



# Business Skills Apprenticeship Frameworks

## Employee Rights and Responsibilities Workbook

February 2014

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Skills CFA  
6 Graphite Square  
Vauxhall Walk  
London  
SE11 5EE  
[info@skillscfa.org](mailto:info@skillscfa.org)  
Tel: 020 7091 9620  
[www.skillscfa.org](http://www.skillscfa.org)

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## Welcome and introduction

### **Dear apprentice,**

It is important that every employee understands his or her rights and responsibilities in the workplace. There are many laws which protect the safety, well-being and rights of employees at work and it is important that employees understand their rights and responsibilities relating to them. This is why learning about your employee rights and responsibilities is a key element of your apprenticeship programme.

In this workbook you will learn about topics such as apprenticeship agreements, contracts of employment, diversity and equality, and holiday and salary entitlements. Also included in this workbook is vital information relating to health and safety, data protection and discrimination.

This workbook may be used as part of your induction programme or as an on-going element of your apprenticeship studies and the information you learn will be useful for rest of your career, regardless of the role, sector, or industry you find yourself in.

Your employer and training provider or local college will support you in the completion of this workbook.

I wish you every success with your career.

A handwritten signature in blue ink that reads "K. Saliba".

**Kelly Saliba**

**Associate Director, Skills CFA**

## How to use this workbook

This workbook has been produced by Skills CFA to develop your understanding of employee rights and responsibilities (ERR) in the workplace.

When completing this workbook you will need a clear understanding of your occupation, the industry in which you work and the sector in which your organisation operates.

As you look through this workbook you will note that there are two main areas under each of the section headings:

### **WHAT YOU NEED TO KNOW**

'What you need to know' sections contain a range of information essential to building a well-rounded understanding of your employee rights and responsibilities.

### **OVER TO YOU**

'Over to you' sections provide an opportunity for you to demonstrate your understanding of ERR.

You do not need to complete the workbook straight away, nor do you have to work through it in any particular order. Your line manager, training provider, or mentor (if you have one) will be able to provide help and advice on anything you are unsure of. You may also find it helpful to use your staff manual and the internet to research some areas in more depth.

## Employee rights and responsibilities outcomes

Through completing this workbook you will achieve the following nine ERR outcomes and so will:

1. know and understand the range of employer and employee statutory rights and responsibilities under Employment Law. This should cover your rights and responsibilities under the Employment Rights Act (1996), Equality Act (2010) and health and safety legislation, together with the responsibilities and duties of employers
2. know and understand the procedures and documentation in your organisation which recognise and protect your relationship with your employer. Health and safety and equality and diversity training must be an integral part of your learning programme
3. know and understand the range of sources of information and advice available to you on your employment rights and responsibilities. Details of 'access to work' and 'additional learning support' must be included in the programme
4. understand the role played by your occupation within your organisation and industry
5. have an informed view of the types of career pathways that are open to you
6. know the types of representative bodies and understand their relevance to your skill, trade or occupation, and their main roles and responsibilities
7. know where and how to get information and advice on your industry, occupation, training and career
8. be able to describe and work within your organisation's principles and codes of practice
9. be able to recognise and form a view on issues of public concern that affect your organisation and industry.

## 1 Contracts of employment and grievances

This section covers ERR outcomes 1 and 2 (see page 3).

### WHAT YOU NEED TO KNOW

#### **Apprenticeship agreements**

An apprenticeship agreement is an agreement between an employer and an apprentice in which the apprentice agrees to undertake work for the employer. It is a written statement outlining the particulars of employment (hours of work, holiday entitlement, rate of pay etc). The Agreement does not entitle an apprentice to any additional rights over other employees.

An apprenticeship agreement became a condition for the completion of an apprenticeship on 6 April 2012 due to the Apprenticeships, Skills, Children and Learning Act (2009).

An Apprenticeship Agreement can be in the form of a written statement of particulars under the Employment Rights Act (1996), or a document in writing in the form of a contract of employment or a letter of engagement where the employer's duty under the 1996 Act is treated as met.

In all cases, a contract of employment is necessary for employment to continue after the completion of an apprenticeship.

#### **Employment contracts**

Employment contracts are legally binding and protect both the employer and employee's rights and responsibilities.

The legal parts of a contract are known as 'terms'. The terms of an employment contract set out what the employee and employer can expect of each other. If there's anything in your contract that you're unsure about, or which is confusing, ask your employer to explain it to you. It is important that you know what a legally binding part of a contract is and what is not.

A contract of employment can be given to you in a number of different ways, including:

- a written contract (or similar document)
- an employee handbook or on a company notice board
- a spoken agreement with your employer
- an offer of employment letter from your employer.

As soon as a firm offer of employment has been made and accepted, the contract of employment is in effect, even if this is a spoken agreement (eg at an interview). It is best practice that your employer gives you a written contract of employment.

When a period of employment is set to last for more than a month, all employees are entitled by law to a written statement of the key terms and conditions of their employment within two months of starting work.

Conditions of employment which relate to the employee may include information relating to notice periods, salary/wages, benefits and work hours. Conditions of employment that relate to the company include discipline/grievance procedures, intellectual property and copyright.

Employment contracts can be permanent, where there is no end date specified, temporary, or for fixed-terms, where there is a specific end date for the employment.

Changes to employment contracts must be made by following procedures which are designed to protect the employee from unfair treatment. If employers wish to make any changes in their employees contracts of employment they must consult on those changes with employees or their representatives (eg a trade union).

## **Employment status**

There are three types of employment status, which indicate a person's rights and responsibilities at work - 'worker', 'employee' or 'self-employed'.

