
Huddersfield Textile Training Ltd



Apprenticeship Employment Rights and Responsibilities (ERR) Workbook

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How to use this Workbook

This Induction Workbook has been produced to ensure that you are aware of and understand your own Employment Rights and Responsibilities (ERR) as an Apprentice.

As you work through this Induction Workbook you will need to be clear about your own understanding of your occupation, the industry in which you work and the sector in which your organisation is located.

This workbook is designed to help you to know and understand your statutory rights and responsibilities, as well as those of your company and the industry as a whole. Much of this will also be covered by your chosen competency and knowledge qualifications and you may also have covered some of them as part of your initial company induction training. This workbook should reinforce what you have already learnt, as well as fill in any gaps that there may be.

Statutory Rights and Responsibilities

All Apprentices need to know that employers and employees have a range of statutory responsibilities and rights under Employment Law and that employment can be affected by other legislation as well.

Contracts of Employment



There is always a contract between an employee and employer. You may not have anything in writing, but a contract will still exist. This is because your agreement to work for your employer and your employer's agreement to pay you for your work forms a contract.

A contract gives both you and your employer certain rights and obligations. The most common example is that you have a right to be paid for the work you do. Your

employer has a right to give reasonable instructions to you and for you to work at your job. These rights and obligations are called contractual terms.

The rights that you have under your contract of employment are in addition to the rights you have under law, such as, for example, the right to a national minimum wage and the right to paid holidays.

Employee's right to written details about the employment contract

All employees, regardless of the number of hours they work per week, are entitled to receive a written statement from their employer within two months of starting work. The statement should describe the main terms of the contract of employment. You are entitled to the statement even if your job finishes before the initial two months, as long as the job was supposed to last for more than one month and you have worked for at least a month.

An employee who wants a written statement may request one verbally or in writing. It is usually best to request the statement in writing and keep a copy of the letter, so that you can prove you asked for the statement.

What written details must be given?

The written statement must include by law:

- ❖ the names of you and your employer
- ❖ the date you started work
- ❖ the amount of pay and how often you will be paid, for example, weekly or monthly
- ❖ the hours of work
- ❖ your holiday entitlement, including how many days off you are entitled to and what your holiday pay will be, if any
- ❖ how much warning (notice) you are entitled to, if you are dismissed and how much warning (notice) you must give the employer if you want to leave the job
- ❖ the title of the job
- ❖ where the job is based, for example, whether you will have to work in more than one location
- ❖ what the disciplinary and grievance procedures are in the workplace
- ❖ what sick pay you are entitled to
- ❖ whether you can join the employer's occupational pension scheme, if there is one.

The above information does not have to be included in the written statement of terms and conditions. It can be given in, for example, a staff handbook which all the employees can have access to.

An employer may try to dismiss you for asking for the written terms and conditions of your job, even though you are entitled to this information by law.

If you think that your employer may dismiss you if you ask for the written statement of terms and conditions, you should consult an experienced adviser, for example, at a Citizens Advice Bureau.

What you need to know:

- ❖ How an employer and employee (you) are governed by the terms and conditions contained within a contract of employment.
- ❖ Employment contracts are legally binding on both the employer and employee and serve to protect each other's rights and responsibilities.
- ❖ A contract of employment comes into force as soon as a firm offer of employment has been made and accepted, even if agreement has only been verbal e.g. at an interview.
- ❖ By law (Employment Rights Act 1996) all employees are entitled to a written statement of the key terms and conditions of their employment within two months of starting work, providing the contract is to last for more than one month.
- ❖ Employment contracts may be open-ended (permanent), for temporary periods of employment or for fixed-terms; or for full or part-time work.
- ❖ Changes to employment contracts must be made following procedures, which are designed to protect the employee from unfair treatment and ensure consultation on the nature of any changes proposed.
- ❖ Termination of an employment contract is governed by rules and rights, which protect the employee and employer from unfair treatment.
- ❖ Codes of practice exist in case of any conflicts between an individual employee and their employer. These are laid down in the organisation's grievance procedures.
- ❖ Employees who believe they have been dismissed or otherwise treated unfairly have the right to take their case to an independent Employment Tribunal, providing certain rules are met about how long they have been employed, and the procedures that have been followed by their employer.
- ❖ Some people are self-employed. They have different rights and responsibilities with regard to their entitlement to a range of statutory benefits. If they offer a service (e.g. plumbing, gardening, and accountancy services) they enter into a different kind of contract with the person or organisation for whom they carry out any work. This is governed by different legislation.



What you should know:

- ❖ Your own contract of employment and/or written terms and conditions statement.
- ❖ The grievance procedures that should be followed in your own workplace
- ❖ Who the contract is between (usually you and a named company)
- ❖ A start date
- ❖ An end date, if temporary.
- ❖ Other benefits such as pensions, health care and bonus schemes
- ❖ What information you have on your pay slip, how much you are paid and how often, and by what method, what tax and national insurance is paid (deductions).



