

## Part-time workers

### 1 . Part-time workers' rights

A part-time employee or worker is someone who works fewer hours than a full-time employee or worker in the same organisation. There's no set number of hours that counts as full or part-time work.

#### Protection against less favourable treatment

By law, part-time employees and workers are protected from being treated less favourably than a full-time 'comparator'. The law is the Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000.

This means they should not be any worse off than a full-time comparator for:

- pay and leave – including for holiday, sickness absence, maternity, paternity, adoption and shared parental leave
- pension opportunities and benefits
- training and career development
- promotions, career breaks and job transfers
- redundancy selection and pay

Benefits such as pay and leave are given pro rata for part-time employees and workers. Pro rata means in proportion to hours worked. For example, someone who works full time gets paid £28,000 a year. Someone working in the same role for half the hours should get paid £14,000.

#### What a comparator is

A comparator is someone who works full time for the same employer and is on the same type of contract as the part-time employee or worker.

The comparator must do the same or broadly similar work as the part-time employee or worker. This means taking into account whether they:

- have a similar level of qualification, skills and experience
- are based at the same organisation, or at a different one if there's no comparator at the same one

#### Part-time workers and indirect sex discrimination

Sometimes more than one area of law can affect a part-time employee or worker.

Treating a part-time worker less favourably than a full-time worker could be indirect sex discrimination. This is because generally, women are more likely to work part time than men.

Indirect sex discrimination is when a working practice, policy or rule applies to everyone but puts one person or group at a disadvantage because of their sex.

[Find out more about indirect discrimination](#)

## Overtime pay

Some employers choose to offer pay to employees for working more hours than the employment contract says. This is usually called overtime pay.

Part-time employees and workers are not entitled by law to get overtime pay until they've worked more than the normal hours of a full-time worker. Your organisation might have a different policy about overtime, so you should check the contract.

[Find out more about pay for working extra hours](#)

## 2. If someone's treated less favourably

If someone who works part time is treated less favourably than a full-time 'comparator', they should first [talk to their employer](#). This could help resolve the problem quickly without the need for a formal procedure.

A comparator is someone who works full time for the same employer and does the same or broadly similar work as the part-time employee or worker.

## The right to a written statement of reasons

By law, part-time employees and workers have the right to ask for a written statement of reasons for less favourable treatment from their employer.

The employer must provide the statement within 21 days. If they do not, it could count against them at an employment tribunal.

An employee or worker could make a claim to an [employment tribunal](#) if they're not satisfied there was any valid reason ('objective justification') for less favourable treatment.

## What part-time workers are protected against

Someone who works part time and is [legally classed as an employee or worker](#) has protection by law. The law is the Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000.

This means they could make a claim to an employment tribunal if they're treated less favourably for doing any of the following:

- asking for a written statement of reasons for less favourable treatment from their employer
- giving evidence or information for a claim made by any worker or employee
- making an allegation that the employer has not followed the law (unless the allegation is false and was not made in good faith)
- refusing to accept when a right does not apply
- having already made a claim to an employment tribunal that's linked to their part-time working

## Protection against victimisation

Part-time employees and workers are also protected against being victimised by their employer.

Victimisation is when someone suffers a 'detriment' because they made or supported a complaint related to part-time workers' rights.

Detriment means someone experiences one or both of the following:

- being treated worse than before
- having their situation made worse

Examples of detriment could be:

- they experience [bullying](#)
- they experience [harassment](#)
- their employer turns down their training requests without good reason
- they are overlooked for promotions or development opportunities
- their employer reduces their hours without good reason

## If a part-time employee or worker is victimised by being dismissed

If someone who works part time is dismissed for making a complaint about part-time workers' rights, they might be able to make a claim to an employment tribunal.

The type of claim they could make depends on whether they're legally classed as a worker or employee.

If they're [legally classed as a worker](#), they could make a claim for 'part-time worker detriment' to an employment tribunal.

If they're [legally classed as an employee](#), they could claim for 'automatically unfair dismissal'.

Automatically unfair dismissal means the employee does not need to have worked for the employer for the minimum of 2 years, which is usually required to make an [unfair dismissal](#) claim to an employment tribunal.

### Example

Sam is a part-time employee on 20 hours a week. Sam raises a complaint in writing to their employer that they're not being paid equally compared to a full-time employee doing the same work. Their employer dismisses Sam because of this complaint.

Sam might be able to make a claim for automatically unfair dismissal to an employment tribunal.

If Sam was legally classed as a worker, they would not be able to claim for unfair dismissal. They might be able to claim for part-time worker detriment.

## How employers can avoid treating part-time workers differently

Employers should consider each term, condition and benefit of a part-time contract individually rather than the contract as a whole. This can help avoid any differences that cannot be justified.

## When an employer might be able to justify different treatment

There are some situations when employers do not have to treat part-time employees in the same way as full-time employees. The employer must be able to show there is a valid reason to do so. This is called 'objective justification' under the law.

Objective justification means the reason for the different treatment is:

- to achieve a legitimate aim or business objective
- a necessary and appropriate way to achieve this objective

[Find out more about objective justification](#)

## Getting help with part-time workers' rights

If you have any questions about part-time workers' rights, [contact the Acas helpline](#).