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**Managing Employment Relations**

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| **1** | ***“Describe two internal and external factors which impact the employment relationship.”*** |
| The relationship between employer and employee is often personally intertwined and professionally dependent. There are an abundance of factors that can have an effect on this relationship; but for the purposes of this section, four competing and cooperating influences will be examined. These include: management style, the presence of human resources, lobby associations, and civic legislation.  The style of management is an internal factor that can either profit or undermine the employee/employer relationship. The effective manager is a lifelong learner and possesses basic insight into human behaviour. Complications with other employees ensue when managerial style fosters anxiety instead of assurance. Some learning styles may favour the strict supervisor who pressurises and obligates the employee. But practised too often can have counterproductive outcomes for the employee/employer relationship. Persons and businesses achieve more when to err is recognised as a part of learning and duties are allocated by experience. The observant manager who nurtures and motivates does incomparably more to stifle mental malfeasance. Seldom has decreased productivity been the sole fault of the employee—it is a shared responsibility between both parties.  The role of an influential HR presence is to promote a harmonious employee population relationship, and guide employer decisions to be in compliance with current legal legislation. As companies grow, HR departments expand to accommodate increased demand. But there are risks carried when workforces number into the tens-of-thousands or the tens-of-tens. If the HR function does not have sufficient boundaries between its own relationship to executive management and impartial opinion—it can have a negative impact on the employee relationship, as discrepancies emerge. This could HR bias could be expressed by inconsistently implementing formal actions on a person by person basis (i.e. two employees committing the same offence are not formally treated the same). Another example of an unbalanced HR could be an all too readiness and zealousness in imposing formal sanctions for minor misdemeanours. A balanced approach with clear guidelines and firm, but fair, decision-making will redress the employer and employee.  Trade union involvement in British working life continues to make the case for employees' rights and protections. Though union membership has declined in recent years, these bodies continue to have an influence in the employee/employer relationship. Withdrawal of employee labour bred from irreconcilable differences is the most widely known impact of union activity (most recently seen during the junior doctors' strike action in 2016).  If an employee is invited to attend a disciplinary hearing, they can elect a trade union representative to accompany them—but they cannot respond to questions on their employee’s behalf.  Other forms of trade union impact come from recommendations made to government and representation of industries supporting reform. Ultimately, all this outer body of shared profession shapes an employees' view of themselves. It creates an external pressure that elects to hold perceived employer abuses or mistreatment to account. But by ensuring an employee has the collective weight of a national (or international) support structure safeguards worker rights in congruence with the law.  UK and EU legislation has a huge external influence over the manner and shape of working life in the UK and on the continent. Reforms passed include universal staples such as paid leave, the UK living wage, maternity leave and age of retirement—all have a far-reaching effect on life in modern Britain. Nowhere is the impact of government legislation more clearly displayed than in the current Referendum debate to leave the EU. The fallout of which laws will be repealed and those that could be amended—will have an unfathomable effect on employers and employees alike. But it is also an opportunity for HR professionals to further advise government and have reassuring conversations with employers and employees. |
| **2** | ***“Define permanent, temporary, and fixed term types of work contract/employment status. Then explain, analyse, and identify the main implications of each. State why it is important to determine the type of work contract/employment status.”*** |
| There are three types of work contract, or employment status, in the UK. The first is 'permanent' which means a working agreement is open-ended and continuous. It is a contract that grants the full rights and privileges of a permanent employee (an example would be access to paid leave). The implications of this type of contract have a normalising effect on working life. Regardless of job title, the permanent employee is guaranteed the same rights under employment law in terms of pay and hours worked per week. It also creates the semblance of job security, in so far as the role is needed and the duties fulfilled are not made redundant—the job holder will be retained provided performance and productivity remain on target.  