

Employee Relations and Wellbeing

**Lecture Title:
Legal Frameworks & Employee Relations**



Lecturer: Nathalie Xuereb Saydon

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**Masters in
Human Resources Management**

Learning Objectives

- Evaluate key employment laws impacting employee relations (ER)**
- Assess legal requirements for consistency and fairness in ER practices**
- Interpret case law in the context of employee disputes**



Group Discussion

**Why is it important to have
legal frameworks in Employee
Relations ?**



Legal Frameworks in Employee Relations

1. Protects Employee and Employer Rights

Legal frameworks define the rights and responsibilities of both employees and employers. This ensures:

- **Employees are treated fairly and with dignity.**
- **Employers can manage the workforce within legally acceptable boundaries.**

***Example:* The Employment Rights Act 1996 provides protection against unfair dismissal, ensuring employees aren't terminated without a valid and lawful reason.**

2. Ensures Consistency and Fairness

Laws promote standardised practices across organizations, reducing arbitrary or discriminatory behavior.

- **Fair recruitment, promotion, and disciplinary processes.**
- **Equal treatment regardless of race, gender, religion, or disability.**

***Example:* The Equality Act 2010 protects against discrimination in the workplace.**



Legal Frameworks in Employee Relations

3. Reduces Risk of Litigation

A strong legal framework helps employers avoid costly legal disputes, tribunals, and reputational damage.

- **Prevents unlawful dismissals or breaches of contract.**
- **Encourages proactive compliance with regulations.**

4. Provides a Mechanism for Resolving Disputes

Legal frameworks offer structured processes for resolving internal conflicts through:

- **Grievance procedures**
- **Mediation or arbitration**
- **Employment tribunals**



Legal Frameworks in Employee Relations

5. Supports Ethical and Productive Workplaces

When employees feel legally protected, trust and morale improve, leading to:

- **Higher engagement and retention**
- **Lower absenteeism**
- **Better organizational culture**

6. Aligns with Broader Social and Economic Policy

Employment law reflects and reinforces broader societal values—e.g., equality, human rights, economic fairness—which enhances social stability and public trust.



Key Employment Laws (UK)

Law	Purpose	Key Provisions	Relevance to Employee Relations (ER)
Employment Rights Act 1996	Protects employee rights in contracts and termination	Unfair dismissal, redundancy rights, employment particulars	Foundation for fair dismissal, grievances, and contracts
Equality Act 2010	Prevents discrimination and promotes equality	Covers 9 protected characteristics, reasonable adjustments	Ensures fair treatment in hiring, promotion, and discipline
Trade Union & Labour Relations Act 1992	Regulates trade unions and industrial relations	Collective bargaining, industrial action rules, consultation	Framework for union-employer relationships and disputes
Health and Safety at Work Act 1974	Ensures a safe working environment	Employer duty of care, employee cooperation, HSE oversight	Central to workplace wellbeing and ER concerns over safety
ACAS Code of Practice <i>(not law but binding guidance)</i>	Sets standards for handling disputes	Guidance on fair disciplinary and grievance procedures	Tribunal consideration; encourages fairness and consistency

Key Employment Laws (UK)

Law	Purpose	Key Provisions	Relevance to Employee Relations (ER)
National Minimum Wage Act 1998	Guarantees fair minimum pay	Minimum hourly wage by age/apprentice status	Prevents pay disputes, underpayment claims
Working Time Regulations 1998	Regulates hours, breaks, and holiday	48-hour weekly limit, rest breaks, paid leave	Shapes working conditions and supports work-life balance
Data Protection Act 2018 (GDPR UK)	Protects employee personal data	Lawful processing, data rights, secure storage	Governs handling of sensitive data in ER cases
TUPE Regulations 2006	Protects employees during business transfers	Contract continuity, protection from dismissal	Ensures fair treatment during mergers or outsourcing
Employment Tribunals Act 1996	Provides legal mechanism to resolve disputes	Tribunal procedures for dismissal, discrimination, etc.	Enables enforcement of ER rights and fair outcomes

Group Discussion

Which laws have most significantly shaped modern employee relations?

Can you mention specific laws from your respective countries that also had a substantial impact on employee relations?



Laws That Have Most Significantly Shaped Modern Employee Relations

Laws Defining Employment Rights and Conditions

These laws form the bedrock of fair working conditions

Law	Jurisdiction	Key Impact
Employment Rights Act 1996	UK	Core rights on contracts, dismissals, redundancy
Fair Labor Standards Act (FLSA) 1938	USA	Set national standards on pay, hours, child labor

Laws That Have Most Significantly Shaped Modern Employee Relations

Anti-Discrimination and Equality

These laws advanced inclusion, fairness, and diversity in employment

Law	Jurisdiction	Key Impact
Equality Act 2010	UK	Unified discrimination laws into one framework
Title VII, Civil Rights Act 1964	USA	Banned workplace discrimination based on protected characteristics

Laws That Have Most Significantly Shaped Modern Employee Relations

Work-Life Balance and Wellbeing

These laws acknowledge employees' lives beyond the workplace

Law	Jurisdiction	Key Impact
Working Time Regulations 1998	UK	Regulated hours, rest breaks, paid leave
Family and Medical Leave Act 1993	USA	Guaranteed job-protected unpaid family leave

Laws That Have Most Significantly Shaped Modern Employee Relations

Collective Rights and Dispute Resolution

These laws gave employees a voice and legal footing in workplace relations

Law	Jurisdiction	Key Impact
Trade Union & Labour Relations Act 1992	UK	Protected union rights, collective bargaining
National Labor Relations Act 1935	USA	Legalized union formation and labor organizing

Laws That Have Most Significantly Shaped Modern Employee Relations

Safety and Data Privacy

Creating Safe and Responsible Workplaces

Law	Jurisdiction	Key Impact
Health and Safety at Work Act 1974	UK	Ensured employer duty of care for health & safety
GDPR / Data Protection Act 2018	UK/EU	Protected personal data in HR and ER processes

Laws That Have Most Significantly Shaped Modern Employee Relations

Most Influential Overall

Country	Top Laws	Why
UK	Employment Rights Act, Equality Act, Health & Safety Act	Set clear expectations for fairness, safety, and inclusion
USA	Title VII, FLSA, NLRA	Transformed workplace dynamics, compensation, and rights



Group Discussion

Why is it important to be consistent and fair when dealing with Employee Relations?



