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## **MONEY BOX LIVE**

**Presenter: PAUL LEWIS**

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**LEWIS:** Hello. The government's consulting on what it called "creating the modern workplace", and central to the plans is the new system of flexible parental leave that would give a longer period of shared leave between fathers and mothers. It also plans to extend the right to ask for flexible working. New rights come in in October for agency workers, and October will also see the final end of employers dismissing someone just because they've reached a certain age. But family friendly for employees who are parents may not seem so friendly for employers, especially small ones. So today we're looking at your rights at work now and in the future, just what are they: can you be sacked, can you be made to leave because of your age? What if you're pregnant or have a baby? What rights do you have to flexible working? What's redundancy and do you always get money when you go? So whether you're an employer or an employee, why not call Money Box Live now - 03700 100 444. With me today to answer your questions: Andrew Cowler, who's a helpline adviser with the employment resolution service ACAS; Sian Keall, Head of Employment Law and a partner with lawyers Travers Smith; and Sarah Veale who's Head of Equality and Employment Rights at the TUC. Our first question today is from Gary who's calling from Hertford. Gary, your question?

**GARY:** Hello. My company I work for has two pay schemes going for the employees. What they're trying to do is to create one pay scheme which everybody will like. Can they make us change over to this pay scheme because some people like one pay scheme they're on and some people like the other pay scheme?

**LEWIS:** So they're changing your pay scheme without consulting you really?

**GARY:** Well they're still going through the process of sorting out the new pay scheme, but there's quite a few people don't want to change from the pay scheme they're on.

**LEWIS:** Okay. And you're an employee clearly? You're absolutely employed by them?

**GARY:** Yeah.

**LEWIS:** Yeah, okay. I think we'll take with that an email that's come from Sandy who says they're bar staff in a theatre and they've been informed that their pay would be reduced by £1.31 an hour; while the stewards at the theatre, their pay would increase so they'd all be getting the same in future. And they're concerned. They say they're sessional workers and morale is low. I can imagine it is. So just what are your rights to have your pay changed? Let's start with Sian Keall of Travers Smith.

**KEALL:** Well, Gary, the basic right that you have does slightly depend on what your contract says. It's very clear - and this applies to the other question that came in by email - that your employer can't just unilaterally change the pay it gives you. To do that, it has to have your agreement or, in worse circumstances, terminate your contract and start another contract with you on revised pay. Your question I think is a bit more sophisticated because yours is about pay scales, and I'm assuming that the plan to change pay scales doesn't include a plan to reduce the pay you're actually paid at the moment. Is that right?

**GARY:** Well because of the nature of the work, sometimes you can earn more on one pay scheme than the other pay scheme. So there are some employees that like one pay scheme and some like the other pay scheme. But obviously it's a bit complicated for the company to run two pay schemes, so they want to amalgamate it into one.

**KEALL:** And the basic answer in that sort of situation is if they're changing what you're going to earn day to day, then they will need your consent; and if you don't do it, if you don't give your consent, then their choice will either be to press ahead, give you notice under the contract and reemploy you on a different basis, or live with the two pay schemes. One of the key things to remember here though is that proposals like this do trigger consultation, collective consultation obligations on employers; so if they were to be pressing ahead with terminations of contracts in these circumstances, they would definitely have had to carry out consultation first.

**LEWIS:** Sarah Veale?

**VEALE:** Well just to follow on from Sian's point. I'm assuming you're not in a trade union, but you do need to make sure that you speak to other employees and present the employer - who I assume wants to have your cooperation, it's not really in their interest to have some huge dispute over this - talk to your colleagues and see if you can present them with a package which is as acceptable to as many of you as is possible. Because you obviously don't want to shaft each other either and it's one of those areas - and I would say this, wouldn't I - where actually classically unions are very good and they can handle these things as a kind of intermediary and sort out a representative package to the employer. But the two cases we've got here - Sandy and Gary - are quite different because if you're not an employee, a contracted employee, and I suspect with the bar staff, that's probably the case - I'm afraid the employer has far more latitude simply to say this is what's going to happen: you're not an employee, I simply won't use you anymore, I'll get someone else in if you're a casual worker. So there is, I suspect, quite a difference in approach between the two different cases we have here.

