees are not discriminated against had higher levels of awareness than did most rights to do with having children and dependants. However, there was also variation within areas of rights, with some rights having very high awareness levels and some having much lower awareness levels. A key case of this was with rights to do with children and dependants, where the high level of awareness of ordinary maternity leave was in sharp contrast to the low level of awareness of parental leave. The rights which eight out of ten or more respondents were aware of (in order of those with the highest levels of awareness first) were:

- race discrimination law
- the NMW
- disability discrimination law

- sex discrimination law
- unfair dismissal
- ordinary maternity leave
- sexual-orientation discrimination law
- religious discrimination law
- in-work rest breaks
- right to a written statement of terms and conditions
- paid holiday
- set disciplinary procedure.

These rights are a combination of the longest standing (such as legislation against gender and race discrimination, and ordinary maternity leave), the more universally relevant (such as unfair dismissal, in-work rest breaks, the right to a contract, the right to paid holiday, and the right to have set disciplinary procedure), and rights that have had very recent publicity (such as newer rights concerning discrimination on the grounds of sexual orientation and religion). Other rights such as the NMW and legislation against disability discrimination are ones that have had high levels of publicity since their introduction in the mid to late 1990s.

There were only two rights that less than half of respondents were aware of (in order of those with higher levels of awareness first):

- time off for dependants in an emergency
- parental leave.

Both of these rights will only be directly relevant to those with children and dependants, which may explain their low levels of awareness compared to more universally relevant rights. However, these are the rights that also have some of the highest 'awareness deficits': where a sizeable proportion of respondents who were unaware of the right think that it is very important for them to know about it. Analysis shows that it is not only those with current family responsibilities, or who are planning a family soon, who see their low awareness of these rights as a problem for them personally.

### 7.1.2 Knowledge

Analysis of the knowledge questions asked shows that it is not the case that substantive knowledge is high in particular areas of rights compared to others, instead, within an area of rights (such as the NMW) substantive knowledge is high for some specific questions, and low for others. This is because substantive knowledge depends on the type, and often specificity, of the question asked, as well as on a good general knowledge of the right in question. Where respondents were asked questions that made it necessary

for them to provide an exact rate (for the NMW), an exact number of hours (for rest breaks and the working time limit), or an exact number of days (for entitlements to days off in a 14-day period), substantive knowledge (those getting the answer exactly right) is perhaps understandably lower than it is for other types of knowledge questions. For most respondents this may be unproblematic as it can be seen as more useful and practical for the majority of employees to have a broad general knowledge of their employment rights and where to find out more about them rather than to have a very detailed knowledge of specific areas of entitlement. Arguably, the need for a more detailed understanding comes at the point at which an individual's rights are under threat. Therefore, workers who are most vulnerable to exploitation at work have a greater need for this detailed level of knowledge. However, as we discuss below, it is such workers who are at greatest risk of having the low levels of knowledge of key employment rights.

Questions where the level of substantive knowledge was high, with more than nine out of ten of respondents getting the answer to a knowledge question exactly right (in order of those with higher levels of knowledge first) were:

- whether 22 to 64 year olds are covered by the NMW
- the point at which being covered by the NMW comes into force
- whether 18 to 21 year olds are covered by the NMW
- whether employees have the right to be accompanied to disciplinary or grievance proceedings
- the point at which anti-discrimination legislation comes into force.

There were also questions where the level of substantive knowledge was low, with fewer than one in ten respondents getting the answer to a knowledge question exactly right (in order of those with higher levels of knowledge first):

- how many hours employees had to work before being entitled to in-work rest breaks
- the NMW rate for 16 and 17 year olds
- the point at which being covered by unfair dismissal laws comes into force
- the NMW rate for 18 to 21 year olds
- the point at which the right to a contract comes into force.

A key feature which emerges from comparisons of awareness and knowledge, is that high levels of awareness of the existence of a right do not always translate into substantive knowledge of its provisions. This is particularly clear in the case of the right to a written contract, where awareness was relatively high, and knowledge of when the right came into force relatively low.

## 7.2 Which groups are most (and least) aware of, or knowledgeable about, their rights?

There is no conclusive evidence, either from the detailed analysis of awareness and knowledge of individual rights, or from the aggregate analysis of general awareness, that specific personal or employment characteristics, or experience of problems, are unambiguously associated with higher or lower levels of awareness and/or knowledge of employment rights. The regression analysis conducted on general awareness confirms that there are few personal or employment characteristics which consistently and significantly influence awareness in a given direction. This is further complicated by apparent inconsistencies in some of the data: in some places, a given characteristic is associated with higher levels of awareness or knowledge, while in others it is associated with lower levels.

The most that can be done here, is therefore to highlight factors that appear to be important *more often than others* in influencing awareness and knowledge, particularly by focusing on the regression analysis conducted on general awareness, and the development of an awareness score and knowledge score.

Higher levels of awareness and knowledge were not consistently associated with groups that the right in question may be most relevant for. It should also be noted that those with experience of problems, fairly consistently throughout the survey, were likely to have lower levels of awareness or knowledge than those who had not experienced such problems. This may be because having had a problem at work made them more aware of the limits to their awareness and knowledge of employment rights than other respondents.

### 7.2.1 Those who may be more likely to have higher awareness/knowledge levels

Groups emerge from the bivariate analysis on the development of an awareness score as being more likely to score in the top ten per cent of respondents and, therefore, have a greater awareness of their rights. These were those:

- in an organisation with an HR department
- with managerial/supervisory duties
- who had not experienced a problem to do with their rights at work in the past
- in workplaces with 100 or more staff
- who felt well informed about their rights at work
- who felt that they knew as much as they needed to know about their rights at work.

Groups emerge from the bivariate analysis on the development of a knowledge score as being more likely to score in the top ten per cent of respondents and, therefore, have a greater knowledge of their rights. These were those:

- aged 45 to 54
- who worked full-time
- with an HR department
- with managerial/supervisory duties
- who felt well informed about their rights at work.

Regression analysis showed that the following factors all increased the odds of someone being generally aware of their employment rights:

- having a dependent child
- being a trade union/staff association member
- earning between £10,000 and £39,999 per year
- having 'higher' qualifications (specifically, having a highest qualification level that is NVQ2 or equivalent, NVQ4 or equivalent, or NVQ5 or equivalent).

This analysis together suggests that it is the groups that may be less vulnerable with higher awareness and knowledge levels of their rights at work that do in fact seem to have higher awareness and knowledge.

#### 7.2.2 Those who may be less likely to have higher awareness/knowledge levels

Groups emerge from the bivariate analysis on the development of an awareness score as being more likely to score in the bottom ten per cent of respondents and, therefore, have a lower awareness of their rights. These were those:

- aged under 21, or aged 55 and over
- without an HR department
- without managerial/supervisory responsibilities
- who are non-members of trade unions/staff associations
- who had opted-out of the working time limit
- in organisations with ten to 24 employees
- who said that they could do with knowing more about their rights at work
- who did not feel well informed about their rights.

Groups emerge from the bivariate analysis on the development of a knowledge score as being more likely to score in the bottom ten per cent of respondents and, therefore, have a lower-level knowledge of their rights. These were those:

- aged under 21, or aged 55 and over
- earning under £5,000 per year
- who had not experienced a problem to do with their rights at work
- who felt that they could do with knowing more about their rights at work.

Regression analysis showed that the following factor decreased the odds of someone being generally aware of their employment rights:

- having experienced a problem at work in the past five years.

This analysis suggests that it is the groups of workers that may be more vulnerable and have low awareness and knowledge levels of their rights at work that do in fact seem to have lower awareness and knowledge.

### **7.3 Which sources of information and advice are most commonly used and most useful?**

Managers at work, trade-union representatives, Personnel/HR officers and other colleagues at work seem to be the main sources of advice used by respondents who had had a problem at work. This highlights the fact that most respondents look within the workplace to get information and advice when faced with a problem. Those respondents who had a problem and sought advice found solicitors and trade-union representatives to be the most useful source of advice.

Respondents were asked about future problems that they felt likely to experience. In this case they said that they would mainly seek advice from trade-union representatives, the CAB, a Personnel/HR officer, or a manager. When asked where they would go in the future to get general information about rights at work, respondents would first turn to a Personnel/HR officer, a manager at work, the Internet, the CAB or a trade union. If they did not get the information that they wanted from the first source, their next port of call would be the CAB. This shows that for possible future problems, or generally needing information, respondents are more likely to say they would use a mixture of sources from both inside and outside the workplace than restricting themselves to within the workplace.

Respondents were very evenly divided over what they thought the most useful information service would be to them personally if they needed information about their rights at work; between a dedicated website, a helpline similar to NHS Direct, or a booklet given to all employees.

## 7.4 Who experiences problems at work and who resolves them?

Regression analysis showed that the following factors increased the odds of having had a problem at work:

- having a long-term health problem or disability
- being 'separated/divorced'
- being in a 'sales and customer services' or 'professional' occupation (compared to being in an 'elementary' occupation)
- being a trade union/staff association member.

The following factors decreased the odds of having had a problem at work:

- being 'aware' of their employment rights
- an increase in age by one year.

Regression analysis was also conducted to examine what factors influenced the odds of a problem at work being resolved satisfactorily. The following factors increased the odds of resolving a problem satisfactorily:

- being a trade union/staff association member
- being 'aware' in general of their employment rights
- discussing the problem with their employer face to face.

This analysis suggests that being a trade union member and being aware of their employment rights, may, to some extent, protect employees from having problems in the first place, and then help them resolve them.

Further analysis of the themes developed in this report is needed in order to determine whether there is a link between detailed knowledge of specific employment rights (rather than simply general awareness) and the likelihood that an individual will avoid or resolve problems at work.