- Workers have a contract (not necessarily written) to undertake work in return for reward. Work should be available to them for the duration of the contract. Workers are entitled to certain employment rights, including:
  - being paid national minimum wage
  - protection against unlawful deduction from wages
  - receiving the statutory minimum level of paid holiday
  - protection against unlawful discrimination
  - not to be treated less favourably if they work part-time.
- Employees are workers, but have a wider range of employment rights than other workers, including:
  - statutory sick pay
  - maternity, paternity and adoption leave and pay
  - the right to request flexible working
  - minimum notice periods of their employment will be ending.
- Self-employed people are not generally covered by employment law, except for some things like health and safety. Rights and responsibilities are determined by the person's contract with their client.

Termination of an employment contract is governed by rules and rights which protect the employee and employer from unfair treatment.

## **Fixed-term and part-time employees**

The Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations (2002) seek to guarantee that employees on fixed-term contracts are not treated less favourably than those who are employed on equivalent permanent contracts. This includes seasonal agricultural workers, retail assistants who work over the Christmas period, employees covering colleagues whilst they are on maternity leave or those employees who are employed to complete specific tasks, such as painting a house. These regulations give fixed-term workers the same rights to the terms and conditions of employment as those on permanent contracts.

The Part-time Workers (Prevention of Less Favourable Treatment) Regulations (2000) seek to guarantee that part-time employees are not treated less favourably than equivalent full-time workers. It states that part-time employees:

- are entitled to the same rate of pay as a full-time worker
- must be provided with the same training opportunities as full-time employees
- must be given the same holiday allowance as a full-timer, but at a pro-rata basis
- must be offered the same career break schemes as a full-time worker
- are entitled to the same contractual maternity and parental leave as full-time employees
- must not be treated less favourably during a redundancy process.

## **Apprentice minimum wage**

Apprentices aged between 16-18 or in the first year of their apprenticeship must be paid a minimum of £2.68 per hour. The salary of apprentices aged 19 and over (and not in the first year of their apprenticeship) must be equivalent to, or above, the national minimum wage for their age (for information on the National Minimum Wage, look here: <https://www.gov.uk/national-minimum-wage-rates>).

## **Grievances**

If you have a problem or a complaint about your employment in relation to things such as your terms of employment, work conditions, work relations, organisational changes or health and safety you have the right to be able to raise these concerns with your employer. This is known as raising a grievance.

It is your responsibility to inform your employer as soon as possible about any grievance that you may have. In most instances, you should always first try to resolve the problem informally, before taking any further action. However if you do decide to take out a formal grievance, you should follow your employer's formal grievance procedure.



Every employer should have a written grievance procedure which should be easily accessible for all staff. The procedure should include information about:

- how to set out the details of a grievance in writing
- who to send the letter to
- who to write to if a contact is involved in the grievance
- the right to a meeting with the employer to discuss the grievance
- how to appeal the employer's decision
- how long each stage should take.

## OVER TO YOU

**Q1** What three elements must an Apprenticeship Agreement contain? (Look here for information: <http://www.apprenticeships.org.uk/Partners/Policy/Apprenticeship%20Agreement.aspx>)

1:

2:

3:

**Q2** Give three examples of legally-binding contract terms

1:

2:

3:

**Q3** There are three types of employment status - a 'worker', an 'employee' or 'self-employed'. What are the basic employment rights for each employment status? (Look here for information: <http://www.tuc.org.uk/workplace/tuc-19836-f0.cfm#pyramid>)

Name three in each category.

**Worker**

1:

2:

3:

**Employee**

1:

2:

3:

**Self-employed**

1:

2:

3:

**Q4** If you have a grievance, who would you report it to?

Name:

Job title:

**Q5** Name three things an organisation's grievance procedure should contain?

1:

2:

3:

## 2 Anti-discrimination and equal opportunities

This section covers ERR outcomes 1 and 2 (see page 3).

### WHAT YOU NEED TO KNOW

#### The Equality Act (2010)

The Equality Act (2010) brought together previous anti-discrimination legislation into one act and strengthened anti-discrimination in certain areas, covering what are termed 'protected characteristics'. These are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

There are four types of discrimination covered by the Equality Act (2010). These are direct discrimination, indirect discrimination, harassment and victimisation:

- direct discrimination is treating someone unfavourably due to a protected characteristic. This includes associative discrimination and perceptive discrimination:
  - associative discrimination is discriminating against an individual because that person is associated with someone with a protected characteristics
  - perceptive discrimination is discrimination against an individual because others think they possess a protected characteristic.
- indirect discrimination is where a workplace policy or procedure disadvantages someone with a protected characteristic
- harassment is where an employee finds others' behaviour offensive
- victimisation is the unfavourable treatment of an employee who has supported a complaint made under the provision of the Equality Act (2010).

The protected characteristics are explored below.

#### Age

Employers can't discriminate on the basis of age during recruitment, when only your skills should be considered. However, some work activities (eg serving alcohol) can only be undertaken by a person over a minimum age.

Job descriptions should not refer to age (either specifically or by using language that implies an age, such as 'mature', 'young' or 'energetic'), unless this can be justified. Experience, skills and ability should be considered when these are equivalent to qualifications. Age discrimination also covers employment terms and conditions, promotions and transfers and dismissals. Your employer cannot treat you less favourably than others because of your age or apply a practice which would disadvantage you because of your age, unless it can be justified.

The provision for age discrimination gives protection from all four forms of discrimination (direct discrimination, indirect discrimination, harassment and victimisation).

## **Disability**

Employers cannot discriminate against workers because of a physical or mental disability, nor may they fail to make reasonable adjustments to accommodate a worker with a disability.

