Legal, Ethical and Professional Perspectives (LEPP) - Workplace, copyright and Ethics

Dr Su White

Professional Development (COMP1205)
Workplace Perspectives

- WEEE
- Health and Safety
- Equalities Act
- Disabilities Discrimination
- Human Rights Act
- Whistleblowing

- BCS Code of Conduct
- BCS Code of Professional Practice
- Employment Law

Advice and representation: BCS and Trades Unions
Reminder: based on module needs and past experience

WHAT IS IMPORTANT…
Reminder:
You are not learning to be a lawyer

But with this module

• Develop legal awareness
• Think about your
  – rights
  – responsibilities

Law in the workplace

• Contracted to/retained by an employer
• Employed in an organisation/business

Membership benefit

• Professional bodies
• Trades Unions
Consider the extent of the area
Possible extent of professional and legal issues in the workplace

- intellectual property
- creative commons
- professionalism
- e-commerce
- data protection
- ethics
- open source
- pornography
- hacking
- morals
- privacy
- civic duty
- open data
- e-government
- freedom of information
- accessibility
- digital futures
- security
- defamiation
- inclusivity
- file sharing
- computer crime
- academic ethics
- outsourcing
- social enterprises
- linked data
- health and safety
- free speech
- german
- free
- speech
- duty
- outsourcing
- surveillance
- digital divide
- localisation
- discrimination
- data protection
- hacking
- responsibility
- censorship
- copyright
- privacy
- digital rights management
- digital
- rights
- management
- professional bodies
- globalisation
- digital
- futures
- green ICT
- e- commerce
- e-government
- green
- ICT
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- e-government
- freedom
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<th>Legal contexts and awareness</th>
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<td>Libel and defamation</td>
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<td>Crime online/ cyber-security</td>
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<td>Legislation in workplace contexts</td>
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<th>Global responsibilities/civic Responsibilities</th>
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<td>Think global act local</td>
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<td>Responsibilities</td>
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<td>Freedom of information</td>
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<th>Workplace contexts and equality</th>
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<td>Industrial tribunals</td>
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<th>Digital Rights and Wrongs</th>
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<td>Copyright</td>
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<td>Creative commons</td>
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<td>File sharing</td>
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<td>Intellectual property</td>
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<td>Digital rights management</td>
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<td>Ethical Computing</td>
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<th>Personal ethics/Rights and responsibilities</th>
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<td>Civic duty</td>
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<td>Trades unions</td>
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These slides are the content of this week’s material

WORKPLACE ISSUES
Overview:

- Workplace rights
- Workplace responsibilities
- Respecting others’ work
- Self study - ownership
Key legal areas

- Communications Act 2003 section 127 (Came into force 25th July 2003 replaced s43 Telecommunications Act 1984)
- Computer Misuse Act 1990
- Copyright design and patents 1988
- Data Protection Act 1998
- Defamation Act 1996
- Digital economy act 2010
- Electronic Commerce (EC Directive) Regulations 2002
- Electronic waste disposal
- Equalities Act 2010
- Health and Safety at work 1974
- Harassment protection act 1997
- Human rights act 1998
- Malicious Communications Act 1988 section 1
- Postal Services Act 2000 section 85 (commenced 26th March 2001)

Which topics are relevant in the work context?
Workplace specific Areas

- Communications Act 2003 section 127 (Came into force 25th July 2003 replaced s43 Telecommunications Act 1984)
- Computer Misuse Act 1990
- Copyright design and patents 1988
- Data Protection Act 1998
- Defamation Act 1996
- Digital economy act 2010
- Electronic Commerce (EC Directive) Regulations 2002
- Electronic waste disposal
- Equalities Act 2010
- Health and Safety at work 1974
- Harassment protection act 1997
- Human rights act 1998
- Malicious Communications Act 1988 section 1
- Postal Services Act 2000 section 85 (commenced 26th March 2001)

Which topics are covered today?

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http://www.edshare.soton.ac.uk/15567/
Broad Scope

Employment Legislation
- Getting a job
- Keeping a job
- Your rights whilst working

Equality in the workplace
- Equality Act 2010
- Sex Discrimination Act 1975
- Equal Pay Act 1970
- Agency Workers Regulations 2010
- Northern Ireland only
  - Disabilities Discrimination Act 1995

- Trades Unions
- ACAS, and Employment Disputes
- Harassment and Bullying
- Whistleblowing
- Health and Safety at Work
- Professional Bodies
  - Working Practice
  - Codes of conduct
Can include…

- Working time regulations
- Trades Unions and Collective Rights
- Part time Work
- Fixed Term Work
- Employment Tribunals and Dispute Resolution
- Work and Parents/Care duties
- Maternity
- Parental Leave
- Time off for Dependents
- Employment Act 2002
- Equality Act 2010
Employment terms and conditions incorporate:

- Pay
- National Minimum Wage
- Employment Contracts and Conditions
- Time off and Holidays
- Flexible Working
- Working Hours
- Sickness Absence
- Business transfers and takeovers
- Starting a new job
Find out for yourself

Be able to:

Evaluate the strengths and benefits of a particular workplace

Take a view on good practice

Demonstrate your understanding

  In interviews

  In your working life

Your will be ambassador’s for ECS

Your degree/future

  • Demonstrate, integrate, use
    – A deeper understanding
    – Equip yourself with the information to make informed personal decisions
    – Practice the principles in your everyday life

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11/12/2017
Walkthrough some new areas

TAKING A WORKPLACE PERSPECTIVE
WHY DO WE HAVE EQUALITY LEGISLATION?
Why we might want equality

• Equal reward for equal effort/responsibility
• Addressing unconscious/implicit bias

To counter/overcome
• Institutional racism
• Hostile workplace ‘cultures’
• privilege or favouritism, nepotism
Business case

Widely quoted research from McKinsey\textsuperscript{23} suggests that European listed companies with greater gender diversity in top positions outperform sector averages. The return on equity of such diverse firms was calculated as 11.4 per cent compared to 10.3 per cent on average, whilst these firms also achieved stock price growth of 64 per cent relative to a sector average of 47 per cent [between 2005 and 2007]. Virtcom Consulting\textsuperscript{24} suggest that greater race and gender diversity on corporate boards were associated with a 16.2 per cent return over five years compared to lower economy-wide averages.

Important enough to make it a focus

Unconscious Bias programme

Unconscious bias affects us all. Whilst most people would say they’re open minded, due to our deep seated biases we unconsciously tend to like people who are similar to us, those who look like us and come from similar backgrounds; people who you can naturally relate to because they are like you. Unconscious bias is built into us as a survival mechanism, allowing us to process information quickly and make decisions when it comes to fight or flight. In that respect, it’s absolutely a positive trait.

However, in the business world unconscious bias can lead to decisions being made that are not fully considered. Research shows that diversity at the top level benefits organisations financially, encourages innovation and improves staff morale; however unconscious bias may lead people to recruit in their own image, thereby excluding different sets of behaviours and values that could otherwise benefit an organisation.

BCS, The Chartered Institute for IT, is working to educate members of Boards and Committees in unconscious bias with the aim of changing cultures and attitudes and ultimately break down barriers to a more diverse leadership in our groups. Between November 2012 and September 2013, the Institute ran 11 Unconscious Bias workshops for members of centrally reporting Boards and Committees, training our volunteers about unconscious bias in all aspects of diversity; race, LBGT+Q, age, obesity, disability and gender.

The programme has now moved into a second phase and will be reaching out to our branch and specialist group network across the country. Through our membership of the Engineering Diversity Concordat, we have been awarded funding to develop these training materials as a transferable modal for uptake by the other signatory professional bodies.
RSA Video
So why do we need legislation?

- Encouragement and awareness alone seldom bring about change.
- The state has a responsibility to be fair; and to be seen to be fair (discuss!)
The Equality Act 2010

Disabled workers share the same general employment rights as other workers. However, there are also some special rights for disabled people under the Equality Act 2010. Learn more about your rights and the Equality Act 2010.

Employers and the Equality Act 2010

Under the Equality Act 2010, it is unlawful for employers to discriminate against disabled people. The disability parts of the Act cover:

- application forms
- interview arrangements
- aptitude or proficiency tests
- job offers
- terms of employment including pay
- promotion, transfer and training opportunities
- work-related benefits such as access to recreation or refreshment facilities
- dismissal or redundancy
- discipline and grievances

An employer must also make reasonable changes to applications, interviews and work so that you are not disadvantaged. These are known as ‘reasonable


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Key areas of the Equality Act 2010

- Provide equality of opportunity
- Respect protected characteristics
Extent of the legislation

- Discrimination
- Adjustments for disabled persons
- Harassment
- Victimisation

- Disabilities can be visible or invisible
- Many types of behaviour can manifest as discriminatory
- Act fairly – but also ensure fairness around you
- Whatever your level of responsibility
What can you do?

• Watch the videos

• Take the tests

https://implicit.harvard.edu/implicit/
Follow up reading

- Educate yourself
- Think about how this can be applied in your immediate environment

COMP1205
Equality and Diversity Additional Readings and videos

Unconscious Bias @ Work | Google Ventures

Unconscious biases are created and reinforced by our environments and experiences. Our mind is constantly processing information, oftentimes without our conscious awareness. When we are moving fast or lack all the data, our unconscious biases fill in the gaps, influencing everything from product decisions to our interactions with coworkers. There is a growing body of research – led by scientists at Google – surrounded

https://youtu.be/n_lJFThTgEVU

Making the unconscious conscious
- a follow up video explaining the context

Unconscious biases influence our actions every day, even when—by definition—we don’t notice them. These biases are shaped by our experiences and by cultural norms, and allow us to filter information and make quick decisions. We’ve evolved to trust our guts. But sometimes these mental shortcuts can lead us astray, especially when they cause us to misjudge people. We developed a workshop, Unconscious Bias @ Work, in which more than 25,000 Googlers have taken part. The workshop highlights four bias busting techniques which can help mitigate the potentially negative influence of unconscious bias:

- Gather facts
- Rely on consistent structure and criteria when making decisions
- Watch for subtle cues
- Foster awareness and accountability

https://youtu.be/NW6s_NISJE

Blind Spot
Find out about the workplace
Who were the pioneers?

What did they do?  
How did they do it??
Don’t just look back, keep up and look forward!