# 8

## Appendix 1: Description of sample

In this appendix some of the key characteristics of the survey of respondents are summarised, distinguishing between:

- personal characteristics
- family and household characteristics
- characteristics of respondent's employer
- characteristics of respondent's job
- details of respondent's employment.

---

**Table A1.1: Personal characteristics**

		%
Age	16-24	15.9
	25-34	23.5
	35-44	26.5
	45-54	22.0
	55-64	12.0
	No answer	0.0
Gender	Male	51.6
	Female	48.4
Whether has long-term health problems/disabilities	Yes	9.1
	No	90.7
	No answer	0.2
Religion	Christian	72.5
	Hindu	0.5
	Jewish	0.2
	Muslim	1.4
	Sikh	0.7
	Other	0.5
	No religion	24.1
Sexual orientation*	Straight/heterosexual	98.9
	Gay/lesbian/homosexual*	0.6
	Bisexual/other*	0.3
	No answer	0.2
Ethnic origin	White	93.2
	non-White	6.8
	No answer	0.1
Highest qualification	No qualifications	12.8
	NVQ 1	7.2
	NVQ 2	18.1
	NVQ 3	23.4
	NVQ 4	28.0
	NVQ 5	8.0
	No answer	2.5

Note: Unweighted base = 1,038. \*There were seven unweighted cases (seven weighted cases) of gay/lesbian/homosexual in the sample and four unweighted cases (three weighted cases) of bisexual/other. 'No answer' includes those who don't know, refused to answer and whose answers are missing.

Source: IES/BMRB, 2005

---

---

**Table A1.2: Family and household characteristics**

		%
Whether has dependent children	Yes	40.9
	No	59.1
Whether children aged 0-5 yrs	Yes	19.2
	No	80.8
Language spoken at home	English	95.7
	Not English	4.3
Caring/ support responsibilities for family or friends	Yes	13.4
	No	86.6
Marital status	Single	24.2
	Married or cohabiting	66.2
	Separated or divorced	8.8
	Widowed	0.8
Housing Tenure	Owned outright	14.9
	Buying with the help of a mortgage or loan	56.6
	Pay part rent and part mortgage	0.4
	Rent from local council, housing association or registered landlord	8.5
	Rent from private landlord	10.4
	Live rent free	8.0
	Pay rent to parents/a relative	0.6
	Other answer	0.2
No answer	0.5	

Note: Unweighted base = 1,038. 'No answer' includes those who don't know, refused to answer and whose answers are missing.

Source: IES/BMRB, 2005

---

---

**Table A1.3: Characteristics of employer**

		%
Sector	Primary & extractive	1.2
	Manufacturing, utilities & construction	16.3
	Distribution, catering, transport etc.	25.4
	Business and financial services	13.6
	Public admin, education & health	31.5
	Other services	3.3
	No answer	8.7
Type of organisation	Public sector	30.1
	Private sector	66.3
	Voluntary or charitable	3.3
	No answer	0.2
Number of employees in workplace	1 to 9	14.5
	10 to 24	16.5
	25 to 99	24.5
	100 to 499	22.6
	500+	19.8
	No answer	2.2
Trade union presence in the workplace?	Yes	48.2
	No	44.8
	No answer	7.0
Whether has HR/ personnel department?	Yes	69.9
	No	25.4
	No answer	4.7
Whether has equal opportunities policy	Yes	74.8
	No	9.8
	No answer	15.4
Whether has a written disciplinary procedure	Yes	80.9
	No	10.5
	No answer	8.6
Whether has a written grievance procedure	Yes	76.4
	No	12.0
	No answer	11.6

Note: Unweighted base = 1,038. 'No answer' includes those who don't know, refused to answer and whose answers are missing.

Source: IES/BMRB, 2005

---

---

**Table A1.4: Characteristics of respondent's job**

		%
Occupation	Elementary occupations	12.9
	Process, plant and machine opps	6.7
	Sales and customer services	8.8
	Personal services	8.9
	Skilled trades	9.5
	Admin and secretarial	13.3
	Associate professional and technical	14.6
	Professionals	1.6
	Managers and senior officials	13.8
	No answer	9.8
Managerial/supervisory duties	Yes	37.6
	No	62.4

Note: Unweighted base = 1,038. 'No answer' includes those who don't know, refused to answer and whose answers are missing.

Source: IES/BMRB, 2005

---

**Table A1.5: Details of respondent's employment**

		%
Earnings per year	Under £15,000	38.8
	£15,000 to £24,999	25.6
	£25,000 to £39,999	17.1
	£40,000 +	7.5
	No answer	11.0
Hours worked	Full-time	77.5
	Part-time	21.9
	Varies	0.6
Employment status	Permanent	94.2
	Not permanent	5.6
	<i>of which:</i>	
	<i>Seasonal work</i>	<i>0.6</i>
	<i>Contracted for fixed period or task</i>	<i>1.7</i>
	<i>Agency temping</i>	<i>1.2</i>
	<i>Casual type of work</i>	<i>1.3</i>
	<i>Other</i>	<i>0.5</i>
	<i>Don't know</i>	<i>0.2</i>
	No answer	0.2
Whether member of TU/staff assoc.	Yes	29.6
	No	69.6
	No answer	0.9
Written contract of terms and conditions provided when started employment?	Yes	81.9
	No	16.4
	No answer	1.7
Whether signed opt-out agreement?	Yes	13.9
	No	82.1
	No answer	4.0
Whether does on-call working	Yes	15.7
	No	84.0
	No answer	0.4
Whether works over 48 hours a week	Yes*	18.5
	No	77.8
	No answer	3.7

Note: Unweighted base = 1,038. 'No answer' includes those who don't know, refused to answer and whose answers are missing. \*This compares to WERS, that found that 11 per cent of employees usually worked more than 48 hours a week (Kersley et al., 2005). The LFS figure is approximately 13 per cent.

Source: IES/BMRB, 2005

# Appendix 2: Regression methodology and results

## Introduction

This report has looked at the ways in which various measures of awareness and knowledge among our respondents varies with their personal and employment characteristics and experiences. It has also looked at how the likelihood of experiencing a problem, the number of these problems experienced, and whether advice for these problems is sought, varies with the personal and employment characteristics of respondents. The analysis throughout the report has been mainly bivariate in nature, looking at the relationship between awareness/knowledge/problems and the other variables individually. However, this analysis is unable to go beyond the data observed and formulate a model which can predict the outcome from these variables. For this, regression analysis is needed, which looks at the ability of a factor, or set of factors, to predict an outcome, such as the level of awareness/knowledge/problems. For example, if it is found that awareness or knowledge varies with the respondent's earnings and with the respondent's occupation, it remains unclear from bivariate analysis to what extent the level of awareness or knowledge can in fact be predicted by these two factors.

Further, regression analysis makes it possible to identify where variables themselves might be related. For example, if whether or not the respondent has experienced a problem varies with gender, but also with whether they work full-/part-time, bivariate analyses cannot disentangle the two relationships; given there is likely to be a strong relationship which also exists between gender and full-/part-time working, whereas, regression analysis can produce collinearity diagnostics, which can be used to identify if there is a problem of multi-collinearity present in the model which needs to be addressed.

In this appendix, therefore, some regression models of general awareness, problems, and whether problems were resolved satisfactorily are examined. Given the relatively small size of the overall sample, dependent variables have been chosen which are based on questions which were asked of the whole sample of 1,038 cases. However, in the case of whether a problem, once experienced, was resolved satisfactorily or not, the sample is reduced to 259 weighted cases (242 unweighted). This sample is made up of those who have had a problem which is no longer ongoing. Although the sample size is small, it is useful to discover what factors predict whether or not a problem is resolved satisfactorily, and to compensate for the reduced sample size the

number of independent variables has been limited.<sup>37</sup> Nonetheless, it is important to remember the small sample size when looking at the results for this regression model. In summary, the analysis is restricted to:

- a measure of self-assessed general awareness of employment rights
- a measure of (prompted<sup>38</sup>) experience of problems at work in the past five years
- a measure of whether problems were resolved satisfactorily. This was obtained by combining the questions: is the problem/dispute now over; whether a respondent resigned/left as result of the problem; and how the problem was resolved if the respondent did not leave as a result of the problem.

One other point to note is that there were some respondents who refused to divulge their earnings and by including earnings, the sample size was reduced by approximately 70. However, this number is relatively small, and by including earnings as an independent variable in the general awareness regression, the model is improved (this was concluded by looking at the classification table<sup>39</sup>).

## Logistic regression

The technique used is logistic regression, where the dependent variable is coded 1 or 0. For example, if the respondent is categorised as 'aware' this is coded as 1, and coded as 0 if they are 'not aware'. The statistical model is estimated with a range of independent variables and assesses the effect of changing one of the independent variables on the odds<sup>40</sup> of the respondent being, for example, aware. In the models presented in the following three tables, one category of each of the independent variables is chosen as the reference category (thus, in the case of gender, the reference category is male, in the case of qualifications the reference category is having no

---

<sup>37</sup> Reducing the number of independent variables increases the number of degrees of freedom just as increasing the sample size does. Also, as a guide, one statistical text book (Tabachnick et al., 1996, p 132) suggests the sample size should be greater than or equal to 50 plus eight times the number of independent variables ( $N \geq 50 + (8 * \text{no. IVs})$ ). Therefore, if you have a smaller sample size you should endeavour to reduce the number of independent variables.

<sup>38</sup> Chapter 4 details how this question was asked.

<sup>39</sup> The classification table for the general awareness regression shows that without earnings, 68.2 per cent of the observed results are correctly predicted by the model. However, with earnings, 69.7 per cent are correctly predicted. Also, by including earnings, even though the sample size decreases, the percentage of respondents with different employment and personal characteristics in the sample remains similar to when earnings are excluded, eg percentage of White respondents compared to percentage of non-White respondents is still similar etc.