The Equality Act (2010) makes it unlawful to:

- discriminate directly against disabled employees – that is, to treat staff less favourably than others because of their disability, because of something connected with their disability, or because they are associated with (eg care for) someone with a disability
- discriminate indirectly against disabled employees – that is, to apply a practice which would disadvantage them because of their disability, unless it can be objectively justified
- subject disabled employees to harassment
- victimise disabled employees because they have made, or intend to make, a complaint or allegation or have given or intend to give evidence in relation to a complaint of discrimination on the grounds of disability
- ask questions, except in certain circumstances, about a disabled employee's health before offering them a job.

## **Gender reassignment**

Under the Equality Act (2010), it is unlawful for employers to discriminate against anyone who is undergoing, has undergone or intends to undergo gender reassignment. Under the Act an employer is not allowed to discriminate against an employee for absence from work due to the gender reassignment process.

Also, anyone who is living as another gender, eg a man living as a woman, is also protected through this provision even if they are not going through a gender reassignment procedure.

## **Marriage and civil partnership**

Under the Equality Act (2010), people who are married or in a civil partnership are protected against any direct discrimination against them. Due to their status, single people and those in relationships outside of marriage or civil partnership are not protected under the Act.

## **Pregnancy and maternity**

Pregnant women are protected against any discrimination on the grounds of their pregnancy, maternity leave or statutory leave entitlements. Discriminatory treatment towards a woman during the time of her pregnancy is not handled as sex discrimination.

A pregnant woman is protected against being dismissed, demoted, or disciplined due to her pregnancy, maternity leave or statutory leave entitlements. Examples of pregnancy and maternity leave discrimination include:

- being dismissed or disciplined due to asking for time off work to attend ante-natal classes
- being dismissed or disciplined due to being unable to complete work duties because of health and safety reasons.

## **Race**

Race discrimination covers all aspects of employment, from recruitment through to pay and training to terminating a contract of employment.

All four areas of discrimination are covered under race discrimination:

- direct discrimination: someone being treated less favourably based on their actual or perceived race, or being associated with someone of actual or perceived race
- indirect discrimination: policies, practices and procedures that disadvantage people of a particular race
- harassment: when unwanted conduct directly related to someone's race violates an individual's dignity and forms a hostile, humiliating, degrading, or offensive environment
- victimisation: the unfair treatment of an employee due to them making or supporting a complaint directly relating to racial discrimination.

## **Religion or belief**

Under the Equality Act (2010), it is deemed unlawful to discriminate against someone based on their religion or belief. The provision includes protection for those of all religious beliefs and also those who have no religious belief. To be covered by this protection a religion must have a clearly defined structure. A belief may be philosophical or religious.

Organisations should have a fair recruitment and selection process and employment practices that treat everyone in a fair manner irrespective of their religion or belief.

## **Sex**

Sex discrimination means that an employer cannot discriminate against you because of your gender (including transgender). Your employer should have policies in place to guard against sex discrimination in regards to recruitment, pay, training, promotion, discipline and grievances and bullying. When work is regarded as equivalent under a job evaluation study, or viewed to be of equal value, everyone has the right to receive equal pay regardless of gender. Employers must always provide a genuine reason for difference in pay.

The provision for sex discrimination gives protection from all four forms of discrimination (direct discrimination, indirect discrimination, harassment and victimisation).

## **Sexual orientation**



The Equality Act (2010) states that it is against the law for employers to discriminate against workers based on their sexual orientation. Sexual orientations can be categorised as:

- homosexual (same sex relations)
- heterosexual (opposite sex relations)
- bisexual (same sex and opposite sex relations).

All four areas of discrimination are covered under the provision for sexual orientation discrimination (direct discrimination, indirect discrimination, harassment and victimisation).

## **Positive action**

Positive action is also covered in the Equality Act (2010). This is where an employer's actions benefit a person, or group of people, who, due to a protected characteristic are disadvantaged during the recruitment process or in the workplace.

For example, The Equality Act (2010) permits employers, under certain conditions, to train employees of one gender for particular work in which their gender has been under-represented. They may also encourage the under-represented gender to take up opportunities to do that work. This is known as positive action.

In some cases, a job can be offered to someone of a particular gender because of what is called a 'genuine occupational qualification'. Examples could include:

- jobs in single-sex schools
- jobs in some welfare services
- acting jobs that specifically require a man or a woman.

**OVER TO YOU**

**Q6** What are the four types of discrimination covered under racial discrimination?

1:

2:

3:

4:

**Q7** Give an example of indirect discrimination in terms of race.

**Q8** Give three examples of aspects of employment that are covered by sex discrimination law. (Look here for information: <http://www.acas.org.uk/index.aspx?articleid=1814>)

1:

2:

3:

**Q9** Give three examples of when sex discrimination might not apply.

1:

2:

3:

**Q10** Under what circumstances can positive action be applied?

1:

**Q11** Name five aspects of employment relating to age that fall under the protection of the Equality Act (2010). (Look here for information: <http://www.acas.org.uk/index.aspx?articleid=1841>)

1:

2:

3:

4:

5:

**Q12** Give three examples of age discrimination which may occur during the recruitment process.

1:

2:

3:

**Q13** Give three examples of disability discrimination.

1:

2:

3:

### 3 Working hours, rest breaks and holiday entitlements

This section covers ERR outcomes 1, 2 and 8 (see page 3).

#### WHAT YOU NEED TO KNOW

##### Working hours

Working time regulations apply to all employers in the UK, regardless of sector or organisation size, and are a result of the Working Time Directive and Working Time Regulations Act (1998, amended in 2003).

