

Executive Summary

This report presents the findings¹ of a nationally representative telephone survey of 1,000 economically active people of working age (males 16-64, females 16-59), focusing on their levels of awareness and knowledge of employment rights and their exercise of those rights.

The background for the study was a number of recent reforms to employment law, including provisions relating to: parental leave and dependant care, a National Minimum Wage, Working Time Regulations and disability discrimination.

The study operationalised the concepts of ‘awareness’ and ‘knowledge’ in a number of ways. In particular, the following measures were used:²

- **Informed awareness** (unprompted, or partly prompted): individuals are able to provide an example of a law protecting their rights at work with or without an example given.
- **Informed awareness** (prompted): individuals respond to direct questions about specific areas of law by stating that they are aware of that law.
- **Substantive knowledge**: individuals are able to answer correctly a question about a specific provision of employment law.
- **Perception of entitlements**: individuals are able to make a judgement about whether a scenario describing a hypothetical situation which may represent a breach of employment legislation, is lawful.³

¹ This Executive Summary contains key findings from the study as a whole. Each substantive chapter in the report itself begins with a more detailed overview of the main findings covered in that chapter.

² For a fuller account of the approach used, the reader is referred to Chapter 2, and to Table 2.1 in particular, which summarises in more detail the definitions of awareness and knowledge used.

³ It is important to note that the scenario questions were designed to assess respondents’ perceptions of (un)lawfulness as a means to gauging the extent to which perceptions are based on knowledge/awareness of specific employment rights, rather than, for example, a general sense of ‘natural justice’. Whether the situations described in

- **Extent to which perception of entitlements is based on knowledge:** individuals are able not only to judge the lawfulness of a hypothetical situation, but also to identify the relevant area of law.

In addition to questions about their awareness and knowledge of employment rights, respondents were asked about any experiences they had of problems at work which might amount to an infringement of their employment rights, and about the extent and nature of any action they had taken as a result.

In expectation that only a minority of respondents would have recent experience of problems at work, questions were also asked about whether and how respondents would take action when faced with hypothetical situations which might amount to a breach of their employment rights.

Finally, the study asked about a number of new employment rights (relating to time off for dependents, paternity leave and parental leave), focusing on whether respondents believed that these rights were currently made available by their employer, and whether (if eligible) they had taken them up.

General awareness and knowledge of employment rights

Nearly 70 per cent of the sample assessed themselves as well-informed or very well-informed about employment rights in general.

Around one-quarter of respondents felt that they did not need to know more than they already did, whereas half felt that they would like to know more.

Almost half were able to name at least one employment law or entitlement without prompting. Following an example of an employment right being given, this increased to almost two-thirds. Most commonly cited were provisions relating to working time, health and safety and discrimination.

Those who assessed themselves as generally well-informed were more likely to be able to name an employment law or right than those rating themselves as not well-informed.

When asked about five specific groups of employment rights, awareness of the National Minimum Wage was the most widespread (91 per cent), followed by anti-discrimination and unfair dismissal rights, with fewer respondents showing awareness of the Working Time Directive and least of all showing

the scenarios were unlawful in practice would depend on the precise circumstances of the case, and is something that could be decided on the facts only by an employment tribunal.

awareness of parental leave legislation (52 per cent). However, over three-quarters of respondents were aware of four or more of these rights when provided with a direct prompt.

Looking at personal and job characteristics of respondents:

- Women assess their awareness/knowledge as higher than men. However, men are more likely to demonstrate informed awareness (*eg* by naming an employment right).
- Non-white individuals are less confident than whites in their self-assessed awareness/knowledge, but their actual pattern of informed awareness is similar to that of their white counterparts.
- Levels of informed awareness peak in the 36-45 age group, and among those with the highest levels of qualification.
- Levels of self-assessed awareness/knowledge and of informed awareness were highest among managerial and professional workers, those in public administration, education and health and the business and financial services sectors, and among permanent employees and trade union members.

