

# FIRE SERVICE EXAMINATION BOARD

## STUDY NOTE

EXAMINATION	LEADING FIREFIGHTERS EXAMINATION
PAPER	HUMAN RESOURCE MANAGEMENT
SUBJECT	EMPLOYMENT
ITEM	EMPLOYMENT RIGHTS AWARENESS
STUDY NOTE No.	1301

### *INTRODUCTION TO THE STUDY NOTE*

*This study note has been prepared as the basis of study in connection with the qualifying examinations for promotion.*

*Candidates will be expected to demonstrate knowledge of the information contained in the study note and understand how it should be applied:*

*The 'References' made at the end of the Study Note are included for information only and candidates will not be expected to study these as part of the bibliography.*

## EMPLOYMENT RIGHTS AWARENESS

### 1. Introduction

The role of the Crew Commander will involve the supervision of staff and human resource issues at local level. This will often mean being able to offer information or give advice on procedures or systems that others should follow. One such area is that which relates to an individual's employment, including their rights, terms and conditions whilst at work. This is governed by statute law and through the Contract of Employment between the employer and employee.

In addition, there are a number of duties that are owed by the employer to the employee, and vice versa, which do not apply in the case of other forms of relationship. The major obligations include:

(a) Employer to employee:

- A general duty of care;
- A duty to pay agreed wages;
- A duty to provide work;
- A duty not to treat employees in an arbitrary or vindictive way;
- A duty to provide support to employees; and
- A duty to provide safe systems of work.

(b) Employee to employer:

- A duty to cooperate;
- A duty to obey reasonable/lawful instructions;
- A duty to exercise reasonable care and skill; and
- A duty to act in good faith.

BOTH parties should maintain a relationship of mutual trust and confidence.

### 2. Employment Rights

Statutory rights exist which govern employment. These include:

(a) Employment rights which apply to all workers:

- (i) Equal pay for equal work;
- (ii) Non-discrimination on grounds of their sex, race and disability.
- (iii) Right not to have unauthorised deductions from pay;
- (iv) Basic health and safety rights,
- (v) Compliance with working time regulations;
- (vi) Data protection rights.
- (vii) Time off to care for dependents; and
- (viii) Compliance with part-time workers regulations.

- (b) Employment rights which apply only to employees:
- (i) Right to a statement of terms and conditions of employment;
  - (ii) Right to itemised pay statement;
  - (iii) Statutory sick pay;
  - (iv) Time off for public duties;
  - (v) Eighteen weeks maternity leave;
  - (vi) Trade Union rights;
  - (vii) Minimum notice period;
  - (viii) Statutory maternity pay;
  - (ix) Extended maternity leave;
  - (x) Unfair dismissal rights; and
  - (xi) Parental leave.

### 3. Contract of Employment

A contract of employment is an agreement between the employer and the employee and is legally binding on both parties. It can be either:

- Verbal, or
- Written.

The contract will govern the relationship between both parties – the employer who will offer pay and conditions, and the employee who will carry out work with specific duties and responsibilities. It is usually set out in the form of a written statement and should be issued not later than two months after the employee commences employment.

Once agreed, neither employer nor employee can alter the terms and conditions without the agreement of the other. Examples of issues covered in a contract of employment include:

- (i) Name of employer and employee;
- (ii) Date on which employment began;
- (iii) Job title;
- (iv) Rate of pay, period and method of payment;
- (v) Normal hours of work, including meal breaks;
- (vi) Holiday/leave entitlement and pay;
- (vii) Terms and conditions relating to sickness, injury and sick pay;
- (viii) Pension arrangements;
- (ix) Length of notice due to and from employer;
- (x) Disciplinary rules and procedures;
- (xi) Arrangements for handling employee grievances; and
- (xii) Conditions relating to Trade Union membership.

The period of the contract can vary. There are three basic forms:

- (i) Permanent – open ended without an expiry date.
- (ii) Fixed term – has a fixed start date and a fixed finishing date.
- (iii) Temporary – employment for a limited period.

## References

Fire Services Examinations Board