

# Summary of Employment Legislation/Regulations/Codes of Practice

*Correct to July 2004*

## **Equal Pay Act 1970 (and amendment 2003)**

- Equitable pay with comparator
- Equal pay for work of equal value
- Objective justification for difference

## **Health & Safety at Work Act 1974**

- Duty of care to preserve mental and physical health of workers

## **Rehabilitation of Offenders Act 1974**

- Discrimination on grounds of criminal record unlawful
- Requirement to disclose criminal offences if occupation exempt from Act

## **Sex Discrimination Act 1975 (and amendments 1986, 2001)**

- Direct and indirect discrimination definitions
- Positive action
- Genuine occupational qualifications

## **Race Relations Act 1976 (and amendment 2000)**

- Direct and indirect discrimination definitions
- Positive action
- Genuine occupational qualifications

## **Trade Union and Labour Relations (Consolidation ) Act 1992**

- Time off for TU members and officials
- Information for collective bargaining purposes
- Consultation over redundancies
- Right not to be victimised for becoming or not becoming a TU member
- Right not to be unfairly dismissed for being a TU member
- Closed shop unlawful
- Internal union affairs: discipline, secret ballot, members rights
- Legal status of collective agreements
- Lawful industrial action

## **Disability Discrimination Act 1995 (and amendment 2003)**

- Discrimination unlawful
- Definition of disability
- Reasonable accommodation/adjustments

## **Asylum & Immigration Act 1996**

- Duty to check employee's eligibility to work in the UK
- Work permit regulations

### **Employment Rights Act 1996**

Confers rights to:

- Statement of employment particulars, pay statement
- Protection of wages
- Protection from suffering detriment in employment
- Time off work for public duties, to look for work and training (in redundancy situations), ante-natal care, employee reps
- Suspension from work on medical and maternity grounds
- Maternity rights
- Termination of employment: notice periods, written reasons for dismissal
- Not be unfairly dismissed and remedies
- Redundancy provisions and payments

### **Industrial Tribunals Act 1996**

- Reform of IT system - now called Employment Tribunal

### **Protection from Harassment Act 1997**

- Criminal and civil routes (not strictly employment related)

### **Data Protection Act 1998**

- Access to paper and computer held data
- Various codes of practice relating to recruitment, personal details, criminal records and sickness absence records

### **Human Rights Act 1998**

Confers rights to:

- a fair trial (natural justice)
- Privacy and family life
- Freedom of thought, conscience and religion
- Freedom of expression
- Freedom of assembly and association

### **Public Interest Disclosure Act 1998**

- 'whistleblowers' act
- sets out qualified and protected disclosures

### **National Minimum Wage Act 1999**

- £4.50 per hour minimum (1<sup>st</sup> Oct 2003) over 21
- Note: London Weighting must be paid on top of minimum wage

### **Employment Relations Act 1999**

- Unfair dismissal compensation
- Unfair dismissal waiver clauses revoked
- Union recognition rights for pay, hours & holidays
- Protected industrial action
- Rights to representation

### **Race Relations (Amendment) Act 2000**

- Promotion of employment and access to services for ethnic minorities
- Requires a policy
- Monitoring, collation and publication of statistics

### **Sexual Offences (amendment) Act 2000**

- Offence for person in a position of trust to engage in sexual activity with student (under 18) in full time education

### **Employment Act 2002**

- Dispute resolution - employment tribunals reform
- Statutory discipline and grievance procedures (not implemented yet)
- Increased maternity and paternity leave
- Adoption leave and pay
- Right to request flexible working

## **Statutory Instruments**

### **The Transfer of Undertakings (Protection of Employment Regulations) 1981**

- Preserves continuity of employment, employment rights and terms and conditions of employment of staff in transfer situations
- Does not cover pensions currently
- Information and consultation rights over proposed TUPE

### **The Employment Protection (Continuity of Employment) Regulations 1996**

- Preservation of continuous employment on repayment of redundancy pay

### **Working Time Regulations 1998**

- Limits on working time to 48 hrs pw
- Restbreaks of 20 minutes (unpaid) per 6 hours work
- Daily and weekly rest periods
- Annual leave
- Restricted night working

### **The Redundancy Payments (Continuity of employment in local Government etc) Order 1999**

- Recognition of previous continuous service with organisations such as local authorities, FE colleges, HEFCE funded institutions for the purpose of redundancy.
- Seeking guidance if applicable to City.

### **The Maternity & Parental Leave Regulations 1999**

- Right to paid time off for family emergencies and parental leave
- Increase of maternity leave

### **Part Time Workers (Prevention of Less Favourable Treatment) Regulations 2000**

- Discrimination on the grounds of part-time status unlawful

### **Fixed Term Workers (Prevention of Less Favourable Treatment) Regulations 2002**

- Limits the duration of a fixed term contract (including renewals and extensions) to maximum of four years
- Use of redundancy waiver unlawful
- Less favourable treatment viewed as discriminatory
- Notification of vacancies to fixed term staff
- Objective justification required for use of fixed term contracts

### **Employment Equality (Sexual Orientation) Regulations 2003**

- Unlawful to discriminate on grounds of sexual orientation in employment

### **Employment Equality (Religion or Belief) Regulations 2003**

- Unlawful to discriminate on grounds of religion or belief in employment

### **Model statutes** (existing and amended mid 2002)

- Employment and dismissal of academic (and some academic related) staff in pre-1992 universities
- Note: terms vary from institution to institution

## **Forthcoming legislation:**

### **Information and Consultation Directive (to be implemented March 2005)**

- Rights for workers to be consulted on significant changes at work

### **Equal Treatment Directive 2002 (to be implemented by Oct 2005)**

- Binding definitions of sexual harassment
- Promotion of equal treatment in the workplace for men and women in a planned and systematic way.

### **Dignity at Work Bill (Unknown)**

- Enables workers to bring a claim for harassment or bullying without the need to resign first
- Policy required

### **Disability Discrimination Bill (draft published Dec 2003)**

- Gives tribunals power to re-instate
- Increased powers for Disability Rights Commission

### **Directive on Temporary Agency Workers (unknown)**

- Agency workers conferred same terms and conditions as staff employed direct by organisation

### **Gender Recognition Bill (unknown)**

- Transsexual people will be able to gain legal recognition in their acquired gender
- Will allow transsexual person to marry in their acquired gender

### **Age Discrimination Legislation (to be implemented by October 2006)**

- Unlawful to discriminate on the basis of age in employment

## **Non-Statutory Codes of Practice**

### **ACAS codes:**

- Disciplinary and Grievance Procedures 2000
- Disclosure of information to trade unions for collective bargaining purposes
- Time off for Trade union duties and activities