

Cipd diploma (human resource practice course)

[Business](#), [Human Resources](#)



Lecturer: 3 MER Part A This part deals with employment relationship with special focus on employment status. Factors that Impact on Employee Relationship

The employment relationship between employers and employees is vital in determining organization success. One of the internal factors that impacts on employment relationship is employee grievances. Depending on how such grievances are handled, employment relationship can be maintained or destroyed. Trade Unions especially in the manufacturing sector may act as a link between management and staff and a voice through which grievances are aired. Although such methods work, a system where workers can air their grievances and resolve disputes such as two-way communication and empowerment is essential. Failure to deal appropriately with grievances can lead to unnecessary strikes and loss of revenue for the organization.

Another internal factor is disciplinary procedures. If disciplinary measures are viewed to be excessive, unreasonable or unfair, they can lead to worker dissatisfaction and strained relations.

An external factor that affects employment relationship is laws and regulations by government agencies such as employee rights, and worker safety. An employer needs to comply with these laws failure to which can result in a strained relationship.

In addition, work/life balance can affect employment relationship. Employees are also family members and need time to be with their families. They thus have to balance work and family life sometimes resulting in frequent absenteeism and poor performance. The management should in this case provide measures to balance the two such as allowing workers flexible time

to meet family obligations and to work effectively.

Types of Employment Status

The employment status in an employment relationship is vital as it determines the rights and responsibilities of employees. Three types of employment status include worker, employee, and self-employed. An employee in employment law is “ someone who works under an employment contract” (Gov. uk). These employees work for a minimum number of hours unless they are on holiday or any other leave; they can work full-time, part-time or annualized hours. They also have to work personally as they cannot send someone else to work on their behalf. They also work at the business’s premises or at an address specified by the business and are provided with materials, tools and equipment for their work by the organization.

Self-employed persons are “ those who run their business for themselves and take responsibility for its success or failure” (Gov. uk). Such workers do not have the rights and responsibilities enjoyed by employees. Unlike employees, they do not have to work themselves but can engage services of another person. They also can work for more than one client and provide themselves with tools and equipments.

A worker is one employed on contract or any other arrangement to do work personally for a reward. Unlike employees, workers have a limited right to subcontract someone else to do their work otherwise they have to turn up for work. They also do not work on their own companies like self-employed individuals but for an employer. They are entitled to rights but not to a great extent like employees.

Importance of Determining Employment Status

It is essential to identify employment status to know the rights and responsibilities they are entitled to. For example, employees are entitled to all rights of workers in addition to flexible working, statutory redundancy pay, sick pay, maternity, paternity and adoption and also unfair dismissal. These rights are not enjoyed by self-employed individuals or contractors. Identification of employment status is also important in developing grievance and disciplinary procedures. For example, self-employed individuals cannot be disciplined by management whereas employees are subject to disciplinary measures. It is also essential part of compliance with laws and avoiding legal litigations.

3 MER Part B

The report explores the importance of work- life balance, organization policies and legislations that guide employment relationship.

Importance of Work-Life Balance and Legal Influences

Work-life balance involves offering employees flexible time working arrangements so that they can meet demands of their work as well as that of their families. Work-life balance initiatives include: part-time working, job sharing, annual hours, home-based working and flexitime.

One of the organizational objectives is to improve the lives of the communities. This cannot be achieved if the organization does not first improve the quality of life of its employees through flexible working. As such, work-life balance is crucial in meeting community commitments.

Employees also expect more individual choice and freedom and are backed up by employment laws which give them the right to request flexible time.

Giving them this opportunity helps the workers to remain motivated and

engaged while also complying with labor laws. Moreover, juggling responsibility at home and workplace could be stressful thus affecting worker productivity. It is therefore, important to give workers time to deal with family issues to avoid absenteeism and high turnover and to enhance productivity.

