📋 TOOLBOX TALK · EMPLOYMENT RIGHTS

Zero Hours Contracts: *Know Your Rights*

A plain-English guide for workers and managers — what the law says, what's changing under ERA 2025, and what to do if things go wrong.

📅 Last reviewed: August 2026 📚 GOV.UK · ACAS · ERA 2025 🇬🇧 England, Wales & Scotland ukworkrights.co.uk

THE BASICS

What is a zero hours contract?

- Your employer has **no obligation to offer any minimum hours**
- You are not obliged to accept hours — but in practice, refusing is rarely realistic
- Common in **hospitality, retail, social care, healthcare and education**
- Around **1.1 million workers** in the UK are currently on zero hours contracts
- The label on your contract is **not the final word** — courts look at the reality of the working relationship
- You still have **real, enforceable legal rights** — the name refers to your employer's obligation, not your entitlements

⚖ THE KEY POINT

Even on a zero hours contract, the law gives you rights to holiday pay, minimum wage, sick pay and more.

⚠ WATCH OUT

If you work regular hours over time, you may actually be an **employee** — even if your contract says otherwise.

LEGAL STATUS

Worker or employee — why it matters

👷 WORKER RIGHTS (MOST ZERO HOURS)

- National Minimum / Living Wage
- Paid holiday — **5.6 weeks/year**
- Rest breaks
- Statutory Sick Pay
- Protection from unlawful pay deductions
- Whistleblowing protection

✅ EMPLOYEES GET ALL OF THE ABOVE PLUS

- Unfair dismissal protection **(after 2 years' service; 6 months where employment ends on or after 1 January 2027)**
- Redundancy pay
- Maternity / paternity leave and pay
- Statutory notice period

💡 NOT SURE OF YOUR STATUS?

Regular hours + employer's equipment + integrated into the team = you may be an employee regardless of what the contract says.

BY THE NUMBERS

1.1m
Workers currently on zero hours contracts (ONS)

30%
Would prefer more guaranteed hours (CIPD)

£12.71
National Living Wage per hour — April 2026 (age 21+)

5.6wks
Paid holiday every year — no exceptions

£123.25
Statutory Sick Pay per week — from day one (April 2026)

2 yrs
Back-pay you can claim for unlawful holiday pay deductions

YOUR ENTITLEMENT

Holiday pay — what you're owed

- You are entitled to **5.6 weeks of paid annual leave** per year — same as any other worker
- From April 2024 employers can use **rolled-up holiday pay** — 12.07% added to every payslip, clearly labelled
- If paid when you take leave: calculated as your **average earnings over the last 52 weeks worked** (zero-pay weeks excluded)
- Must include **regular overtime and commission** — not just basic hourly rate
- Underpayment can be claimed back up to **2 years**

⚠ EMPLOYER MISTAKES THAT ARE UNLAWFUL

- Claiming you have *no* holiday entitlement
- Hiding rolled-up pay inside your hourly rate
- Calculating holiday on basic pay only
- Discouraging you from taking leave

PAY RIGHTS

Minimum wage — every hour counts

AGE	RATE FROM APRIL 2026
Age 21+	**£12.71 / hour**
Age 18–20	£10.85 / hour
Age 16–17	£8.00 / hour
Apprentices	£8.00 / hour

✅ WHAT COUNTS AS WORKING TIME

- Time on-site and available, even if not actively working
- Travel between assignments (in some cases)
- Mandatory training

💡 REPORT UNDERPAYMENT CONFIDENTIALLY

HMRC at **gov.uk/pay-and-work-rights** — they investigate independently. Your employer is not notified that you reported.

YOUR FREEDOM

Exclusivity clauses — already illegal

- Since **26 May 2015**, clauses preventing you from working for other employers are **unenforceable by law**
- Since **6 April 2016**, it is unlawful to dismiss you or treat you worse for working elsewhere
- If your contract still contains such a clause — **it is void. You do not need to comply**
- Your employer **cannot monitor, restrict or penalise** you for having a second job
- Retaliation — reduced hours, threats, dismissal — is **unlawful detriment**

✅ IN PLAIN ENGLISH

You are free to work multiple zero hours jobs at the same time. If your employer punishes you for it — contact ACAS immediately. That's a legal claim.

WHAT'S CHANGING

The Employment Rights *Act 2025*

The biggest overhaul of zero hours contract law in a decade. Here's what it means for you.

EMPLOYMENT RIGHTS ACT 2025

What's changing for zero hours workers

1. **Right to be offered guaranteed hours**
   In the Act, but not in force yet (expected 2027). Employers will have to offer guaranteed hours, rather than workers having to ask. Until it starts, the current rules apply.

2. **Reasonable notice of shifts**
   In the Act, but not in force yet (expected 2027). It is not law until it starts.

