

Employment and the Law

The law recognises the unfair advantages that employers often have against individuals when it comes to employment rights. It imposes duties on employers and employees to protect both parties from some unfair practices. If there is a breach of these laws then the companies or individuals can be:

1. Prosecuted by a government department and/or
2. Sued for damages by the injured party. Here are a few cases where the law interferes.

Here are a few examples of areas where the law protects people in the workplace

Sex Discrimination/Equal Opportunities

Health and Safety at Work

Employment Protection

Trade Union Law



Equal Opportunities.

In most jobs it is illegal to discriminate against a person on the grounds of gender or race.

Sex Discrimination

Female or male employees should not be at a disadvantage because of their sex e.g. a woman should not be overlooked for promotion just because she is married and might start a family. This also applies to recruitment, treatment in the workplace and reasons for dismissal.

S1(1) of the Sex Discrimination Act makes it unlawful when one person intentionally treats another less favourably on the grounds of his / her sex or marital status. To determine the existence of direct discrimination 2 questions have to be asked:

1. Has the woman been treated less favourably than the man? And
2. Is that treatment due to the cause that the person is female?

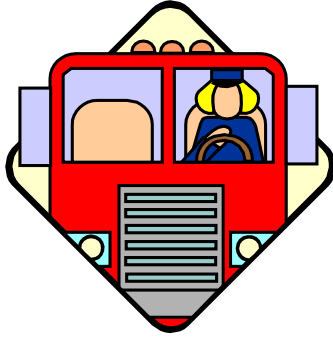
Racial Discrimination

Similarly employees should not be disadvantaged at work because of their ethnic origin. – Race Relations Act.

The Department of Human Resources at Express Travel has had a few problems raised regarding Discrimination in the workplace. Here are the case studies. Read them carefully and answer the questions.

a) Joanne Richardson

Joanne started work as a temporary bus-driver 3 months ago at the Peterlee depot. With the new contract there was a need for permanent drivers and she applied and was given an interview. Joanne only worked day shift as a temporary driver but the permanent job would require her to work a 2-shift rota 6 am till 2pm and 2pm till 10pm.



During the interview she was quizzed on her plans for how she would look after her 2 children if she got the job. Similarly she was asked about whether she would have any problems getting to work as she lived at Newcastle. She was hardly asked at all about her driving skills.

Joanne did not get the job it went to a man. Joanne decided to take the case to an industrial tribunal.

- a) Do you think that Express Travel was right or wrong in not appointing Mrs Eccles? Give reasons for your answer.
- b) Make a list of **3 questions**, which you think **should not** be asked at an interview if the employer is to avoid being accused of discrimination. Explain why you think they might lead to charges of discrimination.

Christina Tallen

Christina works as a diesel fitter in the garage in the Peterlee depot. She has been there for 3 years and is saving up to get married and buy a house. She works 6am till 2 pm Monday to Friday. On an evening and during weekends there is the need to have one fitter on duty to deal with breakdowns should they occur. The men in the garage take it in turn to cover the duty and are paid overtime for this. The duty is based in the workshop and the person is alone. The work often involves going out alone late at night to repair a bus at the roadside or carrying and lifting heavy machinery and tools. Christina is desperate for money and has asked to be allowed to join the rota. The supervisor has refused to allow her to take part even though all the other male fitters work the overtime.



- a) Make a list of the arguments that Express Travel might use.
- b) Make a list of the arguments that Christina might use.
- c) Come to a decision as to which party you think is right and why.

Anthony Johnson

The Administration Department at Peterlee has 5 women and 1 man (Anthony Johnson) working in a small office. Their duties include word-processing, customer service and payroll. There is one lady supervisor who is friendly with all the staff in the department.

When Anthony was given the job one of the other women's daughters was interviewed as well. She did not take too kindly to Anthony being given the job. Over the last few weeks there have been a lot of incidents. Some of the women have been making comments of a sexual nature to Anthony, telling him crude jokes and even asking him out for a drink. Anthony thinks they are trying to drive him away by this sexual harassment.



Anthony has told them that these comments are unwelcome and that he has a regular girlfriend, Sadie. The comments have persisted. Anthony has reported their behaviour to

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- a) Explain what you think is happening in the workplace
- b) What should Anthony do?
- c) What do you think Express Travel should do?