Awareness and knowledge of specific groups of employment rights

The study included detailed examination of respondents' awareness and knowledge of specific employment rights in five areas:

- Legislation related to work-life balance.
- Working time legislation.
- Wages, terms and conditions (including the National Minimum Wage).
- Anti-discrimination legislation.
- Unfair dismissal rights.

Key findings include the following:

- When asked to name an area of employment law, one-quarter mentioned working time regulations unprompted and over a fifth mentioned anti-discrimination legislation. When prompted, 96 per cent were aware of the National Minimum Wage, and nine out of ten were aware of provisions relating to discrimination, whilst only half were aware of a specific provision (parental leave) relating to work-life balance.
- Self-assessed awareness/knowledge of employment law in general is associated with greater substantive knowledge of specific provisions relating to the National Minimum Wage, working time regulations, and some aspects of unfair dismissal

and work-life balance legislation, but not with greater substantive knowledge of anti-discrimination provisions.

- Experience of relevant employment problems is associated with: higher levels of awareness of the National Minimum Wage, work-life balance legislation, anti-discrimination and unfair dismissal rights; and with a greater level of detailed knowledge of provisions relating to working time, the National Minimum Wage and unfair dismissal.
- Respondents were asked whether a series of hypothetical scenarios depicted potential infringements of employment law. Respondents were most likely to identify scenarios relating to pay and terms and conditions, annual leave and race discrimination as potentially unlawful.
- When asked to name a relevant area of law in support of their identification of a scenario as potentially unlawful, ability to name a supporting area of law was highest among respondents identifying potential infringements relating to race discrimination, pay and terms and conditions, and lowest for those relating to time off for dependants.
- Respondents were also asked about two scenarios depicting situations (dismissal on grounds related to sexual orientation or age), not covered by current statutory anti-discrimination provision.¹ However, fewer than half of these respondents could name a relevant supporting area of law (eg unfair dismissal legislation) suggesting that such judgements may relate to general perceptions of fairness or natural justice.

The study suggests that there are few general patterns of awareness/knowledge which apply across all employment rights and types of individual. Substantive knowledge of specific provisions varies dramatically within groups of related provisions. However, certain features of employment legislation appear to be associated with higher or lower levels of awareness/knowledge. These are:

- their visibility and length of time established (eg Health and Safety legislation compared, for example, with work-life balance legislation)
- publicity and/or controversy (eg Working Time Regulations)
- the existence of a visible enforcement body (eg Health and Safety, anti-discrimination legislation)
- their relevance to particular sub-groups of the population (eg anti-discrimination legislation).

The research suggested that several characteristics of respondents were associated with different levels of awareness/knowledge:

¹ The scenarios were, however, designed to depict potential breaches of unfair dismissal legislation.

- Many of these characteristics were linked with labour market advantage/disadvantage. Thus: white, male, better qualified, white collar employees with permanent full-time jobs and written particulars of their terms and conditions appear to have higher than average levels of awareness and/or knowledge of employment rights. Many of these groups are also less likely than average to report having experienced violations of their employment rights.
- Other characteristics were linked to the specific legislation in question. For example, groups targeted by the legislation, or for whom the legislation was most relevant, were often (but not always) more aware of, or knowledgeable about it. Thus parents, women and 26-45 year olds have high awareness/knowledge of work-life balance legislation. Similarly, low-paid workers are more likely to be aware of the rate at which the National Minimum Wage is set; and disabled respondents are more likely to know that the Disability Discrimination Act employer threshold is currently 15 employees. In contrast, there is no clear evidence that knowledge of working time regulations is associated with respondents' working time patterns.

Availability and take-up of new entitlements

The study also examined the availability and take-up of recent provisions relating to:

- time off for dependants
- parental leave, and
- paternity leave.

It should be stressed that the findings report respondents' *perceptions* of whether or not their employer offers the various provisions (this may, of course, differ from the *actual* availability of these provisions). It should also be noted that two of the provisions represent statutory entitlements, whilst the third does not.

