



32 High Street • Andover • Hampshire SP10 1NT
Telephone: 0800 3765055 • Facsimile: 01264 356549 • Email: info@bsi.co.uk • www.bsandi.co.uk • DX: 90303 ANDOVER

EMPLOYMENT LAW

The rights and obligations of both employers and employees underpin all employment relationships in the work place, irrespective of the size of the business or the nature of the commercial concern being operated.

Employer must ensure that all relevant legislation is observed. Likewise an employee should know his or her rights and obligations as an integral part of the employment contract.

CONTRACT OF EMPLOYMENT

There is no general legal requirement for an employment contract to be in writing but each employee must be issued, within two months of the start of their job, with a written statement of terms and conditions. This is a minimum requirement of all employees. Employers should ensure that all relevant aspects of the contract of employment should be recorded in the statement, it should be clear because it may be a document upon which the employer wants to rely in the event of problems in the future.

RIGHTS OF EMPLOYEES

An employee is entitled to an itemised pay statement, maternity leave, time off work for anti-natal care, equal pay, not to be discriminated against on the grounds of sex, race or disability. Each employer should ensure that it known exactly the terms upon which every employee is employed. Principal legislation is the Employment Rights Act, 1996, Sex Discrimination Act, Disability Discrimination Act 1995, Trade Union Reform and Employment Rights Act 1993, and Employment Relations Act 1999.

HEALTH & SAFETY

The Principal Act is the Health & Safety at Work Act, 1974 which places on the employer a duty to ensure “so far as is reasonable practical, the health safety and welfare at work of all his employees”. This extensive legislation and covers such areas as the provision of a safe system of work, adequate materials, necessary work place protection; preparation, publishing and implementation of a safety policy, the provision of adequate instruction and training etc.

All employers should be aware of the duties placed upon them having regard to the nature of their businesses. Work place inspections must be permitted and there are available various codes of practice prepared by the Health & Safety Executive.

Other secondary legislation deals with such matters as maintenance of equipment, ventilation, temperature, lighting, cleanliness and all other areas which are relevant to the well being of employees and all other persons who could be expected to be in any work place.

Risk assessment inspection should be made and there should be an established practice for the investigation of work place accidents.

MERGERS AND TAKE OVERS

The principal legislation is the Trade Union Reform and Employment Rights Act 1993. Where a business is transferred from one employer to another a new employer automatically takes over all existing Contracts of Employment together with the rights and obligations arising from them along with any existing collective agreements.

DISCIPLINARY & GRIEVANCE PROCEDURES

There must be in existence proper disciplinary and grievance procedures which are known and accepted by both employer and employee. The principal legislation is the Employment Rights Act 1996.

The rights of the Employment Tribunal should be known and understood together with the remedies which can be provided.

All parties should be aware of the stages in any disciplinary procedure. All procedures should be carried out fairly and openly. Many such procedures are found by the Employment Tribunal to be flawed although the original need for action to be taken was often justified. Therefore, procedures must be known and implemented correctly

TERMINATION OF EMPLOYMENT.

The principal legislation is the Employment Rights Act 1996. there are five potentially fair reasons for dismissal, namely:

1. Lack of capability or qualifications.
2. Unsatisfactory conduct.
3. Redundancy.
4. Continuing to work in a capacity which could contravene a statutory enactment.
5. Some other substantial reason.

All dismissal procedures must be carried out openly and fairly, time spent in proper consultation and following correct procedures will avoid time and expense at a later date. Employees will want to be aware of remedies available for unfair dismissal.

REDUNDANCY

All parties should be aware of the definition of redundancy and of proper, open and transparent procedures which should be followed in the event of a redundancy situation arising. The need for consultation is required not only with the employee concerned but the statutory requirements in the event of more than twenty persons likely to be made redundant. There should be a proper and open policy as to procedure to be adopted, selection and the liability of employers in respect of statutory redundancy should be known and operated at all times.

For further information contact.....
Freefone 0800 376 5055