The weekly maximum working hours for adult workers is 48 hours a week on average. Your working week is not covered by the working time limits if you have signed a voluntary opt-out agreement (you can only do this if you are 18 or over), or if you have a job:

- in which you can choose freely how long you will work (eg a managing executive)
- in the armed forces, emergency services and police (in some circumstances)
- as a domestic servant in private houses
- as a sea transport worker, a mobile worker in inland waterways or a lake transport worker on board sea-going fishing vessels.

There are special provisions which limit the hours that young workers (16 and 17 year olds) can work. The working time of a young worker must not exceed eight hours a day or 40 hours a week. This total cannot be averaged out across multiple weeks. There is no opt-out from these regulations.

Apprentices must work a minimum of 30 hours per week. You should also expect to be released from work for your off-the-job training. Training may be delivered at a college, a specialist training provider or in your place of work. Your employer may release you on the basis of day-release, or in a block of a number of days in a row.

Working time regulations are enforced by employment tribunals as well as inspections carried out by the Health and Safety Executive.

Working times includes regular duties as well as:

- job-related training
- job-related travelling time, for example if you are a sales representative
- working lunches, for example business lunches
- time spent working abroad, if you work for a UK-based company

- paid and some unpaid overtime
- time spent on call at the workplace.

It does not include breaks where no work is done (such as lunch), travel between home and work, time on call away from the workplace, travelling outside work hours, unpaid overtime you have volunteered for, paid or unpaid holiday and non-job related training, eg evening classes or day-release courses.

Some employees are excluded from these provisions, and there are some situations which may be exempt from different parts of the provision (for example, seasonal workers in the run-up to Christmas or workers in sectors where the work cannot be interrupted on technical grounds such as with electricity production and transmission, or the fire service).

## **Holiday entitlement**

Full-time workers are entitled to a minimum of 28 days of statutory holiday every year. This comprises 20 days paid annual leave, plus eight days paid public holidays.

Annual leave for part-time workers is calculated on a pro-rata basis. For example, if 2.5 days per week are worked, the worker would be entitled to 14 days holiday.

It is important to note that your employer may include bank holidays as a part of your statutory entitlement and they do not necessarily have to give you your holiday when you want it.

Employees must be given time off work for jury service and can also get 'reasonable' time off for certain public duties, such as being a magistrate or a local councillor. In taking time off for public duties the amount of time should be agreed between the employer and employee. A request for time off for public duties can be refused if the employer thinks the length of time is unreasonable. It is up to the employer whether they pay their employee or not in these cases. It is important that you find out your employer's policy for requesting leave, this should be located in your employee handbook. This will tell you things you need to know, such as the notice that you need to give to your employer when requesting leave.

## **Types of breaks**

There are different kinds of breaks from work. These include:

- rest breaks (eg lunch breaks and short breaks during the day)
  - Most workers have the right to take breaks. Your contract of employment will determine whether these are paid.
  - Adult workers are entitled to one uninterrupted 20 minute break if they expect to work more than six hours a day (eg a coffee or lunch break).
  - Your employer may choose when the break must be taken.

- daily rest (the break between one work day and the next – for most people, overnight)
  - This break should be at least 11 hours for adult workers.
- weekly rest, when you don't come into work for full days (eg the weekend).
  - This should be a minimum of an uninterrupted 24 hours a week or an uninterrupted 48 hours a fortnight for adult workers (young workers are defined as being under 18 but over school-leaving age).

The amount of break time you get is usually agreed with your employer (this may be in writing or a verbal agreement).

There are minimum rest breaks required by law that your employer should provide. Your employer might have to give you longer than required if this reduces a health and safety risk.

Short rest breaks taken during the day are often paid, but do not have to be unless your contract says so. Unless you have to remain on call, daily rest and weekly rest are not paid.

There are exceptions to the regulations for some specific job types, such as the armed forces, mobile workers and rail workers. Break rules may also apply differently to you if you travel long distances to work, engage in security or surveillance activities, constantly work in different places, or work in an industry with busy peak periods or a requirement for round-the-clock staffing. They may also be different in an emergency or risk-of-accident-related role.



**OVER TO YOU**

**Q14** What is 'working time'?

**Q15** What are the maximum hours allowed at work for those aged between 16 and 17?

A day:

A week:

**Q16** How many days paid holiday a year are employees entitled to if they are working:

A five day week:

A three day week:

A two day week:

**Q17** What is the minimum amount of uninterrupted daily rest that an adult worker should have over the period of a fortnight?

**Q18** How much notice do you need to give to your employer when applying for annual leave?

**Q19** How much annual leave are you entitled to?

## 4 Maternity/paternity, parental and adoption leave

This section covers ERR outcomes 1, 2, 8 and 9 (see page 3).

### WHAT YOU NEED TO KNOW

Parents are entitled to a period of maternity, paternity and/or parental leave, which can be paid or unpaid.

#### **Maternity leave**

Employers cannot automatically dismiss a woman because she is pregnant.

All pregnant employees are entitled to take up to one year's (52 weeks) maternity leave, regardless of length of service with the employer, but only 39 weeks are paid for.

Statutory Maternity Pay (SMP) is paid for 39 weeks and is made up in the following way:

- 90% of your average weekly earnings before tax for the first six weeks
- for the remaining 33 weeks the standard rate or a rate equal to 90% of your average weekly earnings, whichever is lower ( the standard rate of SMP is £136.78 and is revised every April).

To qualify for maternity pay you must be employed by the same employer continuously for at least 26 weeks into the 15th week before the week your baby is due.

Women must give eight weeks' notice when changing their date of return from maternity leave.

Optional 'keeping in touch' days have been introduced enabling women to work for up to 10 days during the maternity leave period. 'Keeping in touch' days are paid and must be agreed by the employer.

