
2.4

Exploring Business

Rights and Responsibilities (Employees & Employers)

Learning Outcome Notes

LO 2.4 - Distinguish between the rights and responsibilities of employer and employee from a legal, social, environmental and ethical perspective.

CHAPTER QUESTIONS

By the end of this learning outcome, you should be able to answer the following questions -

1. Explain the right and responsibilities of employees?
2. Explain the right and responsibilities of employers?
3. Define the term industrial relations?
4. Outline why employee would join a trade union?
5. Explain the different types of Industrial actions?
6. List and explain the laws that protect employees?

KEY WORDS**Employee**

Def This is an individual who is hired by an organisation to perform specific tasks and responsibilities in exchange for a salary or wages. Employees are usually under the direction their employer and follow certain rules and policies set by the organisation.

Employer

Def This is a person, company, or organization that hires and manages employees. Employers are responsible for providing their employees with a safe and healthy work environment, paying them a fair wage, and complying with employment laws and regulations.

Rights

Def Rights refer to the legal entitlements that employees have to certain protections and benefits.

Examples of employee rights include the right to a safe and healthy work environment, the right to fair pay and benefits, and the right to freedom from discrimination.

Responsibilities

Def Responsibilities refer to the duties and obligations that employees and employers have towards each other and towards the organisation as

Examples of employee responsibilities include performing their job duties to the best of their abilities, employer responsibilities include treating employees fairly and respectfully.

RIGHT AND RESPONSIBILITIES EMPLOYEE
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Employees have rights and responsibilities. Below is a table outlining the rights and responsibilities of employees under the headings of legal, social, environmental, and ethical perspectives -

Perspective	Rights	Responsibilities
Legal	1. Right to be paid at least minimum wage	1. Follow laws and regulations that apply to job
	2. Right to a safe working environment	
	3. Right to not be discriminated against	
Social	1. Right to be treated with respect and dignity	1. Contribute positively to workplace community
	2. Right to access training and development opportunities	2. Treat colleagues with respect and avoid hostile behaviour
	3. Right to work-life balance	
Environmental	1. Right to a safe and healthy work environment	1. Act in an environmentally responsible manner
		2. Reduce waste, recycle materials, conserve energy and water
Ethical	1. Right to privacy	1. Act in an ethical manner and adhere to ethical principles in job
		2. Avoid activities that could harm reputation or compromise privacy

In summary, employees have a variety of legal, social, environmental, and ethical rights and responsibilities that must be respected and upheld in the workplace. By fulfilling their responsibilities and respecting the rights of others, employees can contribute to a positive and productive work environment that benefits both themselves and their employers.

RIGHT AND RESPONSIBILITIES EMPLOYER
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Employers have rights and responsibilities. Below is a table outlining the rights and responsibilities of employers under the headings of legal, social, environmental, and ethical perspectives -

Perspective	Rights	Responsibilities
Legal	1. Right to hire and manage employees	1. Comply with employment law and regulations
	2. Right to terminate employment for just cause	2. Provide safe and healthy working conditions
	3. Right to protect intellectual property and trade secrets	3. Provide proper training and development opportunities
Social	1. Right to expect employees to perform job duties	1. Provide fair and equal opportunities for all employees
	2. Right to establish company policies and procedures	2. Have a diverse and inclusive workplace culture
	3. Right to expect employees to adhere to policies	3. Promote work-life balance and employee well-being
Environmental	1. Right to maintain and use company property and assets	1. Minimise negative impact on environment, promote sustainability
	2. Right to use natural resources in a responsible manner	2. Implement environmentally responsible practices
	3. Right to expect employees to use resources efficiently	3. Encourage employees to reduce waste, conserve energy and water
Ethical	1. To expect employees to act in company's best interests	1. Act in an ethical and socially responsible manner
	2. Right to expect employees to maintain confidentiality	2. Avoid conflicts of interest and corruption
	3. Right to protect the company's reputation & brand	3. Uphold high ethical standards in business practices

In summary, employers have a variety of legal, social, environmental, and ethical rights and responsibilities that must be respected and upheld in the workplace. By fulfilling their

responsibilities and respecting the rights of their employees, employers can create a positive and productive work environment that benefits both themselves and their employees.