Working Hours and Holiday Entitlements

What you need to know:

- ❖ There are working time regulations (Working Time Directive and Working Time Regulations 1998), which apply to all employers in the UK, regardless of sector or organisation size. They set rules about the amount of time that employees can work and the amount of rest time to which you are entitled. This will include time spent on off-the-job training, which you are required to do by your employer. They are enforced by Employment Tribunals combined with inspections by the Health and Safety Executive.
- ❖ There are special provisions which limit the hours that Young Workers aged 16 to 17 can work.
- ❖ Some employees are excluded from these provisions, and there are some situations, which may be exempt from different parts of the provision. For example with regard to 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.
- ❖ Both employees and employers have legal rights and responsibilities about the amount and timing of holidays taken from work.
- ❖ There are legal rights to time off work for public duties and other functions, not all of which need be paid for by the employer.
- ❖ There are specific rights and responsibilities that apply in the case of maternity and parental leave.



What you should know:

- ❖ The working hours for your role and rest periods to which you are entitled.
- ❖ Steps you should take to request a period of time off work and the organisation's rules that apply to time off work for different reasons.



Question 1

List three items that appear on your pay slip and explain briefly what they mean

1:

2:

3:

Question 2

1: *How many hours are you contracted to work in a normal week?*

2: *What break times are you allowed?*

3: *Do you get paid overtime for working above these hours?*

Question 3

List 10 items that should appear in a contract of employment

1:

2:

3:

4:

5:

6:

7:

8:

9:

10:

Question 4

If you have a grievance, who should you go to? AND what are your company's discipline and grievance procedures?

Name:

Job title:

Discipline and grievance procedures:

Question 5

Who do you need to contact to request time off work?

Name:

Job Title:

Question 6

How many days paid holiday are you entitled to?

Equality and Diversity

What you need to know:

- ❖ There is a statutory right to a prescribed level of sick pay by which all employers must abide by. Some employers go beyond this and pay additional entitlements if employees are unwell.
- ❖ There are rules about who can claim Statutory Sick Pay which relate to how old the employee is, how much they earn and whether they have or are claiming any other form of statutory benefit e.g. statutory maternity pay or incapacity benefit.
- ❖ Employees are allowed by their employers to “self-certificate” the first few days of their sickness without the need to get a certificate from their local doctor. However, these arrangements may vary from employer to employer.
- ❖ Should you become a parent, you will be entitled to a period of maternity, paternity and/or paternal leave, which can be paid or unpaid.
- ❖ Employers cannot automatically dismiss a woman because she is pregnant and the entitlement to maternity leave does not depend on how long the woman has worked for the employer.



Provision for rights for pregnant employees are outlined in the Maternity and Parental Leave Regulations 1999. These Regulations were made under the Employment Relations Act 1999, which came into force on 15 December 1999.

What you should know:

- ❖ Organisational sick pay arrangements relevant to your occupation.
- ❖ The rules about how and when you must notify your employer if you are unable to come to work because of ill-health, and the implications of not following these.



Question 7

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

(For example, do you need to contact your place of work before a specific time on your first day of absence?)

Question 8

Do you need to complete/supply any documentation and if so what?

Question 9

Who are you are required to contact?

Equality and Diversity

'The right to education is a universal human right set out by the United Nations. In the UK, that right is now seen as a right to an effective education. In other words, that doesn't just mean having an opportunity to go to school. It means that education and training providers should take account of Apprentices' circumstances and needs in helping them to fulfil their potential. Under British anti-discrimination legislation, you also have the right not to be discriminated against when you are at school, college, university or any other place of learning or training. *Equality and Human Rights Commission*

As Apprentices, we hope this information will give you a better understanding of what Equality and Diversity means, including an understanding of your right to fair treatment whatever your background. People see themselves as being identified by a number of factors that included race, religion, class, ability, sexuality and their age.

As Apprentices, you want to choose the right course and do well at college. You will want to be able to learn in a pleasant, welcoming environment, be respected and supported, be able to socialise and make friends and, if you do have a problem, know who to go to for advice. An understanding of and commitment to 'Equality and Diversity' by learning providers/colleges will help to ensure you have a positive learning experience.

Equality of Opportunity

Since the 1960s committed individuals and organisations have campaigned to highlight the unequal way people are treated and resources are allocated to individuals in health, education, jobs, pay and employment. The resulting changes in the law have attempted to create what is known as 'a level playing field' in which people get access to resources based on their rights and needs regardless of their race, culture, age, religion, colour, marital status, gender, sexuality or disability. How equal opportunities are applied is governed by law and overseen by organisations like the Equality and Human Rights Commission. The Commission 'champions equality and human rights for all, working to eliminate discrimination, reduce inequality, protect human rights and to build good relations, ensuring that everyone has a fair chance to participate in society.' Young people we talked to thought that larger organisations like local authorities, the Police and Prison Services had good Equal Opportunities policies, but that this is not replicated in smaller organisations and therefore a lot needs to be done with these employers.

Equality

Equality is about treating people fairly and ensuring everyone is given a fair chance. Sometimes people think equality is about treating everyone the same. However, treating everyone in the same way can lead to indirect discrimination (see discrimination). Equality recognises that people have many different needs that have to be met in different ways, for example a disabled person who uses a wheelchair would be excluded from taking a job in a building that had no wheelchair access.

