

Chapter 1

An introduction to employment law

Learning objectives

This chapter considers the ways in which the employment relationship is regulated by both voluntary and legal measures. Having read it, you should understand:

- The nature and purpose of both voluntary and legal regulation in general
- The principles that underpin employment and discrimination law
- The relationship that can exist between voluntary and legal regulation
- The various roles of courts, tribunals and statutory agencies

Structure of the chapter

- Introduction: the role of legal and voluntary regulation; economic and political perspectives
- The nature of legal regulation and enforcement: common law; statute law; secondary legislation; European law; the European Convention on Human Rights; tribunals and courts; the role of statutory agencies; statutory codes of practice; redress
- Some underpinning principles: ethics; human rights; fairness; reasonableness; equal treatment; harmonisation; natural justice; consent and freedom

Introduction

Broadly speaking, the employment relationship is regulated by both voluntary and legal measures. Voluntary measures comprise agreements and other decisions that derive from collective bargaining, arbitration, conciliation, mediation, and grievance and discipline handling. They also include voluntarily accepted standards of good employment practice (for example, those advocated by the Chartered Institute of Personnel and Development). Legal measures are European Union (EU) treaties and directives, the European Convention on Human Rights and Fundamental Freedoms 1950, British statute law, the common law of contract and of tort, case law, statutory codes of practice and some international standards. In practice, these are not isolated sets of measures. As we shall see, voluntary and legal measures invariably interlink and influence each other.

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Introduction to Business Law Lucy Jones, 2013-06-06 Introduction to Business Law is a student centred text ideal for those new to the study of law Offering lively and readable coverage of all main topics the law is firmly rooted in the business context This text adopts a fresh approach and is packed with diagrams and examples of how the law impacts on the business world *Employment Law* Stephen Taylor, Astra Emir, 2015 Employment Law 4e provides a complete and accessible introduction to the subject with a wealth of practical activities and a unique chapter on preparing and presenting a case

Human Resource Management in a Business Context John Kew, John Stredwick, 2016-06-01 Highly accessible and student friendly Human Resource Management in a Business Context is the core text for the CIPD Level 7 Advanced module Human Resource Management in Context and is also essential reading for other undergraduate and postgraduate HR and business degrees In clear and easy to navigate chapters which consider government policy regulation the world economy and demographic and social trends this book provides the firm theoretical background that you can apply in practice Human Resource Management in a Business Context is packed with international case studies examples and activities that will actively engage you with the different areas of knowledge and allow you to work through the material step by step This edition is fully updated to include an even broader range of global case studies with extended coverage from China and India and updates to policies and legislation The online resources available have also been expanded on and now provide additional case studies and activities alongside lecturer s guides PowerPoint slides and annotated web links [Employment Relations](#) Cecilie Bingham, 2023-03-17 The second edition of Employment Relations reflects on current research and future directions in the field with a unique focus on fairness and trust It is packed with student learning features and mapped to CIPD learning outcomes at undergraduate and postgraduate level **The UK Media Law Pocketbook** Tim Crook, 2013 This concise guide to media law provides core information without patronizing those with existing knowledge or bamboozling those with little expertise Each chapter covers substantive black letter law and regulation ethics acknowledging the difference in duties and obligations between words and pictures print and broadcasting [The Concept of the Employer](#) Jeremias Prassl, 2015-03-26 Employment law has increasingly struggled to adapt to complex modern work arrangements from agency work to corporate groups This book suggests that the reason for this failure can be found in our concept of the employer which has become riddled with internal contradictions in its search for a unitary employer the counterparty to a bilateral contract through a series of multi functional tests focussed on the exercise of a range of employer functions As a result of this tension full employment law coverage is restricted to a narrow scenario where a single legal entity exercises all employer functions a paradigm far from the reality of modern labour markets characterized by a fragmentation of work from the rise of employment agencies and service companies to corporate groups and Private Equity investors These problems can only be addressed by a careful reconceptualization and the development of a functional concept of the employer The book draws on

existing models in English German and European law to develop a definition of the employer as the entity or combination of entities exercising functions regulated in a particular domain of employment law Each of the two strands of the current concept is addressed in turn to demonstrate how a more openly multi functional approach can successfully overcome the rigidities of the current notion without abandoning a coherent underlying framework It fills a crucial gap in employment law and corporate law with its analysis of the defects in our current understanding of the employer and in developing a new functional concept designed to overcome the problems identified

