

FACTSHEET

Statement of Employment Particulars

A contract of employment may be verbal, but all employees are entitled by law to be given a written statement setting out the main particulars of their employment, provided their employment lasts for one month or more.

Currently, all the required particulars must be given within two months of the start of the employment, unless the employee is to work abroad for more than one month within two months of commencing employment. In this case, the information must be provided before the employee goes away. **Note: from April 2020, employees will be entitled to receive this document on or before the employment start date and it will need to include more information – see below.**

It is not necessary to provide all the required information at the same time. It can be given in separate documents provided certain details are collected together in one principal statement. These are:

- names of employer and employee;
- job title or job description;
- employment start date;
- if a previous job counts towards the period of continuous employment, the date when that period started;
- hours of work, number and pattern (and requirements regarding any overtime);
- remuneration and whether weekly/monthly etc.;
- holiday entitlement; and
- address of place(s) of work (and whether relocation will be needed).

The following information must also be provided in writing:

- if the job is not permanent, the period for which it will last, or the end date;
- the length of notice the employee must give and is entitled to receive;
- details of any relevant collective agreements;
- details of pensions;
- who to go to with a grievance and how to appeal about how a grievance was handled;
- how to appeal about a disciplinary decision or a dismissal.

The written statement must either include the following or say where the information may be found:

- sick pay and procedure;
- disciplinary and dismissal procedure; and
- grievance procedure

If an employee will be required to work outside the UK for a period longer than a month, the statement of particulars also must specify:

- the period for which the employee will work outside the UK;
- the currency in which remuneration will be paid whilst the employee is working abroad; and
- any terms and conditions relating to the employee's return to the UK.

If the employee is to work in another country in the EEA, their terms and conditions of employment must meet the legal minimum requirements in that country, regarding:

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- working hours and rest breaks;
- holiday entitlement; and
- minimum pay, including overtime.

Employers do have a degree of flexibility regarding to how to communicate the statement of employment particulars. If a written contract or letter of engagement provides the required information and is given to the employee within the appropriate time limits, then a separate statement of particulars is not required.

Under Section 38 of the Employment Act 2002, unless there are exceptional circumstances, an employee whose employer fails to provide them with a written statement of employment particulars within the set time frame could be entitled to **a minimum award of two weeks' pay or a maximum award of four weeks' pay**, depending on the circumstances. This right only applies, however, if the employee has successfully brought another substantive claim.

Dismissing an employee for exercising or trying to exercise his or her statutory right to a written statement of employment particulars is automatically unfair dismissal with no minimum service requirement.

Legislation has now been passed (The Employment Rights (Employment Particulars and Paid Annual Leave) (Amendment) Regulations 2018) that makes changes to the Employment Rights Act 1996 so that the right to be given a written statement of employment particulars will be a day one right that is extended to all staff – **workers as well as employees**. The changes are due to take effect from April 2020.

There will be additional information required in the written statement:

- details of other types of paid leave such as maternity leave and paternity leave
- the duration and conditions of any probationary period
- all remuneration (not just pay) – contributions in cash or kind for example vouchers and lunch