Employment Laws

The examiner may test your ability to:

- ✓ Analyse and discuss the laws that relate to employment.
- ✓ Analyse their impact on an organisation.

Legal Issues

To ensure it complies with the prevailing laws, an organisation will give consideration to them when:

- Drawing up its contracts of employment – and in its treatment of staff.
- The way it organises production – safety is paramount

Key facts:

- ✓ Employment laws deal with relations between workers and employers.
- ✓ The overriding aim is to support the ..... party – to create a 'level playing field'. In the employer : employee relationship this is usually the .....
- ✓ Failure to comply can lead to prosecution, being fined, closed down, imprisonment for directors.
- ✓ The Government is an influential stakeholder in most businesses.

The UK Government (& increasingly EU) passes legislation – laws which must be followed. The main aim of legislation is *to make the country a safer and fairer place*. Most employment laws exist to keep employees SAFE:

1. Physically SAFE e.g. the Health and Safety at Work Act (HASAWA)
2. SAFE and secure in their contract (job security) e.g. Minimum Wage legislation.
3. SAFE from unfair treatment at work (the anti-discrimination laws) e.g. Equal Pay Act, Race Relations Act, Disability Discrimination Act, Age Discrimination Act. ALL now covered by The Equality Act 2010.

1. Physical SAFETY

Health and Safety at Work Act,
Employers have a common law duty to provide a safe place of work – to protect the worker from dangers in the workplace.

Employers are liable for accidents caused by their employees in the course of their employment.

Employers are obliged by law to take out employers liability insurance to cover accidents and injury to the employees at work. Both EMPLOYEES and EMPLOYERS have a 'duty of care' under the H&SAWA:

Employee Duties	Employer Duties
• To take reasonable care at all times for the H & S of themselves and others in the workplace. • To use safety devices where required, and not to interfere with anything provided for safety of self or others. • To co-operate with the employer on all safety matters including training.	• To provide a safe working environment, e.g. adequate heating, lighting, ventilation, toilets. No loose and trailing wires etc. • To provide safe machinery, with protective guards where necessary. • To provide safe working systems. • To provide protective clothing where necessary, e.g. a steel worker may well have need of hard hat, goggles, fitted overalls and protective gloves. • If there are 5 or more employees, there must be a Safety Policy Statement – and all employees must be aware of it. • To provide staff training on health and safety issues. • To consider where and when they need to provide: fire and smoke alarms and fire exits.

2. SAFE – in Contract

Employment Rights Act
A contract requires: OFFER + ACCEPTANCE + CONSIDERATION from both parties.

What do you think should be included in an employment contract?

NB – the intention of the legislation is to provide employees with a written statement of their main terms of employment, and not to provide them with a written contract! – Where no written contract exists, there is still a contractual agreement between the employer and employee – having it written down merely clarifies the terms!

Minimum Wage Legislation

Was introduced to stop workers being exploited. The rate is reviewed and usually increased each year. At April 2019, current rates are (answer below):

- £ – the main rate for workers aged 21+
- £ – the 18-20 rate
- £ – the 16-17 rate for workers above school leaving age but under 18

3. SAFE – from Unfair Treatment at Work

Anti – Discrimination

- **Sex Discrimination**
- **Race Discrimination**
- **Equal Pay Discrimination**
- **Disability Discrimination**
- **Age Discrimination**
- **Sexual Orientation Discrimination**
- **Religion/Belief Discrimination**

The Equality Act 2010 – brings all this legislation together!

Discrimination is:

(A) It is unlawful to discriminate in these areas:-

- Recruitment & selection
- Pay & benefits
- Terms and conditions of employment
- Opportunities for promotion
- Opportunities for training
- Dismissal procedures

NB – EXCEPTIONS – Genuine Occupational Qualifications (for race or sex)

Race	Sex
– acting in part requiring a given race, – serving food or drink to public where a particular racial group is required for authenticity. – promoting the welfare of a particular racial group – most effectively provided by a person of that racial group.	– acting in role, – decency or privacy reasons, – the work is concerned only with men (parts of prisons, hospitals) etc. – personal services in welfare and education and those services can most effectively be provided by a man. – job will involve work overseas, in countries whose laws and customs mean the role could not be performed by a woman.

Relevant Legislation?

(Consider what ACTION the firm &/or individual might take)

1. A train driver comes back to work after lunch, having consumed 3 pints of lager.

2. Jim is 45 but looks much younger. Many people assume he is in his mid 20's. He is not allowed to represent his company at an international meeting because the MD thinks he looks too young.

3. The police are considering re-introducing height restrictions: minimum 5' 8" for male applicants.

4. A member of a hotel's kitchen staff, involved in food preparation, is caught testing the food, directly from the ladle whilst preparing it.

5. Paul, a senior manager, turns down Angela's application for promotion to a supervisor position. Angela, who is a lesbian, learns that Paul did this because he believes the team that she applied to manage are homophobic. Paul thought that Angela's sexual orientation would prevent her from gaining the team's respect and managing them effectively.

6. A male worker in a canteen kitchen is made to wear a beard snood at work.

Employment Tribunals

If employees believe they have been unfairly treated, they can take their case to an Employment Tribunal. It is a less formal court (but its findings are still legally binding). The Tribunal hears both sides of the case and if the Tribunal finds in favour of the employee, the outcome can be compensation / reinstatement for the employee. What is another negative side effect for the firm?