<sup>40</sup> Odds in this context are just an alternative way of representing probabilities, so if the probability of the respondent being aware is ten per cent, the odds are nine to one against or 0.11.

qualifications etc.). The co-efficient [Exp (B)] for the reference category is set to 1.0 and the co-efficients for other values of the variable are interpreted relative to this reference category. A co-efficient greater than 1.0 means that the value of the variable in question increases the odds of the individual being aware compared with the reference category; a co-efficient of less than 1.0 means that the odds are reduced compared with the reference category.

There are three tables below which report the results from the three separate logistic regressions which have been estimated. The three dependent variables used are:

- general self-assessed awareness (coded 1 if respondent says they feel they are 'very well informed' or 'well informed' about their rights at work, coded 0 if they say they are 'not very well informed' or 'not well informed at all')
- prompted experience of problems at work in the past five years (coded 1 if the respondent has experienced a problem, coded 0 if they have not)
- whether a problem at work, if experienced, was resolved satisfactorily (coded 1 if it was resolved satisfactorily; the respondent said the problem was resolved as 'my employer took action to resolve my problem', 'I took action to address my employer's problem', or 'my employer and I came to a compromise'. Coded 0 if it was not resolved satisfactorily; the respondent said, when asked how the problem was resolved, that the outcome was 'nothing/just went on as before/forgot about it', or the respondent said the problem was now over and they had left their job as a result of it<sup>41</sup>).

The independent variables used in each logistic regression are detailed in the relevant tables of results. They vary slightly for each logistic regression. In each case, the independent variables are grouped into two broad categories of factors which might be hypothesised to influence levels of awareness, experience of problems, or whether a problem is resolved satisfactorily:

- personal characteristics of the respondent
- characteristics related to the respondent's employment.

There are also additional independent variables which are not included in either of the above categories which are included in different logistic regressions. For example, the respondent's experience of problems at work is an additional independent variable in the general awareness logistic regression. These additional independent variables are shown in the relevant tables of results and explained in the following sections. The following sections also highlight, for each of the three logistic regressions, how well the

---

<sup>41</sup> The other answers that were given, when asked how the problem was resolved: 'I moved jobs within the organisation', 'someone else resigned/was dismissed', 'I left/resigned/changed jobs (not necessarily as a direct result of the problem)', and 'other answers', were not used to classify respondents as 'resolved satisfactorily' or not. Those who gave these answers were not included in the sample as their answers were too ambiguous. Further, they only numbered 28 weighted (29 unweighted).

model fits the data<sup>42</sup>, which is important in order to contextualise how relevant the significant results obtained are. This is followed by the significant results<sup>43</sup>, and collinearity diagnostics which give an indication of whether or not variables are correlated severely with each other<sup>44</sup>. This is important as severe collinearity or multi-collinearity adversely affects the model's results; specifically, it can lead to wrongly concluding that the co-efficients of independent variables are not significant.

## **General awareness logistic regression**

The independent variables used in this regression are detailed in Table A2.2. They include personal characteristics, employment characteristics, and respondents' experience of problems at work in the past five years. The following sub-sections highlight to what extent the logistic regression model fits the data, the co-efficients which are statistically significant, and whether or not severe multi-collinearity is present.

### *8.1.1 Accuracy of the model*

The classification table below shows that the model predicts correctly 69.7 per cent of what is observed in the data; the model correctly classifies 69.7 per cent of employees.

---

<sup>42</sup> In order to assess how well the model fits the data, SPSS using Complex Samples, produces two sets of statistics. One is pseudo  $R^2$  values which aim to explain how much of the variation in the dependent variable, in this case general awareness, is explained by the variation in the independent variables. However, there is no agreement as to which of these values is the right one to use as there are problems with each of them. For example, the Cox and Snell statistic has a maximum which is generally under 1, therefore, it tends to lead to reduced values closer to 0, which may wrongly suggest that the model is not a good fit to the data. The second value is the Nagelkerke statistic which aims to correct the Cox and Snell so it can take the value of 1. However, this value also tends to be low, therefore resulting in wrongly suggesting the model is not a good fit to the data. As a result, the statistics are reported, but are not used to analyse how well the model fits the data. Instead, to indicate model fit, the result from the classification table reported by SPSS is reported, which indicates the percentage of the time the model correctly predicts what is observed in the data.

<sup>43</sup> The level of significance we are using for all our logistic regression tests of significance is ten per cent.

<sup>44</sup> Severe multi-collinearity is generally defined as the correlation co-efficient between two variables being greater than 0.8 (Carter Hill et al., 2001: 190). Or by looking at collinearity statistics produced by linear regression in SPSS and looking for tolerance levels less than 0.1 or VIF values greater than ten (Field A, 2000: 201). This is what has been used to test for severe multi-collinearity in this appendix.

---

**Table A2.1: General awareness, classification table**

Observed	Predicted		Correct %
	Not aware	Aware	
Not aware	95.484	167.406	36.3
Aware	54.410	414.839	88.4
Overall per cent	20.5	79.5	69.7

Note: The number of cases is 725 (unweighted); 732 (weighted).

Source: IES/BMRB, 2005

---

For reference purposes, the Cox and Snell statistic is 0.127 and the Nagelkerke statistic is 0.175. However, as explained earlier<sup>45</sup>, these values are only 'approximately' accurate; therefore, they cannot be used to identify how much of the variation in general awareness is explained by the independent variables.

### 8.1.2 Personal characteristics that were significant

Having a dependent child<sup>46</sup> increases the odds of a respondent assessing themselves as being aware of their employment rights. A respondent who has a dependent child is 1.6 times more likely, compared to a respondent without a dependent child, to feel they are aware of their employment rights.

The highest qualification level a respondent has achieved appears to also affect the likelihood of a respondent assessing themselves as aware of their employment rights. The general pattern is that, compared with someone in the 'no qualifications' category, respondents who are more 'highly' qualified are more likely to say they are aware of their employment rights. Thus, the odds of feeling you are aware are greatest if a respondent's highest qualification level is NVQ level 5 or equivalent, followed by NVQ level 4 or equivalent, followed by NVQ level 2 or equivalent (the co-efficients for the other categories are not statistically significant).

### 8.1.3 Employment characteristics that were significant

Being a trade union/staff association member increases the odds of a respondent categorising themselves as aware of their employment rights compared to not being a member. Compared to non-members, members are 1.8 times more likely to say they are aware of their employment rights.

Also, earning £10,000 a year or more compared to earning under £10,000 a year increases the likelihood that a respondent assesses themselves as being aware about their general employment rights. The odds of being aware were greatest if a respondent earns £30,000 to £39,000 a year, followed by

---

<sup>45</sup> See Footnote 6 on previous page.

<sup>46</sup> Defined as having a child aged under 16, or 16, 17 or 18 and in full-time education.

earning £20,000 to £29,000 a year, followed by earning £10,000 to £19,999 a year (the co-efficients for the other categories were not significant).

However, being in a job which is not permanent decreases the odds of someone classifying themselves as aware of their employment rights. Therefore, a respondent in a non-permanent job is 0.29 times as likely to assess themselves as aware of their general employment rights compared to someone in a permanent job.

#### 8.1.4 Additional variables that were significant

Whether or not a respondent has experienced a problem at work in the past five years was also included as an independent variable and the co-efficient for this variable was statistically significant. Thus, if a respondent has experienced a problem at work in the past five years, the odds of them assessing themselves as generally aware of their employment rights decreases in comparison to someone who has not experienced a problem. However, it could be hypothesised that if someone experienced a problem at work then this would make them more aware of their employment rights as a result. Nonetheless, the measure of awareness used for this regression is a self-assessed one, therefore, if a problem has been experienced this may have highlighted to a respondent the limitations of their knowledge about employment rights.

**Table A2.2: General self-assessed awareness of employment rights (dependent variable)**

	Independent variables	Sig.	Exp(B)	
Personal characteristics	Sex (male=0, female=1)	0.597	0.859	
	Ethnic origin (White=0, non-White=1)	0.602	1.242	
	Age of respondent in years	0.391	1.009	
	Disability, long-tem illness or health problem (no=0, yes=1)	0.295	0.743	
	Marital status:			
	Married/co-habiting	0.186	0.716	
	Separated/divorced	0.749	0.885	
	Widowed	0.770	1.396	
	<b>Dependent children (no=0, yes=1)</b>	<b>0.030</b>	<b>1.668</b>	
	Highest qualification:			
	NVQ level 1 or equivalent	0.517	1.341	
	<b>NVQ level 2 or equivalent</b>	<b>0.083</b>	<b>1.913</b>	
	NVQ level 3 or equivalent	0.138	1.566	
	<b>NVQ level 4 or equivalent</b>	<b>0.069</b>	<b>2.031</b>	
	<b>NVQ level 5 or equivalent</b>	<b>0.088</b>	<b>2.868</b>	
	Language spoken at home (English=0, not English=1)	0.390	1.878	
	Sexual orientation (heterosexual=0, not heterosexual: gay/lesbian/homosexual/bisexual/other=1)	0.348	0.500	

**Table A2.2: continued**

	Independent variables	Sig.	Exp(B)
Employment characteristics	Sector - SIC (primary and extractive=reference category):		
	Manufacturing, utilities and construction	0.466	0.590
	Distribution, catering, transport etc.	0.825	1.172
	Business and financial services	0.677	1.398
	Public admin, education and health	0.638	1.426
	Other services	0.533	1.839
Employment characteristics	Occupation (elementary occupations=reference category):		
	Process, plant and machine opps	0.361	0.704
	Sales and customer services	0.323	0.684
	Personal services	0.123	0.503
	Skilled trades	0.397	1.385
	Admin and secretarial	0.748	0.895
	Associate professional and technical	0.437	0.735
	Professionals	0.488	0.607
	Managers and senior officials	0.582	1.299
	Type of organisation (public sector organisation=reference category):		
	Private sector organisation	0.700	1.130
	Voluntary or charitable organisation	0.872	0.919
	Earnings per year (under £10,000=reference category):		
	<b>£10,000-£19,999</b>	<b>0.044</b>	<b>1.874</b>
	<b>£20,000-£29,999</b>	<b>0.048</b>	<b>2.162</b>
	<b>£30,000-£39,999</b>	<b>0.030</b>	<b>2.887</b>
	£40,000-£49,999	0.130	2.576
	£50,000 or more	0.344	1.931
	<b>Employment status (permanent=0, temporary=1)</b>	<b>0.001</b>	<b>0.296</b>
	Hours worked (full-time 30 hours or more=0, part-time less than 30 hours=1)	0.228	1.459
	<b>Union/staff association member (no=0, yes=1)</b>	<b>0.009</b>	<b>1.875</b>
	Experience	<b>Problems at work in the past 5 years? (no=0, yes=1)</b>	<b>0.023</b>
Constant		0.429	0.487

Note: Variables and values in bold are significant. The number of cases is 725 (unweighted); 732 (weighted).