Laws against employment discrimination based on sex or gender have resulted in more women entering manufacturing sector. Some of them are single mothers with young babies hence need flexible time to take care of their families.

Lastly, the law requires organizations to apply family friendly policies and procedures and work-life balance is such a policy which needs to be complied with.

Legal Support to Employees as Family Members

Legal support for family members is available for employees to balance work-life. An example of such legal support is maternity leave for women.

The statutory maternity leave is 52 weeks. For someone who works in a factory, she must take 4 weeks maternity leave after the baby is born and be paid 90% of weekly average earnings for the first 6 weeks and £ 138. 18 or 90% of average weekly earnings whichever is lower for the next 33 weeks (Gov. uk).

Men are eligible for paternity leave of 2 weeks. The leave begins one day or one week after birth but the father must give a notice of 28 days in advance. Ordinary paternity pay is £ 138. 18 or 90% of average weekly earnings whichever is lower.

An employee also has the right to request for flexible working. However, the

employee must have worked for the organization for 26 weeks to be eligible. The employer can also refuse the request if they have a good business reason for doing so. The types of flexible working offered in the organization include: job sharing, part-time, flexitime, and compressed hours.

The employees also have right to emergency leave for dependant's sake. Dependants include spouse, partner, child, parent or someone who depends on the employee for care (Gov. uk). The employee in this case is allowed reasonable time depending on the situation.

Justifying Fairness in Pay

Fair treatment of employees is crucial in maintaining employment relationship. The Equal Pay Act 1970 and ' Equality of Terms' provision in the Equality Act 2010 demands that employers give equal pay for equal work with a comparator doing similar work, equivalent work or work of equal value for men and women. Failure to do so could lead to legal litigations hence it is only appropriate to comply with the law and treat employees fairly.

Treating employees fairly is key to maintaining positive employer-employees relationship. If there is no fairness in pay, those unfairly treated are bound to experience job dissatisfaction leading to loss of commitment and morale and this could be detrimental to organizational success. Job dissatisfaction could also lead to increased absenteeism and staff turnover thus affecting worker productivity. It is therefore, vital to ensure salaries are fair regardless of sex, gender, age, race or any other prohibited characteristics.

Discrimination Legislation

Discrimination is treating employees unfavorably based on the protected characteristics outlined in the Equality Act of 2010. One area of

discrimination legislation is based on sex. Direct discrimination in this case entails treating someone less favorably because of their actual or perceived sex, or because of the sex of someone with whom they associate such as not employing a woman because of her gender (Acas). Indirect discrimination occurs if policies and procedures disadvantage workers of particular sex. For example, requiring job applicants to be muscular or strong could discriminate women. This type of discrimination can only be justified if it is a means to achieve legitimate aims. Harassment occurs if conduct related to sex violates individual's dignity while victimization is treating an employee unfairly for supporting sex discrimination complaint.

Race discrimination is when employees are treated unfavorably due to their color, nationality, race and national origin. Refusing to employ someone because of their race is direct discrimination while policies and procedures that apply to all but disadvantage people of particular race is indirect discrimination.

The Disability Discrimination Act prohibits discrimination based on disability. Disability refers to physical or mental impairment which has a substantial and long-term adverse effect on ability to carry out normal day-to-day activities. Equality of opportunity for people with disabilities should be promoted for example by making buildings accessible to the disabled.

Age discrimination is treating employee unfavorably due to their age.

Economic factors such as business needs and efficiency may be legitimate aims for age discrimination. The Equality Act also states there is no upper age limits on unfair dismissal and redundancy.

Good Practice that underpin Organizational policies and Contributes to

Psychological Contract

A psychological contract entails mutual obligations between employer and employees. The employer expects from employees commitment to goals, creativity and innovation, and team-playing. Employees on the other hand, expect fair and respectful treatment, good working relationships, and empowerment.