Diversity

Diversity is about valuing difference between individuals and groups of people. Diversity welcomes these differences rather than trying to get rid of them. It is only where diversity is recognised and celebrated that there can be real equality.

Discrimination

The dictionary definition of discrimination is 'to distinguish difference between, judge between.' Discrimination is about people being thought of as having different worth or value, being treated differently or given fewer opportunities because of their identities. There are different types of discrimination:

- ❖ **Direct discrimination** – this happens when one person is treated less favourably than another person would be treated in the same circumstances e.g. refusal to give a learner a work placement because of their sex, race or disability.
- ❖ **Indirect discrimination** – this happens when a requirement is applied equally to everyone but has the effect of excluding one group of people more than another. For example, if you're learning provider were to introduce a requirement that all Apprentices had to be at least six feet tall, this would exclude more women than men from training. It would discriminate against women.
- ❖ **Institutional discrimination** – this happens when the way an organisation works or is structured leads to unequal access or unfair treatment. All organisations have a responsibility to examine the way they work to reduce the chances of this happening. For example if a college put on a course at a venue that could not be reached easily by public transport this would favour people with cars and discriminate against those who cannot drive and those who cannot afford a car.
- ❖ **Individual discrimination** – this occurs when an individual makes a decision which is based on prejudice against an individual because they are from another group. For example an individual may decide a British Asian applicant for a job will not speak English as well as a white candidate.
- ❖ **Victimisation** – this occurs when a person is singled out because they have used college or workplace complaints procedure or used the law to challenge treatment they have received. For example this could be if someone used the Sex, Race or Disability Discrimination Acts because they felt they have received unfair treatment just because of their gender or race or because of a disability they may have.

Identity

There are lots of ways the word identity is used but here identity is how people see and label themselves as members of particular groups or subgroups. This may be influenced by your race, gender, sexuality, religion and even by circumstances that have a big impact on your life such as whether you have a home, 'are looked after' or employed. You may identify yourself by the music you like, the places you go and where you have come from. Unfortunately people can be discriminated against, bullied and harassed because of their identity. Most of us do not have just one identity.

Harassment

The dictionary definition of harassment is 'Aggressive pressure or intimidation.' Harassment is very difficult to define because it can take many forms. It can be directed at an individual or a group. It is the effect that it has on an individual that is important, not the intention of the harasser. Whatever form the harassment takes it is unwelcome and unwanted and is both stressful and intimidating for the victim.

Harassment examples may include:

- ❖ Verbal abuse or taunting.
- ❖ Racist and/or sexist comments or jokes.
- ❖ Unwanted physical contact.
- ❖ Ignoring someone.
- ❖ Unfair allocation of work.
- ❖ Display or circulation of offensive materials/books etc.
- ❖ Intrusive questioning about ethnic origin.
- ❖ Unnecessary references to sex.

Bullying

Bullying is also a form of harassment and can mean many different things. These are some ways children and young people have described bullying:

- ❖ Being called names.
- ❖ Being teased.
- ❖ Being pushed or pulled about.
- ❖ Being hit or attacked.
- ❖ Having your bag and other possessions taken and thrown around.
- ❖ Having rumours spread about you.
- ❖ Being ignored and left out.
- ❖ Being forced to hand over money or possessions.
- ❖ Being attacked or teased or called names because of your religion or colour.
- ❖ Being attacked or teased or called names because of your sexuality.

So what can YOU do?

Most of the people we talked to had witnessed or experienced bullying, harassment and discrimination because of their or others' identity or identities. So what can you do to help yourself and others? Here are a few basic ideas:

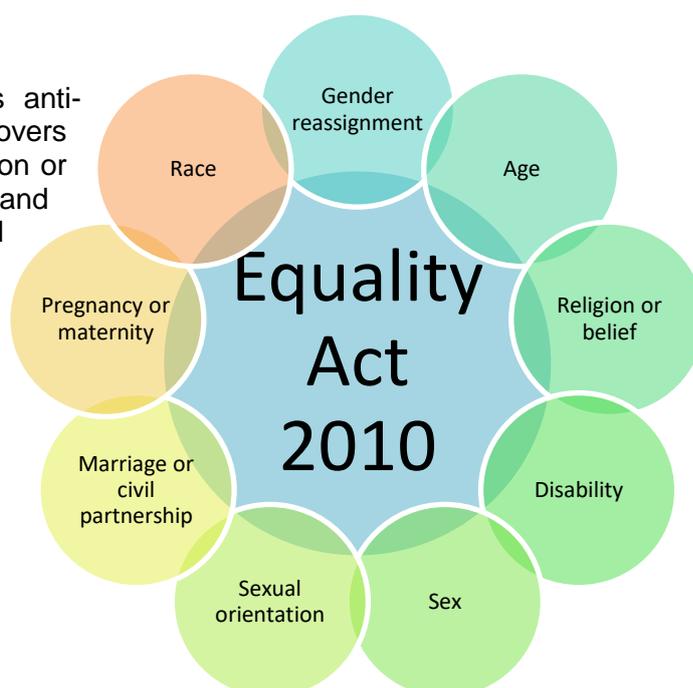


- ❖ Know your rights! Hopefully this booklet will have given you information about laws that can protect you, but your college, training provider and employer should have anti-bullying or grievance procedures that you can look up. They would usually be in a student handbook or your company's handbook, along with useful contacts.
- ❖ Unless you feel personally threatened, you should show people who express views or use language which are racist, sexist or homophobic (for example) that you do not agree with them.
- ❖ Offer support to someone who is being bullied or harassed. Encourage other friends to support them. Encourage them to report it, or report it yourself.
- ❖ Keep a note of incidents – where it happened, who was involved, what happened. This is useful evidence if you decide to take the matter further.

Anti-discrimination legislation

The Equality Act 2010 combines previous anti-discrimination legislation into one act, and covers race, sex, sexual orientation, disability, religion or belief, gender reassignment, pregnancy and maternity, marriage & civil partnership and age. It protects against discrimination, harassment and victimisation. The sex discrimination aspect of the law relates to all types of UK organisations, and covers:

- ❖ recruitment
- ❖ employment terms and conditions
- ❖ pay and benefits
- ❖ training
- ❖ promotion and transfer opportunities
- ❖ redundancy
- ❖ dismissal



Everyone has the right to receive equal pay for work of the same value regardless of whether they are a man or woman. All aspects of employment (or prospective employment) are protected from age discrimination, including:

- ❖ recruitment
- ❖ employment terms and conditions
- ❖ promotions and transfers
- ❖ training
- ❖ dismissals

All training and promotion opportunities should be publicised to all employees and open to everyone on a fair and equal basis regardless of age.

Employers cannot discriminate against workers because of a physical or mental disability or fail to make reasonable adjustments to accommodate a worker with a disability. The Equality Act 2010 covers the following in relation to disability:

- ❖ application forms
- ❖ interview arrangements
- ❖ aptitude or proficiency tests
- ❖ job offers
- ❖ terms of employment including pay
- ❖ promotion, transfer and training opportunities
- ❖ work-related benefits such as access to recreation or refreshment facilities
- ❖ dismissal or redundancy
- ❖ discipline and grievances

Anti-discrimination law also protects employees who have made a complaint or intend to complain about unfair treatment. European Union (EU) anti-discrimination law has been adopted across all member states, including the UK. Just as in the UK, if you employ anyone within the EU, you must make sure that you do not discriminate against them because of their racial or ethnic origin, religion or belief, disability, age, or sexual orientation. This means:

- ❖ giving everyone in your company equal treatment at work and access to training
- ❖ making sure that disabled people can work comfortably
- ❖ providing equal access to employment
- ❖ having an equal pay system

You will need to know about the Equal Opportunities policies and procedures in your workplace and any exemptions from the law, which is relevant to your occupation.

Areas of Equality

Despite this, the experience of young people is that the way we identify ourselves or are identified by others has an impact on the treatment and opportunities we receive. Each of the following sections covers an area which can be both the way certain groups in society identify themselves or are identified by others, for example by their race or sexuality.

The 'areas of equality' we set out in this section cover a range of groups and identities which can result in people being discriminated against, bullied and harassed. A number of them are covered by legislation that makes it illegal to discriminate on those grounds and places a duty on authorities to ensure that they promote equality of opportunity and eliminate discrimination and harassment. You will find information about the legislation under 'Equality Legislation.'

Gender

'It is against the law to treat someone unfairly because of her or his sex, or transgender status. The Sex Discrimination Act (SDA) and Equal Pay Act can protect you from being treated unfairly from day one in any aspect of your training or post-school education. You are protected from discrimination in careers advice, vocational training, further or higher education, recruitment, employment and pay.'

So what is the difference between 'gender' and 'sex'? Sex refers to your biological characteristics and is usually decided at birth. What is the first question people usually ask about a new baby? Gender is about your identity in terms of your sense of yourself as male or female and is determined socially through society's expectations of us, for example in how we dress and behave, or even which jobs and careers we choose.

The Sex Discrimination and Equal Pay Act also protects people from being unfairly treated because of their transgender status. Transgender is a term applied to people who identify their gender as the opposite to their biological sex. Transsexuals are people who have had surgical and/or hormonal treatment to change their appearance to be in line with their gender identity.

Race

'The 1976 Race Relations Act is concerned with people's actions and the effects of their actions, not their opinions or beliefs. Racial discrimination is not the same as racial prejudice. It is not necessary to prove that the other person intended to discriminate against you: you only have to show that you received less favourable treatment as a result of what they did. Under the Race Relations Act, it is unlawful for a person to discriminate on racial grounds against another person. The Act defines racial grounds as including race, colour, nationality, ethnicity or national origins.' There are a number of definitions of race based on physical characteristics, such as skin colour, or based on common history, nationality or geographical distribution. When we think about race, we usually think about racism and racial discrimination.