[Video: 14 Changes to UK law and policy from April 2017!](https://youtu.be/kQRtVYBv4hI?t=7s)
Harassment

unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating and intimidating, hostile, degrading, humiliating or offensive environment for that individual.
How to deal with harassment?

https://YouTube/cmKVdA4sPYw?t=14s
Dignity at work policy
Dr Su White saw@ecs.soton.ac.uk
http://www.edshare.soton.ac.uk/15567/
WE HAVE THE RIGHT TO SPEAK OUT AND QUESTION
Video - Whistleblowing

https://youtu.be/euwasyw-iNg
Whistleblowers…

an informant who exposes wrongdoing within an organization in the hope of stopping it; "the law gives little protection to … wordnetweb.princeton.edu/perl/webwn"

A whistleblower is a person who alleges misconduct. More complex definitions may be used, but the issue is that the whistleblower usually faces reprisal. …en.wikipedia.org/wiki/Whistleblower

whistle-blower - One who reports a problem or violation to the authorities; especially, an employee or former employee who reports a violation by an employer
en.wiktionary.org/wiki/whistle-blower

whistleblowing - the disclosure to the public or to authorities, usually by an employee, of wrongdoing in a company or government department
en.wiktionary.org/wiki/whistleblowing

whistle blower - An employee who has inside knowledge of illegal activities occurring within his or her organization and reports these to the public.
investor.lilly.com/glossary.cfm

Any person who makes a disclosure about improper conduct by public bodies and public officers under the Whistleblowers Protection Act 2001

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Whistleblowing rights

If you are blowing the whistle on malpractice or wrongdoing in the workplace you should make the disclosure (reveal the information) to your employer or to a prescribed person so that your employment rights are protected.

Blowing the whistle on workplace wrongdoing

Blowing the whistle to your employer

If you are blowing the whistle on malpractice in the workplace you should strongly consider making the disclosure to your employer. If you make a disclosure to your employer it will help to make sure that your concerns are dealt with quickly and by the right person.

If you work for a small company the right person to resolve your concerns may be the director of the company.

You should check your employment contract to see if your company has a process to help you make the disclosure. In some situations your employer might adapt the procedure, for example to allow confidential disclosures.

Protection of whistleblowers

Employment contracts

Blowing the whistle to a prescribed person

If you feel unable to use your company’s disclosure procedure then there are other prescribed people you can make the disclosure to.

You can only make a disclosure to a prescribed person if you:

- make the disclosure in good faith
- reasonably believe the information you are disclosing is substantially true.


11/12/2017

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http://www.edshare.soton.ac.uk/15
Edward Snowden

https://youtu.be/-5sakGkmHh8
Employment Tribunals

https://www.gov.uk/employment-tribunals

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http://www.edshare.soton.ac.uk/15567/
Use ACAS before you go to tribunal

• Early conciliation necessary before tribunal
• Formal notification – via a form
• Free service via impartial conciliator
• Aims for rapid turn round
• Can make a legally binding agreement
• Or reference from ACAS to go to tribunal
• Time limit – 3-6 months after early conciliation
Procedures for employment tribunals

https://youtu.be/ooNvhVZP_8g
Tribunals can consider….

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<th>Regulation</th>
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<td>CEC 1975</td>
<td>Colleges of Education (Compensation) Regulations 1975</td>
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<td>COMAH 1999</td>
<td>Control of Major Accident Hazards Regulations 1999</td>
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<td>DRC 1999</td>
<td>Disability Rights Commission Act 1999</td>
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<td>EE(Age) Regs 2006</td>
<td>Employment Equality (Age) Regulations 2006</td>
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<td>EE (Religion or Belief) Regs 2003</td>
<td>Employment Equality (Religion or Belief) Regulations 2003</td>
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<td>EE (Sexual Orientation) Regs 2003</td>
<td>Employment Equality (Sexual Orientation) Regulations 2003</td>
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<td>EPA 1970</td>
<td>Equal Pay Act 1970</td>
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<td>ERA 1996</td>
<td>Employment Rights Act 1996</td>
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<td>ERA1999</td>
<td>Employment Relations Act 1999</td>
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Tribunals can consider....

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<th>Legislation</th>
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<td>ETA 1996</td>
<td>Employment (Industrial) Tribunals Act 1996</td>
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<td>FTE 2002</td>
<td>Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002</td>
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<td>HSCE 1996</td>
<td>Health and Safety Consultation with Employee Regulations 1996</td>
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<td>HSWA 1974</td>
<td>Health and Safety at Work Act 1974</td>
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<td>MPL 1999</td>
<td>Maternity and Parental Leave Regulations 1999</td>
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<td>MPL 2002</td>
<td>Maternity and Parental Leave (Amendment) Regulations 2002</td>
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<td>NESE 1994</td>
<td>Notification of Existing Substances (Enforcement) Regulations 1994</td>
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<td>PAL 2002</td>
<td>Paternity and Adoption Leave Regulations 2002</td>
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<td>PIDA 1998</td>
<td>Public Interest Disclosure Act 1998</td>
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<td>PTW 2000</td>
<td>Part Time Worker (Prevention of Less Favourable Treatment) Regulations 2000</td>
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Tribunals can consider:

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<td>Race Relations Act 1976</td>
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<td>SDA 1975</td>
<td>Sex Discrimination Act 1975</td>
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<td>SRSC 1977</td>
<td>Safety Representatives and Safety Committees Regulations 1977</td>
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<td>SSPA 1975</td>
<td>Social Security Pensions Act 1975</td>
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<td>STA 1994</td>
<td>Sunday Trading Act 1994</td>
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<td>TCA 2002</td>
<td>Tax Credits Act 2002</td>
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<td>TULR(C) 1992</td>
<td>Trade Union and Labour Relations (Consolidation) Act 1992</td>
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<td>TURER 1993</td>
<td>Trade Union Reform and Employment Rights Act 1993</td>
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<td>RT (WT) R 2005</td>
<td>Road Transport (Working Time) Regulations 2005</td>
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Another important topic area

HEALTH AND SAFETY AT WORK
Look after! yourself

Health and Safety Authority (HSA) — Correct Sitting Position at a Desktop Computers

https://youtu.be/PcsoeDpUSrs
Health and Safety

General Environment
• The Health and Safety at Work Act 1974

Computer Specific Environment
• The Health and Safety (DSE) Regulations 1992
European directive

- Waste electrical and electronic equipment recycling
The legislation

http://www.hse.gov.uk/waste/waste-electrical.htm

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Customising the workplace

Sadly I was unable to obtain any images of male computer workers!
Managing your environment

Ergonomically Correct Laptop-using Posture

So forearms are parallel to floor, move keyboard tray to elbow height if you look at keys when typing, or one inch below if you don’t.

Feet flat on floor or on a footrest for leg and back support.

A lap desk across the lap is a less expensive and portable alternative to a keyboard tray.

A lightweight lap desk across the knees improves posture, and folds to fit in a laptop backpack for easy traveling.

A wide lap span (20” or more) allows knees to relax, minimizing strain on shoulders, neck, back and arms.

Reduce heat build-up and prevent lap burn with platform that lets heat escape from under computer.

When a separate keyboard is impractical, a portable stand inclines laptop so arms and elbows hang relaxed at sides to reduce back and shoulder strain.

Sourced by Sally A. Longyear, CIE, MPH (WWW.WORKING-WELL.ORG) and LAPWORKS (WWW.LAPWORKS.NET)
AGENCIES AND INTEREST GROUPS
Such as…

- Government agencies
- Charities and action groups
- Professional bodies
- Trades Unions

- The next few slides give some examples, you need to familiarise yourself with these sources

- Opportunities
  - Revision for the stage test
  - Preparation for the case study
Be aware of agencies

ALSO USEFUL SOURCES OF INFORMATION

Which can be useful for revision

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Public Concern at Work

Making whistleblowing work
020 7404 6609

Silence isn’t always golden
Public Concern at Work (PCaW) is the independent authority on public interest whistleblowing. Established as a charity in 1993 following a series of scandals and disasters, PCaW has played a leading role in putting whistleblowing on the governance agenda and in developing legislation in the UK and abroad. All our work is informed by the free advice we offer to people with whistleblowing dilemmas and the professional support we provide to enlightened organisations.

Help for individuals
Help for organisations
Help for the NHS
Latest news from PCaW

http://www.pcaw.co.uk/

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Help for individuals
Help for organisations
Help for the NHS
Latest news from PCaW

http://www.pcaw.co.uk/

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Trades Unions

• May be active in your workplace
• There may be some kind of local workers group
• May not be usual in your workplace
• Like professional bodies they require a subscription
  – They also are afforded some (limited) recognition in workplace law
Worksmart (TUC)

welcome to workSMART

workSMART, from the TUC, is here to help today’s working people get the best out of the world of work.

what’s new?

- Social media #fail in the workplace
- And the dress code is... stripes
- 40 hour week ‘burnout’ risk
- Is your company getting workers on the cheap?
- Will you be affected by Tax Credit changes?

More news...

contact us | terms of use | privacy policy | about us | sitemap

your rights
your money
your health
your career
your company
news
union finder
jargon buster
fun & games
tools & utilities

Facing up to Facebook
Are the UK’s 3.5m Facebook users an HR accident waiting to happen? Read our advice

One good intern deserves another?
As many as one third of interns could be exploited at work. Read our interns’ guide

free help
email news

The Interns: Getting treated like a dog’s body?

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Employment Issues

Employment issues

We provide free legal advice and representation to members who have employment-related problems. Our team of workplace representatives, full time officers and specialist employment lawyers can give professional advice and support in tribunal and civil court claims.

