

Part-time Workers

At HKKLAW, we are dedicated to addressing the unique needs and challenges faced by part-time workers, ensuring they receive equitable treatment in the workplace. Our legal services are designed to empower part-time employees with the knowledge and representation necessary to protect their rights.

For employers, we offer expert advice on implementing policies and practices that comply with the Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000, helping to foster a fair and inclusive working environment. Our aim is to assist employers in fostering an inclusive work environment that values all employees equally, regardless of their working hours.

HKKLAW is committed to upholding the principles of fairness and equality for part-time workers. Whether you are a part-time worker seeking to assert your rights or an employer aiming to ensure compliance with part-time employment regulations, we are here to provide comprehensive support and expert guidance, ensuring everyone has access to fair working conditions.

Part-time Workers and Discrimination

Part-time workers play a vital role in the modern workforce, contributing flexibility and diversity to the employment landscape. The protections for part-time workers under UK law are designed to ensure fairness and equality in the workplace, recognising the valuable contributions of all workers, regardless of their working hours.

In the UK, the rights of part-time workers are protected under the Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000. This legislation ensures that part-time workers, including those classified as 'workers,' are not treated less favourably than their full-time counterparts, unless such treatment can be objectively justified.

Scope of Protection: The Regulations apply to anyone working under a contract of employment or any other contract to perform work or services personally, which includes individuals classified as 'workers.' This broad definition ensures comprehensive protection across various employment contexts, covering not just traditional employee roles but also more flexible working arrangements.

Under the Regulations, a worker can make a claim that he/ she has been treated unlawfully if:

- the worker is a part time worker;
- is treated less favourably than a comparable full time worker;
- the less favourable treatment is on the grounds that the claimant is a part time worker;
- the treatment is not justified on objective grounds.

Key Protections Include:

- **Entitlements:** to the same pay and benefits package (on a pro-rata basis) as comparable full-time or permanent employees: entitlements to the same hourly rate of pay, bonuses, annual leave, contractual sick pay, the same access to company pension schemes
- **Maternity and Parental Rights:** the same entitlements to maternity/ parental leave on a pro-rata basis.
- **Training and Career Development:** no less favourable treatment to access to training and career development opportunities. Opportunities for promotion or career advancement should not be unfairly restricted for part-time workers. Employers must ensure equal access to any opportunities for career progression.
- **Protection Against Less Favourable Treatment:** Part-time workers are protected against unjust treatment that their full-time counterparts do not face. This includes exclusion from certain projects or considerations simply due to their part-time status.
- **Right not to be dismissed:** because they have tried to enforce their rights under the Regulations.

Making a Claim:

Part-time workers who believe they have been treated less favourably than equivalent full-time colleagues have the right to make a claim under the following basis:

1. **Request for Written Statement:** Initially, the worker can request a written statement from their employer, detailing the reasons for the treatment or terms that they believe to be less favourable.
2. **Employment Tribunal:** If the issue is not resolved through internal processes, or if the worker is not satisfied with the explanation, they can bring a claim to an Employment Tribunal. It is crucial for the claim to be made within three months less one day from the date of the alleged less favourable treatment or from the end of the contract.
3. **Objective Justification:** In response, the employer must demonstrate that any less favourable treatment or terms are justified on objective grounds, unrelated to the worker's part-time status.

Therefore, provided that a part-time worker can show that the part-time status was the effective and predominant cause of the less favourable treatment, a claim will succeed unless the employer can show some objective justification.

Employers are required to ensure that their policies and practices do not unjustly discriminate against part-time and fixed-term workers, providing them with equal opportunities and fair treatment in line with their full-time and permanent counterparts.

Conclusion:

Understanding and combating discrimination against part-time workers are crucial steps toward fostering a more inclusive and equitable workplace. Employers must proactively address this area, implementing clear policies and regular audits to prevent discrimination. Meanwhile, employees should be aware of their rights and the mechanisms in place to

support them in challenging any form of discrimination or inequality they may face in the workplace.