All women have a right to return to work after maternity leave, regardless of the size of the employer.

#### **Paternity leave**

New fathers can take either one week or two consecutive weeks' paid Ordinary Paternity Leave. To qualify for Ordinary Paternity Pay you must give your employer a SC3 form at least 28 days before you wish the pay to start. The statutory pay for Ordinary Paternity Leave is £136.78, or 90% of your average wage (whichever is lower). All paternity leave allowance must be taken in one block. Ordinary Paternity Leave can be taken by both biological and adoptive parents and includes both heterosexual and same-sex couples.

The Additional Paternity Leave Regulations (2010) entitle employees who are fathers, partners of mothers, or adopters, to take up to 26 weeks' paternity leave in the first year of the child's life or its placement for adoption. This legislation applies equally to both heterosexual and same-sex couples.

The first two weeks of leave must be taken by the mother, to allow time for recovery. After this period the option to end maternity leave is available and parents can opt to share the remaining leave entitlement.

## **Parental leave**

Parental leave is a right for parents to take unpaid time off work to look after a child or make arrangements for the child's welfare. Parents can use it to spend more time with children and strike a better balance between their work and family commitments.

Provided that they have completed one year's service with the company, employees get 18 weeks unpaid parental leave in total for each child. However, strict rules apply to how much can be taken in any given year and it is only available until the child reaches five years of age or until the adopted child has been placed for five years or until the adopted child reaches 18 years of age. Parents of a disabled child may take their 18 weeks until the child reaches 18 years of age.

Parents can take leave in blocks of one week up to a maximum of four weeks in any given year. Parents of a disabled child can take the leave in periods of one day at a time.

## **Time off for dependants**

Employees may take a reasonable amount of unpaid leave to handle an emergency relating to someone who depends on them. An employer can't penalise employees for this if the reasons for taking this leave are genuine.

A dependent could include a husband, wife, partner, child, parent, anyone living in an employee's household as a member of their family, or someone who reasonably relies on them for help in an emergency.

**OVER TO YOU**

**Q20** How much maternity leave are mothers entitled to and how is it paid?

**Q21** What condition applies for women to qualify to receive Statutory Maternity Pay?

**Q22** How much paternity leave are fathers entitled to?

**Q23** What is parental leave and how long is it for?

## 5 Absence and sickness

This section covers ERR outcomes 1, 2, 8 and 9 (see page 3).

### WHAT YOU NEED TO KNOW

Employees have a right to receive statutory sick pay (SSP) if they meet certain criteria.

In most cases, apprentices are entitled to SSP. However, if an apprentice has worked less than three months in an organisation they will not be entitled to SSP.

Employees are allowed by their employers to 'self-certificate' the first seven days of their sickness without the need to get a certificate from their local doctor. However, these arrangements may vary from employer to employer.

Doctors' 'sick notes' have been replaced with 'Statements of Fitness for Work'. This means that your doctor can let you know how your condition affects your ability to work. This will help your employer to understand how they might be able to help you return to work sooner. Within the Statement, the doctor may:

- advise when you may be fit for work with some support
- suggest ways to help you return to work
- give information on how your condition will affect what you are able to do.

If a Statement of Fitness for Work is not attainable at any given time, other forms of evidence are equally acceptable under SSP. This will need to be discussed between the employer and employee.

SSP is paid for the days an employee would have worked, excluding the first three days an employee is off (unless they have already been paid SSP in the last eight weeks and are still eligible to receive the pay again). £86.70 per week is paid under SSP and is payable for up to 28 weeks. Some employers may also pay additional entitlements if employees are unwell.

SSP payments are made by the employer and tax and national insurance is deducted as normal.

To be eligible for SSP, an employee must earn at least £109 before tax, per week. Employees will not be eligible for SSP if they:

- have received the full 28 week payment already
- have taken three or more years of 'linked periods' of sickness; this includes four or more days of sickness within eight weeks of each other
- are already receiving Statutory Maternity Pay (SMP).

In a case where an employee does not qualify for SSP, their employer must give them a SSP1 form within seven days of illness starting. To claim SSP, the employee must inform their employer in

writing by the deadline set by the employer, or within seven days if a deadline hasn't been set. If an employee is unhappy with a decision made by their employer, they should raise the matter with them. If the problem is unresolved after speaking with the employer, the employee should contact Her Majesty's Revenue & Customs' (HMRC) employee enquiry line (0845 602 1380 -Monday to Friday, 8am to 5pm).

## OVER TO YOU

You will need to know about your organisation's requirements for giving notice of absence, notification of sickness if you are unable to go to work because of ill-health, arrangements for sick pay, and the procedures that must be followed when returning to work after illness.

**Q24** What is the statutory level of sick pay?

**Q25** In what circumstances would an employee not qualify for SSP?

**Q26** What are the arrangements for notification of sickness in your organisation?

**Q27** How much sick pay are you entitled to in your organisation?



## 6 Data protection and access to personal information

This section covers ERR outcomes 1, 2, 8 and 9 (see page 3).

### WHAT YOU NEED TO KNOW

The Data Protection Act (1998) (DPA) gives individuals the right to know what information is held about them including the right to find out what personal information is held on computer and most paper records.

When part of your job requires you to process personal information about others, the checklist below may help you comply with the DPA. Being able to answer 'yes' to every question does not guarantee compliance, and you may need more advice in particular areas, but it should mean that you are heading in the right direction.

