Professional and Legal Issues
Workplace legislation and contexts
INFO2009 (Professional and Legal Issues)

Su White
http://www.edshare.soton.ac.uk/6232/
Legal Issues
Overview

• The following slides each indicate a broad area of legislation or workplace practice of which you should be aware
  • Each of the topic areas is likely to be featured among questions in the stage tests
  • Some of the topic areas are likely to be relevant to the open book examination
    • You are only expected to be familiar with the scope of the legislation
    • You are not expected to become legal experts
Further Resources and Independent study

- You will find an overview document for this topic in Edshare.

- Resources and activities covered in INFO1010 on the IT profession are also relevant to this topic area.
Consider and discuss
Shadowfax Scenario
Shadowfax is a chain of eight estate agents in Southampton affiliated to a national chain. You are the sole IT professional employed locally. You have administrative rights to all the computers systems, and are responsible for maintaining the security of the systems and supporting colleagues technical requirements.

- By chance you discover that some staff are using the email system to send what you consider to be offensive images accompanying jokes of a sexual nature to other staff.

- By looking at some of the admin logs you reach the conclusion that at least one member of staff, who appears to be the initial source of the emails, is also viewing what you consider to be pornography on various external websites via the office network. This activity is taking place out of office hours.
Scenario

handout & discussion

By discussing and or doing some web searching can you identify

- the sorts of areas of legislation which are relevant to this scenario
- the names of any actual pieces of legislation which you think are relevant to this scenario
- web sites, organisations or agencies which might provide further information or advice relevant to the scenario

- If a friend or colleague related this story to you what advice would you give them?
- Would you have any concerns about their behaviour?
Feedback and Discussion

- Taking feedback from the class

- Think about the scenario as we consider various legal perspectives on the workplace....

- You can use the scenario as a focus or reality check for further research/ test and exam preparation which you undertake independently
Workplace Rights and Responsibilities
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
- Disabilities Discrimination Act 1995
- Agency Workers Regulations 2010

- Trades Unions
- ACAS, and Employment Disputes
- Harassment and Bullying
- Whistleblowing
- Health and Safety at Work
- Professional Bodies
  - Working Practice
  - Codes of conduct
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
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 (Fit 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
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.
Income Tax

Money, tax and benefits

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

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

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

Tax relief when giving to charity
How to make Income Tax efficient donations to charity

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

Tax refunds and reclaiming overpaid tax
How to claim a repayment through PAYE, Self Assessment or by completing Tax Repayment form R40

Working and paying tax
Tax for the employed, tax for the self-employed and tax on casual, part-time or temporary work

Bookmark with:
Can also 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
Workplace rights defined include

Employment Laws and Practice
- Equality Act 2010
- Employment Rights Act 1996
- Employment Act 2002
- Other laws which may relate to employment
  - The Race Relations Act, 1965, 1968, 1976,
  - The Race Relations (Amendment) Act 2000
  - The Race Relations Act 1976 (Amendment) Regulations 2003
  - The Disability Discrimination Act 1995
  - the Sex Discrimination Act 1976
  - The Equal Pay Act 1970

Trades Unions – the right to strike
Search for legislation
Legislation and advice

- You need to search and find sources of information
  - To prepare for the test
  - To prepare for the case study exam
The Equality Act 2010

Disability Discrimination Act 1995
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.

The Equality Act 2010
Chartered Institute of Personnel and Development

http://www.cipd.co.uk
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

Whistleblowing rights

Blowing the whistle on workplace wrongdoing

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 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 you 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

Public Interest Disclosure Act 1998

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
Employment Tribunals

http://www.employmenttribunals.gov.uk/
Tribunals can consider:

<table>
<thead>
<tr>
<th>Act/Reg</th>
<th>Act/Reg Description</th>
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<tbody>
<tr>
<td>CEC 1975</td>
<td>Colleges of Education (Compensation) Regulations 1975</td>
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<tr>
<td>COMAH 1999</td>
<td>Control of Major Accident Hazards Regulations 1999</td>
</tr>
<tr>
<td>DRC 1999</td>
<td>Disability Rights Commission Act 1999</td>
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<tr>
<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>ERelA1999</td>
<td>Employment Relations Act 1999</td>
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Tribunals can consider....

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<th>Acronym</th>
<th>Description</th>
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<tr>
<td>ETA 1996</td>
<td>Employment (Industrial) Tribunals Act 1996</td>
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<tr>
<td>FTE 2002</td>
<td>Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002</td>
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<tr>
<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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<tr>
<td>MPL 2002</td>
<td>Maternity and Parental Leave (Amendment) Regulations 2002</td>
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<tr>
<td>NESE 1994</td>
<td>Notification of Existing Substances (Enforcement) Regulations 1994</td>
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<tr>
<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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<tr>
<td>RRA 1976</td>
<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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<tr>
<td>TURER 1993</td>
<td>Trade Union Reform and Employment Rights Act 1993</td>
</tr>
<tr>
<td>RT (WT) R 2005</td>
<td>Road Transport (Working Time) Regulations 2005</td>
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Health and Safety Executive

http://www.hse.gov.uk/
Equality and Human Rights Commission

http://www.equalityhumanrights.com/
UK Human Right’s Blog

Right to strike given a boost by Court of Appeal
March 8, 2011 by Rosalind English

The Court of Appeal has ruled that minor mistakes in balloting such as polling non-constituent workers – did not justify the injunctions that had prevented them from taking strike action. Trade union leaders have called the ruling a “major step for industrial freedom”.