Source: IES/BMRB, 2005

### 8.1.5 Collinearity diagnostics

Table A2.3 shows the collinearity diagnostic statistics produced for the general awareness regression. By looking at the Tolerance and VIF statistics,

it can be seen that severe multi-collinearity is not present in the model. This is because the tolerance values are not below 0.1 and the VIF values are not above ten. The correlation co-efficients between all the pairs of variables in the model also support this.<sup>47</sup>

**Table A2.3: General awareness collinearity diagnostics**

Independent variables	Collinearity statistics	
	Tolerance	VIF
Sex	0.708	1.412
Ethnic origin	0.927	1.079
Age of respondent in years	0.659	1.517
Disability, long-term illness or health problems	0.940	1.063
Marital status	0.717	1.395
Dependent children	0.844	1.184
Highest qualification level	0.713	1.402
Language spoken at home	0.922	1.085
Sexual orientation	0.962	1.040
Sector	0.659	1.517
Occupation	0.644	1.553
Type of organisation (public, private or voluntary/charitable)	0.763	1.310
Earnings per year	0.544	1.839
Employment status (permanent/temporary)	0.932	1.073
Hours worked (full-time 30 hours or more, part-time less than 30 hours)	0.666	1.502
Union/staff association member	0.825	1.213
Experienced problems at work in the past 5 years	0.936	1.068

Note: The number of cases is 725 (unweighted).

Source: IES/BMRB, 2005

## Employment problems logistic regression

The same personal and employment characteristic independent variables were used in this regression as were in the general awareness logistic regression. They are listed in Table A2.5. However, there are two additional independent variables: one is the self-assessed general awareness measure which was previously the dependent variable, and the other is a measure of whether or not a respondent's employer had an HR

<sup>47</sup> Severe multi-collinearity is generally defined as the correlation co-efficient between two variables being greater than 0.8 (Carter Hill et al., 2001: 190). Or by looking at collinearity statistics produced by linear regression in SPSS and looking for tolerance levels less than 0.1 or VIF values greater than ten (Field A, 2000: 201).

department.<sup>48</sup> The following sub-sections highlight to what extent the logistic regression model fits the data, the independent variables whose co-efficients are significant and whether severe multi-collinearity is present.

### 8.1.6 Accuracy of the model

The classification table below shows that the model predicts correctly 67.3 per cent of what is observed in the data; the model correctly classifies 67.3 per cent of employees.

**Table A2.4: Problems experienced, classification table**

Observed	Predicted		Correct %
	No	Yes	
No	289.960	91.903	75.9
Yes	136.344	179.349	56.8
Overall per cent	61.1	38.9	67.3

Note: The number of cases is 695 (unweighted); 698 (weighted).

Source: IES/BMRB, 2005

For reference purposes, the Cox and Snell statistic is 0.140 and the Nagelkerke statistic is 0.188. However, as previously discussed, these values are only 'approximately' accurate; therefore, they cannot be used to identify how much of the variation in employment problems experienced is explained by the independent variables.

### 8.1.7 Personal characteristics that were significant

The odds of a respondent having experienced a problem at work in the past five years decreases as the age of the respondent increases. Thus, the odds of someone who is 35 having experienced a problem are 0.96 times those of a respondent who is 34.

In general, marital status has little significant influence on whether a problem has been experienced at work. The only exception is that compared to single people, separated/divorced people are more likely to have had a problem at work in the past five years.

---

<sup>48</sup> There were three additional independent variables for which there is a theoretical basis for supposing that they affect the likelihood of a respondent experiencing a problem at work. These were whether the employer had: an HR/personnel department, a written equal opportunities policy, or a written grievance procedure. However, whether a employer had a written grievance procedure and whether they had a written equal opportunities policy were not included because there were some respondents who had not responded to these questions. Therefore, including them may have introduced a non-response bias. Thus, only whether the employer had an HR/personnel department was included.

Being disabled (in the sense of having a disability or health problem lasting or expected to last for a year or more) also significantly increases the odds of experiencing a problem at work. The likelihood of someone who is disabled of having experienced a problem is 1.78 times that of a respondent who is not.

### 8.1.8 Employment characteristics that were significant

Being a member of a trade union/staff association increases the odds of having experienced a problem at work in the past five years. The odds of someone who is a trade union/staff association member having had a problem are 1.45 times those of someone who is not. This may be because being a trade union/staff association member makes someone more aware of their employment rights. Thus, they would be more likely to realise when their rights were being infringed when there was a problem.

The co-efficients of two of the occupation categories were also statistically significant. Being in a 'sales and customer services' occupation or 'professional' occupation increases the odds of a respondent having experienced a problem at work in the past five years compared to being in the 'elementary occupations' category. The odds of having experienced a problem were greatest for the 'professional' occupation category, followed by the 'sales and customer services' occupation category.

### 8.1.9 Additional variables that were significant

The co-efficient for a respondent's employer having an HR department was not statistically significant. However, the self-assessed measure of general awareness was. Thus, the odds of having experienced a problem at work are lower if a respondent assesses themselves as being 'aware', compared to someone who classifies themselves as 'not aware'.

**Table A2.5: Prompted measure of whether a problem has been experienced at work in the past five years (dependent variable)**

	Independent variables	Sig.	Exp(B)
Personal characteristics	Sex (male=0, female=1)	0.382	0.794
	Ethnic origin (White=0, non-White=1)	0.125	2.069
	Age of respondent in years	0.000	0.960
	Disability, long-term illness or health problem (no=0, yes=1)	0.064	1.783
	Marital status (single=reference category):		
	Married/cohabiting	0.333	1.268
	Separated/divorced	0.026	2.324
	Widowed	0.629	0.550
	Dependent children (no=0, yes=1)	0.889	1.034

**Table A2.5: continued**

	Independent variables	Sig.	Exp(B)
	Highest qualification (no qualifications=reference category):		
	NVQ level 1 or equivalent	0.739	1.150
	NVQ level 2 or equivalent	0.222	0.689
	NVQ level 3 or equivalent	0.804	0.925
	NVQ level 4 or equivalent	0.846	1.065
	NVQ level 5 or equivalent	0.745	1.181
	Language spoken at home (English=0, not English=1)	0.604	0.792
	Sexual orientation (heterosexual=0, not heterosexual: gay/lesbian/homosexual/bisexual/other=1)	0.507	1.812
Employment characteristics	Sector - SIC (primary and extractive=reference category):		
	Manufacturing, utilities and construction	0.154	2.646
	Distribution, catering, transport etc.	0.235	2.332
	Business and financial services	0.730	1.299
	Public admin, education and health	0.176	3.238
	Other services	0.931	1.078
	Occupation (elementary occupations=reference category):		
	Process, plant and machine opps	0.321	0.669
	<b>Sales and customer services</b>	<b>0.000</b>	<b>4.036</b>
Employment characteristics	Personal services	0.251	1.669
	Skilled trades	0.619	1.163
	Admin and secretarial	0.348	1.408
	Associate professional and technical	0.161	1.742
	<b>Professionals</b>	<b>0.003</b>	<b>7.514</b>
	Managers and senior officials	0.796	0.904
	Type of organisation (public sector organisation=reference category):		
	Private sector organisation	0.201	1.784
	Voluntary or charitable organisation	0.150	2.062
	Earnings per year (under £10,000=reference category):		
	£10,000-£19,999	0.555	0.841
	£20,000-£29,999	0.151	0.570
	£30,000-£39,999	0.253	0.563
	£40,000-£49,999	0.984	0.989
	£50,000 or more	0.486	1.488
	Employment status (permanent=0, temporary=1)	0.583	1.321

**Table A2.5: continued**

	Independent variables	Sig.	Exp(B)
	Hours worked (full-time 30 hours or more=0, part-time less than 30 hours=1)	0.164	0.687
	<b>Union/staff association member (no=0, yes=1)</b>	<b>0.092</b>	<b>1.455</b>
	Employer has a HR/personnel department (no=0, yes=1)	0.710	0.910
Awareness	<b>How aware do respondents think they are? (not aware=0, aware=1)</b>	<b>0.031</b>	<b>0.661</b>
	Constant	0.93	1.085

Note: Variables and values in bold are significant. The number of cases is 695 (unweighted); 698 (weighted).

