

# The key employment rights of public service law employment essay

[Law](#)



Sarah HardyContentAim: Terms and conditions of employment and forms of employee exit in the public services

## **Objectives:**

Understand terms and conditions of employment in public service

organisationsUnderstand voluntary and involuntary forms of employee exit

from public service organisationsIdentify and apply strategies to find

appropriate solutions to the potential issues that could impact upon the

different research strategies. Select/design and apply appropriate

methods/techniques when undertaking the assignment. Present and

communicate appropriate findings when examining different research

strategies and the potential issues that could impact upon them.

IntroductionExplain the key employment rights of public service employees

and evaluate. The role and purpose of professional associations and trade

unions in public service organisationsCompare the benefits provided to

employees in the Public sector with those in a private sector

organisationAnalyse the importance of the employee dismissal process used

by the public servicesevaluate the importance of selection criteria used for

voluntary and non-voluntary redundancy in public service

organisationsExplain how retirement policies impact on public service

organisations and compare the costs of public and private sector exit

packages. Conclusion

## **Explain the key employment rights of public service employees and evaluate.**

The Employment Rights Act 1996 requires that terms and conditions of

employment must be set out in a document, which can be a written "

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contract of employment" or a written " statement of the main terms and conditions of employment". The written terms and conditions will have both legal and contractual rights, that is, both those protected by law and those exchanged between the employer and the employee or representative. Within two month of working for the employer they must provide you with the written statement. There is much other legislation in place to support your rights. The Equal Pay Act (EqPA)1970 give women or men the right to the same pay and other terms and conditions of employment as men or women for doing the same work or work of equal value. The EqPA is not concerned with whether pay is `fair` but only whether discrimination between the sexes is the reason why two or more individuals have unequal terms and conditions of employment. (Henry Scrope and Daniel Barnett (2008). Employment Law Handbook. 4th ed. London: Law Society.)The Sex Discrimination Act 1975 (SDA) prohibits discrimination on the grounds of sex or marital status in the areas of employment. Direct discrimination is where a women or a man is treated less favourably than a person of the opposite sex in comparable circumstances is or would be, treated, because of their sex. Types of sex discrimination include: not offering a job on the grounds of an individual's sex, sexual harassment, and treating a women less favourably because she is pregnant. Indirect sex discrimination occurs where a provision, criterion or practice is applied equally to women and men but that provision, criterion or practice. (Flexible Workers Guidance, NHS) For example, in the selection process for the fire service candidates must be able to expand their lung capacity by a certain measurement. May women applicants are not able to complete this; therefore it appears to have a

unequal effect on women. The Disability Discrimination Act 1995 (DDA) makes it unlawful for an employer to discriminate against applicants for employment and employees who have a disability in relation to job applications, promotions, training and contractual terms and benefits. This provision of the statute covers all employees from permanent to casual. (<http://www.legislation.gov.uk/ukpga/1995/50/contents>)

## **The role and purpose of professional associations and trade unions in public service organisations**

A trade union is an organisation run by and for workers who have got together to achieve a mutual goal in key areas such as wages, hours, and working conditions. The trade union deals with the employer on behalf of union members and negotiates labour contracts with employers. This may include the cooperation of wages, work rules, complaints procedures, rules governing hiring, firing and promotion of workers, benefits, workplace safety and policies. Trade unions exist because an individual worker has very little power to influence important choices that are made about their jobs. By joining together with other workers, there is more chance of having a voice and influence. The representative body Police Federation of England and Wales is where all police officers in England and Wales up to and including the rank of chief inspector belong. (<http://www.unison.org.uk/about/about.asp>). There are 140,000 police officers represented and ensured that their views on all aspects of policing are accurately relayed to government, opinion formers and key stakeholder. The federation has evolved from being voluntary, unfunded organisation in its early years to a modern professional

staff association that covers subjects and issues that affects the police service.

## **Compare the benefits provided to employees in the Public sector with those in a private sector organisation**

Employee benefits are an important part of the compensation packages for all workers, the characteristics of the benefit programs vary considerably between the private and public sector, differing employers and employees needs to affect the types and characteristics of the benefits received. The public sector is under immense strain as the government makes plans and started make major cut backs for the public services to the tackle the budget deficit. There are several benefits to working in each private and public sector. Having a job in the private sector allows you more opportunities to move around from one rank to another. While this is still achievable to do in the public sector, it can often prove more difficult, as there are tight restrictions placed on the entire process. Though every organisation has its own set of rules, they tend to be a little more flexible in the private sector than in public service. Having a pay increase is also easy to achieve, as the decisions can be made from within the company, instead of being based on certain rules and regulations followed throughout the county or government. One of the main benefits that public sector employees have that the private sector employee may not is job security. Long-term firm employment is typical in public sector jobs, although economic crises can lead to the elimination of these jobs, just as it can in the public sector. Another point about public and private sector employment is the amount of benefits are although there has been some debate about whether public sector

employees are more rewarded than those in the private sector depends on what type of industry they work for. This offers a better view of what the employee can expect to earn in terms of a salary.

