

1. Task 1: Manager's Briefing Paper

1.1 Evaluations Of Aims And Objectives Of Employment Regulation

Evaluation of aims and objectives plays a key role in order to fulfill requirements of a workplace. Employment law in the UK consists of many common laws, European laws and statute law and all regulations have only one motive to provide a working environment in the same ways without any bias. Some of the examples of employment regulation law in the UK that has been working really well in the country based on employee engagement “**Disability Discrimination Act 2010**”, “**Equality act, 2010**” and “**National Minimum Wage Act, 1998**”. Employment regulation or law is aimed **to provide some legal protection to managers and employees in the relationship between businesses and provides fairness for all without any partiality.**

In terms of getting this aim of the employment regulation some major objectives need to be linked with it and following this in a workplace can develop profitability in a workplace. The main objectives of employment regulation are as follows:

- To improve relationship between manager and employees on both sides

- To maintaining workplace environment better in terms of getting the goal of a company

- To provide equal opportunity and balance expectation of the job with fair treatment

AC 1.2 Role played by the tribunal and courts system in enforcing employment law

The employment laws are categorized as private law or civil law. It is enforced by the claimant against the respondent for compensation or some other means of recovery in civil court. The claimant is the employee or the unsatisfied worker who has faced issues in the workplace by the respondent or the former employer. The court involved in this type of case is a civil court which comprises **the high court** and **the country court**. The jurisdiction is derived from the statute employment tribunal; a wide range of common laws and claims are inherited from civil courts' jurisdiction. The **practice notes** consist of employment-related claims which are brought or recommended in the country court or the high court. The **practice note** is an overview of the procedure which applies to the country court and high

court under civil proceeding rules 1998. The practice notes also direct for upcoming resources which are available in the dispute resolution module.

Country court: the court claims for dismissal of the employees by using unfair means. It examines the practice note which gives a brief of employment event which uncertainly raises the concept of discrimination victimization and harassment claims. It follows the Equality Act 2010 which prohibited contract claims.

High court: high court handles different types of employment-related issues or disputes. These issues can be presented before the high court or implemented inside the employment tribunal. It must be brought only before the high court.

Being a certified organization in the UK needs to follow every employment law for providing the rights to the employees and on the other hand, employees have to maintain the decorum of the policies. If these are not followed then the high court or the country court comes into existence. The court will play a major role in establishing peace and resolving the dispute if there's any issue regarding the misuse of the employment tribunals. The proceedings are implemented by the court after claiming the claimant or the harassed employees.

1.3 Ways employment cases are settled in terms of the role of ACAS and use of COT3 (GB) and the early conciliation process before start of proceedings

There are two recognised methods of settling employment cases that are pre and post procedures in the court and outside the courts. One of the ways of process is **reconciliation**, which is significantly resolving disputes in the workplace. The main purpose of this method is to restore relationships again in a corporation and maintain them for a long time in a workplace. It is necessary for the workplace to maintain a workplace environment suitable for everyone to reach the goal of their firm (Aloisi, 2022). This is how **ACAS and COT3** play a key role in the workplace and utilizing these with both the parties can continue to the workplace by moving forward. The role of ACAS is very effective in the UK in the early conciliation process before starting proceedings. It gives assurity to all the staff's impartial and free advice on workplace rights, rules as well as practice. In performing the mediation

process after employment cases, corporations involve both the parties in a workplace for settling out all the matters effectively.

All the representatives of ACAS consult disputes from both the parties collectively as well as separately and by analysing all their claims and allegations they help both the parties to come on any one agreement. In the early mediation process there are other methods as well for settling out the employment cases. **Conciliation** is almost similar to the first way of process that is mediation. This process does not hold for them to reach an agreement, but it does in providing the parties with a clear settlement by giving them a proposal that may meet them by any manner. In this way **COT3** is a key form that is used in the settlement process and records all the employment tribunal claims. This term refers to what are some important agreements that have been agreed between both the parties. A COT3 agreement under conciliation process tells about that the respondent might have completely agreed to pay some money to the other parties who found the victim while completion of the case. For instance ACAS can not hold and force all respondents to pay some money but they can contact both the respondent in reminding what they have agreed before. If any respondent does not follow the agreement plan and does not fulfill their promise then court can take a legal action for them again.

1.4 Ways cases are settling during formal legal proceedings in terms of settlement agreements

Tribunal claims are always needed to be linked with different procedures and all managers and employees should be required to follow before dispute reaches. All the claims might be settled out during the tribunal process in terms of settlement agreements there are many ways they need to observe. **Talking to each other** and forgetting the past dispute is one of the ways for settling down cases. Settlement agreements are very common in employment disputes in a workplace with property disputes, personal cases (Ioannou and Dukes, 2021). These agreements not only help in keeping out the disputes but also save both the parties to pay big amounts and expensive legal fees to free them from a case. Business disputes related to employment are very common and can arise in business activities.

