

Chapter Review

50

Legal Aspects of Employment- Individual Rights

Objectives...

- 1 identify four sources of employment law in England and Wales
- 2 discuss employee rights
- 3 review the key legal obligations placed on employers when addressing employee rights
- 4 explain the role of employment tribunals in enforcing employment rights

Key Terms

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| Discrimination | less favourable treatment of a person compared with another person because of a protected characteristic |
| Employee | A person who carries out work for a person under a contract of service |
| Industrial Tribunals | Tribunals set up originally to hear appeals against training levies; their scope has increased considerably since 1971 to include unfair dismissal, sex discrimination etc. Now known as Employment Tribunals |
| Psychological contract | An informal understanding between the employer and employee. Unlike the formal employment contract, this has no physical existence. It is a set of expectations held by both employers and employees in terms of what they wish to give and receive from their working relationship (Rousseau and Parks, 1993) |
| Terms of employment | The provisions of a person's contract of employment, whether provided for expressly in the contract itself or incorporated by statute, custom and practice or common law etc |
| Unfair Dismissal | A statutory definition of dismissal now part of the Employment Protection (Consolidation) Act, 1978; the Act states that every employee shall have the right not to be unfairly dismissed; remedies for unfair dismissal must be pursued via an industrial tribunal, which may award compensation or reinstatement or re-engagement |

28. Employees have rights, both as human beings and as people who carry out work for employers under a contract of service. Additionally, the contract of employment is an agreement between employer and employee and is the basis of the employment relationship and rights. Various legal frameworks are used to deter employers from breaching those rights. There is an abundance of legislation specifically addressing employee rights. See for example Employment Rights Act, 1996 and the Equality Act 2010. All workers have a right to work in places where risks to their health and safety are properly controlled. Health and safety is about preventing employees becoming hurt at work or made ill through work. The Health and Safety at Work etc Act 1974 is the primary piece of legislation covering occupational health and safety in the United Kingdom. Employees who feel their rights have been breached may seek redress through employment tribunals. Employers assure employee rights are not breached through policies, practices, facilities, training, informed decision-making, risk assessments and audits. They seek to develop a value system and organisational culture which develops the employee relationship.