**LEWIS:** Yes. Right, we can't ask Sandy because it is an email, but you're saying that bar staff may well just be employed casually?

**VEALE:** It sounds to me from what the email says that they're probably on an as and when basis, and it's much easier for employers simply to say well if you're not going to accept this, then I'll find somebody else who will without the same contractual

obligations.

**LEWIS:** And, Gary, is there any chance of you getting together with your colleagues and saying well, look, you know this is bad for all of us; can we come to some sort of compromise?

**GARY:** Well we have had a meeting and that's when it came apparent that some people would prefer to stay on the pay scheme they're on. Obviously the company isn't going to run free pay schemes.

**LEWIS:** Well no - if they don't want to run two, they won't. So it is a bit of a question of negotiation, but it does sound as if they can do it if they do negotiate. And ultimately, Sian, I think you were saying they could just dismiss you and then get you back on a new contract, but what would they dismiss you for?

**KEALL:** Well there's a great lawyer's phrase called 'some other substantial reason', which means that you're not being dismissed because you've done anything wrong. It's not misconduct, it's not poor performance; it's just a sort of bucket of other things. And this sort of dismissal can fall in that category.

**LEWIS:** But you could challenge that, couldn't you?

**KEALL:** You could absolutely challenge it. You're entitled to bring an unfair dismissal claim in those circumstances as an employee; and what the employer has to show is that it had a really powerful business need to do what it was doing. So they can't do it on a whim and expect to win.

**LEWIS:** And Andrew Cowler, you're from ACAS, what used to be the Conciliation Service. Is this the kind of thing you might get involved in if you were told about it?

**COWLER:** Yes it is because we've got the two different pay scales, an employer that wants to harmonise the pay scales. That's often where our senior advisers can go into

a company and help with the consultation.

**LEWIS:** So who comes to you? Is it Gary and his colleagues or is it the employer or is it both?

**COWLER:** It could be either. Normally it's either somebody acting as an employee representative - so commonly a trade union representative - or it will be the employer saying we're not getting anywhere; can you help?

**LEWIS:** Right, so if all the employees got together and elected a spokesman - maybe Gary as you rang, Gary - he could ring ACAS and say well, look, can we just try and sort this out? And that assumes, of course, the employer wants to sort it out rather than be difficult, but most employers would, I imagine. Okay, Gary, well that may be a route forward for you. Thanks very much for your call. But probably worse news for the bar staff who may well not have much right at all to not have their pay cut or in some cases put up. We'll move onto Ann now from Bournemouth. Ann, your question?

**ANN:** Yes, I have casual employment through an agency paid through Paye As You Earn at an hourly rate. I don't receive any holiday pay, nor payslips recently. I have queried it with them, but I don't get any response at all. I'm a bit worried about making waves because, being casual, they have the right whether or not to allocate me any work.

**LEWIS:** Yes.

**ANN:** I run a payroll business. I'm self-employed with a payroll business. I'm fully up to speed with my entitlements here: it's about one hour holiday pay for every ten hours worked. Is there anything I can do or do they just get away with it?

**LEWIS:** Okay. But you say that you run a payroll, but you also work for an agency. Is that ...

**ANN:** (*over*) Indeed. Yes, two separate ...

**LEWIS:** (*over*) That's what you do for the agen...

**ANN:** Pardon?

**LEWIS:** That's two separate things?

**ANN:** I do two separate things, yes.

**LEWIS:** Right, okay. And strangely - perhaps it's not a coincidence, who knows - we've had an email from Fionnula who says that her daughter works for a large temp agency and they're refusing to supply her with payslips. And she also says she can't cause a fuss or she might lose the work. This is a bit of a bind, isn't it? Sarah Veale, what are people's rights here?