The second type of contract is 'temporary' which specifies a duration and predetermined finish date. An employee with this type of contract is not entitled to redundancy or able to claim unfair dismissal. Oftentimes, this type of contract is suitable for the employee who has other commitments—such as caring for a sick relative. Students who go to university may also benefit from seasonal work, or those who have an unrefined skill-set could benefit from a variety of vacancies (i.e. for work experience purposes). However, for the employee supporting a family with monthly expenses—the infrequency of salary or employment protections make this contract precarious.  The third type of contract is 'fixed' which clearly states the start and end dates of employment. Certain rights are granted, such as equal pay and pension provision. Similar to the temporary contract, in that labour is only required in increments. There are implications beyond the convenience this may bring to people -- in that, zero hour contracts compete or undercut permanent roles. |
| **3** | ***“Give examples of legislation on: employee holidays, rest periods, working hours and night working. Explain the importance of work-life balance for both employee and employer.”*** |
| What have become staples of employment, were only made possible through legislation. Permanent employees are guaranteed paid leave for 28-days by the EU (and since ratified by the UK parliament). Terms may vary over how access to leave is achieve – albeit by accrual or available after probation – but scheduled paid leave sanctioned by the business is protected. This carries into unpaid leave or time off due to stress or illness. Statutory sick pay covers a clear period of time, and compassionate leave can be activated if a dependent of the employee is called for. In-work rest breaks are also granted if the working day is longer than six hours. Night workers work on a schedule of eight hours work in 24 hours and 11 hours rest a day. Normal working hours on a weekly basis are limited to 48 hours a week over 17 weeks.  Work-life balance is good for both employers and employees because presentism is detriment to private life. If the employee is distracted, stressed, or resentful at the amount of time his or her job takes away from their social life, this can be expressed as disgruntlement. The consequences of which are reduced productivity and lack of brand loyalty. |
| **4** | ***“Identify and describe five ways in which the legal system supports working parents, including maternity and paternity leave, adoption leave, and dependants’ leave.”*** |
| The legal system supports working parents by allowing employees to an opt-out clause for working over the 48-hour weekly limit (this extends over a 4-month period). The employer cannot dismiss the employee for refusing the opt-out. Further, all those dependent on the employee–such as a minor, partner or parent–can be provided for in case of emergency circumstances. This allows the employee to unpaid leave or compassionate leave (in case of a death of a direct family member).  Working parents can also apply for flexible working after 26 weeks of employment. This additional flexibility can support families who are not in a position to afford childcare, or need to collect their children from school.  A female employee is entitled to maternity leave on the eleventh week before a baby is born. The employee would be expected to provide pregnancy details to the employer—such as the week of delivery and the start date they wish to begin maternity leave. The employer has 28 days to respond to these details and provide a date of post-leave return. Employers are to assume the employee will take the entire 52 weeks of the Statuary Maternity Leave (SML) entitlement. If the employee wishes to return to work earlier—eight weeks’ notice to the employer must be given.  A male employee qualifies for paternity leave if he is the baby’s biological father, or, the partner/husband of the mother. The employee is expected to declare the following to an employer: intention to take paternity leave, leave start date, the week the baby is expected, and leave duration— pre-baby birth by the fifteenth week of 26 weeks’ continuous employment. Basic statuary leave is two weeks, and can be taken between the date of the baby’s birth—or any day of the week following the birth—or within 56 days of the baby’s birth.  Concerning paid adoption leave: a total of five adoption appointments can be taken by the primary adopter (a friend or relative legally unconnected to the adoption would not qualify). Upon completion of the adoptive process—a parent is entitled to 52 weeks’ adoption leave. If a child is adopted by a couple: one parent can be granted adoption leave, whilst the other may qualify for paternity and/or shared parental leave (similar to the birth of a child). Statutory Adoption Pay (SAP) is applicable for 39 weeks (this is dependent upon 26 weeks’ continuous employment). |
| **5** | ***“Give two reasons why it is important to treat employees fairly in relation to pay. Reference relevant legislation.”*** |
| Employees need to be treated fairly in relation to pay because to do otherwise opens the door to professional discrimination. If a protected characteristic is identified as the only difference between people who do the same job – it raises questions of justification for the inconsistency. It also creates a two-tier workforce drawn on protected characteristics as the only dividing line, rather than on merit.  Relevant legislation that protects equal pay is the Equal Pact Act (1970). It measures value according to ‘competence, responsibility, and decision-making’. If a role falls within those definitions, unfair treatment in relation to pay is unjustifiable. |