Areas covered include:

- Contracts of employment (pdf, 194KB)
- Data Protection Act (pdf, 156KB)
- Employment status and related rights (pdf, 144KB)
- Human rights in the workplace (pdf, 213KB)
- Information and Consultation Regulations (updated July 2007) (pdf, 256KB)
- Intellectual Property Works created in the course of employment
- Privacy at work (pdf, 192KB)
- Redundancy (pdf, 287KB)
- TUPE - Transfer of Undertakings (Protection of
- Annualised hours (pdf, 124KB)
- Bonus Schemes (pdf, 44KB)
- Bullying (pdf, 47KB)
- Shift working patterns and premia (pdf, 206KB)
- Sick pay and sickness absence (pdf, 84KB)
- Standby and call out pay (pdf, 149KB)
- Using your own vehicle for work (pdf, 192KB)
Arbitration and Conciliation

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Your degree is BCS accredited

BCS – PROFESSIONAL BODY
Professional Bodies

Professional Bodies – and codes of conduct

- we covered codes of conduct and good practice

But they also usually offer the services of their legal departments
BCS Legal

http://www.bcs.org/category/9234

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11/12/2017
Enhanced Free Legal Helpline (Chartered, Professional and all Fellow grades), Free Online Legal service (not Affiliates) and Employment Disputes Service (Fellows only)

The legal helpline… provides personal and business legal advice on subjects including Family, Employment, Consumer and Property Law.

Online Legal service, from Law Express, provides a virtual personal and business legal support system whenever you need it.

BCS Fellows involved in computing and related areas have an additional service - If you become involved in a dispute arising from your contract of employment (not contractors), DAS will find and pay for a lawyer to represent you at an Employment Tribunal or Civil Court.

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Professional Indemnity Insurance

- protects against financially crippling/reputation-damaging claims by dissatisfied clients.

- **Negligence**: or breach of duty of care

- **Intellectual property**: unintentionally infringing on others’ copyrights, trademarks, broadcasting rights, any act of passing off

- **Loss of documents/data**: damaged, lost or stolen data and documents belonging to your clients

- **Dishonesty**: liability arising from the theft of your clients’ money
CIPD – already shown

http://www.cipd.co.uk

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COPYRIGHT AND IP
Notes

1. Copyright and IP
   – Notes and links on legislation

2. Awareness issues
   – Things you might find useful when applying for work
Tasks: Other key areas

Copyright Design and Patents Act

Review the slides, make notes

- Related slides – rights and ownership online
  http://www.edshare.soton.ac.uk/9939/

- And now incorporated into the slides below
Acknowledgements

• Sarosh Kahn and Laura German provided some of the basic material for this set, along with some structure.

• Those slides have been modified and various additions and alterations made.
Intellectual Property

What is IP?
Intellectual Property lets people own the work they create. In this car, the four IP types work together to offer complete protection.

- Learn more about the four types
- What other types of IP are there?

What's new
Get It Right
Create, Innovate & Protect - IP explained, Berkshire (27 November 2012)

IP events

Latest news

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Copyright, Designs and Patents Act 1988

- The Copyright, Designs and Patents Act 1988 is the current UK copyright law. This act gives the creators of literary, dramatic, musical and artistic works the right to control how their material may be used.

- The Act details what types of work can be protected and the rights that a person has.

- This Act is an extension to the previous copyright laws covered by the Copyright Act 1956, to encompass a larger scope of work.

- Since 1988 the Act has had several amendments made to it.
What is copyright?

• Copyright, unlike patents or trademarking is an automatic legal process which comes into effect as soon as a product or piece of work is created.

• To qualify, said product or piece of work must be original and 'exhibit a degree of labour, skill or judgement.'

• It is interesting to note that copyright comes into effect UPON PUBLICATION of the work, so if someone steals your idea and gets it published before you, you would be in breach of copyrighted work. (Copyright does not protect intangible things such as ideas, and there is no way to prove something ownership of something intangible).
What is copyright?

- Copyright is a law that gives the author of certain types of work exclusive rights for a period of time.

- It automatically covers your work, no need for registration

- Copyright belongs to its author, but it can be sold or licensed to anyone.
  - Once sold, the owner loses all rights
  - Licensing gives certain rights to the licensees, even though the copyright is still the property of the owner.
  - Licensees can also grant licenses to other people. Licences can be granted forever or for some fixed period.
Copyright Law

The Copyright, Designs and Patents Act 1988 section 1(1) states that copyright subsists in accordance with Part one of the Act in eight categories of works.

- Original Literary Works
- Original Dramatic Works
- Original Musical Works
- Original Artistic Works
- Computer Programs/Databases
- Films
- Sound Recordings
- Broadcasts
- The Typographical Arrangement of Published Editions
Exclusive Rights of the Copyright Holder

The Copyright, Designs and Patents Act 1988, Section 16.

On the Web we are all used to hearing about widespread copyright infringement, particularly of music and films ... But piracy is not new!

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Copyright Law

• Under official government legislation:

  – "Where a literary, dramatic, musical or artistic work [or a film,] is made by an employee in the course of his employment, his employer is the first owner of any copyright in the work subject to any agreement to the contrary."

• THIS INCLUDES SOFTWARE. This is very important for people with a future career in the IT industry, as if you create an original program under the instructions of your employer, you have NO claim in regard to the copyright of the work. This can, however, be re-negotiated before you start your employment.
Software copyright

- UK copyright law was amended in 1992 to include computer programs under the category of literacy work.

- Although there is no formal definition of what constitutes as a computer program, the following are covered under UK law:
  - Source code
  - Machine code
  - Firmware
  - Design materials
  - Functional specification
Software copyright

• A license to use a program is implied in the normal contract of sale, if no express provision is otherwise made.

