



Thoroughbred Breeders Association Employment Law Fact Sheet No. 20

Part-time Workers

The Law

Under the Part-time Workers (Prevention of Less Favourable Treatment) Regulations all part-time workers have protection from being treated less favourably than full-time workers doing comparable work.

In some cases less favourable treatment of a part-time worker may also give rise to claim of sex discrimination.

Treatment

- Part-time workers should be paid the same basic rate of pay as full-time workers but do not have to be paid overtime until they have worked the same hours that a full timer would have to work in order to receive overtime rates. For example, if a full time worker needs to work more than 40 hours per week in order to receive overtime rates a part timer who only normally works 20 hours would also need to have exceeded 40 hours to receive overtime rates.
- If overtime is worked it should be at the same rate as full-time workers.
- All contractual terms such as holiday pay and sick pay should be given on a pro rata basis.
- Whilst there is no general right for employees to take a holiday on any particular bank holiday employers may direct them to do so and include these bank holidays within the employee's entitlement. In such cases a part-time worker does not lose the right to that holiday simply because they would not ordinarily be working; they must be allowed to take the holiday on another day. Similarly a part-time worker who would ordinarily be working on a bank holiday can be directed in the same way as a full timer to take that day out of their entitlement.
- Part-time workers should not be treated less favourably in selection for redundancy
- Applications by part-time workers in respect of family friendly rights such as flexible working should not be treated less favourably on grounds of existing part-time status.

Justification

Less favourable treatment of part-time workers will only be justified in very rare cases where this was necessary to achieve a genuine business objective. Saving money will not amount to such justification.

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