**VEALE:** Well agency workers actually do have rights to receive information about what they're going to be paid. That should be given to them preferably in writing or it can be done by email, but you know they have a right to know what they're going to be paid. They also have a right to paid holidays, which some agency workers don't realise. I think the problem is that some agencies think they can get away with people's assumptions that you're not going to get any of these things. But could I say a bit of clear advice here. I understand the point that Fionnula makes about being rather nervous about being identified and then not being given any more assignments - that's a very common fear with agency workers - but there is an agency inspectorate in the government business department and you can anonymously get through to them. The BIS website is [www.bis.gov.uk](http://www.bis.gov.uk). And if you look at the link for agency workers, they will actually follow that up for you and they will talk to the agency and say you're out of order, this is what you have to do. So it's worth people doing that.

**LEWIS:** And that would cover holiday pay or getting a payslip?

**VEALE:** It would. It would indeed.

**LEWIS:** And, Sian Keall, just explain the rules about holiday pay for agency workers because that's something quite ... well relatively new, isn't it - that you have this right to holiday pay?

**KEALL:** Yes, the tricky issue on holiday pay is this question of rolled up holiday pay and whether or not your employer has to pay you holiday while you take it, so during the days you take off, or whether they're compared at some later point. And it is now clear - and this applies to employees and agency workers who are employed by an agency or working for an agency - that rolled up holiday pay doesn't work. So if you take time off as holiday, you're entitled to be paid in your payslip for that month for it.

**LEWIS:** Right because with agency workers, there was a suggestion - Ann, I think you half mentioned this - that if you do say 6 weeks work, then at the end you get an extra bit of pay for the holiday you didn't take during that 6 weeks work. But you're saying you've got to be able to take the holiday during the 6 weeks work?

**KEALL:** Yes. And it was very common, and I suspect it still does happen quite commonly, that people get paid at the end. And often the difficult thing is of course agency workers quite often like that because it's additional pay rather than time off.

**LEWIS:** It's extra pay at the end, yes.

**KEALL:** So these things are slightly tricky to unpick, but actually the basic position is you're entitled to be paid for your time off at the time that you take it.

**LEWIS:** Ann, you've heard that; you obviously know very much what your rights are. Would you be happy going to the business department?

**ANN:** Oh yes. No problem at all, no.

**LEWIS:** I think you're probably on that website already, aren't you? (*laughs*)

**ANN:** Yes, precisely.

**LEWIS:** Okay, well that's a very useful thing to know - that you can actually get this looked into officially anonymously, and that might solve your problem, Ann, and possibly Fionulla's daughter as well. So thanks very much for the call and the email.

**ANN:** Thank you.

**LEWIS:** I'm just going to take another email because we're talking of part-time people and it fits in very nicely. It's a very common question we get on this programme. This is from Annette. She started a part-time job. She only works Tuesday, Wednesday and Thursday, and she wants to know what her entitlement to bank holidays is because she doesn't work Mondays when most bank holidays are, or indeed Fridays. What are the rules there? Andrew?

**COWLER:** Well there isn't a statutory right to have a public holiday as a day off, so that's the first thing.

**LEWIS:** There's a right to a certain number of holiday days though, isn't there?

**COWLER:** Yes, there are. So probably in this person's case, in a lot of people's cases, it's probably not very useful to think about bank holidays at all and just see it as a pot of annual leave entitlement. And the current statutory minimum, the legal minimum for holiday is 5.6 weeks, and so a part-time member of staff would get their share of that. So for a 5 day a week worker, that's 28 days; and for somebody who's working less days, they would receive the proportion - normally worked out in hours because part-time people tend to do different hours on different days.

**LEWIS:** So it's three-fifths of 28, which Annette would be entitled to?



**COWLER:** Yes.

**LEWIS:** And obviously those will fall on some of the days she should be working, like Tuesday, Wednesday or Thursday. So she should get the same total holiday given that she only works three-fifths of the time?