Two strikes that were planned separately – by the RMT on London’s Docklands Light Railway and by Aslef on London Midland – were halted by injunctions in the High Court in December. The judge ruled that strike ballot procedures had not been properly followed and therefore the unions would be unlikely to claim the statutory protection for the action immunity under the Trade Union and Labour Relations (Consolidation) Act 1992 Pt. V. The Court of Appeal has decided that ruling was wrong in law.

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http://ukhumanrightsblog.com/
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.

http://www.pcaw.co.uk/
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 is a TUC site, helping today's working people get the best from work. Visit now for our free comprehensive, plain English guides to all aspects of your employment rights, your health at work, and pay and pensions, as well as a jargonbuster to explain technical terms and an interactive trade union finder.

Know Your Rights leaflets
The TUC publishes a series of free leaflets explaining your rights at work and dealing with other common workplace problems. You can download these online here, or read them online at workSMART.

- Facing Redundancy (updated March 2009)
- Coping with the Economic Downturn (December 2008)
- Maternity leave and pay (updated April 2007)
- Paternity leave and pay
- Adoption leave and pay (updated April 2007)
- Flexible working for parents (updated April 2007)
- You're not alone: trade union representation at work
- Time's up for long hours
- Paid holiday and rest breaks at work (New October 2007)
- Young people at work
- Agency workers have rights too!
- Your rights as a homeworker
- Time off for families
- Privacy at work
- Working in the UK: rights for migrant workers (English)
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, 196KB)
- 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 Employees) (pdf, 124KB)
- Annualised hours (pdf, 44KB)
- Bonus Schemes (pdf, 44KB)
- Bullying (pdf, 47KB)
- Shift working patterns and premia (pdf, 208KB)
- Sick pay and sickness absence (pdf, 84KB)
- Standby and call out pay (pdf, 148KB)
- Using your own vehicle for work (pdf, 162KB)
Arbitration and Conciliation

Promoting employment relations and HR excellence

Disputes and mediation

Harmonious workplace relationships are essential to optimum business efficiency. Even minor problems can develop into grievances or disputes if they’re not dealt with quickly and effectively. This is true of issues involving individuals or groups (including trade unions or other representatives).

Although having suitable policies and procedures to resolve workplace problems is essential, in many cases a positive result can be achieved through early and informal intervention.

Acas has over 30 years of experience in helping organisations of all sizes to avoid and resolve problems with relationships at work.

http://www.acas.org.uk/
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
“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.
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

Harassment and bullying at work

Revised October 2010

This factsheet gives introductory guidance. It covers:

- what is harassment and bullying?
- what do harassment and bullying look like?
- the legal position
- responsibilities of employers and employees
- dealing with complaints
- the CIPD viewpoint.

What do we mean by harassment and bullying?

In the Equality Act 2010 harassment is defined as ‘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’.

Bullying is not specifically defined in law, but in their advice leaflet for employees, Acas give the following definition: ‘Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine...’

http://www.cipd.co.uk
Being a professional

Another (related) perspective
Expectations of a professional

- BCS view - practices common to all disciplines

  Maintain Your Technical Competence
  Adhere to Regulations
  Act Professionally as a Specialist
  Use Appropriate Methods and Tools
  Manage Your Workload Efficiently
  Participate Maturely
  Respect the Interests of your Customers
  Promote Good Practices within the Organisation
  Represent the Profession to the Public
Balance professionalism and legal rights and requirements

- Can you think of other ways (in relation to the scenario perhaps) that the role of the professional is relevant?

- An example of taking professional responsibility might be seen in relation to ensuring you have a suitable working environment.
Customising the workplace

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

Ergonomically Correct Laptop-using Posture

- Attach a separate keyboard and mouse and place both on a keyboard tray.
- Place laptop close enough to see it without holding your head forward. Elevate it with an adjustable laptop stand or stack of books so top of screen is at straight-ahead eye level.
- 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.
- The goal is to relax neck, shoulders, arms and hands when typing and mousing.
- Sit back in chair with head directly over relaxed shoulders. Be sure to support lower back.
- A lap desk across the lap is a less expensive and portable alternative to a keyboard tray.
- When traveling and using a desk:
  - 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 buildup and prevent lap burn with platform that lets heat escape from under computer.

Sourced by Sally A. Longyear, CIE, MPH (www.working-well.org) and LapWorks (www.lapworks.net)
Other Areas
For next week
Other workplace related issues

Green ICT/Green IT
Security
Electronic Waste and Disposal
Computer Misuse Act 1990
Data Protection Act 1998
Freedom of Information Act 2000
Intellectual Property Rights
   patents, copyright, trademarks
Defamation Act 1996
Consumer Protection (Distance Selling) Regulations 2000
Digital Economy Bill
Meanwhile…

Revisit Shadowfax

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