Source: IES/BMRB, 2005

### 8.1.10 Collinearity diagnostics

Table A2.6 shows the collinearity diagnostic statistics produced for the employment problems experienced regression. By looking at the Tolerance and VIF statistics, it can be seen that severe multi-collinearity is not present in the model. This is because the tolerance values are not below 0.1 and the VIF values are not above ten. The correlation co-efficients between all the pairs of variables in the model also support this.<sup>49</sup>

**Table A2.6: Problems experienced collinearity diagnostics**

Independent variables	Collinearity statistics	
	Tolerance	VIF
Sex	0.706	1.416
Ethnic origin	0.951	1.051
Age of respondent in years	0.674	1.484
Disability, long-term illness or health problems	0.948	1.055
Marital status	0.715	1.398
Dependent children	0.838	1.193
Highest qualification level	0.717	1.395
Language spoken at home	0.933	1.071
Sexual orientation	0.954	1.049
Sector	0.656	1.525
Occupation	0.640	1.562
Type of organisation (public, private or voluntary/charitable)	0.740	1.351

<sup>49</sup> Severe multi-collinearity is generally defined as the correlation co-efficient between two variables being greater than 0.8 (Carter Hill et al., 2001: 190). Or by looking at collinearity statistics produced by linear regression in SPSS and looking for tolerance levels less than 0.1 or VIF values greater than ten (Field A, 2000: 201).

---

**Table A2.6: continued**

Independent variables	Collinearity statistics	
	Tolerance	VIF
Earnings per year	0.537	1.863
Employment status (permanent/temporary)	0.906	1.103
Hours worked (full-time 30 hours or more, part-time less than 30 hours)	0.675	1.482
Union/staff association member	0.795	1.258
Employer has an HR/personnel department	0.794	1.260
General awareness of employment rights	0.890	1.124

Note: The number of cases is 695 (unweighted).

Source: IES/BMRB, 2005

---

### **Resolved satisfactorily logistic regression**

In this regression, the sample consisted of those respondents who had a problem at work in the past five years and the problem was 'now over' or 'now most likely over'. Therefore, the sample size was 259 weighted (242 unweighted). As the sample size is so small, as detailed earlier, the results must be approached with caution.

Table A2.8 lists the independent variables that were included in the model. Eight of these independent variables were included in the previous logistic regressions. These can be grouped as employment characteristics, personal characteristics and the self-assessed measure of awareness of general employment rights. The remaining 14 variables are additional independent variables which can be summarised as:

- Did the employee seek advice? (one additional variable).
- Where was advice sought from, for example, HR/personnel? (eight additional variables).
- Steps taken to resolve the problem by the employee, for example, writing to their employer (four additional variables).
- Did the employer write to the employee? (one additional variable).

These additional variables were included in the model to identify whether the actions of the respondents, and where they sought advice from, holding all other factors constant, had a statistically significant impact on whether or not a problem was resolved satisfactorily.

The eight employment and personal characteristics which were included were chosen because they are key variables which are likely to affect whether a problem is resolved satisfactorily or not. As mentioned earlier, variables have

been excluded to keep the number of independent variables down.<sup>50</sup> The following sub-sections highlight to what extent the logistic regression model fits the data, the co-efficients which were statistically significant and whether or not severe multi-collinearity is present.

### 8.1.11 Accuracy of the model

The classification table below shows that the model predicts correctly 72.3 per cent of what is observed in the data; the model correctly classifies 72.3 per cent of employees.

**Table A2.7: Resolved satisfactorily classification table**

Observed	Predicted		Correct %
	No	Yes	
No	83.755	36.231	69.8
Yes	35.523	103.811	74.5
Overall per cent	46.0	54.0	72.3

Note: The number of cases is 242 (unweighted); 259 (weighted).

Source: IES/BMRB, 2005

For reference purposes, the Cox and Snell statistic is 0.232 and the Nagelkerke statistic is 0.309. However, as previously discussed, these values are only 'approximately' accurate; therefore, they can not be used to identify how much of the variation in whether or not a problem is resolved satisfactorily is explained by the independent variables.

### 8.1.12 Personal characteristics that were significant

None of the co-efficients of the four independent variables included in this category were statistically significant.

### 8.1.13 Employment characteristics that were significant

Being a member of a trade union/staff association increased the odds of a problem being resolved satisfactorily. If someone was a trade union/staff association member, compared to a respondent who was not, it was 6.8 times more likely a problem would be resolved satisfactorily.

---

<sup>50</sup> Job status (permanent/temporary), marital status, language spoken at home or qualification level have not been used as these factors have not been a focus of the rest of the report. Occupation, sector or earnings have not been used as these decrease the sample size by too much considering it is already fairly small. Sexuality has also not been included as the number of non-heterosexuals (homosexual, lesbian, gay, bisexual or other) is very small in our sample, two weighted (three unweighted). Having a dependent child has not been used because we thought the theoretical basis for including this variable was not as strong as it is for the variables that have been included.

### 8.1.14 Additional variables that were significant

The odds of a problem being resolved satisfactorily were higher if a respondent assessed themselves as 'aware' of their employment rights compared to someone who felt they were 'not aware'. They were twice as likely to resolve a problem satisfactorily. Further, if a respondent discussed the problem with their employer face to face, compared to if they did not, this increased the odds of a problem being resolved satisfactorily two-fold.

However, if a respondent sought advice from the CAB, compared to someone who did not, the odds of a problem being resolved satisfactorily decreases. One hypothesis for this is that only respondents with more serious and harder-to-solve problems approach the CAB; therefore, it is less likely these problems are resolved satisfactorily. However, this result must be treated with caution as there were only eight respondents weighted (six unweighted) who said 'yes' they had sought advice from the CAB.

**Table A2.8: Has a problem, once experienced and 'now over' / 'most likely over', been resolved satisfactorily? (dependent variable)**

	Independent variables	Sig	Exp(B)
Personal characteristics	Sex (male=0, female=1)	0.516	0.759
	Ethnic origin (White=0, non-White=1)	0.892	1.078
	Age of respondent in years	0.953	0.999
	Disability, long-term illness or health problem (no=0, yes=1)	0.265	0.414
Employment characteristics	Type of organisation (public sector organisation=reference category):		
	Private sector organisation	0.885	1.060
	Voluntary or charitable organisation	0.202	0.209
	Hours worked (full-time 30 hours or more=0, part-time less than 30 hours=1)	0.857	1.082
	Union/staff association member (no=0, yes=1)	0.000	6.828
Awareness	How aware do respondents think they are? (not aware=0, aware=1)	0.065	2.048
Additional characteristics	Did the employee seek advice? (no=0, yes=1)	0.373	1.614
	Advice sought from HR/ personnel? (no=0, yes=1)	0.970	0.979
	Advice sought from manager at work? (no=0, yes=1)	0.321	1.559
	Advice sought from trade union? (no=0, yes=1)	0.231	0.422
	Advice sought from other colleague at work? (no=0, yes=1)	0.305	1.677
	Advice sought from a friend/ relative? (no=0, yes=1)	0.343	0.509
	Advice sought from a telephone helpline/ website/intranet? (no=0, yes=1)	0.991	0.984

**Table A2.8: continued**

Independent variables	Sig	Exp(B)
<b>Advice sought from CAB? (no=0, yes=1)</b>	<b>0.082</b>	<b>0.230</b>
Advice sought from legal source (employment tribunal service, solicitor or other legal representative)? (no=0, yes=1)	0.167	0.326
Did the employer write to the employee/someone acting on their behalf about the problem?	0.135	2.547
Did the employee write to the employer about the problem?	0.106	0.463
<b>Did the employee discuss the problem with their employer face to face?</b>	<b>0.099</b>	<b>2.048</b>
Did the employee discuss the problem with their employer by telephone?	0.638	1.236
Did the employee discuss the problem with their employer by email?	0.335	1.752
Constant	<b>0.097</b>	<b>0.237</b>

Note: Variables and values in bold are significant. The number of cases is 242 (unweighted); 259 (weighted).

Source: IES/BMRB, 2005

### 8.1.15 Collinearity diagnostics

Table A2.9 shows the collinearity diagnostic statistics produced for the 'resolved satisfactorily' regression. By looking at the Tolerance and VIF statistics, it can be seen that severe multi-collinearity is not present in the model. This is because the tolerance values are not below 0.1 and the VIF values are not above ten. The correlation co-efficients between all the pairs of variables in the model also support this.<sup>51</sup>

---

<sup>51</sup> Severe multi-collinearity is generally defined as the correlation co-efficient between two variables being greater than 0.8 (Carter Hill et al., 2001: 190). Or by looking at collinearity statistics produced by linear regression in SPSS and looking for tolerance levels less than 0.1 or VIF values greater than ten (Field A, 2000: 201).

**Table A2.9: Resolved satisfactorily, collinearity diagnostics**

Independent variables	Collinearity statistics	
	Tolerance	VIF
Sex	0.768	1.302
Ethnic origin	0.959	1.043
Age of respondent in years	0.841	1.189
Disability, long-term illness or health problems	0.894	1.118
Type of organisation (public, private or voluntary/charitable)	0.757	1.321
Hours worked (full-time 30 hours or more, part-time less than 30 hours)	0.795	1.257
Union/staff association member	0.688	1.453
General awareness of employment rights	0.907	1.103
Did the employee seek advice?	0.387	2.582
Advice sought from HR/personnel?	0.735	1.360
Advice sought from manager at work?	0.670	1.493
Advice sought from trade union?	0.596	1.677
Advice sought from other colleague at work?	0.799	1.252
Advice sought from friend/relative?	0.745	1.342
Advice sought from telephone helpline/website/intranet?	0.848	1.179
Advice sought from CAB?	0.874	1.144
Advice sought from legal source (employment tribunal, solicitor or other legal representative)?	0.790	1.265
Did the employer write to the employee/someone acting on their behalf about the problem?	0.552	1.810
Did the employee write to the employer about the problem?	0.526	1.901
Did the employee discuss the problem with their employer face to face?	0.792	1.263
Did the employee discuss the problem with their employer by telephone?	0.763	1.311
Did the employee discuss the problem with their employer by email?	0.826	1.211

Note: The number of cases is 242 (unweighted).

Source: IES/BMRB, 2005

# 9

## Appendix 3: On-call working

One of the additional aims of this survey was to:

- estimate the extent of on-call working in the UK; differentiating between those on call at their place of work (residential on-call) and those who are able to leave their place of work.