**COWLER:** Yes, proportionately it should work out for her as 5.6 weeks. Or if full-time workers of staff at her workplace get more, it would be a share of that higher amount.

**LEWIS:** Right, so if their contract says they should have, I don't know, 6 weeks or 8 weeks, whatever it is - she gets a proportion of that?

**COWLER:** Yeah, exactly.

**LEWIS:** And the fact that she doesn't work Mondays, as you say is irrelevant in a sense?.

**COWLER:** Yes, there will be some public holidays that fall at some point during her working days and they will come off her holiday entitlement.

**LEWIS:** Maybe the odd Christmas, yes.

**COWLER:** It's a very common question. A lot of people get confused with this.

**LEWIS:** Right, okay, well that's very interesting. Annette, I hope that solves the problem. She also says she finds it very hard to work this out from the government websites, so maybe that's a memo to the Department for Business or wherever that is. Thanks for your email, Annette. We're going to David now who's calling us on his mobile. David, your question?

**DAVID:** Hi. Yeah, I started work with a local housing association as an electrician on

1<sup>st</sup> March and I was taken on - full-time work - I was taken on on a 3 month contract, which runs out at the end of this week. I've just been told that I'll be kept on for at least another 3 months, so my question is can they simply keep on employing me on 3 month contracts or does it reach a point where they either have to sack me or offer me a full-time job? And can I also ask, am I entitled to some kind of written contract for either of those 3 month periods because I haven't had one yet?

**LEWIS:** Okay, well I suspect those are two separate questions. But, Sian, you eventually do become an employee, don't you?

**KEALL:** Yes you do. It's not possible to be placed on fixed term contracts forever. But the key thing is that, David, you're entitled to be given a contract of employment, so you absolutely should get clarity as to what your contractual terms are.

**LEWIS:** Even for a 3 month contract, you're entitled to that?

**KEALL:** Yes, yes you should be. And certainly once your employment keeps going, you need to be clear about the terms upon which you're employed, so you absolutely ought to ask for clarity. And I know we've had a number of issues on the programme so far that are very contentious things to ask for. Normally it shouldn't be contentious to ask for a contract because it's simply a state... You're not asking for anything more; you're just asking for a statement of your rights.

**DAVID:** I've already asked them and I'm badgering them to a certain extent, but I haven't had one yet.

**LEWIS:** That's often the problem isn't it that we get on this problem; that people say what your rights are, but then that relationship between an employer and employee or a contractor and a contracted person. Andrew?

**COWLER:** The interesting thing is they're trying to employ you on fixed term contracts, but without giving you something in writing. It's actually going to be very

difficult for them to prove that these are fixed term contracts, so it really is in their best interest to provide something in writing.

**LEWIS:** And so eventually though you do become an employee after you've had fixed term contracts for a certain length of time?

**VEALE:** Well can I just say there is a specific ...

**LEWIS:** Sarah, yes.

**VEALE:** ... it's three strikes and you're out, I think. You can renew a contract twice, but I think - you should check this again on the BIS website or maybe Sian knows - but after a certain period of successive renewals, you would have to be taken on permanently. So that's very important actually because some employers try to roll these on forever, so that they can just suddenly get rid of you if times get hard.

**LEWIS:** That used to be quite common practice, didn't it?

**VEALE:** Yeah.

**LEWIS:** There's a lot of employers that do that.

**VEALE:** The European directive came in, which actually stops that from happening.

**LEWIS:** There are some puzzled looks strangely, very unusually on Money Box Live. There are some puzzled looks about this. Sian?

**KEALL:** Yes, I suppose the reason I'm looking slightly puzzled is that I think we need to be really clear. David, it sounds as though you are an employee now.

**DAVID:** Yeah.

**KEALL:** So you're an employee now. The critical question is whether you become a permanent employee as opposed to a fixed term employee. And the reason that's important is that all the rights that go with being an employee - in maternity leave, probably not so relevant here, but you know sickness rights and so on - will apply to you regardless of whether your contract is fixed term. You will eventually of course, if they keep renewing your fixed term contract, become a permanent employee anyway, but actually for the most part you get the rights in any event.