• Stature promises certain acts with regards to computer software as a basic right, which cannot be overwritten by any agreement, and includes:
  
  – Back-up of licensed software
  – Decompiling software (reversing the process of compiling)
  – Observing and testing software to determines idea, principles and functionality
  – Editing software for the purpose of bug fixing
Copyright Infringement

Copyright can be infringed in two ways:

• Primary Infringement
  – Anyone who performs an exclusive right of the owner, without permission.

• Secondary Infringement
  – Possessing, spreading or making copies
  – Willingly permitting people to make copies
Copyright Infringement

CDPA 1988, s.16(2): “Copyright in a work is infringed by a person who without the licence of the copyright owner does, or authorises another to do, any of the acts restricted by the copyright.”

Online Proclamations:

“I don’t own the rights to this – all credit goes to the author 😊!!!!”

- That’s nice, but it’s still infringement!

Permitted Acts

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http://www.edshare.soton.ac.uk/15567/
The UK Copyright Service website

http://www.copyrightservice.co.uk

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“The Honest Musician's Fear of Accidental Plagiarism”

Available on BBC iPlayer
http://www.bbc.co.uk/programmes/b00xw21s

“As Noel Gallagher put it rather bluntly when confronted about his musical influences: "There's twelve notes in a scale and 36 chords and that's the end of it. All the configurations have been done before.”

Singer and songwriter Guy Garvey [from Elbow], with the help of fellow songwriters Sir Tim Rice, Paul Heaton and John Barnwell, explores the legal pitfalls that can befall the honest musician and how to avoid them.”

(- BBC http://www.bbc.co.uk/programmes/b00xw21s.)
Still available – thank you BBC!

http://www.bbc.co.uk/programmes/b00xw21s

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Creative Commons

“Share, Remix, Reuse – Legally”

(http://www.creativecommons.org.uk/)

• Creative Commons licensing is not an alternative to copyright law, but is compliant with the law!
http://www.creativecommons.org/licenses/

About The Licenses

What our licenses do

The Creative Commons copyright licenses and tools forge a balance inside the traditional “all rights reserved” setting that copyright law creates. Our tools give everyone from individual creators to large companies and institutions a simple, standardized way to grant copyright permissions to their creative work. The combination of our tools and our users is a vast and growing digital commons, a pool of content that can be copied, distributed, edited, remixed, and built upon, all within the boundaries of copyright law.

License design and rationale

All Creative Commons licenses have many important features in common. Every license helps creators — we call them licensors if they use our tools — retain copyright while allowing others to copy, distribute, and make some use of their work — at least non-commercially. Every Creative Commons license also ensures licensors get the credit for their work they deserve. Every Creative Commons license works around the world and lasts as long as applicable copyright lasts (because they are built on copyright). These common features serve as the baseline, on top of which licensors can choose to grant additional permissions when deciding how they want their work to be used.

A Creative Commons licensor answers a few simple questions on the path to choosing a license — first, do I want to allow commercial use or not, and then...

Our licenses do not affect freedoms that the law grants to users of creative works otherwise protected by copyright, such as exceptions and limitations to copyright law like fair dealing. Creative Commons licenses require licensees to get permission to do any of the things with a work that the law reserves exclusively to a licensor and that the license does not expressly allow. Licensees must credit the licensor, keep copyright notices intact on all copies of the work, and link to the license from copies of the work. Licensees cannot use technological measures to restrict access to the work by others.

Try out our simple License Chooser.

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Creative Commons

- **What is it?**
  - A non-profit organisation devoted to “expanding the range of creative works available for others to build upon legally and share”.

- **What does it do?**
  - The organisation has released a number of copyright-licences known as “Creative Commons licences” for free public use.

- **Who uses these licences?**
  - Wikipedia is the most well known user.
  - Flickr, DeviantArt, xkcd and even Nine Inch Nails are also all users of Creative Commons licences.
The Licences

- There are 4 original licenses:
  - **Attribution (by)** – “You let others copy, distribute, display, and perform your copyrighted work - and derivative works based upon it — but only if they give credit the way you request.”
  - **NonCommercial (nc)** – “You let others copy, distribute, display, and perform your work - and derivative works based upon it - but for noncommercial purposes only. “
  - **ShareAlike (sa)** – “You allow others to distribute derivative works only under a license identical to the license that governs your work.”
  - **No Derivatives (nd)** – “You let others copy, distribute, display, and perform only verbatim copies of your work, not derivative works based upon it.”
Combination Licenses

- These licences can be combined to create different licenses:
- Since NoDerivatives and ShareAlike licenses are mutually exclusive, that means there are 11 valid licenses.
- CC found that 98% of users wanted Attribution, so they restricted it to six main licenses:
What can they apply to?

- A creative commons license can apply to anything that is protected by copyright law.

- Therefore a CC license can be applied to books, websites, blogs, photographs, films, videos, songs and any other audio and visual recordings, for example.

- The licenses *can* theoretically be applied to Software or source code, but this is not recommended by CC since the licenses were not designed to apply to them.
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Embedding creative commons licences into digital resources - SCA briefing paper

Overview of creative commons licences

There are a number of different types of these licences. Across the UK’s public sector, CC licences are increasingly used to provide access to cultural heritage and teaching, learning and research outputs. Creative Commons licensed resources are also helpful for public sector bodies who wish to use third party resources which place the least restrictive licensing terms on the user.

