

Unit 226: Understand employer organisations

EMPLOYMENT LEGISLATION



INTRODUCTION

Employment legislation exists to protect both the employer and the employee.

Employment legislation covers a number of areas and the following are the main laws and regulations.



EQUALITY ACT 2010

This Act protects people from discrimination and incorporates the following previous legislation:

- Sex Discrimination Act 1975
- Race Relations Act 1976
- Disability Discrimination Act 1995.



DISCRIMINATION

Discrimination is classed as:

- direct
- indirect
- harassment
- victimisation.

The law also states that the fact that the discrimination was unintentional is not a defence.



TYPES OF DISCRIMINATION – PROTECTED CHARACTERISTICS

- age
- being or becoming a transsexual person
- being married or in a civil partnership
- being pregnant or having a child
- disability
- race including colour, nationality, ethnic or national origin
- religion, belief or lack of religion/belief
- sex
- sexual orientation.



ORGANISATIONAL OBLIGATIONS

Equality legislation affects buildings where there is general public access, and in order to fulfil their obligations, organisations may amongst other things

- install ramps for wheelchair access
- install door opening buttons
- install lifts
- include Braille signage
- fit a disabled toilet with wide access.



OTHER EMPLOYMENT ACTS

Employment Rights Act 1996

- protects against unfair dismissal, redundancy
- gives time off for parenting
- enforces a minimum wage
- monitors conditions for agency workers.

Employment Relations Act 2004

- covers union membership and industrial action.



WORKING TIME REGULATIONS 1998

Protect you from being forced to work long hours.

You cannot be forced to work more than an average of 48 hours (including overtime).

Your employer must maintain records that show the hours you work.

They can ask you to 'opt out' of this agreement and ask you to work above this limit of 48 hours.

Also allows for employees to have

- 11 hours' rest in every 24 worked and a rest period of 24 hours in every seven days
- a 20 minute break when working more than 6 hours
- four weeks paid holiday each year.



DISCIPLINARY AND DISMISSAL PROCEDURES (DDP)

Cover how an employer should discipline or dismiss any employee.

The employee must always have the right of appeal.

An appeal/grievance procedure must also be put in place.

