

Employment status and rights

Employee, worker and self-employed

Comparing key differences between employees, workers and self-employed:

Rights to:	Employee	Worker	Self-employed
Protection from unfair dismissal and redundancy payment	Yes	No	No
Statutory sick pay and family-friendly rights	Yes	No	No
National Minimum Wage	Yes	Yes	No
Working Time Regulations, including right to paid holiday and limits on working hours	Yes	Yes	No
Equal pay, protection from discrimination and whistle blower protection	Yes	Yes	Generally, no but may in some circumstances
Statutory minimum notice period	Yes	No	No
Right to have a grievance heard	Yes	No	No
Implied duties, such as mutual trust and confidence and to not compete against employer	Yes	No	No
Relevant characteristics – employer control	Controlled by employer	Usually little autonomy or opportunity to profit through their own entrepreneurial skill	Independent, can determine how, when and where they do the work and may bear financial risk
Relevant characteristics – personal service	Yes – cannot send a substitute	Yes - usually personal service but may have a limited right to send a substitute	No obligation to provide services personally; can use substitutes
Relevant characteristics – integration into the employer's business	Fully integrated	Some integration, for example if they have to wear a uniform and have an appraisal	Not integrated into business, for example not presented as part of the business and use their own equipment and email address
Relevant characteristics – employer must provide work and individual must accept offer of work	Yes	Yes	No

This chart is intended as an overview to highlight key differences only. It does not address different statutory definitions of employee or worker. It does not cover specific classes of employee or worker to whom different rules apply. There are many other statutory employment rights, to which employees and workers are eligible, as well as health and safety rights. This chart does not constitute legal advice. Speak to us directly for specific advice on your particular situation.

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