

back to basics #10

Employment

If you're looking to open a yard, or are restructuring your existing yard, these are the key considerations to make to get you on the right track



Employment Status

Understanding your role as employer

This relates to someone's legal status at work. This affects their employment rights, and theirs and their employer's responsibilities. There are 3 main types of employment status: Employee, Worker, Self-employed. These are all defined by law (Employment Rights Act 1996). Someone's employment status is based on their employment contract, what was agreed when they were offered the job and the way the organisation and the individual work together



Contracts

Putting your arrangements in writing

All employees are legally entitled to receive a Written Statement of Employment Particulars (or 'Written Contract') that describes the main terms of employment. This contract should include employment conditions, rights, responsibilities and duties. Both the employee and the employer must stick to the contract until it ends. The contract must be a document that protects you and your business. A solicitor can create a bespoke version for you at a cost, or you could use the [EEA Contract Creator](#).



Wages

Maintaining organisation and clarity

By law, an employer must pay a minimum amount on average for the hours worked. This is called the National Living Wage (NLW) for anyone aged 21 or over, and the National Minimum Wage (NMW) for anyone aged under 21 or an apprentice. The government reviews minimum wage rates every year and they're usually updated in April. Employers can choose to pay more than the minimum wage.



Health and Safety

Protecting Workers

Employers must ensure the health and safety of workers by having preventive information and measures such as risk assessments or training.



Freelance or Employed?

Defining employment status for grooms

It is common for an employer to call a groom self-employed or freelance when they would in fact be legally deemed an employee. This may be in order to avoid having to pay Tax and NI for their employees but is often due to a lack of understanding on employment rules. To be clear, if a groom has to ask for time off, is paid a regular sum rather than per task, is provided work by the employer to fill their hours worked, if the employer provides the majority of tools and equipment required for the job, and provides cover when the groom is off sick or taking time off work then it can be considered the person is not self-employed but an employee.



Employers Liability Insurance

Ensuring everyone is covered

It is compulsory to have employer's liability insurance if you have anyone working on your yard. This includes employees, volunteers, family members and sub-contractors working under your instruction (ie freelance grooms). Anyone providing services to you such as freelance or self-employed staff should also hold their own professional insurance policy which covers the services they provide.



Apprenticeships

Training on the job

Apprenticeships provide experience at work while training and studying for qualifications. Apprentices are supported by a training provider or college. Apprentices have the same rights as those legally classed as employees. However, there is a separate NMW rate for apprentices in their first year.



Further Support

Industry specific guidance and resources

The Equestrian Employers Association (EEA) is a BE member and industry recognised provider of support and resources to employers.