Respondents were therefore asked a series of questions about on-call working. On-call working was defined as: 'when you have to make yourself available to be called to do work if it is needed'.

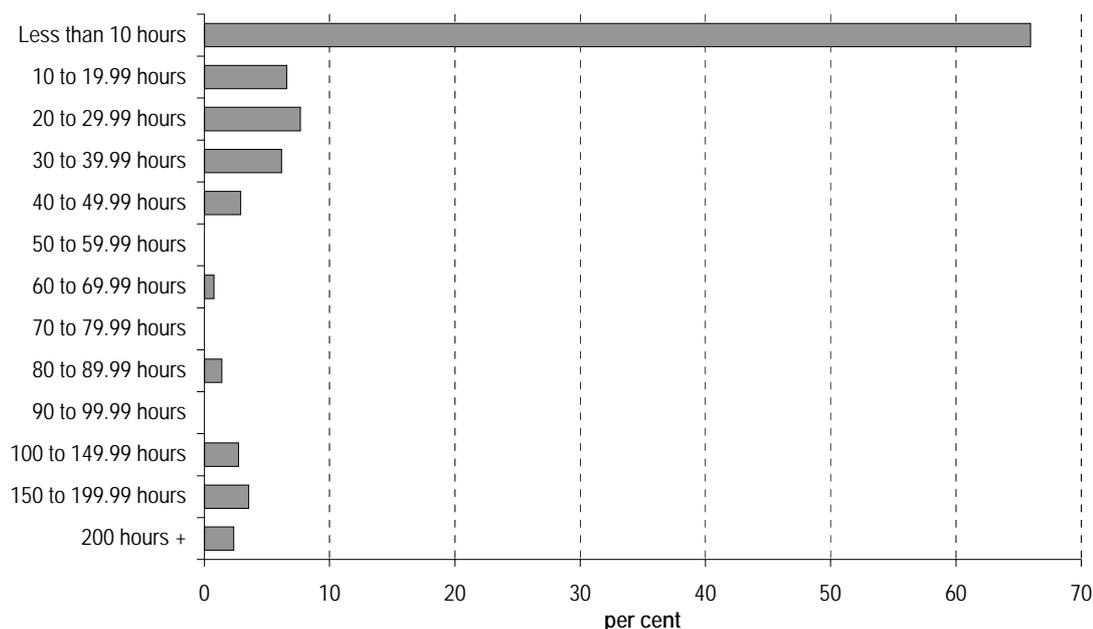
Respondents who said they worked on call and said how many hours they worked on call were asked:

*'And for how many of these [cited] hours on call are you required to be at your place of work?'*

For the sample as a whole (regardless of the frequency or duration), almost five per cent were required to work on call at their place of work.

Of these, Figure A3.1 shows the average number of hours on call per calendar month actually spent at the respondents' place of work.

**Figure A3.1: Average number of hours on call per calendar month actually spent at place of work**



Note: Base is those who work on call regularly, at their place of work, and who specified the number of hours (98).

Source: IES/BMRB, 2005

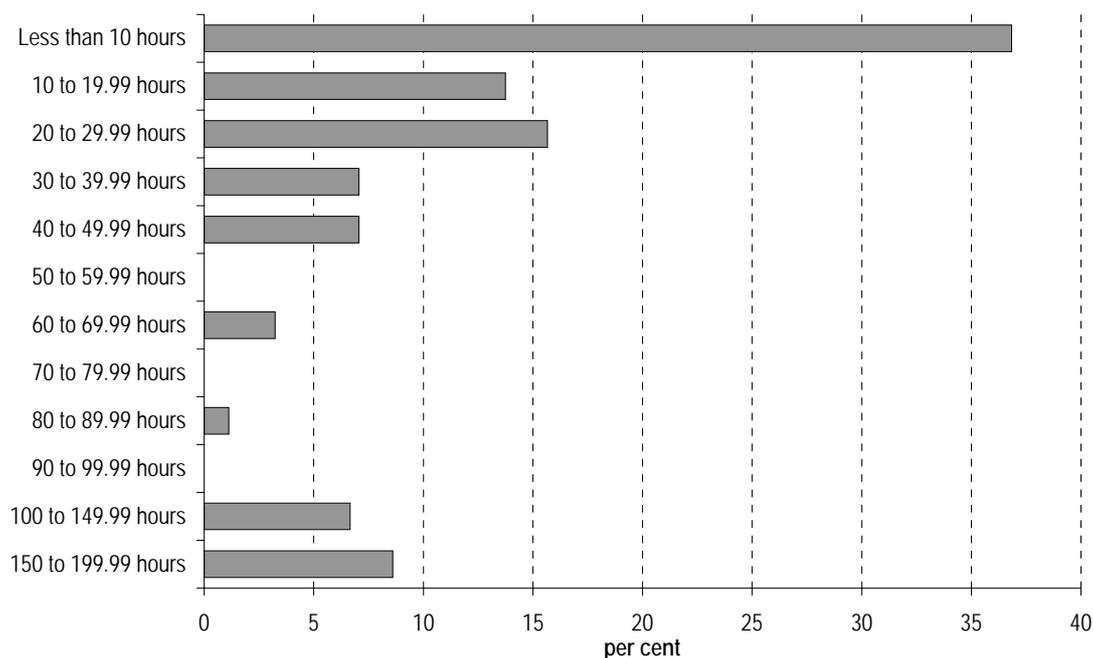
Figure A3.1 shows that two-thirds of respondents (66 per cent) who work on call regularly spend less than ten hours a month on call at their place of work. A further 20 per cent of respondents spend between ten and 39.99 hours a month on call at their place of work.

Respondents who did some on-call working at their place of work were then asked:

*'And out of these [cited] hours when you are at your place of work, how many hours are you required to be actively doing work?'*

Of the whole sample, four per cent of respondents were required to actively be working at their place of work while on call. Figure A3.2 isolates these respondents and shows the average number of hours on call per calendar month at the respondents' place of work spent actively doing work.

**Figure A3.2: Average number of hours on call per calendar month at place of work and actively doing work**



Note: Base is those who work on call regularly, actively at their place of work, and who specified the number of hours (41).  
Source: IES/BMRB, 2005

Figure A3.2 shows that of those who are actively required to do work when they are on call at their place of work, over one-third of respondents (37 per cent) were required to be actively doing work for less than ten hours per calendar month. A further 29 per cent were required to be actively doing work for between ten and 29.99 hours a month.

Broader questions about on-call working were also asked. For example:

*'Are/were you required to do on-call working? On-call working is when you have to make yourself available to be called to do work if it is needed.'*

Table A3:1 shows the results of this question.

**Table A3.1: Whether required to do on-call working**

		Yes %	No %	Unweighted base
All respondents		16	84	1,035
Age	16-24	11	90	112
	25-34	17	84	215
	35-44	17	83	289
	45-54	15	85	248
	55-64	20	80	170
Gender	Male	21	79	471

	Female	10	90	564
Earnings	Under £15,000	10	90	411
	£15,000 to £24,999	20	80	259
	£25,000 to £39,999	18	83	173
	£40,000 +	30	71	79
Hours worked	Full time	18	82	778
	Part time	9	91	250
Type of organisation	Public sector	14	86	333
	Private sector	15	85	662
Whether has HR/personnel dept	Yes	17	83	733
	No	14	86	258
Whether experienced problems	Yes	18	82	416
	No	14	85	619
Managerial/supervisory duties	Yes	24	76	386
	No	11	89	649
Number of employees in workplace	1 to 9	21	79	158
	10 to 24	13	87	168
	25 to 99	17	84	250
	100 to 499	15	85	228
	500+	15	85	206

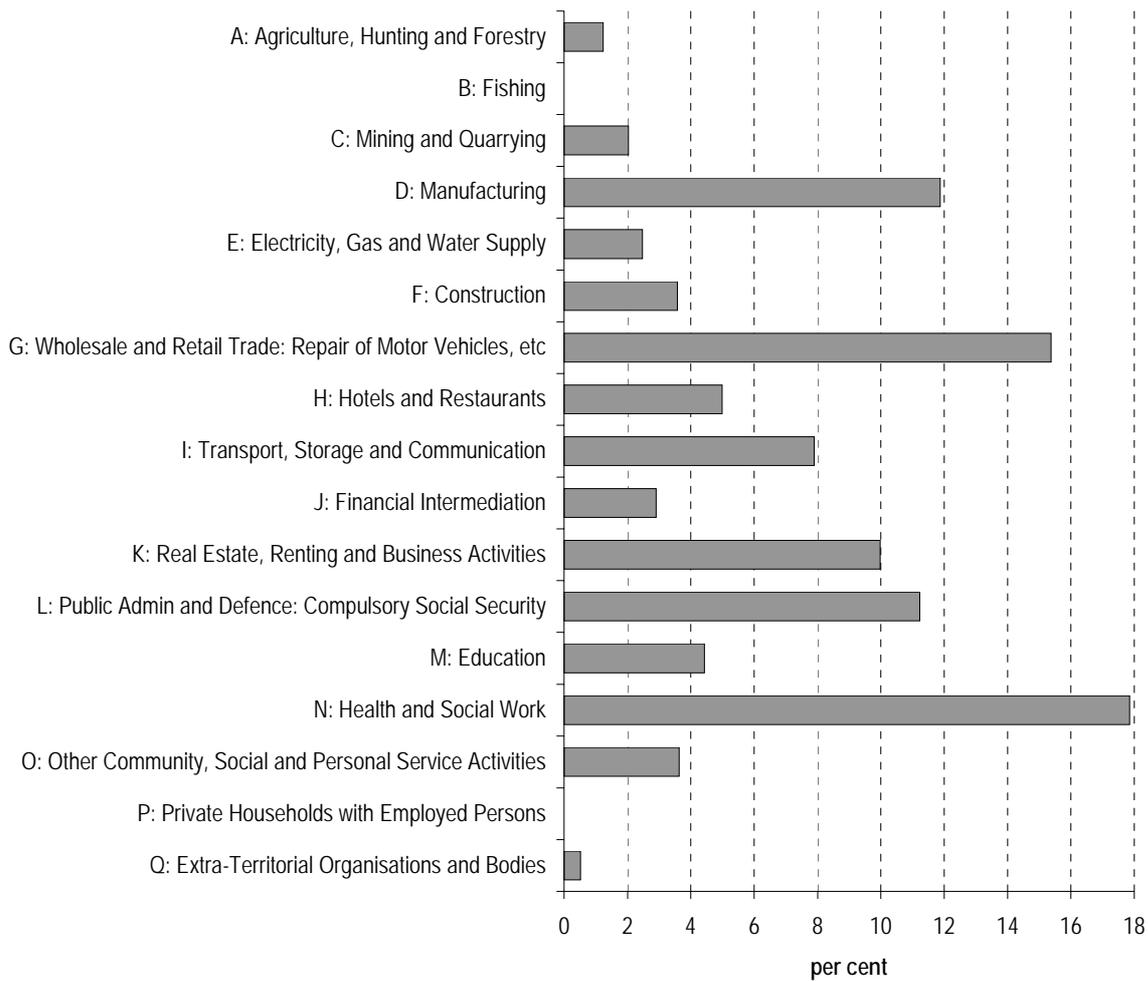
Note: Base = whole sample, excluding the 'don't knows'.