1. Is sensitive personal data kept separate from other personal data?
2. Do the people whose information I hold know that I've got it, and are they likely to understand what it will be used for?
3. If I'm asked to pass on personal information, would the people about whom I hold information expect me to do this?
4. Is the information being held securely, whether it's on paper or stored electronically?
5. Is access to personal information limited to those with a strict need to know?
6. Is personal information accurate and up to date?
7. Do I delete or destroy personal information as soon as I have no more need for it?
8. Have I received sufficient training from my employer in carrying out my duties and responsibilities under the DPA, and am I putting them into practice?

## OVER TO YOU

Apart from understanding your rights as an individual, you also need to know your legal obligations in the workplace and be able to comply with the requirements of the DPA.

**Q28** Answer any three questions from the checklist on page 31.

**Q29** How do you exercise your right to access your personnel records? (Look here for information: <https://www.gov.uk/personal-data-my-employer-can-keep-about-me>)

## 7 Health and safety

This section covers ERR outcomes 1, 2, 8 and 9 (see page 3).

### WHAT YOU NEED TO KNOW

The Health and Safety at Work Act (1974) is the main legislation covering health and safety in the workplace. Under this Act, employers and employees have certain responsibilities. These are:

- employers must ensure, as far as possible, the health, safety and welfare at work of all their employees. Employers should provide and maintain safe systems of work and a safe workplace. This covers all machinery, equipment and substances used
- employees have a duty to take reasonable care to avoid harm to themselves or to others by their work activities. Employees must not interfere with or misuse anything provided to protect their health, safety or welfare
- employers and employees must ensure they observe all general health and safety regulations and codes of practice
- employers and employees must also ensure they observe all specific health and safety requirements, ie those that apply to a particular occupation and/or workplace or relate to the employment of young people.

Laws regarding health and safety apply to all businesses and means there is a responsibility for health and safety for both the employer and the employee. The purpose of health and safety is to identify, manage and control risks in order to minimise the likelihood of accidents. The Health and Safety Executive is the national independent watchdog for work-related health and safety and is responsible for enforcing of Health and Safety law. In doing so, they have certain powers that they are able to exercise.

The Health and Safety Executive are able to:

- enter and inspect places of business
- take measurements, photographs and samples
- enforce that a particular area or piece of machinery be left undisturbed
- seize, render harmless or destroy dangerous items
- interview people and acquire information regarding health and safety issues.

## **Employer requirements**

Employers must do the following in relation to health and safety:

- take steps to minimise the risk of harm occurring in the workplace
- explain to employees, in a way that they will understand, how risks at work will be controlled
- inform employees how to follow emergency procedures
- consult with employees and/or their health and safety representatives concerning health and safety
- provide free-of-charge health and safety training
- provide all necessary safety equipment and protective clothing for employees free-of-charge
- provide drinking water, toilet and washing facilities for employees
- provide fit-for-purpose first aid facilities
- report any major injuries or fatalities that happen at work to the Health and Safety Executive
- have insurance that covers injuries to employees
- work with all other employers or contractors sharing business space to safeguard health and safety.

It is a legal requirement for businesses that employ five or more employees to have a written health and safety policy. Employers are responsible for informing employees about risk in the workplace and how to work safely. Health and safety policy needs to take into account how the differing characteristics of employees can affect health and safety and risk management. Health and safety policies should also account for any members of the public that may enter the organisation's premises.

## **Employee requirements**

Employees must do the following in relation to health and safety:

- follow all health and safety training that has been provided
- take reasonable care to protect the health and safety of both themselves and others
- inform the appropriate person if they believe that practices, or poor safety measures, are putting health and safety at serious risk
- cooperate with their employer to enable the fulfilment of any legal duty in relation to health and safety.

If an employee has been properly instructed in relation to health and safety, they can be dismissed for failing to fulfil their obligation to exercise reasonable care to safeguard it.

## OVER TO YOU

**Q30** Name five powers that the Health and Safety Executive have (Look here for further information: <http://www.hse.gov.uk/enforce/enforce.htm#enffinp>).

1:

2:

3:

4:

5:

**Q31** Name three characteristics that may need to be accounted for within health and safety policy.

1:

2:

3:

**Q32** Name two responsibilities that employees have under health and safety legislation.

1:

2:

**Q33** Give one example of a health and safety regulation and explain how it applies to your workplace.

**Q34** Who is responsible for health and safety at your workplace?

**Q35** Who is the health and safety representative in your workplace?

Name:

Job Title:

## 8 Sources of employment related information, advice and support

This section covers ERR outcomes 3 and 7 (see page 3).

### WHAT YOU NEED TO KNOW

#### Internal sources of information and advice

You will need to know who to go to for information and advice in your organisation – this can be on a range of topics related to:

- employment and personnel issues
- training
- additional learning support (ALS)
- assessment.

#### External sources of information and advice

It is important that you know where to locate information outside your organisation. This can be obtained from a range of sources, including:

- Citizen's Advice Bureaux
- trade unions
- Access to Work contact centres.

#### Additional learning support

Additional learning support (ALS) provides employees with the additional resources to access their learning. ALS requirements would normally be highlighted during the recruitment process and, following an initial assessment, would generally be discussed during the apprentice's induction.

Factors that may require ALS include:

- Asperger's and Autistic Spectrum Disorders (ASD)
- attention deficit hyper-activity disorder (ADHD)
- dyslexia, dyspraxia or dyscalculia



- hearing or visual impairments
- mental health problems
- physical difficulties
- missed schooling or interrupted education.

Types of ALS include:

- needs assessments
- access to and/or the loan of specialist equipment and/or software
- information provided on a computer or through different printed formats, such as large print.

## **Access to Work**

Access to Work is a scheme available for disabled people who are employed full-time, part-time, temporarily, are self-employed, or who are having a job/work trial. The scheme provides assistance in overcoming work-related obstacles.

