

Employment guide: key obligations for employers

INTRODUCTION

There are a number of key obligations that employers have towards staff. Some of these obligations are owed only to employees; others are also owed to freelancers, self-employed consultants and other workers. See our separate guide: “Employment guide: Alternative staffing options” for details of these different categories of staff.

If, having considered this guide, you would like to know more or to discuss your own circumstances in greater detail, please speak to your usual contact at Stevens & Bolton or a contact listed at the end of this guide.

EMPLOYMENT DOCUMENTATION

Employers are required by law to issue employees with written terms and conditions of employment within two months of the start of their employment. Basic written terms and conditions must contain specified information including remuneration, working hours, holiday entitlement and place of work.

It is recommended that employment contracts go beyond the basic legal requirements and contain other clauses which protect the employer’s confidential information and intellectual property and provide some protection from competing ex-employees. See our separate guide “Employment guide: Protecting your business” for more information.

There is no legal requirement to have a staff handbook or written policies. However, they can help to promote best practice, ensure that managers follow appropriate procedures and that staff are treated consistently. We therefore recommend, as a minimum, that you put in place policies relating to managing sickness absence, equality and diversity, grievances, disciplinary matters and measures to counter corruption and bribery.

EMPLOYEE BENEFITS

Except for pensions, there is no legal obligation to provide benefits to employees. However, many employers find it is necessary to offer a benefits package to attract and retain key talent.

New statutory duties are currently being phased in which require employers automatically to enrol certain workers into a pension scheme and to pay minimum contributions into that scheme. This is known as “auto-enrolment”. The detailed requirements are complex and you should seek advice if you are unsure as to your obligations.

HEALTH & SAFETY

Employers have a number of duties relating to health and safety. In particular employers:

- have a duty to take reasonable care for the health and safety of their staff, visitors and anyone else who might be harmed as a result of their activities.
- must provide a safe working environment and safe processes for carrying out work; and
- must have a written health and safety policy if they have more than five employees and bring that policy to their attention.

Employers can be vicariously liable for any negligent act of their employees in carrying out their duties, so it is important that employees are trained and know what is expected of them.

DATA PRIVACY

Employers have a duty to fairly and lawfully handle and use personal data, whether that information relates to an employee, a contractor, a customer or any other person. Broadly, this means that:

- data must be obtained only for specified lawful purposes and not be used in a manner which is incompatible with those purposes;
- data must be adequate, relevant and not excessive;
- data must not be kept for longer than is necessary;
- appropriate security measures must be taken to prevent unauthorised or unlawful access or use of or destruction or damage to personal data; and
- data must not be transferred outside the European Economic Area unless specified protections are in place.

There are additional, more onerous, requirements in relation to sensitive personal data, which relates to an individual's race, political opinions, health, sexual life, religious and other similar beliefs, trade union membership and criminal record.

PROTECTION AGAINST DISCRIMINATION AND LESS FAVOURABLE TREATMENT

Employers have a duty not to unlawfully discriminate against their employees, workers or contractors on the basis of any protected characteristic. The protected characteristics are listed in the Equality Act 2010 and are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

There are separate obligations on employers not to treat workers on part-time or fixed-term contracts less favourably than their full-time or permanent counterparts and agency workers also enjoy certain protections.

CONTACT US

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The information contained in this guide is intended to be a general introductory summary of the subject matters covered only. It does not purport to be exhaustive, or to provide legal advice, and should not be used as a substitute for such advice.

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