

Facilities Management from A to Z



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Employment Law

The facilities industry is one of the UK's biggest employers with an estimated 3.5 million cleaners, cooks, guards, engineers, FMs and others working in the sector. It is therefore important that anyone working in a management role in the facilities arena is aware of the raft of legislation and regulation protecting the rights and welfare of workers.

The law gives employees and some other workers who might not count as employees, rights and entitlements in relation to how they are disciplined and dismissed, how their grievances are handled, wages, absence from work and sickness, holidays, work breaks and working hours, time off for family emergencies, maternity and paternity leave, the right to apply for flexible working, redundancy and retirement.

For there to be an employment there must be a contract of service. The nature of a contract of service is that the employer controls how, when and where the work is done. Usually the work is done on the employer's premises using the employer's tools and materials. It is a relationship "of service" as opposed to someone agreeing to provide services as in a self employed contractor role.

The employer must exercise sufficient control over the employee and how they work. It is essential to a relationship of employment that the obligation is a personal one, and the employee is personally obliged to do the work himself, as opposed to getting someone else to do it.

All workers also have the right not to be discriminated against in relation to age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, or sexual orientation.

Employees who feel they have been denied their rights have redress by taking their employers to an employment tribunal. There are more than 200,000 such claims made every year. In unfair dismissal cases employers can be ordered to pay compensation of up to £72,300 (2012/13) in addition to basic awards. In discrimination cases compensation awards are theoretically unlimited.

The law concerning employment and regulating what happens in the workplace has been one of the fastest changing areas of law. Since the turn of the century there have been more than 15 major changes or pieces of legislation affecting the employment of staff including the Agency Worker Regulations 2011 and the Equality Act 2010 both of which introduced significant change. It is therefore very important for managers to keep up to date with their relevant rules and policies.

The Department for Business Innovation and Skills (BIS) provides guidance to employers on all aspects of employment law. www.bis.gov.uk