There are few common business regulations which are linked with the employees as well and that include unfair competition, stocks and securities, intellectual property and a good amount of pay. **Using a private mediator in the workflow** in the corporation is one of the effective ways during formal legal proceedings in involving them in legal procedure. Including all the terms and conditions in the legal proceedings that do not follow in the previous procedures is one of the effective things that cases need to follow. Neutral evaluation, mediation, arbitration, and conciliation are some important formal legal methods that can be used in terms of settling agreements (Mbama, and Ezepue, 2018). Out of court settlements related to criminal matters it is often seen that private decisions can be made and this way both parties need to pay a good amount of money. In civil cases, settlements made out in the court can involve in some of the legal procedures which assure them to take a clear concept of agreement. The settlement must be signed by both parties and need to maintain all the pros and cons of settlement in a clear way so as not to make that mistake in future.

2. Task 2: Manager's Toolkit

2.1. Scenario one and advice for managers

AC 2.1 Evaluate the principles of discrimination law in recruitment, selection and employment

Discrimination in recruitment: it gives fair recruitment of the candidates and not to use any unfair means as in the ARL Corporation the recruiter has offered a role just by interviewing. This must be taken care of so that in an organization certain rules are to be followed for the recruitment of the applicants. This law also gives a detailed description of the communication process and how to communicate to the applicants. The communication includes the questioning hour of the recruiter which he should prohibit asking. Recruiters must not ask questions regarding marriage if single, married or in a civil partnership (Gov. uk, 2022). It also prohibited asking questions regarding children's plans or the number of children. The recruiter should not employ them because they are trade union members or insist the candidate join the trade union and then they will be recruited.

Discrimination in selection: it is a process which is implemented in every organization in the UK where there are certain rules for selecting the candidates by going through different phases. It also includes fair means of selection and not adopting any unfair rules as happened in the ARL organization. The recruiter proposed the job to a particular candidate during the interview process while the rest of the employees were offered after the discussion with the referee. The discussion was about the capacity of performing the job and the capability for working in different conditions. These types of unfair means should not be followed as every organization should maintain the decorum of the Equality Act 2010 which focuses on pre-employment of disputes (Cipd.co.uk, 2022.). This makes an unlawful decision for the job applicants.

Discrimination in employment: it gives detail of working criteria in an organization. This criterion also focuses on the working timing and the rest or leaves for the employees. Where the limit of working in a week is 48 hours and the average timing of working per day is 8 hours. These working timings are designed from the Working Time Regulation 1998. It also focuses on employees' right to rest breaks and paid leave. ARL Corporation has scheduled a working time which has a change from a previous time. The work timing schedule consists of 09:00 to 17:00 hours from Monday to Friday and 8:00 to 20:00 from Monday to Sunday. This is against the laws of the working time regulation 1998 as there is a week off according to this regulation and ARL Corporation does not provide any week off. ARL organization also has declined the employee's flexibility regarding their shift hours and the implemented rules for the continuous working of the biologist without any break. This should not be practiced as it is against the rules, and a proper working schedule should be made the maintaining the laws.

2.2 Scenario two and advice for managers:

AC 2.2 Legal requirements concerning equal pay

The equal pay Act requires that male and female employees at the workplace be given equal pay for equal work. The employment law of the United Kingdom, **The Equality Act 2010**, provides right to both males and females to equal pay for equal work and is legally authorized to be paid at same rate for work and work of equal value.

Gender pay gap UK law, from 2017 states that if an employer has 250 staff members or more in the workplace then employers must follow and implement the regulations on gender pay gap reporting., in 2021 government passed new legislation regarding gender pay gap reporting provided by the organisations (Hanelt et al. 2021). There is mention that organisations with more than 250 employees gather data and report publicly on their gender pay gap. This report mainly focused on encouraging voluntary transparency around equal pay in organisations. Today, in spite of such efforts, female staff working in the UK is paid on average 18% less than men and there is a broadly recognized presentation of females in senior management positions. (Cipd.co.uk, 2022)

Equal pay claims can be defended by management of an ARL needs to develop a system in an organisation and it requires data management of the staff members.

Managers should use the early stages of the employment tribunal methods to be beneficial for the organisation

Using the equal value rules and conducting an equal pay audit, helps in finding the effectiveness of defence and reduces the unequal pay

ARL requires to find the job history of the worker and the other person whom they are comparing for equal pay claim

Managers should be reviewing the pay slips of the workers and finds that those benefits are not included in the pay slip

ARL managers are required to conduct pay reviews. Some steps need to follow for conducting a pay review in an organisation,

The planning stage is a significant part of the pay review process and ensures the potential challenges that arise in dealing with union contracts and employees

Performance review, in this stage management, needs to implement key performance indicators (KPIs) in an organisation to evaluate the employee's performance. There is a requirement to establish an employee rating system on their regular performance

Finalise and informed, it is final part of the pay review process. Management needs to communicate the outcomes and decisions after the pay review process to the employees. Staff members should be notified of the decisions of the pay review process through email.