According to the Oxford English Dictionary, racism is '*The belief that all members of each race possess characteristics, abilities, or qualities specific to that race, especially so as to distinguish it as inferior or superior to another race or races.*' The term 'racial discrimination' shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.'

Sexual Orientation

The Commission for Equality and Human Rights defines sexual orientation 'as the general attraction you feel towards people of one sex or another (or both). Most people are generally attracted to:

- ❖ people who are the same sex as them
- ❖ people who are the opposite sex to them, or
- ❖ people of both sexes.

Same-sex attraction is called homosexuality. Men and women who are homosexual are usually called either 'gay' (for men) or 'lesbian' (for women). Opposite-sex attraction is called heterosexuality. People who are heterosexual are usually called 'straight.' Both-sex attraction is called bisexuality. 'Bisexual', or occasionally just 'bi', are used to describe people who are attracted to both sexes.' However, many people in the Lesbian and Gay community think that the word homosexual has very negative associations and that we should use lesbian, gay or bi to describe them. Many people in Britain are subject to hatred and verbal and physical violence or live in fear because of their sexual orientation, even though there are more and more openly gay, lesbian and bi people in public life, including politicians, actors and sportsmen and women, and many more gay and lesbian characters in popular soaps and drama series. This hatred is usually referred to as homophobia.

Religion and Belief

Under human rights and anti-discrimination legislation, you have the right to hold your own religious beliefs or other philosophical beliefs similar to a religion. You also have the right to have no religion or belief. Under British anti-discrimination and human rights legislation, you are also entitled to practise your religion or belief, express your views and get on with your day-to-day life without experiencing threats or discrimination.

Social Class

Your 'social class' may be determined by how wealthy you or your family are, whether you or your parents are employed and what kind of work they do, where you live and your educational achievements. In Britain, we used to talk about the upper class (aristocrats and land owners), the middle class (professionals such as doctors and teachers) and the working class (skilled and unskilled manual workers), with the upper classes being the wealthiest and therefore having the most power. Although some of these distinctions have become blurred, many people in Britain live in relative poverty, which has a negative effect on access to education, health care, good housing and job opportunities. You may also experience harassment and discrimination because of the way you look – you may not be able to afford fashionable clothes, iPods etc.

Sex Discrimination

An employer cannot discriminate against you because:

- ❖ of your sex
- ❖ you are married or a civil partner
- ❖ you have gone through, are going through or intend to go through, gender reassignment (this means someone who changes their sex under medical supervision)

Positive Action

In some circumstances, the law allows an employer concessions, that may encourage or offer support specifically to men or women (called 'positive action'). For example, an employer who has no women managers might offer some training in management skills only to women or encourage them to apply for management jobs. In some cases, a job can be offered to someone of a particular sex, because of what is called a 'genuine occupational qualification'. Examples could include:

- ❖ some jobs in single-sex schools
- ❖ jobs in some welfare services
- ❖ acting jobs that need a man or a woman

What you should know:

- ❖ Equal Opportunities policies and procedures in your workplace.
- ❖ The steps which you should take if you experience or witness discrimination and bullying at work.



Question 10

Identify the legislation that exists to protect you against harassment in the workplace.

Question 11

List 5 types of harassment

1:

2

3:

4:

5:

Question 12

Does your company have an Equal Opportunities Policy and if so, where is it located?

Question 13

What steps would you take if you experienced or witnessed discrimination or bullying at work?

Question 14

Give three examples of aspects that are covered by sex discrimination law.

1:

2:

3:

Question 15

Give two examples when sex discrimination does not apply.

1:

2:

Age discrimination

Under the Equality Act 2010, you cannot be denied a job, equal chance of training or promotion based on your age, nor can you be harassed or victimised because of it. The act applies to all employers, private and public sector, the voluntary sector, vocational training providers, trade unions, professional organisations and employer organisations. However, some work activities can only be undertaken by a person over a minimum age. Employers can't discriminate on the basis of age during recruitment. Your skills should be considered rather than your age. Job descriptions should not refer to age (either specifically or by using language that implies an age, such as 'mature' and 'young' or 'energetic') unless this can be justified. Experience, skills and ability should be considered when these are equivalent to qualifications.

According to the law, it is not permitted on the grounds of age to:

- ❖ discriminate directly against you – that is, to treat you less favourably than others because of your age - unless it can be objectively justified
- ❖ discriminate indirectly against you – that is, to apply a practice which would disadvantage you because of your age unless it can be objectively justified
- ❖ subject you to harassment. Harassment is unwanted conduct that violates your dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment
- ❖ victimise you because you 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 grounds of age
- ❖ discriminate against you, in certain circumstances, after the working relationship has ended.

Question 16

Name three aspects of employment relating to age that fall under the protection of the Equality Act 2010.