Key findings include the following:

- Three-quarters of respondents report that their employer offers time off for dependants (statutory entitlement).
- Around two in five report that their employer offers parental leave (statutory entitlement), and a similar proportion that their employer offers paternity leave (non-statutory entitlement).
- Paternity leave is the most likely of the three provisions to be paid leave: three-quarters of employers offering it made payment; parental leave, where offered, is least likely to be paid.

- Fewer than one in ten of those who reported that their employers offered parental leave believed they had been eligible for it during the previous year.
- Eight per cent of men who were aware that their employers offered paternity leave had been eligible for it during the previous year, and the majority had actually taken it.
- Almost all of those who had needed time off for dependants during the previous year had taken it (women were more likely than men to report needing such time off).
- In all three cases, the most common reason for not taking up the provision (when eligible) was affordability (because the leave/time off was unpaid or partly paid). Some employers do, however, pay for this provision.

Experience of problems at work, responses and actions

Sixteen per cent of respondents experienced problems at work in relation to their employment rights in the previous five years — most commonly in relation to pay and written particulars, followed by discrimination and working time issues. The relatively small numbers of respondents reporting such problems should be taken into account in interpreting the findings on this issue.

Key findings on problems experienced at work included:

- Non-white respondents were nearly twice as likely to report problems as their white counterparts.
- Older respondents and those with a written statement of terms and conditions were much less likely to report having experienced problems, while respondents in the business and finance sector were more likely to report such experience.
- Over half of those who experienced employment problems had sought help or advice, with three-quarters seeking advice within a week of the problem arising. The commonest sources of advice, in order, were Citizens' Advice Bureaux, personnel/HR managers and trade union representatives. Official sources were rarely used (the commonest being ACAS). The main reason for choosing particular sources related to their presumed specialist knowledge, and respondents were motivated (in equal proportions) by a wish to obtain advice on their legal rights, and a wish to secure practical suggestions for solving the problem.
- In a third of cases where advice was sought, the advice suggested that the respondent's treatment may have been unlawful, and in two-thirds of these cases, the respondent took the matter further.

- Four-fifths of those seeking advice and support also took the matter up with their employer: most of these did not contact the employer initially, but raised it with them at some stage. Two-thirds who took the matter up with their employer made contact with a senior manager rather than their line manager or personnel department.
- Among those taking action to remedy the problem, the commonest outcome (in 44 per cent of cases) was that they left the organisation (half voluntarily, half involuntarily). Among those who would take different steps in future, the commonest response was that they would take expert advice (from a legal adviser or trade union).
- Those who took no action gave two main reasons: a wish to avoid the inconvenience of taking action, and a belief that taking action would not solve the problem.

Respondents were also asked about what they would do in certain (hypothetical) situations. It needs to be borne in mind, in interpreting these findings: first that respondents describing their responses to hypothetical situations may give what they see as the 'expected' answer; and second that respondents' reported attitudes may not be good predictors of their behaviour if such a circumstance actually occurred. Key findings included the following:

- All respondents were asked what they would do if faced by an infringement of their rights at work. Nearly all said they would take some action (only two per cent would do nothing). Two-thirds would take advice, and over a quarter would talk directly to the employer (nearly all of these would take further advice if the response from the employer was unsatisfactory).
- Faced with a hypothetical infringement of their employment rights, over half were confident or very confident of receiving justice, a third were not sure and 15 per cent were not confident. Respondents who had experienced employment problems were no less confident of receiving justice than those who had not.
- Finally, although the research indicated some relationship between groups with low awareness/knowledge of employment rights and the likelihood of experiencing employment problems, there was no clear relationship between awareness/knowledge and the propensity to take action to resolve an employment problem. It does not appear that groups with lower levels of awareness/knowledge of employment rights are systematically less likely to take action in pursuit of those rights.