Employment Law David A. Cabrelli, 2010 Law Express Employment Law is designed to help you to relate all the reading and study throughout your course specifically to exam and assignment situations Understand quickly what is required organise your revision and learn the key points with ease to get the grades you need Tested with examiners and students

Employment Law Elizabeth Aylott, 2022-05-03 The updated third edition of Employment Law is a clear and practical guide to understanding the complex important system that regulates the relationship between employers and employees in the UK Understanding and applying the law effectively at work is essential for organizations Employment Law offers a complete overview of the core components that form the interactions between an organization its employees and the HR function The third edition includes the latest developments and changes in law and HR perspectives with new material on the changeability of the law equal pay and parental leave Featuring practical tools checklists case studies and real life examples Employment Law builds legal knowledge in key areas including recruitment contracts discrimination equal pay health and safety and managing the end of the employment relationship It is supported by case studies on topics such as early conciliation implied rights and diversity and inclusion and online resources including person specification templates and appraisal forms and additional references HR Fundamentals is a series of succinct practical guides featuring exercises examples and case studies They are ideal for students and those in the early stages of their HR careers

The Changing Faces of Employment Relations David Farnham, 2017-09-16 The old certainties and structures of employment relations no longer exist Compared with the golden age of labour in the mid twentieth century work and employment are more precarious employers are increasingly hostile to trade union negotiations and the share of wages in national income is falling Large scale employers in turn are using sophisticated people management techniques to motivate workers with person centred performance driven and reward based processes Drawing on a range of international data this comparative text demonstrates that whilst employment relations phenomena are nationally embedded international market forces are compelling employers to compete in product markets by reducing labour costs terms and conditions of employment and job security for their workforces In an age of transnational globalisation and free market national economic policies this textbook provides penetrating cross national cross disciplinary and theoretical analyses of the changing structures of employment relations around the world Key benefits Provides critical analyses of changing patterns of employment relations in the early twenty first century drawing upon global comparative and theoretical perspectives

Examines the changing faces of the subject in terms of academic disciplines methodological underpinnings and institutional cultural and historic settings Integrates industrial relations literature with recent studies of the HRM paradigm

Restatement of Labour Law in Europe Bernd Waas,Guus Heerma van Voss,2020-01-09 This book is part of a series which sets out a restatement of labour law in Europe Its second volume looks at atypical employment relationships in Europe Opening with a restatement the book provides comparative commentary on the question of how fixed term employment relationships part time employment relationships and temporary agency work is regulated by law in the individual states which case law of the courts must be observed in this respect and which possibilities exist for shaping such relationships on the basis of collective bargaining agreements The book goes on to systematically explore the national regulatory framework of Austria Belgium Bulgaria Croatia Cyprus Czech Republic Denmark Estonia Finland France Germany Greece Hungary Iceland Ireland Italy Latvia Lithuania Luxembourg Malta Montenegro Netherlands North Macedonia Norway Poland Portugal Romania Russia Serbia Slovakia Slovenia Spain Sweden Switzerland Turkey and the United Kingdom In this area which is largely shaped by EU law in many countries the commonalities and differences with regard to the relevant regulatory issues are examined This important new project provides the definitive survey of labour law in Europe today **Routledge**

Library Editions: Transport Economics Various,2021-07-29 This set of previously out of print titles is an essential reference collection on the topic of transport economics Providing in depth analysis on a variety of aspects including the economics of the airfreight shipping and rail industries it also examines the economics of road transport and more focused areas such as containerisation **Employment Relations** Ed Rose,2004 This second edition traces the changes that have taken place within the employment relationship since 1999 mainly within the UK but also where relevant in relation to the European Union member states