1:

2:

3:

Disability discrimination

The Equality Act 2010 makes it unlawful to:

- ❖ discriminate directly against you – that is, to treat you less favourably than others because of your disability, or because of something connected with your disability, or because you are associated with (e.g. care for) someone with a disability
- ❖ discriminate indirectly against you – that is, to apply a practice which would disadvantage you because of your disability unless it can be objectively justified
- ❖ subject you to harassment. Harassment is unwanted conduct that violates your dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment
- ❖ victimise you because you 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 grounds of disability
- ❖ ask questions, except in certain circumstances, about your health before offering you a job

Disability

The Disability Discrimination Act (DDA) defines a disabled person as someone who has a physical or mental impairment that has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities. However, many people would argue that it is not the impairment that disables the person, but the environment and society's attitude to them. The UK Council of Disabled People believes that 'the position of disabled people in society is a human and civil rights issue and that society must be changed to allow our full inclusion. We believe that our disability arises from society's negative treatment of us; it is not an inevitable consequence of our impairments. So equality is possible and can be achieved through removing the barriers to our social inclusion.

Public buildings and spaces usually have ramps, lifts, accessible toilets, signs in braille etc. However, access to many places non-disabled people take for granted may be impossible for disabled people, especially wheelchair users. For example, many bars, pubs and restaurants have steps at the front and toilets up or downstairs; tables are close together, so it is difficult to manoeuvre and lighting is often poor.

Question 17

Give three examples of disability discrimination

1:

2

3:

Data Protection, GDPR and Access to Personal Information



The Data Protection Act 2018 (DPA 2018) provides protection for personal data in both paper and electronic formats, of 'living individuals'. Organisations collecting such information for any purpose; must ensure that it is up to date and accurate and may not keep that information for longer than it is necessary or share that information with anyone else without the prior consent of that individual who's information it is. (The data subject).

Any organisation collecting such data is termed the data controller and whose job it is to maintain control of collected data. The data must not be accessed unlawfully and controls such as encryption, regular data back-ups and staff training in data protection are essential. There are additional conditions relating to more sensitive information such as, ethnicity, sexuality, religion, criminal records etc.

The data subject has certain rights under the Act these include: -

- ❖ The provision of a copy of all data held, on request.
- ❖ To know the purpose for which data is intended to be processed
- ❖ To have changed or erased inaccurate information held in specific circumstances.
- ❖ To prevent use for the purposes of direct marketing

What you need to know:

- ❖ There are a range of principles, which govern what sort of information it is acceptable to collect, how it should be processed, how inaccuracies should be dealt with, who should have access to it and the protection that should be in place to ensure that no unauthorised person gains access to it.
- ❖ Who you report to on matters to do with your personnel record and the procedure to follow to report any changes in their circumstances.
- ❖ What type of information is in your personnel record and who has access to it.



You will need to know who to inform if you have a change of circumstances such as address change or change of name. You also need to know what information is kept about you and who has a right to see that information.

Question 18

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.

1:

Report to whom:

2:

Report to whom:

3:

Report to whom:

Question 19

List 3 rights that you have in relation to personal data?

1:

2:

3:

Health & Safety

The Health & Safety at Work etc. Act 1974 (HASAWA) came in to being in 1974 and amalgamated a lot of prior health and safety legislation in to one Act. The Act, basically, comprises of well over a hundred sets of regulations ranging from the Management of Health & Safety Regulations 2003 (Management Regs.); The Control of Substances Hazardous to Health Regulations 2010 (COSHH); Ionising Radiations Regulations 2004 to Health and Safety (First Aid) Regulations 2010 (First Aid Regs.). What the Act does, is to group all health and safety under this one 'umbrella', the HASAWA.



As technology and industry develop, the Act also develops, with updated and completely new sets of regulations being brought into existence through the Health & Safety Commission via Parliament. What the law says is that if a set of regulations apply to you then you must follow those regulations.

Therefore, regulations such as the Management Regs, COSHH Regs, and First Aid Regs apply to every organisation in the country, however, unless you use radioactive substances or generate ionising radiation (X-rays etc.) the Ionising Regulations do not apply to you and can be ignored.

'Your employer has a duty to ensure, so far as is reasonably practicable, your health, safety and welfare at work.'

In general, your employer's duties include:

- ❖ Making your workplace safe and without risks to health
- ❖ Ensuring plant and machinery are safe and that safe systems of work are set and followed
- ❖ Ensuring articles and substances are moved, stored and used safely
- ❖ Providing adequate welfare facilities
- ❖ Giving you the information, instruction, training and supervision necessary for your health and safety

As an employee you have legal duties too. They include:

- ❖ Taking reasonable care for your own health and safety and that of others who may be affected by what you do or do not do
- ❖ Co-operating with your employer on health and safety
- ❖ Correctly using work items provided by your employer, including personal protective equipment, in accordance with training or instructions
- ❖ Not interfering with or misusing anything provided for your health, safety or welfare.'

At the heart of all health and safety is 'Risk Assessment'. The following terms need to be understood when dealing with 'Risk Assessment'

- ❖ **Hazard:** - Anything with the potential to cause harm
- ❖ **Risk:**- The likelihood that that hazard will actually cause harm
- ❖ **Control measure:** - Anything that can be put in place that will limit the danger of injury from a hazard. (A physical machine guard, a piece of personal protective equipment, a written procedure, a sign, etc.)

