CONTENTS

Acknowledgements	xi
About the author	xiii

Introduction 1

PART ONE Fundamentals 7

01 What is employment law? 9

Introduction 9

Employment law 9

Domestic law 10

European law 12

In context – social justice and fairness 12

The law and models of justice 14

Case study: Cooking Up Trouble 15

In context – the effect of regulation 16

Case study: Purpose of employment law: balancing employer

flexibility and employee protection 17

The role of the court system 18

Civil and criminal law 18

The role of courts in employment law 18

The role of tribunals in employment law 19

Case study: Early conciliation 21

Out-of-court settlements 23

Conclusion 24

Case study: Refunding justice 25

O2 The importance of employment law 27

Introduction 27

Protecting employees 27

Work-life balance rights 28

Discrimination rights 29

Contractual rights 31

Case study: Implied rights (employer duties) 32
Dismissal rights 34
Protecting employers 37
The role of legislation in supporting employers 38
Case study: A viewpoint on diversity 40
Keeping up to date 42
How to keep up to date 43
Conclusion 44

03 Employment law and strategy 47

Case study: Whistle-blowing 44

Introduction 47 A legal and moral framework 47 The legal and moral framework for employers and stakeholders 48 The law, ethics and organizational values Case study: Valuing risk-taking – a cautionary tale 50 The role of the HR professional 52 Business strategy and legal compliance 52 Lifecycle – small and medium-sized enterprises 52 Lifecycles – growth and maturity 54 Lifecycles – decline 55 Advice and guidance 55 Courage to challenge 56 The role of the HR professional in a global business 56 Multinational corporations 56 Conclusion 58

PART TWO In practice 61

Case study: Shifting values 58

04 How it works 63

Introduction 63

Managing the start of the employment relationship 63
Preventing discrimination in recruitment 64
Positive action 65
Case study: Parliamentary positive action 65
Occupational requirements 65
Immigration and employment 66

Employing temporary staff – the Agency Workers Regulations 2010 71 Establishing contracts 72 Managing change 74 Changing contracts 74 Case study: Managing a variation: choices 76 Business transfers and service provision changes – transfer of undertakings (TUPE) 77 Case study: Tendering in the charitable sector 81 Managing people 82 The GDPR 2018 82 Discrimination – Equality Act 2010 83 Case study: Supporting disabled colleagues 85 Vento Bands 87 Absence management Health and safety 91 Case study: Birse Rail 93 Managing terms and rights 94 Equal pay 94 Family friendly rights Other statutory rights 103 Managing the end of the employment relationship 105 Dismissal 106 Redundancy 106 Conclusion 109 Case study: Redundancies in a multinational corporation 110 How you do it 113 Introduction 113 Managing the start of the employment relationship 113 Key issues – status 114 Case study: The gig economy 115 Managing change 116 Changing contracts – gaining consent 116 Communicating business transfers to stakeholders 116 Settlement agreements 118 Managing people 119 Challenging discrimination 119

05

06

Case study: Diversity in the Victoria Police Force 121 Managing health and safety 122 Personal injury claims 124 Managing short-term absence 125 Managing long-term absence 130 Pay and benefit issues for long-term sickness 135 Case study: Matty at Matinal 136 Managing terms and rights 137 Family friendly rights – maternity 137 Equal pay – job evaluation schemes 137 Case study: Job evaluations 139 Managing the end of the employment relationship 142 A brief review of misconduct dismissal 142 Case study: Following a trial of misconduct 144 Managing individual redundancy consultations 145 Conclusion 148 Case study: Problems with Dave 148 Planning and action 151 Introduction 151 Managing the start of the employment relationship 152 Short-listing 152 Managing change 152 Changing contracts – planning communication 153 Managing people 154 The practicalities of family friendly rights 154 Establishing a diverse workforce 156 Planning to reduce absence 157 Case study: How employers can make a difference 159 Ensuring a healthy and safe workforce Managing terms and rights 162 Managing an equal pay audit 162 Managing the end of the employment relationship 166 Planning for replacement and retirement of staff 166 Case study: Women in the boardroom 168 Planning a programme of redundancies Preparing for an Employment Tribunal Conclusion 172

Case study: Redundancies at Canton 173

07 Measurement 177

Introduction 177

The employment relationship 178

Measuring turnover and headcount 178

Grievance and discipline 179

Managing people 179

Discrimination – equal opportunities monitoring and impact assessment 179

Discrimination - Gender Pay Gap Reporting 182

Absence management – monitoring absence 182

Health and safety - monitoring accidents and incidents 184

Case study: Cases of health and safety negligence 184

Measuring terms and rights 185

Pay reviews 186

Audits 186

Case study: Keeping the rolls 187

Public interest and a whistle-blowing policy 188

Conclusion 189

O8 Conclusions and Government changes to employment law 191

References and further reading 195 Cases and legislation 207 Index 209