



## Rights At Work of EU citizens

### Right to Work

#### EU citizens with Settled Status or Pre-Settled Status

Every EU citizen with settled or pre-settled status has the right to work in Scotland or anywhere else in the UK.

- EU citizens with **settled status** have the right to work in the UK indefinitely.
- EU citizens with **pre-settled status** have the right to work in in the UK until the expiry of their pre-settled status
- EU citizens who applied for settled or pre-settled status before the 30<sup>th</sup> June 2021 and are still waiting for a decision, have the right to work in the UK until they receive settled/pre-settled status or can no longer appeal a refusal of their application.

#### EU citizens living in the UK on/before the 31<sup>st</sup> December 2020 and did not apply for settled or pre-settled status before 30<sup>th</sup> June 2021

You will no longer have leave to remain in the UK from the 1<sup>st</sup> July 2021, which means you do not have an automatic right to work in the UK. However, you can apply after 30<sup>th</sup> 2021 and may be given settled or pre-settled status if you can show you had a good reason for not applying before the deadline. You are recommended to seek immediate immigration advice if you are in that position. (Follow this link to find your local Citizens Advice Bureaux <https://www.cas.org.uk/bureaux?postcode=> )

EU citizens who do not have settled or pre-settled status will normally still be able to visit the UK for holidays or short trips without needing a visa. However, in order to live and work in the UK, or to visit for longer periods, you will have to apply under the UK's points-based immigration system if you do not have settled or pre-settled status. See here for more information about [applying for a visa to come to the UK](#).

#### How can I prove I have the right to work in the UK?

You can prove your right to work by providing evidence that you have leave to remain e.g., Settled Status, Pre-Settled Status, Visa. (Follow this link for information on what counts as evidence of your right to remain - <https://www.gov.uk/prove-right-to-work>)

If you have made a valid application to the EUSS before June 30<sup>th</sup> 2021 that has not been decided yet, you should provide evidence of your valid application. If you have made a valid application to the EU settlement scheme, you will receive a certificate of application which you can use to prove your rights.

Note: Other EEA and Swiss citizens have the same rights to work as EU citizens.

Irish citizens can continue to work and reside in the UK without needing settled or pre-settled status, or a visa.

## National Insurance

### National Insurance Number: What is it?

- A National Insurance Number is an account number that is personal to you.
- It records your National Insurance contributions and tax payments and is a reference number for the Department for Work and Pensions and HM Revenue and Customs.
- You pay National Insurance contributions if you are an employee, are 16 years of age or older and are earning over a certain amount (£823 per month at 2022-23 rates).

### How much is my National Insurance contribution?

- The amount of National Insurance you pay varies depending on how much you earn, if you are married or a widow and if you have more than one job. Follow this link to find out more about reduced National Insurance rates: <https://www.gov.uk/reduced-national-insurance-married-women>
- For most people who are employees, the standard rates are: 13.25% contribution if you earn between £823-£4,189 per month and 3% contribution if you earn over £4,189 per month. Follow this link to find out more about National Insurance rates <https://www.gov.uk/national-insurance-rates-letters>

### How do I pay National Insurance?

National Insurance is paid by your employer. They will take it from your wages before you are paid. Your payslip will show your contributions. Follow this link for information on how to pay for National Insurance if you are self-employed: <https://www.gov.uk/national-insurance/how-much-you-pay>

### How and when should I get a National Insurance Number?

- When you start to work you must apply for a National Insurance number if you do not already have one.
- You do not need a National Insurance number to start work, but you must get one when you have started a job. Your employer will give you a temporary number while you wait for your permanent number.
- If you have the right to work in the UK you can apply by following this link <https://apply-national-insurance-number.dwp.gov.uk/apply/welcome>, or by calling Jobcentre plus for free on 0845 600 0643 between 8am and 6pm on Monday-Friday.
- Follow this link to find out more about the application process for a National Insurance number <https://www.rcs.ac.uk/wp-content/uploads/2014/05/Applying-for-a-National-Insurance-Number.pdf>

## Rights at Work

### Should I have a Contract of Employment

- On the day you start working, you have a right to a written statement of employment from your employer. Any rights or duties written in this statement are in addition to



any rights you have from the law, for example, the right to be paid National Minimum wage.

- Follow this link for more information on your contract of employment <https://www.citizensadvice.org.uk/scotland/work/rights-at-work/basic-rights-and-contracts/contracts-of-employment/>

### Do I work too many hours?

- You cannot be forced to work more than 48 hours on average by your employer.
- If you would like to work more than 48 hours on average per week, you can sign an agreement to give up your maximum weekly working time-limit. Your employer cannot force you to sign this.
- Follow this link if you want more information on how to regain your right to a weekly working time limit after previously giving up this right <https://www.citizensadvice.org.uk/scotland/work/rights-at-work/basic-rights-and-contracts/if-youre-working-too-many-hours/>
- There are some occupations which do not have a 48 hour weekly working time limit, for example, a lorry driver. To find out if you are covered by the 48-hour time limit, follow this link <https://www.citizensadvice.org.uk/scotland/work/rights-at-work/basic-rights-and-contracts/check-how-many-hours-youre-working/>

### How much money should I be making?

- If you work you will usually be entitled to earn National Minimum Wage.
- If you work and are 23 years of age or older, you will usually be entitled to earn National Living Wage.
- The rates of National Minimum Wage and National Living Wage depend on your age category. Follow this link to find out more about how much you should be making and what you should do if your employer is not paying you enough <https://www.citizensadvice.org.uk/scotland/work/rights-at-work/pay/getting-paid-less-than-minimum-wage-or-living-wage/>.

### Should I get paid holidays?

- If you are a worker, you are entitled to paid holiday. You may still be defined as a worker if your employer describes you as 'self-employed'.
- Follow this link for more information on if you are a worker, how much paid holiday you are entitled to and what to do if your employer wrongfully denies you paid holidays <https://www.citizensadvice.org.uk/scotland/work/rights-at-work/holidays-and-holiday-pay1/check-if-youre-entitled-to-paid-holidays/>.

### Should I get sick pay?

- If you are a worker and you have started working for your employer, you are entitled to statutory sick pay.
- You must have been sick for 4 days in a row or been told to self-isolate because of coronavirus and you must earn on average £123 per week before tax or more.
- You may still be defined as a worker if your employer describes you as 'self-employed'.



- Follow this link for more information on who is entitled to sick pay and how to get it <https://www.citizensadvice.org.uk/scotland/work/rights-at-work/sick-pay/check-if-youre-entitled-to-sick-pay/>.

### Maternity leave and pay

For information on your right to maternity leave and maternity pay please refer to [our factsheet on Maternity Rights](#).

**PLEASE NOTE:** this factsheet only gives a summary of the rights you might be entitled to. It does not give a full description of your legal rights and should not be regarded as legal advice. If you want more detailed information on your legal rights, and how it might affect your personal circumstances, you should take advice from a qualified lawyer or other advisor.

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