The HASAWA requires that adequate risk assessment is carried out in all areas of working life and adds that the significant findings must be recorded and staff informed of those findings. These risk assessments should clearly identify all hazards in any job or working environment and which in turn should help identify the necessary control measures needed to keep you safe. The 'risk assessment' principle is in use within all regulations of the HASAWA.

In work based learning and in apprenticeships in particular it is essential that Health and Safety issues are addressed and understood.

What you need to know:

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



Some of these are:

- ❖ Employers must safeguard as far as is reasonably practicable, the health, safety and welfare at work of all the people who work for them. This applies in particular to the provision and maintenance of a safe plant and safe systems of work and covers all machinery, equipment and substances used.
- ❖ People at work (employees) have a duty to take reasonable care to avoid harm to themselves or to others by their work activities, and to co-operate with employers and others in meeting statutory requirements. Employees must not interfere with or misuse anything provided to protect their health, safety or welfare.
- ❖ There are many health and safety regulations and codes of practice, which relate to different kinds of work and different sorts of workplaces.
- ❖ There are specific health and safety requirements relating to the employment of young people.

You will need to know about the specific health and safety regulations, which apply to your workplace and job and the equipment you use. You will also need to know about the measures put in place by your employer to provide protection for you and others, the name of the person who is responsible for health and safety in your workplace and your personal responsibilities. This should be covered as part of your qualification.

What you should know:

- ❖ The specific health and safety regulations, which apply to your workplace and job.
- ❖ The measures put in place by your employer to provide protection for you and others against any risks arising from the work carried out, the environment or the tools, materials or equipment used.
- ❖ How you help to keep yourself and others safe in the workplace and how your work complies with those requirements.



Question 20

What is the main piece of legislation that covers health and safety?

List three sets of regulations that apply to you at work.

1:

2:

3:

Question 21

Give three examples of health and safety requirements and explain why they apply to you and/or your workplace.

1:

2:

3:

Question 22

What is a hazard, a risk and a control measure?

Hazard:

Risk:

Control Measure:

Question 23

Name the two nearest first aiders AND supply their location and job titles.

Name:

Job title/Location:

Name:

Job title/Location:

Safeguarding of Learners and Every Learner Matters

All the assessors working with Huddersfield Textile Training Limited (HTTL) are checked with the Criminal Records Bureau. These checks are recorded by the Managing Director and held centrally.

In their report on their inspection visit to HTTL, OFSTED recognised that learners felt safe with us. There are a number of checks that we have in place to ensure that this high standard can be maintained.

- ❖ If your employer is a company new to HTTL we will visit and carry out a Health & Safety pre-vetting check to ensure that the environment meets appropriate standards. Safety at work will be reviewed as part of your journey of learning.
- ❖ At the start of funded learning, your next of kin details are obtained. Contact is made with parents and carers should an accident or any other issue relating to safeguarding occur.
- ❖ You will receive Health & Safety training at induction and this is reinforced via regular review visits in company and throughout the NVQ process
- ❖ Regular visits are made to employer premises to carry out learner reviews with you. At these checks, you will be asked about safeguarding activities such as bullying in the workplace.

- ❖ During your journey of learning we will share with you information that is designed to help ensure your safety and well-being. This might be via our Health & Safety representative, our Every Learner Matters champion or your assessor / trainer.

Your safeguarding champion is Peter Charlesworth who can be contacted on 01484 346500.

What you need to know:

Every Child Matters is a shared programme of change to improve outcomes for all children & vulnerable adults. It drives forward the Government's vision of radical reform for children, young people, vulnerable adults & families.

It aims to raise awareness of legislation surrounding vulnerable groups and how these policies can be applied in practice. It covers issues such as type of abuse that can occur and how to spot them, developing a safeguarding culture and creating a safe environment for individuals. We have renamed our programme Every Learner Matters because this reflects our learners – employed young people and adults.



The 5 main points of Every Learner Matters are:

- ❖ Health & Well being
- ❖ Staying Safe
- ❖ Enjoy & Achieve
- ❖ Make a positive contribution
- ❖ Achieve economic well being

Here is some information on each point:

Being Healthy	This outcome deals with all aspects of health and health promotion. Through encouraging learners to adopt healthy lifestyles and make healthy choices, the outcome will focus on how individuals make choices that affect their wellbeing, including awareness of illegal drugs use and the effects, smoking related illness and other diseases commonly attributable to young individuals.
Staying Safe	Primarily about keeping learners safe from harm both physically and emotionally. Demonstrating the support packages available to individuals to ensure they understand safety in work and social environments and how to combat and reduce dangerous practices.
Enjoying & Achieving	This outcome relates to learner enjoyment and success. It helps learners appreciate how to record success and how it can stimulate development for future success. Views received from the learner will form the basis of an action plan with which the individuals and their support mentors can demonstrate achievement.
Making a positive contribution	This outcome is linked to improving self confidence in learners to enable participation in communities and understanding the importance of community involvement and cohesion.
Achieving economic well being	This outcome relates to how well learners are prepared for the working environment and independent living. The development of skills for work and life is key, including learners' ability to manage their own finances.