3. **Pay for cancelled shifts**
   In the Act, but not in force yet (expected 2027). It is not law until it starts.

4. **Unfair dismissal: 6 months from January 2027**
   Day-one protection was dropped. Employees need 2 years' service to claim ordinary unfair dismissal, or 6 months where the employment ends on or after 1 January 2027. A zero hours worker can only claim unfair dismissal if they are an employee.

5. **Protection from detriment**
   Once these rights start, you will be protected from being punished — reduced hours, dismissed or treated worse — for using them.

ERA 2025 — IMPLEMENTATION TIMELINE

Key dates to know

6 April 2026	**SSP from day one** — waiting days and the minimum earnings limit removed. £123.25 a week, or 80% of average weekly earnings if lower
1 October 2026	**Employment Tribunal time limits** 6 months less 1 day for acts on or after this date (England, Wales and Scotland)
1 January 2027	**Unfair dismissal qualifying period** cut from 2 years to 6 months, where employment ends on or after this date (day-one protection was dropped)
2027 (expected)	**Right to be offered guaranteed hours** — in the Act, not in force yet
2027 (expected)	**Reasonable notice of shifts & pay for cancelled shifts** — in the Act, not in force yet

💡 ALWAYS VERIFY AT LEGISLATION.GOV.UK

ERA 2025 provisions are brought into force by separate commencement orders. Check current dates before relying on a right.

SICK PAY & PENSIONS

SSP and auto-enrolment

🤒 STATUTORY SICK PAY

- Payable if you earn at least **£125/week** in the relevant pay period
- **£123.25/week** for up to 28 weeks
- From **6 April 2026** — paid from day one (no waiting days)
- Variable earners: assessed on earnings in the **8 weeks before sickness**
- Dismissal for sickness may be unfair, and dismissing someone because of a disability can be discrimination from day one

🏦 WORKPLACE PENSION

- Auto-enrolled if aged 22+, earning **£10,000+/year**
- Earn £6,240–£10,000? You can **opt in** — employer must still contribute
- Zero hours workers often fall below threshold but still have the right to opt in
- Not been enrolled when you should have? Contact **The Pensions Regulator**

IF THINGS GO WRONG

What to do if your rights are being breached

1. **Gather your evidence**
   Payslips, contract, shift schedules, written messages. Calculate what you were owed versus what you received.

2. **Raise it with your employer in writing**
   Email is fine. State the right being breached and what you want. Keep a copy. This creates a paper trail before any formal step.

3. **Contact ACAS — 0300 123 1100**
   Free, impartial advice. ACAS early conciliation is required before any Tribunal claim and is completely free.

4. **Report minimum wage underpayment to HMRC**
   Confidential: gov.uk/pay-and-work-rights — they investigate independently.

5. **Employment Tribunal — don't miss the deadline**
   6 months less one day for a breach on or after 1 October 2026 (3 months less one day for earlier breaches). The clock starts from the date of the breach.

COMMON QUESTIONS

Frequently asked questions

Q Can my employer cancel my shift with no pay?

Currently yes, though ERA 2025 will introduce cancellation compensation (expected late 2026). Check your contract — some include terms that may entitle you to payment now.

Q Can I work for other employers on a zero hours contract?

Yes. Exclusivity clauses have been unenforceable since 2015. Your employer cannot stop you taking other work or punish you for doing so.

Q What if my hours are reduced after I raise a complaint?

Reducing hours as retaliation for asserting legal rights is unlawful detriment. Document everything and contact ACAS immediately.

Q Does my employer have to give me a written contract?

Yes — from day one. No written statement is itself a breach. It cannot be brought on its own — but if you win another tribunal claim, the tribunal can add 2 weeks' pay, or 4 weeks' if it considers that just and equitable (each week capped at the statutory limit).

FREE RIGHTS GUIDANCE

Zero hours contracts *free guidance*

Get plain-English guidance on your rights and your employer's legal duties.

ACAS — FREE EMPLOYMENT ADVICE

0300 123 1100

acas.org.uk

CITIZENS ADVICE

0800 144 8848

citizensadvice.org.uk

HMRC — MINIMUM WAGE

Confidential online

gov.uk/pay-and-work-rights

UK WORK RIGHTS — FREE GUIDE

Zero Hours Contracts in England, Wales and Scotland 2026

ukworkrights.co.uk/guide-zero-hours-gb.html

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Fire and Rehire

ukworkrights.co.uk/toolbox-firerehire.html

TOOLBOX TALK

Flexible Working

ukworkrights.co.uk/toolbox-flexibleworking.html

TOOLBOX TALK

Trade Union Rights

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FREE GUIDE

Zero hours contracts (England, Wales and Scotland)

ukworkrights.co.uk/guide-zero-hours-gb.html

Also: Northern Ireland