**DAVID:** I see. But you mentioned before about serial renewals of the contract. Is there a time limit beyond which they can't continue to do that? Would it be 6 months or ...? You mentioned three strikes and you're out. I mean how does that work?

**COWLER:** It's 4 years. They can give fixed term contracts for up to 4 years. And then if they renew it again, it becomes permanent or you can ask for a written statement to argue why you're permanent.

**VEALE:** But they can't do a lot of small ones. That's the other point, isn't it? There's a cumulative impact. If they keep on giving you very small ones - as far as I can remember, the right then triggers in before that longer period of 4 years because you can't keep repeating very short-term contracts without getting into trouble with the fixed term contract regulations.

**DAVID:** What's the time limit on that? I mean how long can they continue to renew the short-term contracts for?

**VEALE:** I think they can only do it ... They employ you and then I think they can only do it twice more. And if they do it a third time after that, then you can say look, hang on a minute, I'm entitled to be given a permanent contract or have this resolved.

**LEWIS:** Sian?

**VEALE:** Is that right, Sian?

**KEALL:** Yes, I think we ought to follow up on this afterwards actually because I'm not sure that the three strike rule works in that kind of way. I think it is just the overall deadline. But in practice of course, leaving aside all of the detail about how it's renewed - after a year, however you get there, you've got unfair dismissal rights. And of course there is now consultation that the government is bringing out about whether to raise that from 1 year to 2 years - but obviously consultation that won't be so relevant here - but the absolutely key thing is once you get to a year, it doesn't matter how you get there; you're uncovered by the unfair dismissal rights.

**LEWIS:** Okay. David, your case raises a slightly complicated point depending exactly what's happening to you. So we will call you after the programme, if we may, and try and sort that out for you. I'm just going to take a quick email now from Jane who's emailed us to say she's in a part-time job which is ending because the employer wants someone to do it full-time. 'What are my rights, please?' I think the implication is she's going to be got rid of and a full-timer's going to take her place. Does she have the right to be considered for that job, Sian?

**KEALL:** Yes because it's likely that the reason her employer is going to give her is that her role is redundant. I don't know how plausible that's going to be if they actually need someone to work for longer because normally the statutory reason for redundancy is because there's reduction in work or a workplace is closing or something of that kind. So actually getting rid of somebody because you want more work to be done is very difficult.

**LEWIS:** But I suppose if the business is growing, you might say well this part-timer can become a full-timer. That must happen quite a lot. Do you have to give the part-timer an offer of that full-time job?

**KEALL:** You would in pract... One of the things you could do is give the part-timer the offer of the full-time job. But the other issue is whether you'd then be terminating the part-time worker's employment on good grounds because actually the other way to deal with the part-time situation is to recruit somebody else to cover the rest of the week.

**LEWIS:** A job share, yes.

**KEALL:** Yes. So I think it's not as simple as an employer saying actually we've just got a bit more work to do, therefore we don't want someone doing it 3 days a week; we want it 5.

**LEWIS:** Okay. Andrew, perhaps people can call ACAS and just discuss things, can't they?

**COWLER:** They can indeed.

**LEWIS:** They do all day.

**COWLER:** *(over)* Any of the questions we're having today, we can ...

**LEWIS:** *(over)* So that's a useful thing to know, that people can call ACAS. And you're not just there to arbitrate; you're also giving information to people about employment rights.

**COWLER:** *(over)* No it's all the information as well, yes.

**LEWIS:** That's very helpful, so that might be a good call to make. That's from Jane. We'll move on now to Derek in Southampton. Derek, your question?

**DEREK:** Oh hello. Yes I'm a photographer and I sometimes need an assistant to help me with events and also post-processing using Photoshop, you know for targing up images. And some other photographers told me that if you hire students - it's got to be students below, I don't know, 21 - then you can pay them a certain ... you pay them by the hour and you've got a P34 or something to send into the tax people. And that's it, so you don't get involved in any employment stuff or anything like that.

