

Legal Aspects of Employment- Individual Rights

In this recording we summarise the content of chapter 50 Legal Aspects of Employment- Individual Rights.

Studying this chapter should help you identify four sources of employment law in England and Wales; discuss employee rights; review the key legal obligations placed on employers when addressing employee rights; explain the role of employment tribunals in enforcing employment rights; .

Introducing the chapter, the authors start with 1. In the previous chapter we noted the increasing trend of using employment law to protect the individual at work. We also noted employee rights to be an important dimension of employee relations. It is important for managers at any level of responsibility to be aware of the legal framework that applies to the workplace. This chapter outlines a number of the key features of employment law likely to be experienced by a practising manager. When more detailed information is required, managers may refer to specific guides, to the legislation as published from time to time by the appropriate government department or statutory body (e.g. ACAS, Health and Safety Executive etc). Our primary purpose here is to alert the reader to consider legal issues at work so that they have a better idea as to when and where they should take expert legal advice or devise policies, change processes, practices and procedures and conduct risk assessments etc.

2. The chapter begins with a short consideration of the all-important question of what is, and what is not, employment, and outlines the principal features of the employment contract. The remaining sections of the chapter focus on the following:

- human rights
- individual rights in the workplace
- employment equality law
- health and safety at work
- Employment Tribunals..

The key concepts discussed within this chapter are:

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; .

Other terms discussed include:

Act; Duty to make reasonable adjustments; Harassment; Occupational health; Regulations; .

Summarising and concluding, the author(s) make the following comments - 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..

We have now reached the end of the chapter 'Legal Aspects of Employment- Individual Rights'.

There are a number of references for this chapter where further reading opportunities are identified for you.

Additionally, there are questions or activities to help develop and test your understanding of this chapter