To qualify for assistance from the access to work scheme, employees must meet the criteria stated in the Equality Act (2010), namely: 'a physical or mental impairment which has a substantial and long-term adverse effect on [your] ability to carry out normal day-to-day activities'.

Access to Work will pay up to 100 per cent of approved costs for:

- travel, where an individual is not able to use public transport
- a support worker to provide help in the workplace
- a communicator for support at interviews.

Support may also be provided for specialist equipment, adaptations to premises and equipment or disability awareness training for colleagues. Help will not be given for standard work equipment, standard business costs or standard health and safety requirements.

## OVER TO YOU

**Q36** Where would you find information within your organisation about the following topics?

Personnel issues:

Training opportunities:

Additional learning support:

**Q37** Which external sources are available to you for information and advice relating to employment issues? (Look here for information: <http://www.acas.org.uk/index.aspx?articleid=1461>)

Health and safety at work:

Equal opportunities:

Data protection:

Access to Work:

## 9 About your occupation and organisation

This section covers ERR outcomes 4, 5 and 9 (see page 3).

### WHAT YOU NEED TO KNOW

It is important that you know:

- the type of organisation you work for, including:
  - the number of staff employed
  - the type of market in which they operate
  - any issues of public concern that affect your organisation and/or industry.
- how your organisation is structured
- the different ways in which organisations carry out different functions such as, finance, operations, personnel, marketing, and health and safety
- the different ways in which the tasks outlined above may be split between different people, departments and/or sites
- the type of changes that have been taking place in your area of business over recent years which may have affected working practices and the way in which the organisation operates, and the impact, if any, that these changes have had on your organisation and the way in which your job role is carried out
- what steps you should take to try to ensure you interact effectively with colleagues and contacts in the workplace and why this is important to the organisation
- where you need to go to find out about the training and development opportunities within your organisation.

You also need to know about your occupation. As you are completing a Skills CFA apprenticeship, this means that your job role is within what is called the pan-sector area. The pan-sector is a range of occupations that can be applied to all sectors and industries. This means that your occupation is not limited to one sector, but can be practiced in all sectors across the economy.

## OVER TO YOU

**Q38** What are the main changes that have taken place in your area of business over the last few years? You may wish to think about some of the changes in technology or the centralisation of tasks. List three changes.

1:

2:

3:

**Q39** Give an example of how the changes in Q38 have affected roles in your organisation.

**Q40** Draw a chart of your organisation (or department), including your colleagues' job roles and to whom they are responsible. Make sure you include yourself. If your organisation already has a chart, amend it to include yourself.

**Q41** Who would you discuss your training and development options with?

Name:

Job Title:

**Q42** List three opportunities for training and development provided by your employer. These may include short courses, qualifications and in-house training.

1:

2:

3:

**Q43** Name three occupations that fall within the pan-sector.

1:

2:

3:

**Q44** List three examples of changes to your personal circumstances that would need to be reported to your employer, and to whom you would report these changes.

Change:

Report to:

Change:

Report to:

Change:

Report to:



## 10 Representation

This section covers ERR outcome 6 (see page 3).

### WHAT YOU NEED TO KNOW

Within any industry there are a range of representative bodies that promote the views of a group of people with common interests.

Representative bodies collect the views of their members and act as their voice in discussions with other groups on issues that affect them all. Representation occurs both within organisations and across sectors and industries, and can occur at both local and national levels.

You should have knowledge of:

- any trade unions relevant to your occupation/industry and what membership can do for you
- any professional bodies relevant to your occupation/industry and what membership can do for you
- any regulatory bodies relevant to your industry and occupation, for example, the British Medical Association
- the name and role of the Standard Setting Organisation relevant to your occupation.

**OVER TO YOU**

**Q45** Name four things that trade unions can do for their members (Look here for information: <http://www.tuc.org.uk/extras/unionsatwork.pdf>).

1:

2:

3:

4:

**Q46** Name the main trade union for your occupation/industry (Look here for information: <http://www.tuc.org.uk/britains-unions>).

**Q47** Name the Standard Setting Organisation in your sector and briefly explain what it does

**Q48** Name any other bodies (professional / regulatory etc.) relevant to your area of business.

1:

2:

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4:

## 11 Evidence record checklist

QUESTION NUMBER	COMPLETED	COMMENTS
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## 12 Completion of the ERR workbook

On completion of this ERR workbook, an ERR Declaration Form must be downloaded, completed and maintained in the apprentice's record of education.

ERR declaration forms can be downloaded from the following links:

England: <http://www.skillsca.org/images/pdfs/apprenticeships/resources/ERR-Declaration.pdf>

Wales: <http://www.skillsca.org/images/pdfs/apprenticeships/resources/ACW-ERR.PDF>

## 13 Useful contacts

### **Advisory, Conciliation and Arbitration Service (ACAS)**

[www.acas.org.uk](http://www.acas.org.uk)

Telephone: 08457 47 47 47

Minicom: 08456 06 16 00

### **Careers Wales**

[www.careerswales.com](http://www.careerswales.com)

Telephone: 0800 100 900

### **Citizens Advice**

[www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

### **Department for Work and Pensions (DWP)**

[www.gov.uk/dwp](http://www.gov.uk/dwp)

### **Federation for Industry Sector Skills and Standards (FISSS)**

[www.sscalliance.org](http://www.sscalliance.org)

Telephone: 0845 072 5600

### **Health and Safety Executive (HSE)**

[www.hse.gov.uk](http://www.hse.gov.uk)

### **National Apprenticeship Service - England (NAS)**

[www.apprenticeships.org.uk](http://www.apprenticeships.org.uk)