Source: IES/BMRB, 2005

Table A3:1 shows that 16 per cent of respondents were required to do on-call working. Men were more likely to do on-call working than women. Those earning over £40,000 a year were more likely to do on-call working than those earning under this, full-time workers were more likely to do on-call working than part-time workers, and those with managerial/supervisory duties were more likely to work on call than those without such duties.

Figure A3.3 illustrates the industry codes for respondents who were required to do on-call working and shows that health and social work, the wholesale and retail trade, manufacturing and public administration accounted for the largest industry sectors.

**Figure A3.3: Industries of those doing on-call working**



Note: Base is all those doing on-call working who specified their industry (144).

Source: IES/BMRB, 2005

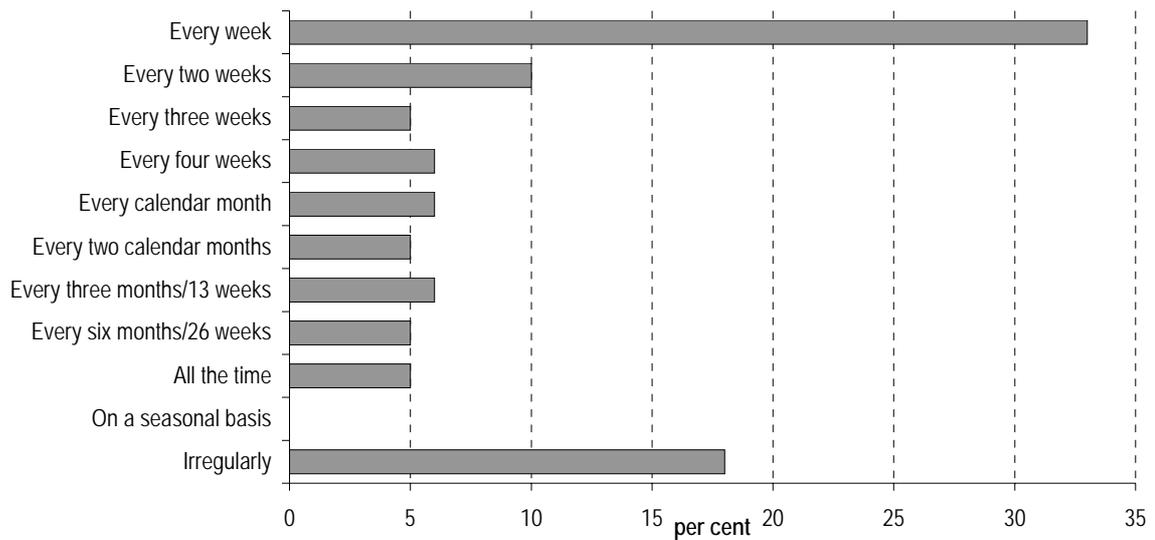
Respondents who said that they worked on call were asked:

*'How often do/did you do on-call work?'*

Of the sample as a whole, five per cent worked on call on a weekly basis, and three per cent worked on call irregularly (weekly and irregularly being the most frequent time periods named).

Figure A3.4 isolates those who work on call and shows the frequency of their on-call working.

**Figure A3.4: Frequency of on-call**



Note: Base is those who did on-call work (162).

Source: IES/BMRB, 2005

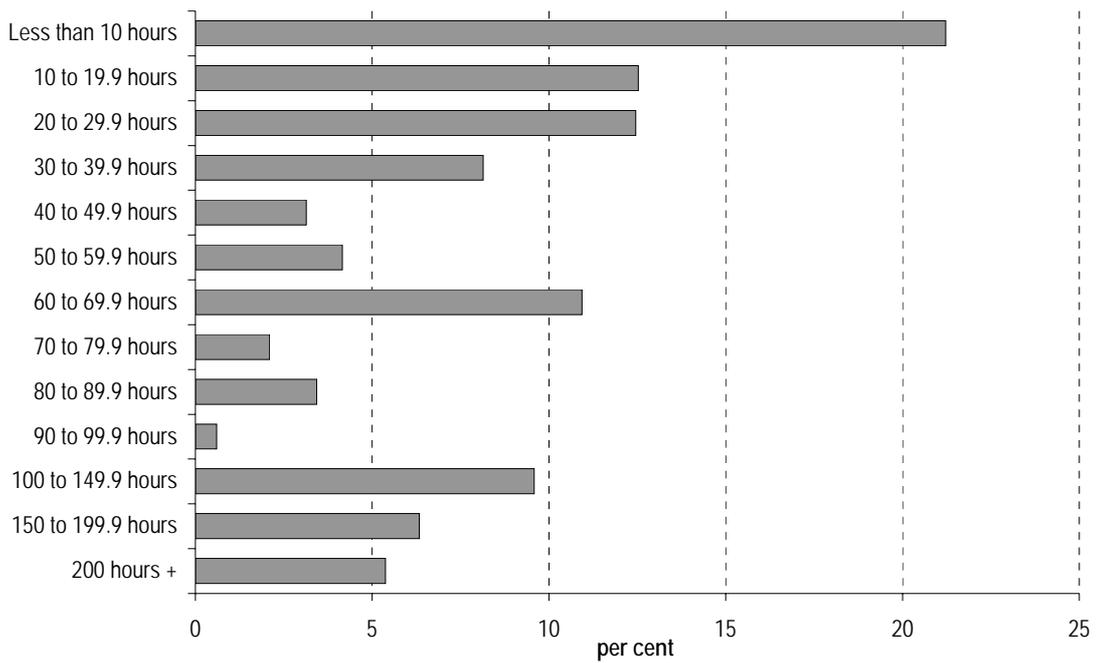
Figure A3.4 shows that one-third (33 per cent) of those who worked on call did so every week, while one in ten did so every two weeks, and 18 per cent did so irregularly.

Respondents who worked on call were also asked:

*'How many hours [are/were] you required to be on call for in an average [insert period cited above]?'*

Figure A3.5 shows the results of this question, calculated as average hours required to be on call per calendar month.

**Figure A3.5: Average hours required to be on call per calendar month**



Note: Base is those who work on call regularly and who specified the number of hours (101).

Source: IES/BMRB, 2005

Figure A3.6 shows that one-fifth of respondents who work on call regularly (21 per cent) were required to be on call for less than ten hours per calendar month. Thirteen per cent were required to work on call between ten to 19.99 hours per month, 12 per cent between 20 and 29.99 hours, and 11 per cent between 60 and 69.99 hours.

# 10

## Appendix 4: List of acronyms

Acas	Advisory, Conciliation and Arbitration Service
BMRB	British Market Research Bureau
CAB	Citizens' Advice Bureau
CAPI	Computer-assisted personal interviewing
DDA	Disability Discrimination Act
DRC	Disability Rights Commission
DTI	Department of Trade and Industry
GPs	General Practitioners
HR	Human Resources
IES	Institute for Employment Studies
LFS	Labour Force Survey
LSRC	Legal Services Research Centre
NHS	National Health Service
NMW	National Minimum Wage
ONS	Office of National Statistics
SETA	Survey of Employment Tribunal Applications
WERS	Workplace Employment Relations Survey
WTR	Working Time Regulations

# Bibliography

Hayward, B., Peters, M., Rousseau, N. and Seeds, K. (2004), *Findings from the Survey of Employment Tribunal Applications 2003*. Employment Relations Research Series No. 33. DTI

BMRB (2006a), *Individuals' Awareness, Knowledge and Exercise of Employment Rights: Second Benchmark Survey*. Technical Report. DTI

BMRB (2006b), *Individuals' Awareness, Knowledge and Exercise of Employment Rights: Second Benchmark Survey. Report on cognitive interviewing*. DTI

BMRB (2006c), *Individuals' Awareness, Knowledge and Exercise of Employment Rights: Second Benchmark Survey. Report on pilot survey*. DTI

Carter-Hill, R., Griffiths, W.E. and Judge, G.G. (2001), *Undergraduate Econometrics*. Second Edition. John Wiley & Sons, Inc.

Field, A. (2000), *Discovering Statistics: Using SPSS for Windows*. Sage Publications Ltd.