'Prevent'

What you need to know:

The National Prevent Strategy, published by the government in 2011, is part of the UK's overall counter-terrorism strategy known as 'CONTEST'. The aim of the Prevent Strategy is to stop people becoming terrorists or supporting terrorism by focusing on the following 3 objectives;



1. challenging ideology that supports terrorism and those who promote it;
2. protecting vulnerable individuals from being drawn into terrorism through appropriate advice and support
3. supporting sectors and institutions where there is a risk of radicalisation

Stop Terrorists' and Extremists' Online Presence

The internet and social media give those with extreme views many opportunities to target young or vulnerable individuals.

The Counter Terrorism Internet Referral Unit put a lot of effort into removing terrorist and extremist material, but they can't do it alone.

How to report extremist materials

The police need information from you to keep us all safe, and they are asking anyone who has concerns about online content to report it.

Please report illegal terrorist information, pictures or videos you've found on the internet. Your report will be treated anonymously.

Prevent Duty

Section 26 of the Counter Terrorism and Security Act 2015 placed a statutory duty on specified authorities to have due regards to the need to Prevent People from being drawn into terrorism.

Specified authorities outlined within this duty include Local Authorities, Police Schools, Further and Higher Education, Health, Prisons and Probation.

The Prevent duty was introduced on 1 July 2015 to ensure that authorities have a consistent approach to the delivery of Prevent across the UK and to enhance efforts to prevent terrorism by responding to the ideological challenge of terrorism and dissuading people from travelling to Syria and Iraq.

The approach to Prevent

The Prevent Strategy tackles all forms of extremism and contributes towards the delivery of the "Protecting people from serious harm" theme within the Community Safety Partnership Plan. This theme requires significant collaborative working between the Community Safety Partnership and the Safeguarding Boards for Adults and Children. In common with other areas (such as Human Trafficking and Child Sexual Exploitation) within this theme, the Prevent Strategy recognises that there is no single factor to radicalisation and that vulnerabilities in individuals, along with a lack of protective factors can make an individual vulnerable to radicalisation.

What is Channel?

"Channel is a multi-agency safeguarding programme run in every local authority in England and Wales. It works to support vulnerable people from being drawn into terrorism and provides a range of support such as mentoring, counselling and assistance with employment support etc. Channel is about early intervention to protect vulnerable people from being drawn into committing terrorist-related activity and addresses all types of extremism.

If an individual is referred to Channel, participation is voluntary. It is up to the person, or their parents (for children aged 17 and under), to decide whether to take up the support it offers. Channel does not lead to a criminal record.

What you should know:

Question 24

What are 'Contest', 'Prevent' and 'Channel'?



1: 'Contest'

2: 'Prevent'

3: 'Channel'

British Values

What you should know:

- ❖ Democracy
- ❖ The rule of law
- ❖ Individual liberty
- ❖ Mutual respect for and tolerance of those with different faiths and beliefs and for those without faith.

Sources of information and advice about employment rights and responsibilities

Internal Sources

What you should know:

- ❖ The range of information made available to you by your employer on matters relating to your employment and working practice and where this can be obtained.

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
- ❖ Assessment



Question 25

Where would you find information within your organisation about:

1: *Personnel issues (e.g. annual leave entitlement)*

2: *Training opportunities (e.g. in-house training, NVQs, etc.)*

External Sources:

What you should know

- ❖ Other information sources that may be available outside the workplace, what they provide and how to use them.



You will need to know where to go for information outside your organisation. This can be obtained from a range of sources such as:

- ❖ Citizen's Advice Bureau
- ❖ Trades Unions

Question 26

Which external source(s) would you turn to for information relating to:

1: *Health and Safety at Work*

2: *Race Relations*

3: *Data Protection*

Sources of information and advice

Advisory, Conciliation and Arbitration Service (ACAS)

www.acas.org.uk

Telephone: 08457 47 47 47

Minicom: 08456 06 16 00

National Careers Service <https://nationalcareersservice.direct.gov.uk/>

Telephone: 0800 100 900

Citizens Advice www.citizensadvice.org.uk**Department for Work and Pensions (DWP)**

www.gov.uk/dwp

Health and Safety Executive (HSE) www.hse.gov.uk**National Apprenticeship Service - England (NAS)**

www.apprenticeships.org.uk

Telephone: 0800 015 0400 / 02476 826482

Trade Unions Congress (TUC)

<http://www.tuc.org.uk> Telephone: 020 7636 4030

Kirklees Prevent Strategy

safer@kirklees.gov.uk

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Completion Form

You have finished the Apprenticeship Employment Rights and Responsibilities Workbook. Make sure that you, your employer/line manager and your assessor sign the boxes below: -

Apprentice Name (print) :	Date:
Apprentice Signature:	
Employer / Line Manager Name (print): Organisation: Position:	Date:
Employer / Line Manager Signature:	
Training Provider Name: <i>Huddersfield Textile Training Limited</i>	Date:
Training Provider Signature:	

This original signed form must be returned with the Apprenticeship Certificate Claim form.