

What must be written in an employment contract

1. Employees

Anyone classed as an employee has the right to a written document summarising the main terms of their employment, if they're employed for more than 1 month.

This document includes information such as pay and working hours.

The legal term for this document is the 'written statement of employment particulars'.

Many people think this is the '[employment contract](#)' but legally the contract is much broader than this document.

Workers

Anyone classed as a worker does not have to be given written terms.

But to avoid misunderstandings, it's still a good idea for the employer to provide the worker's main terms of employment in writing.

People who work through an agency

For [someone who works through a recruitment agency or recruitment business](#), the right to written terms depends on their employment status.

If they're classed as an employee, they have the right to written terms

If they're classed as a worker they do not, according to the law, have to be given written terms except in [certain circumstances](#).

But it's helpful if any worker is given a written document summarising their main rights and responsibilities, like pay and working hours, so everyone's clear.

People on zero hours contracts

[Zero-hours contracts](#) cover a range of casual working arrangements.

Someone on a zero-hours contract will usually be classed as either:

- an employee – they have the right to written terms

- a worker – they do not have to be given written terms, but a written summary of both sides' rights and responsibilities is a good idea

An employer must provide written terms (a 'written statement of employment particulars') explaining pay, working hours and other terms to any [employee](#) employed for more than 1 month.

It's a good idea for an employer to provide this document as soon as possible.

According to the law, they must provide it to the employee within 2 months of the date they start work. The employee still has the right to this document if they're only employed for 1 to 2 months.

The employer can provide the document in parts. For example, the first part on day 1 and the second part on day 2. All parts must be provided within 2 months of the start date.

Information in the document must follow the law. For example, it's not legal to state a 33 year-old will be paid £4 per hour, because this amount is below their minimum wage.

The employee should check the document and let their employer know if there's anything they do not understand or agree with.

If you have not received your written terms

You can [raise the issue with your employer](#) if you have not received the document by the time it's due. It's a good idea to do this informally at first.

If you understand that the document exists but you have not received it, you can also make a formal 'subject access request'.

Find out more about [subject access requests on the Information Commissioner's Office website](#).

If you need to take things further

If you still do not receive it you can [raise the issue formally](#). This is known as raising a grievance.

If that does not resolve things, you might be able to [make a claim to an employment tribunal](#).

You could get compensation, but only if the tribunal upholds your claim in combination with another one (for example, unfair dismissal).

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The following must all be included in the same document (the 'principal statement'):

- the employer's name
- the employee's name
- the start date (the day the employee starts work)
- the date that 'continuous employment' (working for the same employer without a significant break) started
- pay, including how often and when (for example, £1000 per month, paid on the last Friday of the calendar month)
- working hours
- a brief description of the duties of the job
- the employer's address
- the places or addresses where the employee will work
- job title, or a brief description of the job
- holiday and holiday pay, including an explanation of how its calculated if the employee leaves

The following must also be provided, either in the same document or in separate parts:

- the amount of sick leave and pay
- pension arrangements (if it's a statutory pension scheme like a workplace pension, the pension provider can provide the information)
- the notice period either side must give when employment ends
- how long the job is expected to last (if its temporary or fixed term)
- any terms and conditions that apply to other employees too (known as 'collective agreements')
- who the employee can contact if they have a problem at work
- [disciplinary procedures](#) (if they're not included in the document, the employer must provide instructions on where the employee can find them)
- the process for resolving a problem at work, including how to [raise a formal grievance](#) (if this information is not included in the document, the employer must state where the employee can find it)
- if the employee will work abroad, any terms that apply

If the document refers to other documents or steps the employee must take, it's a good idea to state:

- what they are
- where to find them

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As well as providing written terms (a 'written statement of employment particulars') it's a good idea if the employer puts the following in writing, so

everyone's rights and responsibilities are clear:

- the [job offer](#)
- any benefits, such as private health insurance
- how the employee will be paid (for example, pay will go straight into the employee's bank account)
- the length of any probationary period
- conditions of any probationary period
- the standards of behaviour it expects from its employees and what happens if these are not met (for example, the employer will report any thefts to the police)

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