

If someone's treated less favourably

If someone who works part time is treated less favourably than a full-time 'comparator', they should first [talk to their employer](#). This could help resolve the problem quickly without the need for a formal procedure.

A comparator is someone who works full time for the same employer and does the same or broadly similar work as the part-time employee or worker.

The right to a written statement of reasons

By law, part-time employees and workers have the right to ask for a written statement of reasons for less favourable treatment from their employer.

The employer must provide the statement within 21 days. If they do not, it could count against them at an employment tribunal.

An employee or worker could [make a claim to an employment tribunal](#) if they're not satisfied there was any valid reason ('objective justification') for less favourable treatment.

What part-time workers are protected against

Someone who works part time and is [legally classed as an employee or worker](#) has protection by law under The Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000.

This means they could [make a claim to an employment tribunal](#) if they're treated less favourably for doing any of the following:

- asking for a written statement of reasons for less favourable treatment from their employer
- giving evidence or information for a claim made by any worker or employee
- making an allegation that the employer has not followed the law (unless the allegation is false and was not made in good faith)
- refusing to accept when a right does not apply
- having already made a claim to an employment tribunal that's linked to their part-time working

Protection against victimisation

Part-time employees and workers are also protected against being victimised by their employer.

Victimisation is when someone is treated differently or less favourably because they made or supported a complaint of less favourable treatment of a part-time worker, or someone thinks they did.

Victimisation can include:

- being labelled a 'troublemaker'
- being left out of work or work social events
- not being allowed to do something, for example being stopped from joining an important meeting

If a part-time employee or worker is victimised by being dismissed

An employer must not cause someone 'detriment' because they complain about something to do with part-time worker rights.

Detriment means someone experiences one or both of the following:

- being treated worse than before
- having their situation made worse

Examples of detriment could be:

- their employer reduces their hours
- they experience [bullying](#)
- they experience [harassment](#)
- their employer turns down their training requests without good reason
- they are overlooked for promotions or development opportunities

If someone who works part time is dismissed unfairly, they might be able to make a claim to an employment tribunal. The type of claim they could make depends on whether they're legally classed as a worker or employee.

If someone [legally classed as a worker](#) is dismissed for making a complaint about part-time worker rights, they could make a claim for 'part-time worker detriment' to an employment tribunal.

If someone [legally classed as an employee](#) is dismissed for making a complaint that's to do with part-time rights, they could claim for 'automatic unfair dismissal'.

Automatic unfair dismissal means the employee does not need to have worked for the employer for the minimum of 2 years usually required to make an [unfair dismissal](#) claim to an employment tribunal.

Example

Sam is a part-time employee on 20 hours a week. Sam raises a complaint in writing to their employer that they're not being paid equally compared to a full-time employee doing the same work. Their employer dismisses Sam because of this complaint.

Sam might be able to make a claim for automatic unfair dismissal to an employment tribunal.

If Sam was legally classed as a worker, they would not be able to claim for unfair dismissal, but might be able to for part-time worker detriment.

How employers can avoid treating part-time workers differently

Employers should consider each term, condition and benefit of a part-time contract individually rather than the contract as a whole. This can help avoid any differences that cannot be justified.

When an employer might be able to justify different treatment

There are some situations when employers do not have to treat part-time employees in the same way as full-time employees. The employer must be able to show there is a valid reason to do so. This is called 'objective justification' under the law.

Objective justification means the reason for the different treatment is:

- to achieve a legitimate aim or business objective
- a necessary and appropriate way to achieve this objective

[Find out more about objective justification](#)

Getting help with part-time workers' rights

If you have any questions about part-time workers' rights, [contact the Acas helpline](#).