Legal Requirements for Consistency & Fairness in Employee Relations (ER)

Promote	Promote trust and transparency between employers and employees
Reduce	Reduce the risk of legal disputes and employment tribunal claims
Ensure	Ensure equality of treatment across policies and practices
Align	Align with principles of natural justice (e.g., right to be heard, impartiality)

Legal Requirements for Consistency & Fairness in Employee Relations (ER)

Core Legal Principles Supporting Consistency & Fairness

Principle	Explanation	Legal Basis
Equal Treatment	Employees in similar situations must be treated similarly	UK: Equality Act 2010 / US: Title VII Civil Rights Act
Non-Discrimination	Decisions must not be based on protected characteristics	Protected characteristics in UK & US law
Due Process (Procedural Fairness)	Employees must have the right to know the case against them and respond	UK: ACAS Code of Practice / US: NLRA & state laws
Proportionality	Disciplinary actions must be appropriate to the offence	Common law; backed by tribunal case law
Consistency in Application	Policies and decisions must be applied uniformly across cases	Case law: <i>MBNA v Jones</i> (UK) – inconsistent discipline ruled unfair dismissal

Group Discussion

In which ER situations do you think that fairness is legally critical?



Legal Requirements for Consistency & Fairness in Employee Relations (ER)



Common ER Areas Where Fairness Is Legally Critical



- **Disciplinary action:** Must follow formal, consistent procedure (investigation, hearing, appeal)



- **Dismissals:** Must have a fair reason and follow a fair process



- **Redundancies:** Must follow objective selection criteria and fair consultation



- **Grievances:** Must be handled transparently and within reasonable timeframes



- **Promotions & Pay:** Must be based on merit and free from bias

Best Practices For Employers

01

**Apply HR policies
uniformly and
document all
decisions**

02

**Train managers in
bias awareness
and employment
law**

03

**Conduct fair
investigations
with proper
records**

04

**Offer appeal
processes for
major decisions**

05

**Use objective
criteria for
performance
reviews and
promotions**

Group Case Study

Fairness and Inconsistency in Disciplinary Action

Background Company: Solutech Ltd, a medium-sized UK software firm

Employees Involved:

Liam – Senior Sales Executive (5 years of service)

Aisha – Junior Sales Executive (18 months of service)

Incident: Both employees were caught on CCTV arguing loudly in the staff kitchen, using inappropriate language and briefly pushing each other during a heated disagreement about sales credit.

HR Action Taken:

Liam received a written warning

Aisha was dismissed for gross misconduct

Aisha raised a grievance, claiming inconsistent treatment and discrimination based on her gender and ethnicity. The company upheld its original decision, arguing Liam's longer service and previous clean record justified a different outcome.



Group Case Study

- **Split in Groups**

- **Refer to the worksheet provided, discuss then answer the questions using your knowledge of UK employment law and employee relations best practices.**



Group Discussion

What is Case Law? How does it differ from Statutory Law?



Case Law in Employee Relations Disputes

Case law (or common law) is law developed through decisions of courts and tribunals.

In employment relations, it clarifies how statutory principles (like fairness, redundancy, discrimination) should be applied in practice.

Precedent from cases ensures consistency, predictability and protection in employer decision making.



Case Law vs Statutory Law

Statutory Law	Case Law (Common Law)
Created by Parliament	Created by judges through decisions
Found in Acts and Regulations	Found in court and tribunal decisions
Generally applies broadly	Applies to similar fact patterns (precedent)

Case Law Matters in Employment Relations because:

- It clarifies ambiguous statutory language (e.g., what is a "reasonable" employer action).**
- It provides predictability and guidance for HR practices.**
- It evolves with social and economic context (e.g., gig economy rulings).**

Case Law Examples

Case	Principle Established
<i>Polkey v A.E. Dayton Services Ltd</i>	Even if dismissal is inevitable, lack of fair procedure still makes it unfair.
<i>Autoclenz Ltd v Belcher</i>	Courts look at the <i>reality</i> of working arrangements, not just written contracts.
<i>Uber BV v Aslam</i>	Defined workers' rights in the gig economy.

Polkey v A.E. Dayton Services Ltd

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Case Summary:Facts: Mr. Polkey, a van driver, was dismissed without warning or consultation when his employer decided to make redundancies. The employer argued that consultation would have made no difference to the outcome — he would have been dismissed anyway.

Issue: Was the dismissal unfair because of the lack of proper procedure, even in the outcome (redundancy) was inevitable?

Held:- Yes. The House of Lords ruled that failure to follow a fair procedure makes a dismissal unfair, regardless of whether the outcome would have been the same.

Legal Principle – The “Polkey Principle” – Even if a dismissal would have occurred anyway the failure to follow a fair dismissal process renders it unfair under employment law (specifically, the Employment Rights Act 1996)

What do you think will be the impact on Future Cases?



THANK YOU!



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