Telephone: 0800 015 0400 / 02476 826482

### **Skills CFA**

[www.skillscfa.org](http://www.skillscfa.org)

Telephone: 0207 091 9620

### **Trade Unions Congress (TUC)**

<http://www.tuc.org.uk>

Telephone: 020 7636 4030

## 14 Glossary of terms

TERM	DEFINITION
<b>Apprenticeships</b>	<p>Structured work-based training programmes. These are three categories of apprenticeship in England and Wales:</p> <ul style="list-style-type: none"> <li>• Intermediate Apprenticeships</li> <li>• Advanced Apprenticeships</li> <li>• Higher Apprenticeships.</li> </ul> <p>An apprenticeship is made up of competence and knowledge qualifications, or a combined qualification, along with requirements for Employee Rights and Responsibility, Personal Learning and Thinking Skills, Functional Skills and Transferable Skills. It is important to note that not all apprenticeships have the same requirements.</p>
<b>Apprenticeship Agreement</b>	<p>An agreement entered into between an employer and an apprentice. This requirement was set out in the Apprenticeships, Skills, Children and Learning Act (2009) and came into force on 6 April 2012. For apprentices who commenced their apprenticeship on or after that date, an apprenticeship agreement must be in place.</p>
<b>Career break</b>	<p>A period of time out from employment. Traditionally, this has been for parents to raise children, but it is sometimes used for people taking time out of their career for personal development and/or professional development.</p>
<b>Data protection</b>	<p>The protection of people’s rights and freedoms in relation to the processing of personal data.</p>
<b>Discrimination</b>	<p>Prejudicial treatment against individuals or groups based on an actual or perceived characteristic or membership of a category or group.</p>
<b>Employment contract</b>	<p>An agreement between an employer and employee that forms the basis of the employment relationship and details the terms and conditions of employment. An employment contract does not have to be written, though it usually is.</p>
<b>Equal opportunities</b>	<p>Legal protection within the employment relationship that ensures fair and equal treatment of all individuals regardless of sex or marital status, race, disability, age, sexual orientation, language, social origin, religious belief or other personal attributes.</p>



<b>Flexible working</b>	Where an employee is given a certain degree of freedom in terms of the scheduling of the working day. The employer will specify the number of hours that must be worked and may also dictate core hours where the employee must be present.
<b>ERR Declaration Form</b>	A declaration signed by the apprentice, assessor and employer to confirm that ERR outcomes have been met by the apprentice.
<b>Grievance</b>	An employee complaint regarding the action, or intended action, of their employer.
<b>Maternity leave</b>	A period of absence from work which is covered in legislation, where a woman gives birth and takes care of her infant child. The duration of the leave will be agreed with the employer. Statutory Maternity leave is 52 weeks and is made up to 26 weeks of Ordinary Maternity Leave and 26 weeks of Additional Maternity Leave. Leave cannot start more than 11 weeks before the due date and it is required to give the employer at least 8 weeks' notice if the return to work date is to be changed.
<b>Minimum wage</b>	The lowest amount of remuneration legally allowable for employers to pay employees for their labour. Minimum wage is dependent upon the age of the employee. There is also a minimum wage for apprentices who are in the first year of their apprenticeship and are under 19.
<b>National Vocational Qualification (NVQ)</b>	National Vocational Qualification: vocationally based qualifications developed from the National Occupational Standards and broken down into units or 'modules'.
<b>Paternity leave</b>	A leave of absence from work granted to a father in order to take care of an infant.
<b>Personnel</b>	A function within an organisation that deals with the people who work within it. This is also referred to as human resources. Personnel are involved in all aspects of the employment relationship from the recruitment process, to training and re-training.
<b>Professional body</b>	An association, which is usually not-for-profit, which seeks to further the interests of a particular occupation and those who work within it. Professional bodies seek to maintain standards and promote training and ethics within that occupation.

<b>Protected characteristics</b>	<p>The protection from discrimination for individuals due to their membership, or perceived membership, with particular groups. The following groups are covered:</p> <ul style="list-style-type: none"> <li>• age</li> <li>• disability</li> <li>• gender reassignment</li> <li>• marriage and civil partnership</li> <li>• pregnancy and maternity</li> <li>• race</li> <li>• religion or belief</li> <li>• sex</li> <li>• sexual orientation.</li> </ul>
<b>Sector Skills Councils</b>	<p>Independent, employer-led, UK-wide organisations, which aim to develop high quality skills standards with employers to support productivity, profitability and the enhancement of competitiveness in UK and overseas markets.</p>
<b>Skills CFA</b>	<p>The organisation responsible for the overview of vocational education and training in business skills areas including Business &amp; Administration, Management, Marketing and Sales, Customer Service and Contact Centres. It is responsible for developing standards and qualifications which are based on best practice in the workplace.</p>
<b>Standards Setting Organisations</b>	<p>Organisations approved by Government to identify and manage the learning needs of all workers within their sectors. This includes developing National Occupational Standards, NVQ/SVQs and Modern Apprenticeship Frameworks</p>
<b>Statutory sick pay</b>	<p>The minimum pay that an individual can receive if they are too sick to work. To qualify for Statutory Sick Pay you need to have been of work for 4 consecutive days. You may get more than the amount stipulated for Statutory Sick Pay if your company has a sick pay scheme.</p>
<b>Trade union</b>	<p>An association of employees for the purposes of improving working conditions through collective bargaining.</p>
<b>Working hours</b>	<p>The period of time that an individual spends engaged in gainful employment. The maximum amount of time that an individual can work over the period of a week is 48 hours. However, certain occupations are exempt from this and it is possible to opt out.</p>