Good practice requires employers to maintain open communication and fairness in designing policies. Employees should be free to air their views and get involved in decision making in matters that affect them hence commitment and engagement. By involving all parties in policy formulation, all concerns from both sides are addressed making the policy acceptable. This in turn leads to mutual agreement and proper enforcement of psychological contract. The policies should be fair to all parties to avoid discrimination claims.

3MER Part C

The report indicates the approach to dismiss and terminate employment.

Fair and Unfair Dismissal

The organization has policies and procedures to deal with dismissals. The organization has a disciplinary committee to deal with disciplinary cases with includes employee representatives. From such committees, one is given an oral warning, then first and second written warnings before a dismissal decision is taken. Proceedings of such disciplinary meetings are kept for future reference and as evidence in case a dispute arises.

Fair dismissal arises when the organization has followed a fair dismissal procedure. Five fair reasons for dismissal include: gross misconduct of

employee, redundancy, legal restrictions, capability and other reasons determined by case law. For example, if an employee is found guilty of stealing company property, he can be summarily dismissed on the basis of gross misconduct. However, before such a decision can be taken a thorough investigation is carried out to establish the facts; the employee is given a chance to defend himself and also can appeal the decision.

Unfair dismissals occur if proper dismissal procedure is not followed or due to unfair reasons such as being a member of trade union, asserting a statutory right, maternity related issues, demand for minimum wage, and disclosing fraud or corruption. For example, if a woman employee gets pregnant and is dismissed on no other grounds but purely for being pregnant, then it is an unfair dismissal.

Exit Interviews

Before the employees leave the organization, it is important to have an exit interview with them to determine the reasons for their departure. This helps the employer to understand why they have decided to quit or and use such information to effect changes on its policies and procedures and HR strategies. The organization thus embraces criticism as a tool for organizational improvement rather than viewing it negatively.

Departing employees are also a source of useful information on the quality of the organization. This is because they can give unbiased and honest opinion about all aspects of the business unlike staffs that are on the job as these may fear reprisal for criticizing the organization. Based on this information, the company can make changes in different areas such as how it handles customers, suppliers, employment relationship, processes and systems.

Moreover, exit interviews are an opportunity for the departing employees to pass knowledge to their successors. For example, a sales employee may have essential personal connections, tips, and insights which may be lost if the departing employee does not disclose them to his replacement. It is also a chance to retain valuable employees by helping them to review their final decision.

On the part of the employee, exit interviews are an opportunity to leave the organization in a peaceful and friendly way as they may not know when they might come back. It is therefore a time for constructive feedback and building good relations and mutual respect.

Managing Redundancy

Redundancy occurs due to a cessation of business, a cessation of business at employee's site or reduction or cessation of work. Effective management of redundancies is critical for organization success and involves a number of key stages. The first stage is to develop a clear strategy for consultation with key stakeholders, implementation, communication and support for leaving employees.

The second stage is to evaluate alternative strategies to redundancies such as: to reduce or stop overtime hours, offer early retirement to volunteers, freeze recruitment, effect voluntary pay cuts, retrain employees, flexible working arrangements, natural wastage and redeployment to other areas. This helps to reduce the devastating effects on staff and also helps the recovery process.

The next step is to develop a strategy to select positions and pool of people under consideration for redundancy in line with current legislation such as

the Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 1999 and Employment Rights Act of 1996.

After selection, inform the affected employees of the redundancy decision. Explaining the process and procedure in a clear manner and offering support to affected employees is crucial as this is a life altering and stressing experience.

The fifth stage is the termination process and statutory redundancy payment (for those who have 2 years continuous service) and also selecting an outplacement provider to give employees support and assistance in their careers for a smooth transition.

After dealing with those directly affected, the organization moves to the next step of managing the workers left behind. They are full of anxiety and need to be convinced that the crisis is over and any further redundancies will be avoided. As such, effective communication is vital to reduce uncertainty and create stability. The last stage in managing redundancy is to evaluate the whole process and develop a clear policy for the organization.

Works Cited

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