

Employee

People with 'employee' employment status have:

- more employment rights than workers or self-employed people
- more obligations towards their employer

What makes someone an employee

Someone is likely to be legally classed as an employee if most of these things apply:

- they're required to work regularly unless they're on leave
- they can usually expect work to be consistently available
- they cannot unreasonably refuse to do the work
- they get paid holiday – they might also have additional contractual holiday entitlement
- they're subject to the employer's discipline and grievance procedures
- they need to give notice to their employer if they want to take maternity, paternity or adoption leave
- they cannot get someone else to do their job
- their employer decides how, when and where they do their work
- their employer provides the materials, tools and equipment for their work

If most of these do not apply, someone is more likely to be a [worker](#) or [self-employed](#).

Employment rights

Employees are entitled to:

- a [written statement of employment particulars](#) outlining their job rights and responsibilities
- [National Minimum Wage](#)
- [paid holiday](#)
- [payslips](#)
- protection for [whistleblowing](#)
- protection against [discrimination](#)
- protection from [less favourable treatment for working part time](#)

As long as they meet any eligibility criteria, they're also entitled to:

- [statutory sick pay \(SSP\)](#)
- [ordinary parental leave](#)
- [shared parental leave and pay](#)
- [maternity, paternity and adoption leave and pay](#)
- [parental bereavement leave and pay](#)
- [time off for dependants](#)

- time off for public duties
- [redundancy pay](#) after 2 years' continuous service, if their role becomes redundant
- claim [unfair dismissal or automatically unfair dismissal](#)
- get the minimum [notice period](#) if they're dismissed or made redundant
- make [statutory flexible working requests](#)
- protection against dismissal or suffering any detriment for taking action over a health and safety issue

Detriment related to health and safety

An employer must not cause an employee 'detriment' because the employee:

- reasonably believes being at work or doing certain tasks would put them in serious and imminent danger
- takes reasonable steps over a health and safety issue, for example complaining about unsafe working conditions
- informs their employer about a health and safety issue in an appropriate way

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:

- an employer reduces someone's hours
- experiencing [bullying](#)
- experiencing [harassment](#)
- an employer turns down someone's training requests without good reason
- someone is overlooked for promotions or development opportunities

An employee could have a case for [automatically unfair dismissal](#) if they're dismissed in these circumstances. They do not need to have worked for their employer for 2 years to make this claim.

Get more advice and support

If you have any questions about employment status, [contact the Acas helpline](#).

You can also read [GOV.UK guidance on employment status and employment rights](#).

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