| **6** | ***“Summarise four protected characteristics and the main equalities legislation that relates to each.”*** |
| **Four protected characteristics covered by the Equality Act 2010 include race, disability, sexual orientation and religion (as defined in Sections 5-12 of Part 2 of the legislation). Discrimination in relation to these characteristics could be expressed by refusing to employ an individual on the basis of a protected characteristic, overlooking an individual for promotion for the same reason and, or workplace bullying.**  **Discrimination in the workplace along racial lines includes prejudicial treatment according to colour, nationality, ethnic or national origin (defined under Race Relations [Amendment] Act 2000). Unfavourable treatment according to a physically challenged person’s disability codified under Disability Regulations (SI 2010/2128). Matters of discriminatory behaviour against bisexual, gay, heterosexual and, or lesbian people are protected by Equality Act (Sexual Orientation) Regulations 2007. The Act also protects people against discrimination on the grounds of belief (or lack thereof) and religion via the Racial and Religious Hatred Act 2006 and Employment Equality (Religion or Belief) Regulations 2003.**  **The Act includes each protected characteristic relating to discriminatory acts whether they be direct, direct (association), direct (perception), indirect, harassment-based or victimising.** |
| **7** | ***“Explain these concepts: direct discrimination, indirect discrimination, harassment, and victimisation.”*** |
| The Equality Act 2010 consolidates, harmonises and expands existing discrimination law with a few amendments (see ‘protected characteristics’ above). There are four headings under which an employer’s actions can be challenged in court.  ‘Direct discrimination’ is undisguised prejudice based on a protected characteristic. An example of this would be failing to promote a woman because of her gender.  ‘Indirect discrimination’ is when the politics and practice of an organisation has the effect of disadvantaging people with certain characteristics. An example would be requiring a religious employee to work on an assigned holy day.  ‘Harassment’ is unwanted conduct of a protected characteristic. An example would include mockery of an employee’s sexual orientation.  ‘Victimisation’ is unfavourable treatment by an organisation due to filing a complaint. An example would be refusing to release a reference for a former employee who brought a race discrimination claim against an organisation. |
| **8** | ***“Explain what is meant by ‘the psychological contract’. Give examples of policies and procedures that might underpin this.”*** |
| The phrase ‘psychological contract’ refers to the unwritten expectations and deliverables an employee has of their employer (and vice versa). Policies and procedures that may underpin this include: compliance with UK employment law, professional conduct (with formal actions to counter misconduct), and anticipation of payment from labour. |
| **9** | ***“Given the following situation – advise the correct procedure for GDP to follow: “A GDP client (Toy World retail stores) has telephoned, accusing a GDP colleague, who was visiting to train sales staff, of stealing from their premises. Claire Fletcher, People Manager, has asked for your advice on how to handle the situation.”*** |
| Assurances would need to be expressed to the Toy World representative that this matter is being taken seriously. I would announce a full investigation to determine the validity of the accusation, and record a P.O.C. for either organisation to share relevant information about the case. Details of the accused GDP employee would then be documented in a statement from Toy World, including what was stolen, and any supporting evidence to the claim (including surveillance footage).  I would then inform GDP stakeholders of Toy World’s allegation and seek their cooperation in retrieving information relevant to the investigation. A timesheet of the accused employee would be retrieved and compared against Toy World’s claim. Witnesses from either organisation would be shortlisted and statements taken. Data such as dates, times, and descriptive accounts will be contrasted against known details to establish patterns.  The accused employee’s GDP file would be opened to document previous sanctions, the nature of which there are any, and prior conduct. A invitation would then be issued to the employee to attend a formal meeting. The employee can suggest an alternative date/time if the one nominated is inconvenient. The letter would also detail accompaniment of a trade union representative or colleague (with clear instruction they cannot speak on behalf on their behalf).  If theft of Toy World property is proven—the employee will have committed gross misconduct and I would recommend dismissal. The stolen property would need to be returned, if the employee fails to comply it would lead to police involvement. A written apology and phone call would be made to Toy World, along with a delivery date of the stolen property. I would also ensure this was sufficient and/or seek further amendments.  However, if the employee is proven to not be responsible for the theft and the investigation has no leads for GDP staff involvement–this would be communicated to Toy World. Cooperation would be maintained, but the onus is on Toy World to investigate in-house. |