This briefing paper accompanies further information on Creative Commons licences (CC), produced by the Strategic Content Alliance, which demonstrates how the terms of Creative Commons licences can be embedded into a variety of resources, such as PowerPoint, images, Word docs, cleaning resources, podcasts and other audio visual resources.

Benefits of embedding CC licences

Creative Commons licences (also referred to as CC licences) can facilitate the copying, reuse, distribution, and in some cases, the modification of the original owner’s creative work without needing to get permission each time from the rights holder.

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Mixter

ccMixter is a community music site featuring remixes licensed under Creative Commons where you can listen to, sample, mash-up, or interact with music in whatever way you want.

Remixers If you're into sampling, remixing and mash-ups grab the sample packs and a cappellas for download and you can upload your version back into ccMixter, for others to enjoy and re-sample. All legal.

Gift of Song

"Make no mistake, ccMixter is the complete package. No other remix site commands the same level of respect amongst musicians, producers and content creators."

Dave's Imaginary Sound Spaces

Looking for Music?

Looking for music for a video, school project, game you're developing, podcast or just for listening in your cubicle or mobile music device?

Find exactly the music you're looking for - podsafe, liberally licensed - using dig.ccMixter Music Discovery tool.

Find out why one out of six uploads to ccMixter are used in a YouTube(tm) video, flickr moving image, podcast, compilation album and thousands of other places all over the web.

Start digging at dig.ccMixter.
http://www.behold.cc

find images tagged with

that are free to use □ [and modify □] [commercially □]  

.o.g. eagle, rain, beetle, san francisco fog, smile, sunflower, mercedes, polar bear, skyscraper

New free tool! Safeguard your use of free images with ImageStamper

Searching 1,040,000 high quality images from Flickr

© 2005-2011 Disclaimer & Terms of Use About
What is a patent?

• A patent is a license granted to an inventor, which gives the inventor the legal right to stop anyone else from making, using or selling the invention without his or her permission.[1]

Patents

Give the inventor the right to stop others from

• exploiting their invention

• without prior permission

• for a fixed period of time typically
  – 20 years in the UK
  – 17 years in the USA.
A brief history of patents

- The Patent Office, the administrator of patents and trademarks in the UK, was established in 1852 by the Patent Law Amendment Act.

- Originally it was established to handle only patents however later in 1875 it was expanded to include industrial designs.

- The Patent Act of 1977 updated these standards of the patent process.
What can be patented?

• For an invention or idea to be patented it must
  
  – Be capable of industrial application (invention that “can be made or used in any kind of industry, including agriculture”)

  – Must involve an inventive step (one which “is not obvious to a person skilled in the art”)

  – Be an invention that is unique
What cannot be patented?

• In comparison, there are a number of forms of invention that cannot be patented:
  
  – Mathematical or scientific theories, methods or discoveries
  
  – A way of doing business
  
  – Method of medical diagnosis or treatment
  
  – Computer programs or a presentation of information or an artistic work
  
  – Any inventions that are “against public policy or morality”

• The validity of a patent lasts for 5 years, after this time it must be renewed annually allowing a patent to stay active for a maximum of 20 years[1]


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Patents

So…Invention

• Can only be patented if
  – it is new and demonstrates an inventive step
  – has a practical application
  – Isn’t in an excluded area.

Patent office will search

• Existing patents and documentation

If anything is found

• The application will be rejected.
Patents do not

- Patents do not automatically cover inventions in the way copyright covers works.

Patents are issued by the state

Each patent only covers the country it was issued in

In every country that the inventor wants protection

It must be applied for
Patent Infringement

• similar penalties to copyright infringement
• Compensation needs to be paid to the owner.
• The fine will usually take into consideration
  – The amount the infringer would have paid to patent the design himself.
  – If it can be proved that the person knew of an existing patent they will have to pay treble the amount.
Licences

- “Click-wrap” licences;
- unequal bargaining power;
- Does anyone actually read them?
- Can terms be changed unilaterally?
‘Hans Rosling’s New Insights on Poverty’


Available online – TED Talks.

Criminology

Some examples:

- Identity theft;
- Fraud;
- Organised Crime (i.e. paedophile rings);
- Extremist Groups;
- Malware …

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Serious Organised Crime Agency
http://www.soca.gov.uk/

‘Smart phone malware highlighted by Get Safe Online Week’

11/12/2017
Further Info

- The UK Copyright Service website: [http://www.copyrightservice.co.uk/](http://www.copyrightservice.co.uk/)


THINKING ABOUT QUESTIONS
Freedom of Information Act

The Freedom of Information Act entitles an individual to request from a public authority:

1. Any information held on the individual
2. Any information held in electronic format on the individual
3. Any information held in either paper or electronic format on the individual
4. Any information at all
Privacy

A privacy issue is most likely raised when:

1. Someone reports comments we have made at a public meeting
2. Someone reports comments that they overhear us make to a friend in a public bar
3. Your employer reads the contents of e-mails sent by you using the company system
4. Someone reports the contents of a lecture we have given
5. Someone reports comments we make in a private letter to a third party
Software Copyright

- The copyright of software in the UK is currently covered by the _____________.