AC 4.1 Major statutory rights for workers about pay

These are major statutory rights related to pay of the workers, all employees has certain statutory rights under the employment law of United Kingdom government. Some statutory rights related to equal pay at the workplace.

National minimum wage 1999: it was introduced to establish a statutory minimum hourly wage rate for the employees and workers. The National minimum wage (NMW) framework provides statutory rights to the employees related to their different pay levels depending upon a worker's age.

Statutory right of paid hourly: workers get pay according to their numbers of hours they are at work is categorized as time work. The hourly pay has been according to the national minimum wage monthly payment is counted on their daily work. For example, a person who works in a call centre is 22 and is eligible for the National minimum wage rate of **18 \$** (Gov.uk, 2022). **According** to the legislation, he gets a salary according to hourly work.

Statutory right of paid an annual salary: workers have the right to be paid annually by the organisation including followed to legislation. There is a requirement of a written contract between worker and employer for the monthly salary. The organisation needs to implement the **equal pay act 2010**, on the workplace for paid equal to both males and females. There are counted working hours on daily basis mentioned in contracts. For example, a person contracts with an employer that he works **2040** hours in a year. He is 22 and is eligible for the national minimum wage rate of **18\$**. He gets paid an annual salary according to his work in monthly working hours. Employers must pay at least minimum wage for any hours of work in addition to that mentioned in the worker's contract.

2.3 Scenario three and advice for managers

AC 3.1 Legal implications of managing the change concerning the working hours

There are some legal implications in managing the changes in working hours at the workplace. ARL needs to follow UK employment laws for changing the working hours of the company. United Kingdom government provides some major rights towards the employees for changing at the workplace. There is mentioned the legal implications of change management,

Management needs to consult with the workforce before implementing change regulations

Human resource department requires fair redundancy selection methods at the workplace

Considering employee's issues regarding their accommodation and health issues

According to **section 139** of the **Employment rights act, 1996** legislates that, the main purpose of the act is that all the staff and co-workers who are fired shall be taken as well as dismissed for purpose of redundancy.

Flexibility clauses, these clauses mainly focus on making changes in previously agreed clauses in contracts that may allow employers to make certain changes in terms and conditions in contracts.

The purpose of flexibility clauses is terms in a contract between employers and employees that provides employers with the right to change some regulations of employment. For example relocation and change in working hours (Brandth and Kvand, 2019). Flexibility clauses are used by only employers to transform some reasonable changes in the contract. It is used in dealing with defined issues such as the working hours of the organisation.

Legal action can be used as a better alternative to flexibility clauses in terms of making reasonable changes to contracts of employment. Management is required to resolve the problems between employees and organizations regarding the change management issues using flexibility clauses but if they can't resolve the problem, then there is a requirement of using this alternative flexibility clause.

Legal action helps in finding a major breach of contract in change management.

Using this claimed their industrial tribunal rights for resolving the implicationsa

It provides rights to employees to make claims of unlawful deductions from wages

If the organisation does not follow the agreement clauses mentioned in a contract then employees have the right to resign from employment and claim their legal rights using employment legislation.

AC 3.2 Legal requirements related to the transfer of undertakings

The main principles of transfer of undertakings protection of employment (TUPE) regulations mainly provide protection for the employees, if their organisation is transferred to another business (Carrington, 2019). It impacts employees and the liabilities associated with them. According to the United Kingdom government employment law, TUPE regulations 2006, currently protect the associates of the UK employees to the terms and regulations, when their organisation business is transferred to a new owner and new business domain.

It implements mergers between two organisations and transformation of their business domain

When a change of franchise between two organisations regarding the product

It is used in changing contractors and administration management

TUPE mainly works in business transfers and service change management

The right process for successful TUPE transfer

Using this process in TUPE transfer impacts the successful transfer of the business. ARL should implement TUPE regulation in transferring the business domain, and health scientific solutions to the pharmaceutical industry. It plays an important role in undertaking this process. ARL employees are protected under the transfer of undertaking (protection of employment) TUPE regulations, 2006 (Ratti, 2020). It is earlier discussed that, for managing the transfer process in an organisation with the implementation of TUPE regulation. The transfers obtain liability for all major statutory rights. It requires applying TUPE in organisational business transfer and management undertaking.