**LEWIS:** Well you say get involved in any employment stuff. You mean they don't

have any rights, I suppose.

**DEREK:** You know what I mean? I just do this at home.

**LEWIS:** There's slightly puzzled looks, I must say. Andrew's looking the least puzzled, so I'll go to him first.

**COWLER:** The first thing I think we need to be clear on is if you're employing them, they become employees and so they would be covered by employment law.

**DEREK:** (*over*) Oh no, no, no, no ... no, no. You know there are some local colleges nearby and they do photography courses - so it's a you know scratch my back and I'll scratch yours sort of thing.

**LEWIS:** But you can take on anyone just as a casual worker.

**VEALE:** Yes, can I just say ...

**LEWIS:** Sarah Veale?

**DEREK:** They're not casual. It's literally as and ... You know what I mean? If I get a booking for an event...

**LEWIS:** (*over*) Well I think people perhaps don't know quite what you mean as far as the law's concerned, Derek. But let's bring Sarah Veale in.

**VEALE:** It's just worth talking about the national minimum wage which applies to workers regardless of whether you're contracting them or not, and there are different rates for younger workers and students would be counted as younger workers if they're working for you.

**LEWIS:** They're under 21.

**VEALE:** Well exact... Well between 18 and 20, the rate at the moment is £4.92 an hour. If they're between 16 and 17, then the rate is £3.64. And that's absolutely clear; you can't get out of that.

**DEREK:** Oh no, I would use students because you know they're studying to do photography anyway.

**VEALE:** Yes.

**LEWIS:** But they have to be paid the minimum wage.

**VEALE:** They still have to be paid if you want to employ them.

**DEREK:** Oh yeah, I'm happy with that. It's around about a fiver an hour, right? But you know is that okay? I mean what do I have to do as far as the tax is concerned?

**COWLER:** Well I think this is where the issue is - is they may well have employment rights unless you get some legal advice on how to take them on as interns. But I think what your colleague or friend is telling you is that if students work less than a certain number of hours just during the holiday times, they might not have to pay tax. So that's really a question for HMRC.

**LEWIS:** But that's only a question of how much they earn during the year because if they earn more ...

**DEREK:** (*over*) But they can't get rights if they're ... I mean it depends on the booking. I might not use them for 2 or 3 weeks, but then I mean I get an evening booking ...

**COWLER:** (*over*) That kind of thing is very common with bar staff like we've talked about on the programme earlier.



**DEREK:** It's not regular.

**COWLER:** Yes, it's a kind of hours and when thing. It doesn't necessarily mean that they wouldn't have any employment rights at all though.

**LEWIS:** Sian?

**KEALL:** And this concept of casual workers is a really difficult one actually. It does come up a lot and it's very dangerous to assume that because an individual gets engaged casually that they can't be an employee. It has to be said though there are a category of people who are genuine casual workers in that you're not obliged to give them any work, they're not obliged to take it if it's offered. And if somebody really is in that category - and actually yours may be an example of that but they're relatively rare, these examples - then an individual may actually not be an employee at all. So it does depend on the facts. But I can understand that actually your quite unusual situation might be a genuine situation of casual workers.

**LEWIS:** But perhaps, Derek, the answer is get advice on employment from a lawyer rather than another photographer, if I can put it like that. But thanks very much for your call and good luck with that. Diana now from Bristol.

**DIANA:** Yes, good afternoon.

**LEWIS:** Hello.

**DIANA:** My husband is due to retire on 24<sup>th</sup> September this year. He was given notice to finish on 8<sup>th</sup> November. Did I say November? I mean September, I'm sorry, this year. He will be 65. He was given notice to finish on 8<sup>th</sup> November 2010. He works for the NHS as an office employee. He's been told there's little point in appealing. I'm asking really is there you know the point of appealing or is there no point - the fact that he's unfortunately 6 days out of the legal requirement to be able to stay on after the 1<sup>st</sup> October?