Kersley, B., Alpin, C., Forth, J., Bryson, A., Bewley, H., Dix, G. and Oxenbridge, S. (2005), *Inside the Workplace: First Findings from the 2004 Workplace Employment Relations Survey (WERS 2004)*. DTI

Meager, N., Tyers, C., Perryman, S., Rick, J. and Willison, R. (2002), *Awareness, Knowledge and Exercise of Individual Employment Rights*. Employment Relations Research Series No. 15. DTI

ONS (2005), Trends in Public Sector Employment. ONS

Pleasence, P. (2006), Causes of Action, 2nd Edition. TSO

Pollert, A. (2004), *The Unorganised Worker Survey 2004: Theoretical and Methodological Issues Summary*. Working Lives Research Institute, London Metropolitan University

Pollert, A. (2005), *The Unorganised Worker: Problems at Work, Routes to Support and Views on Representation. Unorganised Worker Survey 2004. Review of Theoretical and Methodological Issues*. Project Working Paper 2. Working Lives Research Institute, London Metropolitan University

Sturgis, P., Allum, N., Smith, P. and Woods, A. (2005), *The Measurement of Factual Knowledge in Surveys*. Under Review. Available at: <http://joni.soc.surrey.ac.uk/~scs1ps/papers/>

Tabachnick, B. and Fidell, L. (1996), *Using Multivariate Statistics*. Third Edition. HarperCollins.

# The DTI Employment Relations Research Series

Reports published to date in the DTI Employment Relations Research Series are listed below. Adobe PDF copies can be downloaded from the DTI website: [www.dti.gov.uk/er/inform.htm](http://www.dti.gov.uk/er/inform.htm) or ordered at: [www.dti.gov.uk/publications](http://www.dti.gov.uk/publications)

Click the 'Browse' button, then select 'Employment Relations Research Series'. Alternatively call the DTI Publications Orderline on 0845 015 0010 (+44 845 015 0010) and provide the URN. Or email them at: [publications@dti.gsi.gov.uk](mailto:publications@dti.gsi.gov.uk) with your details.

Libraries, research centres, organisations and academics wishing to be added to our mailing list for printed copies of this series should email their details to DTI at: [emar@dti.gsi.gov.uk](mailto:emar@dti.gsi.gov.uk).

- No. 1 Involving employees in Total Quality Management: employee attitudes and organisational context in unionised environments. Margaret Collinson, Chris Rees, Paul Edwards with Linda Inness. URN 98/507. June 1998
- No. 2 *Industrial Tribunals, workplace disciplinary procedures and employment practice.* Jill Earnshaw, John Goodman, Robin Harrison and Mick Marchington. URN 98/564. February 1998
- No. 3 *The dynamics of union membership in Britain – a study using the Family and Working Lives survey.* Richard Disney, Amanda Gosling, Julian McCrae and Stephen Machin. URN 98/807. January 1999
- No. 4 *The individualisation of employment contracts in Britain.* William Brown, Simon Deakin, Maria Hudson, Cliff Pratten and Paul Ryan. URN 98/943. February 1999
- No. 5 Redundancy consultation: a study of current practice and the effects of the Regulations. Jill Smith, Paul Edwards and Mark Hall. URN 99/512. July 1999
- No. 6 *The employment status of individuals in non-standard employment.* Brendan Burchell, Simon Deakin and Sheila Honey. URN 99/770. July 1999
- No. 7 *Partnership at work.* John Knell. URN 99/1078. September 1999
- No. 8 Trends in earnings inequality and earnings mobility 1977-1997: the impact of mobility on long-term inequality. Abigail McKnight. URN 00/534. February 2000

- No. 9 *Costs and benefits of European Works Councils Directive.* Tina Weber, Peter Foster and Kursat Levent Egriboz. URN 00/630. February 2000
- No. 10 Explaining the growth in the number of applications to Industrial Tribunals, 1972-1997. Simon Burgess, Carol Propper and Deborah Wilson. URN 00/624. April 2001
- No. 11 *Implementation of the Working Time Regulations.* Fiona Neathey and James Arrowsmith. URN 01/682. April 2001
- No. 12 Collective bargaining and workplace performance: an investigation using the Workplace Employee Relations Survey 1998. Alex Bryson and David Wilkinson. URN 01/1224. November 2001
- No. 13 Findings from the 1998 Survey of Employment Tribunal Applications (Surveys of Applicants and Employers). URN 03/999. February 2004
- No. 14 Small firms' awareness and knowledge of individual employment rights. Robert Blackburn and Mark Hart. URN 02/573. August 2002
- No. 15 *Awareness, knowledge and exercise of individual employment rights.* Nigel Meager, Claire Tyers, Sarah Perryman, Jo Rick and Rebecca Willison. URN 02/667. February 2002
- No. 16 Working long hours: a review of the evidence. Volume 1 – Main report. Volume 2 – Case studies (and appendices). J Kodz et al. URN: 03/1228. November 2003
- No. 17 *Evaluation of the Partnership at Work Fund.* Mike Terry and Jill Smith. URN 03/512. May 2003
- No. 18 Retirement ages in the UK: a review of the literature. Pamela Meadows. URN 03/820. July 2003
- No. 19 Implementation of the Working Time Regulations: follow-up study. Fiona Neathey. URN03/970. July 2003
- No. 20 *The impact of employment legislation on small firms: a case study analysis.* Paul Edwards, Monder Ram and John Black. URN 03/1095. September 2003
- No. 21 *Employee voice and training at work: analysis of case studies and WERS98.* Helen Rainbird, Jim Sutherland, Paul Edwards, Lesley Holly and Ann Munro. URN 03/1063. September 2003
- No. 22 *The Second Work-Life Balance Study: Results from the Employer Survey.* Stephen Woodland, Nadine Simmonds, Marie Thornby, Rory Fitzgerald and Alice McGee. URN 03/1252. October 2003
- No. 23 *The business context to long hours working.* T, Hogarth, W.W. Daniel, A.P. Dickerson, D. Campbell, M. Wintherbotham, D. Vivian. URN 03/833. November 2003
- No. 24 *Age matters: a review of the existing survey evidence.* Dr. Peter Urwin. URN 03/1623. February 2004

- No. 25 *How employers manage absence.* Stephen Bevan, Sally Dench, Heather Harper and Sue Hayday. URN 04/553. March 2004
- No. 26 The content of new voluntary trade union recognition agreements 1998-2002: Volume one – An analysis of new agreements and case studies. Dr Sian Moore, Dr Sonia McKay and Helen Bewley. URN 04/1084. August 2004
- No. 27 *The Second Work-Life Balance Study: Results from the Employees' Survey.* Jane Stevens, Juliet Brown and Caroline Lee. URN 04/740. March 2004
- No. 28 *2003 Compendium of Regulatory Impact Assessments.* Employment Market Analysis and Research. URN 04/743. April 2004
- No. 29 Trade union recognition: statutory unfair labour practice regimes in the USA and Canada. John Godard. URN 04/855. March 2004
- No. 30 Equal opportunities policies and practices at the workplace: secondary analysis of WERS98. Tracy Anderson, Neil Millward and John Forth. URN 04/836. June 2004
- No. 31 A survey of workers' experiences of the Working Time Regulations. BMRB Social Research. URN 04/1165. November 2004
- No. 32 *The evaluation of the Work-Life Balance Challenge Fund.* Adrian Nelson, Kathryn Nemeč, Pernille Solvik and Chris Ramsden. URN 04/1043. August 2004
- No. 33 *Findings from the Survey of Employment Tribunal Applications 2003.* Bruce Hayward, Mark Peters, Nicola Rousseau and Ken Seeds. URN 04/1071. August 2004
- No. 34 *Employment relations monitoring and evaluation plan 2004.* Employment Market Analysis and Research. URN 04/1256. September 2004
- No. 35 *Findings from the 1998 survey of representatives in Employment Tribunal cases.* P.L.Latreille, J.A. Latreille and K.G. Knight. URN 04/1530. August 2004
- No. 36 Employment attitudes: Main findings from the British Social Attitudes Survey 2003. Harjinder Kaur. URN 04/1868. December 2004
- No. 37 Job separations: A survey of workers who have recently left any employer. Volume one – Main analysis report. Tania Corbin. URN 04/1920. December 2004
- No. 39 *Results of the Second Flexible Working Employee Survey.* Heather Holt and Heidi Grainger. URN 05/606. April 2005
- No. 40 2002 Compendium of Regulatory Impact Assessments. Employment

- Market Analysis and Research. URN 05/582.  
April 2005
- No. 41 *2004 Compendium of Regulatory Impact Assessments.*  
Employment Market Analysis and Research. URN 05/1018.  
April 2005
- No. 42 *The age dimension of employment practices: employer case studies.* Stephen McNair and Matt Flynn. URN 05/863.  
June 2005
- No. 43 The content of new voluntary trade union recognition agreements 1998-2002. Volume two – Findings from the survey of employers. Dr Sian Moore, Dr Sonia McKay and Helen Bewley. URN 05/1020. May 2005
- No. 44 *Employment Relations monitoring and evaluation plan 2005,*  
Employment Market Analysis and Research. URN 05/1019.  
July 2005
- No. 46 People, Strategy and Performance: Results from the Second Work and Enterprise Business Survey. The Work Foundation. URN 05/1392. September 2005
- No. 47 'Small, flexible and family friendly' – work practices in service sector businesses. Lynette Harris and Carley Foster. URN 05/1491. October 2005
- No. 49 Survey of employers' policies, practices and preferences relating to age. Hilary Metcalf and Pamela Meadows. URN 05/674. March 2006
- No. 50 Maternity and paternity rights and benefits: survey of parents 2005. Deborah Smeaton and Alan Marsh. URN 06/836. March 2006.



Printed in the UK on recycled paper containing a minimum of 75% post consumer waste.

First published April 2006. Department of Trade and Industry. [www.dti.gov.uk](http://www.dti.gov.uk)

© Crown Copyright. DTI/Pub 8184/.850k/04/06NP. URN 06/837. ISBN 085605 346 5