The Strategic Managing of Human Resources John Leopold,Lynette Harris,2009 Starting from the premise that managing human resources strategically is crucial for long term organizational success this work is essential reading for both future line managers as well as specialist Human Resource Managers **Encyclopedia of Human Resource Management** Adrian Wilkinson,Stewart Johnstone,2016-01-29 The Encyclopedia of Human Resource Management is an authoritative and comprehensive reference resource with almost 400 entries on core HR areas and key concepts From age discrimination to zero hours contracts each entry reflects the views of an expert and authoritative author The terms included vary from singular concepts such as performance appraisal and industrial conflict to organisational behaviour terms including organisational culture and commitment and broader management terms such a resourcing and management development Each entry provides a list of references and further reading to enable the reader to gain a deeper awareness and understanding of each topic This book is an ideal companion to a standard HRM textbook and both undergraduate and postgraduate students will find it to be of value It will also be useful for academic researchers HR practitioners and policy specialists looking for a succinct expert summary of key HR concepts Employment Law Malcolm

Sargeant, David Lewis, 2008 *Employment Law* is an approachable textbook for law students studying all aspects of employment law and the employment relationship for the first time. The influence of the European Union and real world practical considerations are emphasised throughout providing valuable context for this exciting and rapidly developing area of the law.

Employment Law John G. Duddington, 2003 This guide to employment law offers a comprehensive coverage of the field providing critical commentary and the context necessary to a proper understanding of the field.

England's Great Transformation Marc W. Steinberg, 2016-04-04 Marc W Steinberg throws a wrench into our understanding of the English Industrial Revolution largely revising the thesis of Karl Polanyi's landmark *The Great Transformation*. The conventional wisdom has been that in the 19th century England quickly moved toward a modern labour market where workers were free to shift from employer to employer in response to market signals. Expanding on recent historical research Steinberg finds to the contrary that labour contracts centred on insidious master servant laws allowed employers and legal institutions to work in tandem to keep employees in line.

Introducing Human Resource Management Margaret Foot, Caroline Hook, 2008 This four volume edition of the Arabic text of the Journey of the Moroccan traveller Ibn Battuta 1304-68/9 with a French translation was published in 1853/8 as part of the *Collection d'ouvrages orientaux* of the French Soci t  Asiatique. In 1325 Ibn Battuta who came from a family of Islamic jurists in Tangier set out to make the pilgrimage to Mecca the beginning of a journey that would last for twenty four years and take him as far as China. In Volume 1 he describes his departure from Tangier and his journey via Tunis to Egypt where he travelled to Cairo planning to reach a Red Sea port and sail to Arabia. The route was closed so he returned to Cairo and travelled from there to Damascus taking in the holy places of Palestine en route. Having finally reached Medina and Mecca he decided to travel on to Najaf in present day Iraq.

Young People and Work Assoc Prof Janis Bailey, Assoc Prof Paula McDonald, Dr Robin Price, Professor Barbara Pini, 2013-01-28 This edited book brings together empirical studies of young people in paid employment from a variety of disciplinary perspectives and in different national settings. In the context of increasing youth labour market participation rates and debates about the value of early employment it draws on multi level analyses to reflect the complexity of the field. Each of the three sections of the book explores a key aspect of young people's employment: their experience of work; intersections between work and education and the impact of other actors and institutions. The book contributes to broadening and strengthening knowledge about the opportunities and constraints that young people face during their formative experiences in the labour market. This book will be required reading for all those working in the fields of sociology, employment relations and education.

Vulnerability and the Legal Organization of Work Martha Albertson Fineman, Jonathan W. Fineman, 2017-07-06 This book uses the concepts of vulnerability and resilience to analyze the situation of individuals and institutions in the context of the employment relationship. It is based on the premise that both employer and employee are vulnerable to various social, economic and political forces although differently so. It demonstrates how in

responding to those complementary institutional relationships of employer and employee the state unequally and inequitably favors employers over employees Several chapters included in this collection also consider how the state shapes creates and maintains through law the social identities of employer and employee and how that legal regime operates as the allocation of power and privilege This unique and fundamental role of the state in defining the employment relationship profoundly affects the respective abilities and degree of resiliency of actual employers and employees Other chapters explore how attention to the respective vulnerability and resilience of those who do and those who direct work in assessing the employment relationship can raise fundamental questions of social justice and suggest new avenues for critical engagement with labor and employment law Collectively these pieces articulate a framework for imaging what would constitute an appropriately Responsive State in the employment context and how those interested in social justice might begin to use the concepts of vulnerability and resilience in their arguments

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