## **2. 0 Analyse the importance of the employee dismissal process used by the public services**

Under common or contractual law an employer can dismiss an employee at any time, although a period of notice must normally be given. However, employees with sufficient continuity of service, have the right not to be unfairly dismissed. In such cases a dismissal will only be lawful if it is for a fair reason and the employers have acted reasonably in all the circumstances which lead to certain company procedures. For the notice you should receive is stated in your contract or a normal minimum notice period but it is whichever one is longer, however there are some situations where you can be dismissed immediately for example violence. You always have the right to ask for a written statement from your employer giving the reasons why you've been dismissed but only if you're an employee and have completed one year's service and employed under a fixed-term contract which has ended and not been renewed. (<https://www.gov.uk/dismissal/overview>)

The importance of having a dismissal process is that everything should be done by the law, fair and professional. Sometime this doesn't happen and there your dismissal is unfair, for example if you they didn't have a good reason for dismissing you or if the company doesn't follow the correct procedures. Situations when your dismissal is likely to be unfair include if you; joined a trade union, forced to retire, applied for maternity, paternity and adoption leave. You can take your employer to an

employment tribunal if you think they've treated you unfairly. The tribunal is independent, and could order the employer to pay you compensation if you win your case.

## **2. 1 Evaluate the importance of selection criteria used for voluntary and non-voluntary redundancy in public service organisations**

Normally when a company needs to reduce its workforce it may decide to carry out redundancies to its staff, which is a form of dismissal under the Employment Rights Act 1996. Voluntary and compulsory redundancies are two different types of redundancy. Voluntary redundancy is when an employer offers a financial incentive for employees to leave a company voluntarily, in order to avoid having to choose people for redundancy. Often companies will offer higher than normal levels of redundancy compensation as an incentive for staff to leave voluntarily. ([http://www.findlaw.co.uk/law/employment/redundancy\\_rights/500467.htm](http://www.findlaw.co.uk/law/employment/redundancy_rights/500467.htm)). It's against the law to choose the staff for redundancy because of race, age, belief, gender, because this would be discrimination. An employer can choose to make you redundant because of the length of time you have been working for the company. They can say that all employees who have been working for the business for less than a year will be made redundant; however this might mean that more young people are made redundant which could potentially count as age discrimination. Job losses in the public services will fall unfairly on staff if forces are not given the ability to effectively make officers redundant, met commissioner Bernard Hogan-Howe has said. The commissioner said forces could not deal with further spending cuts without

the power. He maintained the axe would otherwise disproportionately fall on staff, forcing warranted officers to step into the roles of those made redundant. He Said " We've got 50, 000 people in the Met and Two thirds of them are not subject to redundancy – so redundancies will fall disproportionately on those that are eligible. ([http://www. policeoracle. com/news/Police+Finance/2012/Sep/11/Officer-Redundancy-Option-Needed---Commissioner\\_54581. html](http://www.policeoracle.com/news/Police+Finance/2012/Sep/11/Officer-Redundancy-Option-Needed---Commissioner_54581.html))

### **3. 0 Explain how retirement policies impact on public service organisations and compare the costs of public and private sector exit packages.**

The police retirement policy's is the Greater Manchester Police (GMP) is controlled by the Local Government Pension Scheme (LGPS) principles that are the normal retirement age under the LGPS is 65. To retire and receive your pension at 65 you do not need approval from GMP and there are no reductions for early retirement. If you are aged 60 and over you can choose to retire and you will not need GMP approval, although a reduction in your benefits may apply as you have retired before the pension schemes moral retirement aged. There are other provisions for retirement, which require GMP approval is when you're retiring through redundancy, retiring on ill health grounds or retiring earl from aged 55. In May 2012 the government was asking most public sector workers to contribute more for their pension and to work for longer. The government have suggested the public sector workers enjoy a pension provision more generous than those in the private sector. In response, unions say that the typical public sector worker will get face less for their retirement year than people think. Making a fair



comparison between public and private sector pensions is difficult, mainly because there are so many variables. ([http://www. bbc. co. uk/news/mobile/business-15925017](http://www.bbc.co.uk/news/mobile/business-15925017))