| **10** | ***“Explain the main differences between fair and unfair dismissal. Give an example of each.”*** |
| With the advent of employment rights and EU legislation, the rights of the employee and employer have been strengthened and protected. With that comes are a clearer distinction between the fair and unfair dismissal. The main difference between each in compliance with existing employment law. If an employee were dismissed on spurious grounds lacking all evidence or objectivity, this would be deemed unfair. If, however, the employee was dismissed after progressing through an organisation’s formal sanctions substantiated by evidence. Unfair dismissal exposes an organisation to lawsuit, damaged reputation, and sanctions. A fair dismissal can be appealed with six months after the decision is made, however, if conducted objectively—the decision will stand. |
| **11** | ***“Explain the purpose and benefits of exit interviews for employer and employee.”*** |
| The employer directly benefits from exit interviews designed to identify areas of dissatisfaction through attitude or opinion surveys. The results can lead to proposals to action and areas of focus where dissatisfaction or lack of commitment exists. This benefits the employee by increasing engagement, improvements in recruitment process, and reducing absenteeism. Exit interviews also allow leaving employees the opportunity to share their thoughts without fear of retaliation. Ultimately, happier employees have lower turnover. |
| **12** | ***“Summarise the key stages to be followed when managing redundancies.”*** |
| As is inevitable when people devote time and effort to a cause—the professional can become the personal as individuals self-identify with what they do. This raises questions and safeguards to ensure an employer is fair, balanced, and reasonable on the grounds of redundancy. A redundancy, in and of itself, is not necessarily a negative if handled correctly; a job may be redundant, but a person is not. As the global economy innovates and becomes more competitive—the roles of yesterday become unnecessary as efficiency autotomizes process. But this is a hard sell when sitting across from an employee to dismiss.  In more serious cases where the employee has been destructive may include illegality or contravention of a statutory duty. If an employer detects dismissible behaviour a full investigation that establishes facts from multiple people is paramount. As are the procedures and guidelines laid down by the HR department, organisation, and the wider legal apparatus. Basics such as informing an employee in writing of the alleged offence, a place and time for a meeting to discuss the claims. The employee should have, and be told, they have the opportunity to appeal any sanction imposed.  There are some special cases of redundancy or dismissal that may not be so well-defined in the organisation’s policy. One example could be persistent absenteeism fuelled by a personal upset, sudden homelessness, or embarrassment at lack of basic provisions (i.e. hygiene). These cases will need to be handled differently from a role no longer needed by the organisation, or gross misconduct. An opportunity to reform, support options (i.e. the organisation may have a free-toll counselling line), or unpaid leave to put their affairs in order.  **The key stages recommended by the CIPD in managing redundancies include:**   * **Planning** * **Identifying the pool for selection** * **Seeking volunteers** * **Consulting employees** * **Selection for redundancy** * **Appeals and dismissals** * **Suitable alternative employment** * **Redundancy payment** * **Counselling and support**   Further details:   1. A review of employee requirements. There should be a continuous review of future developments that may impact employee numbers, and preparation for handling potential redundancies. 2. Measures to avoid redundancies. Organisations can inform and include relevant unions of redundancy reasons to mitigate the risk. Departmental managers will be included to plan a reduction of employee numbers by natural wastage. 3. Begin a consultation on redundancies. If these measures fail to avoid redundancies, the organisation will consult relevant unions of the earliest opportunity to reach an agreement. 4. Select redundant employees. The HR manager should explore options to transfer selected employees to alternative work before committing to making an employee redundant. 5. Offer alternative work within the organisation. If an employee accepts different work within the organisation—confirmation will be issued in writing and appropriate training given. 6. Alternative employment. If no suitable internal work is available—reasonable opportunities should be given with a different employer before redundancy is imposed. |

Bibliography

Online Resources

* Learning Path 5 – Supporting good practice in managing employment relations (MER) <http://dpgplc.willowpathway.com/Learner/Course/Index/64756>
* CIPD article, ‘*Maternity, paternity and adoption rights’* <http://goo.gl/1f4Z1s>
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* CIPD article, ‘*Redundancy*’ <http://goo.gl/TE8ARR>
* Employment Law FAQ, ‘*What are the protected characteristics under the Equality Act 2010?*’ <http://goo.gl/UISVs3>
* Employment Law FAQ, ‘*What is the key legislation that provides protection from discrimination in the UK?*’ <http://goo.gl/ZZmcBT>

Other

* MER Assessment Brief