The steps of the process in the right order

Identifies the situation requires to protection of the employees that TUPE regulation

Make the plan according to the required information for transferring the business domain

There is a major step for the right order of TUPE transfer is the management of employee's rights after the undertaking process

Management needs to build strategies for moving their employees to the new business domain and provides them training

These include both employees and employers for providing protection while transferring their business

Collects the “**employees liability information**” and uses it while TUPE regulation implement in an organisation undertaking process

Before the transfer conduct a meeting with transferring employees to the new industry

Evaluates the employee's performance and identify any contractual benefits

While transferring the business using cloud computing for protecting the data of both the organization

2.4 scenario four and advice for managers

2.4.1 Major statutory rights in leave and working time

Employment rights safeguard the employees from difficulties in the workplace. There is a right to unlawful policies. These basic rights are protected employees from gender-based partiality in the workplace and religious-based discrimination. According to United Kingdom employment laws the statutory minimum level of paid holiday for all employees. There is also a law for working days, **not more than 48 hours on average per week** working time for employees. According to UK employment law employer's duty is to take care of all working employees in an organization's permanent and contract-based workers (Kaine et al. 2018). There is the regulation of working time and leaving time in the United Kingdom from the government the **working time regulations 1998 (WTR)**, in which they mention working time directives and holidays, weekly working hours of 48 mentioned. There is also a special provision in the UK employment rights for night working employees. Sometimes regulations are changed as per the requirements of employees and organizations favor an organization that pays overtime for employees. Human rights employees have to take care of employees and provide them comfortable work environment in the company. The basic rights of an employee according to UK employment law,

A right to 28 days of paid leave for full-time employees

A right to 11 hours of rest a day

A right to a day off each week

A limit of 8 hours works in 24 hours which night workers can work.

These are the major statutory rights in the leave and working time of an employee. Managers need to implement these laws in an organization for the development of an organization and make a better work environment for employees.

AC 4.4 Explain other employment rights relating to flexible working

Employment rights are major laws that should be followed by the organization for the proper running of the organization according to the employment laws. This gives a plus point to be on the safe side from the court hearings. In the employment laws, there is also a flexible working facility right which allows the employees to select the shift timings according to their preference it also includes work from home (Gov.uk, 2022). The employment act includes the flexibility of working in the **Employment rights act 1996**. This right gives a detail of the flexibility of the working hours and if demanded work from home is also implemented. The flexibility of work has various benefits regarding aims and objective that is to be achieved by the organization with the contribution of the employees. This helps the organization in terms of loyalty from the employees and taking the right decision for the benefit of the organization.

2.5 Scenario five and advice for managers

2.5.1 Main principles of maternity, paternity, and adoption rights in the context of employment rights

The purpose of parental leave is to provide the employee with taking care of their newly born child and spending time with their family. It is important for making a bond with their newborn baby. Maternity and paternity rights are also crucial for employees of male and female both. Companies management has to provide leave for a maternity, paternity, and adoption period and paid them during this leave period from work because it's their right and the government also makes laws for this cause (Lockton and Brown, 2020). According

to united kingdom employment law, there is mention that male, female, and same-sex partners have the statutory right to take maternity, paternity, and adoption leave and be paid. These rights are very important for all employees working in organizations. Management should support their employees during this period and be proactive in taking care of them in this period. Employers need to provide flexible working hours for them and make them feel comfortable in the workplace (Liu and Ahl 2018). United Kingdom employment rights mention there about this rights. UK employment laws have acts related to maternity and paternity and the adoption period. There are laws reading maternity and paternity rights,

“The work and families act 2006”

“The children and families act 2014

During maternity leave, management needs to pay pregnant employees and provides other support from the health perspective. There is the law of **statutory maternity leave (SML) 52 weeks** of leave for women employees may take in this period. Management needs to pay during this period of leave. There is also a right for both parents to share a leave period. There is a law to pay the company up to 396 weeks during the period.

Paternity right, there are eligibility criteria for taking paternity leave. Continuous employment of 26 weeks ends with the 15th week before the baby is due. The employee must be the baby's biological father and responsible for the baby's health conditions. If not eligible for criteria there is two weeks leave policy of statutory right. The employees must inform the management of their reason for taking paternity leave by the end of the 15th week before the baby is expected .these are regulations according to united kingdom maternity, paternity, and adoption law,

“The start date of leave to be taken “

“The week the baby is expected”

“The duration of leave to be taken”

Adoption right, there is statutory adoption leave according to United Kingdom maternity, paternity, and adoption law. **Statutory Adoption pay (SAP)** is payable for 39 weeks and there is a service agreement of 26 weeks of continuous employment. Employers should implement these laws and provide rights to their employees according to the UK employment law and adoption policy. Ensure the managers should understand and are

aware of the laws and implement the organization's maternity and paternity, adoption leaves policy (Luo et al. 2019). Management should monitor these leave policies and ensures the need for the organization's business development and employee growth. There is also required taking care of work in absence of these employees so that in absence of these employees does not make a burden on other employees. Management should maintain work-life balance policies and operate these for all staff of organizations.

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