1. Copyright Designs and Patents Act alone
2. Copyright Designs and Patents Act and subsequent legislation
3. The computer misuse act
4. Digital Millennium Copyright Act
5. The European Union Copyright Directive
Purchase use and disposal

Which of the following does not require institutions to implement policies relating to the purchase, use and disposal of ICT equipment?

1. The waste electrical and electronic equipment directive
2. The reduction of hazardous substances directive
3. The energy using products directive
4. The disposal of hazardous substance directive
5. The landfill reduction and management directive
Questions might be constructed around any of the following topics

Can copyright be inherited? Yes. The person who inherits the work will become the new owner.

What happens when a copyright expires? The work will fall into the public domain, making it available to anyone wishing to use, copy or reproduce the work. This is how so many companies can publish works by William Shakespeare, etc.

What types of work are protected? Literary, dramatic, design, musical or artistic work. So long as the work exhibits a degree of skill, labour or judgement.

How long does copyright last? This will depend on the work and nationality, but typically the work will be protected for either, 70 years from the death of the author, or if published 70 years from the date of first publication, sical composers etc.

Does the nationality of the author matter? Under the terms of the Berne Convention, authors are automatically protected internationally, they may also enjoy additional rights as granted under national laws.

Does format or quality of the work matter? The format of the work, i.e. Negatives or photographs, computer files or paper documents, does not matter, neither does the quality of the work.
Thinking Task

Think about questions

• Questions can be simple
  – Testing knowledge

• More complex
  – Testing understanding

• Even more complex
  – Providing an opportunity to combine
    • Knowledge, understanding and thinking skills
    • In your groups design one example of each type of question which draws on the information provided
Appendix

AWARENESS ISSUES
Employment...

Employment terms and conditions incorporate:

- National Minimum Wage
- Employment Contracts and Conditions
- Time off and Holidays
- Working Hours
- Sickness Absence
- Business transfers and takeovers
- Starting a new job

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Sources of information...

Directgov
Public services all in one place

- Pay
  - Being paid and pay slips
  - Company sick pay rights
  - Performance-related pay
  - More about pay

- Employment contracts and conditions
  - Contracts of employment
  - Changes to employment conditions
  - Breach of contract
  - More about employment contracts and conditions

- Flexible working
  - The right to request flexible working
  - Working from home
  - Part-time work
  - More about flexible working

- Sickness absence
  - Time off for sickness
  - Statement of Fitness for Work (FF note)
  - How work can keep you healthy

- The National Minimum Wage
  - The National Minimum Wage rates
  - Calculating the National Minimum Wage: the basics
  - Help getting paid the National Minimum Wage
  - More about the National Minimum Wage

- Time off and holidays
  - Annual leave and holidays
  - Time to train: request time at work to learn new skills
  - Time off for dependants
  - More about time off and holidays

- Working hours
  - Working time limits (the 48-hour week)
  - Rest breaks
  - Overtime
  - More about working hours

- Business transfers and takeovers (TUPE)
  - Employment protection during business transfers and takeovers
  - Transfers of employment contracts
  - Business transfers and takeovers: right to consultation

http://bit.ly/g6jjrE

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Self Employment

Directgov
Public services all in one place

Home | Contacts | Do it online | Newsroom | Video

Jobseekers

Self-employment

If you have a good business idea, working for yourself can be very rewarding, but it can take a lot of hard work and dedication. If you want to become self-employed, find out about the free help and support available, and whether you qualify for the New Enterprise Allowance.

Getting started with your business idea

There are lots of good reasons for wanting to work for yourself, like:
- having a great idea or passion that could be turned into profits
- wanting to work from home to fit in better with family commitments
- wanting to take more control of your life and be your own boss

If you get it right, being self-employed can be exciting, rewarding and challenging.

Information and support for new businesses

If you want to become self-employed, there is plenty of free information, advice and practical support available for you. You can get help with topics like:
- how to plan a business
- how to raise finance
- how to make sure you have enough to live on while you get your business off the ground

Support is available for both new and existing businesses, and can help you meet all the legal and financial requirements of being self-employed.

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Income Tax

Understanding your tax code and Coding Notice

Overview - what Income Tax is, who pays it, how and how much, taxable and non-taxable income at a glance

Introduction to Income Tax

Overview - what Income Tax is, who pays it, how and how much, taxable and non-taxable income at a glance

Money, tax and benefits

Budget Day 2011

How to claim a refund if you think you've paid too much tax on your employment, self-employment or pension income

Tax refunds and reclaiming overpaid tax

Getting your Income Tax right

How to check and correct the amount of tax you're paying - starting/leaving work, if you have savings, changes to income, and more

Working and paying tax

How to claim a repayment through PAYE, Self Assessment or by completing Tax Repayment form R44

Tax codes

Understanding tax codes and your PAYE Coding Notice, emergency tax, underpayments, what to do if your tax code is wrong and more

Tax allowances and reliefs

Personal Allowance, Married Couple's Allowance, tax allowances and reliefs if you're employed or self-employed, includes details of how to claim

Tax relief when giving to charity

How to make Income Tax efficient donations to charity

Income Tax rates and thresholds

Quick link to current and previous years' Income Tax rates and thresholds on the HM Revenue & Customs website

 Bookmark with:

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