**LEWIS:** Yes. Sian, explain the rules and how they're changing them and where this unfortunate gentleman seems to have fallen.

**KEALL:** Yes, my goodness, I mean there couldn't be a closer example really. The new rules apply to effectively take away the normal retirement age or the concept of formally retiring people and they start from the beginning of October. So somebody who's being retired at 65 at the end of September is absolutely the last possible stage of the transfer between the old rules and the new rules. That's very small comfort because you know being very close is not close enough - you're either in the old system, which your husband is, or you're in the new system. Having said that, because this is a transition period into a new world during which you know formal retirement or compulsory retirement is going to disappear, I would have thought that it is worth appealing not on a technicality - you know there's probably no legal basis for an appeal - but to say you know the rules are changing; I'm being disadvantaged by a quirk of fate by 6 days; please will you reconsider. I would have thought that although they don't have any legal obligation to agree to that, it's got to be worth a try.

**LEWIS:** And also maybe to make sure they've followed exactly the right procedure because there are certain steps they have to have taken at the right time to give notice for someone to be retired at 65.

**KEALL:** Yes, it sounds from what Diana has said as though they probably did carry out the right procedure. But it is ...

**DIANA:** Excuse me interrupting, but I have just recently found out this morning in fact they didn't follow the correct procedure.

**KEALL:** Oh okay.

**DIANA:** I don't know enough details to be able to say, but I believe that now it could be worth going to appeal. This is after I had rung you, so I apologise ...

**LEWIS:** (*over*) Okay. No that's no problem, but it's important to know that.

**DIANA:** Yes. The other thing is ...

**LEWIS:** Sorry, Diana, we're almost at the end of the programme.

**DIANA:** They're keeping him on to the 30<sup>th</sup> September. Surely that's wrong, isn't it?  
Is he not supposed to finish on the 24<sup>th</sup>?

**KEALL:** No, it's not obligatory for someone to finish on the 30<sup>th</sup>.

**LEWIS:** Thanks very much. We are going to move on very briefly, very swiftly.  
Diana, thanks for your call. But Stephanie's in Wembley. Can you be very brief,  
Stephanie, and we will answer your question.

**STEPHANIE:** Yeah, I'll try and be brief. Yes, I worked for my employer for 9 years.  
Half of that was freelance and half of that has been PAYE. Towards the end of April,  
we had an email in the office - there are three of us in the office - saying that due to  
personal circumstances one of us has got to go; and we had to decide between us who  
that is, and if we can't decide the Damoclean sword will fall. Unfortunately I was the  
one that was chosen and I was literally told by email at the end of the day that I had to  
go. Is that legal by email?

**LEWIS:** Sarah Veale?

**VEALE:** I'm afraid it is, yes. Sian's not disagreeing with me. My understanding is  
that you can get it by email.

**STEPHANIE:** Okay. Well that's a quick answer. I have one very quick question.

**LEWIS:** We've got five seconds.

**STEPHANIE:** Okay, five seconds. Gardening leave: same as notice or different?

**LEWIS:** Sian?

**KEALL:** It's exactly the same as notice. The only difference is what you do during it. During notice, you work; during gardening leave, at the same time as notice, you get sent home.

**STEPHANIE:** Oh right, that's fine, thank you.

**LEWIS:** Thanks very much, Stephanie, for those questions. Brief question, brief answer. That's what we like at the end of Money Box Live because that is the end. Thanks to Sian Keall of Travers Smith; Andrew Cowler from ACAS; and Sarah Veale from the TUC. Thanks for all your calls and emails. We didn't get through them all. You can find out more about employment rights from our website: [bbc.co.uk/moneybox](http://bbc.co.uk/moneybox). Lots of things to do there. You can read a transcript of all this in a couple of days. I'm back at noon on Saturday with Money Box; on my Twitter, [Paullewis money](#), whenever I'm awake. And Vincent Duggleby's here next Wednesday to take your calls on Money Box Live. Subject: debt collection.