

From employment law

Business, Human Resources



Case Study from Employment Law Introduction The history of the employment laws in the United Kingdom can be traced way back to the early 18th century (Dawson, 1898, p. 136-143). Over the centuries, these laws have evolved and have adequately been expanded. Back in the 18th century, the employment laws were never specific until in the 1970s when more specific employment laws were made to adequately protect the employees against exploitation, discrimination, unnecessary terminations, and even infringement of their human rights by the employers (Hutchins and Harrison, 1876, p. 179). In the recent past, these laws have further been amended following the increased complexity and diversification of the work places today (Bilett (2004, p. 312).

Employment Law Case Study

In the case study, there are very serious violations of the law that are evident. In the first scenario, Paul faces direct sex discrimination, work place harassment and victimization. Under the Equality Act 2010 S11, sex is a protected characteristic for both male and the female. Under section 13(1) of the same act, it is unlawful to treat an individual unfairly on the grounds of sex. Such act amounts to direct sex discrimination. Paul in this case faces direct sex discrimination. This is evident in that Paul's boss is never interested in training him for the job he was doing. Most banks of the world do train their employees before they start working because banking jobs are very demanding. Paul is further harassed by his boss. She shouts at him and down talks him in front of the customers. Shouting and use of abusive words in workplaces is a form of work place harassment (Swarnalatha, 2013, p. 2). Harassment and victimization in the place of work carries the same weight

as discrimination. However, in some cases, work place harassment and victimization are not prohibited by the law no matter how abusive they can be. In such cases therefore, the employees are protected by the Trade Unions. Under the Trade Unions and Labor Relations (Consolidation) Act 1992, the trade unions are adequately defined and equipped with adequate powers to protect the employees from any form of workplace harassment, victimization and any form of discrimination. Also, under the Transfer of Undertakings (Protection of Employment) Regulations Act 2006 S1 (246), the right to continuity in employments is well covered in the Act and therefore Paul has a right to go back to work.

On the other hand, Amy is directly discriminated. Under the Equality Act 2010 S11, Religion is yet another protected characteristic. It is against the law to discriminate a person for holding or not holding a religious belief. As an employer, it is therefore unlawful to dismiss a person, deny a person training or deny a person a promotion for holding or not holding a religious belief. Amy deserved a promotion following her hard work, good reputation and strong relationships with the customers. However, she was never promoted for she had refused to sell the fur clothes which was a new clothe line. Her religious faith could not allow her handle such types of clothes. Her boss eventually did not consider Amy's religious faith; she went on to deny her the promotion. Amy's boss in this case grossly violated the Equality Act of 2010 and should be sued in a court of law for the act. Also, according to the UK Labor Laws, every employee is entitled to a good remuneration, a promotion and compensation (Wedderburn, 1986, p. 862).

Conclusion

It is unfortunate that most employees are still not conversant with the laws that govern their rights in the places of work. It is of great significance that the employees learn the law and become aware of their rights as employees. It is also important that the employees seek shield of the law or the trade unions whenever faced by incidents of harassment or discrimination in their places of work. Unfortunately, cases of discrimination and harassments continue to be common in workplaces despite the strict laws and regulations.

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