employment rights and responsibilities

OVERVIEW

This chapter supports the Employment rights and responsibilities unit of the plumbing technical certificate programme. The unit is an additional unit to the mainstream plumbing qualifications that must be completed as a mandatory requirement by all apprentices completing a Government funded apprenticeship programme. The chapter includes:

- **Key employment legislation**
  - Employment Rights Act 1996
  - Employment Relations Act 2004
  - Employment Act 2002
  - Other legislation impacting on employment

- **Protection against discrimination**
  - Discrimination on the grounds of race
  - Sexual discrimination
  - Discrimination on the grounds of religion or belief
  - Discrimination on the grounds of sexual orientation
  - Discrimination against disability
  - Age discrimination

- **Basic employment rights**
  - Statement of employment
  - Entitlement to paid leave
  - Working hours
  - Termination of employment
  - Wages and statutory sick pay
  - Maternity leave
  - Paternity leave
  - Pensions

- **The plumbing industry**
- **Career opportunities in plumbing**
Key Employment Legislation

There are a number of items of legislation designed to protect workers’ rights. The main laws affecting employment are:

- the Employment Rights Act 1996
- the Employment Relations Act 2004

Employment Rights Act

The main features of the act are:

- **Wages rules** – the Act determines methods of wage payment and establishes you with the right not to suffer from unauthorised wage deductions. It offers you ‘guaranteed payment’ – the guarantee of wages even where an employer is unable to supply you with work during your hours of employment. It has requirements laid down concerning Sunday work and requires your employer to provide written statements of employment.

- **Time off work** – one of the Acts most important aspects concerns law involving time off work. You are entitled to certain protections involving having time off that may be owed to ante-natal care, training, or public duties. The Act outlines procedures involving suspension due to maternity leave or medical problems. The rights and obligations of individual’s seeking maternity leave are covered in particular detail.

- **Dismissal and redundancy** – another topic key to the Act involves requirements related to dismissal and redundancy. It is stated that unfair dismissal - where an employer has insufficient evidence to back up their formal reason for dismissing an employee gives the employee a right to compensation and gives an indication of the circumstances in which unfair dismissal has occurred. The Act also provides a guarantee of payment in respect of redundancy.

- **Dispute resolution** – the Act also identifies the process by which you can resolve disputes related to any violation of your rights as an employee. Indeed, you have the right to go to an employment tribunal if you have a dispute with your employer over a range of cases.

Employment Relations Act 2004

This act was first introduced in 1999 and was further modified in 2004. The Act established a number of new rights at work covering the following areas:

- trade union recognition
- industrial action ballots
- unfair dismissal of strikers
• maternity leave
• parental leave
• time off for dependants
• employment tribunal awards
• the right to be accompanied in disciplinary and grievance hearings
• part-time work – equality with full-time work.

**Employment Act**

The Act was introduced in 2002. It is a wide ranging employment package, covering:

• work and parents
• dispute resolution in the workplace
• improvements to employment tribunal procedures
• provisions to introduce the Fixed Term Work Directive
• a new right to time off work for union learning representatives.

**Other items of legislation impacting on employment**

• **Equal Pay Act** – the Act requires that men and women be given equal pay for equal work in the same establishment. The jobs need not be identical, but they must be substantially equal. It is job content, not job titles, that determines whether jobs are substantially equal.

• **Data Protection Act** – the Act provides a common-sense set of rules which prevent the misuse of your personal information without stopping it being used for legitimate reasons.

The details of the Data Protection Act are quite complex. The following are eight main rules that are the key points of the Act. These require personal information to be:

• fairly and lawfully processed
• processed for limited purposes
• adequate, relevant and not excessive
• accurate
• not kept longer than necessary
• processed in accordance with your rights
• kept secure
• not transferred abroad without adequate protection.
Organisations using personal information must comply with these requirements and, moreover, are required to register under the requirements of the Act. The Act provides stronger protection for sensitive information about your ethnic origins, political opinions, religious beliefs, trade union membership, health, sexual life and any criminal history.

- **National Minimum Wage Act** – this is a legal right which covers almost all workers in the UK. It became law in 1999 to prevent unduly low pay. There are three rates of National Minimum Wage (NMW). They are based on recommendations of an independent body, the Low Pay Commission.
  
  - The main (adult) rate applies to workers aged 22 and over
  - The development rate applies to 18 to 21-year-olds
  - The third rate applies to 16 to 17-year-old workers who are above school leaving age.

Apprentices under the age of 19 are not entitled to the NMW and apprentices over 19 are exempt in their first year. The vast majority of adult workers in the UK are entitled to be paid the NMW provided they are not genuinely self-employed, including:

  - part-time workers
  - casual labourers
  - agency workers
  - piece workers, including homeworkers.

The main exemptions from the requirements of the Act are:

  - the genuinely self-employed
  - voluntary workers
  - workers who are based permanently outside the UK.

### Protection against discrimination

There are a number of items of legislation which are designed to provide protection against discrimination in the workplace.

#### Discrimination on the Grounds of Race

It’s unlawful to discriminate against someone, either directly or indirectly, on the grounds of race, colour, nationality - including citizenship - or ethnic origins, under the Race Relations Act 1976. Racial harassment is defined as a form of discrimination.

Discrimination on the grounds of race can be either direct or indirect:

- Direct discrimination may include treating somebody less favourably on the grounds of their race, colour, ethnicity or national origin.