EMPLOYEE RECORDS

All employers should keep employee records. These records will help them to make decision on who to promote, give a rise too. These records include the following -

1. Personal Information

Employers may keep personal information about employees, such as their full name, address, date of birth, social security number, and emergency contact information.

2. Employment Information

This includes details about the employee's employment, such as job title, job description, start date, salary or wage rate, hours worked, and employment status (full-time, part-time, or temporary).

3. Payroll Record

Employers are required to keep detailed records of employee pay, including information about how much an employee is paid, when they are paid, and what deductions are made from their pay.

4. Performance and Conduct Records

These records track an employee's performance, including their attendance, performance evaluations, disciplinary actions, and training history.

5. Benefits and Leave Records

This includes information about employee benefits, such as health insurance, retirement plans, vacation, sick leave, and other time off.

6. Medical Records

Employers may keep medical records related to an employee's health and safety, such as workers' compensation claims or medical accommodations.

INDUSTRIAL RELATIONS**Industrial Relations**

^{Def} This is the relationship between employers and employees in the workplace. It involves the establishment of a positive relationships through effective communication, negotiation, and conflict resolution strategies.

Good industrial relations are essential for a business for several reasons:

1. Increased Productivity

Good industrial relations promote a positive working environment, which can lead to increased productivity. When employees are happy, satisfied, and feel valued, they are more likely to work efficiently and effectively.

2. Reduced Labour Costs

Effective industrial relations can help to reduce labour costs by minimizing absenteeism, turnover, and other disruptions. When employees feel that their concerns are heard and addressed, they are less likely to engage in actions that can impact the business's bottom line.

3. Improved Employee Moral

Positive industrial relations can help to improve employee morale by promoting job security, fairness, and equality in the workplace. When employees feel valued and respected, they are more likely to be motivated and engaged in their work.

4. Enhanced Reputation

Good industrial relations can help to enhance a business's reputation as a fair and responsible employer. This can attract talented employees, improve customer relations, and enhance the organisation's overall image and brand.

On the other hand, poor industrial relation can lead to

1. High staff absenteeism (This is when people don't turn up for work)
2. High staff turnover (This is when people leave a job because they are unhappy)
3. Lead to disputes and possible strikes

TRADE UNIONS**Trade Union**

Def This is an organisation formed by workers to represent their interests and look out for their rights in the workplace. They negotiate with employers on behalf of their members to improve working conditions, wages, and benefits, and address issues such as job security, health and safety, and employee grievances.

Shop Steward

Def This is a representative of a trade union who is elected by union members to act as a liaison between union members and their employers. They are employees in an organisation who are responsible for communicating union policies and concerns to their colleagues, and for representing their colleagues' interests and concerns to management.

Shop stewards are typically responsible for a range of duties, including:

1. To ensure that the rights and interests of union members are protected and promoted in the workplace.
2. To act as a point of contact for union members, providing them with information about union policies and activities.
3. To establish positive relationships with management, in order to promote cooperation and effective communication between union members and their employers.
4. Are responsible for organizing and promoting union activities, such as strikes or work stoppages, and for providing support to union members who are involved in such activities.

Overall, shop stewards play an important role in representing the interests of union members in the workplace, and in promoting effective communication and cooperation between workers and their employers.

Workers join a trade union by paying a subscription (Monthly Fee) in return the Union will

1. Negotiate with the employer for better pay and working conditions.
2. Represent the workers who have a dispute and try to get it resolved.
3. Represent employee at talk Relation to pay deals.

The biggest Trade Unions in Ireland are - SIPTU (Service Industrial Professional and Technical Union), Impact. Teacher Unions include TUI (Teachers Union of Ireland) and ASTI (Association of Secondary School teachers Ireland)

TYPES OF INDUSTRIAL ACTION

The following are some of the different types of Industrial Action (Strike) that employee can take against their employer if they are not happy with their work conditions or pay.

1. Official Strike

This is an action taken by workers in which they refuse to work for a period of time to protest against their employer's policies or working conditions. An official strike is sanctioned and organised by a trade union and is typically accompanied by picketing outside the workplace. During an official strike, workers are not paid, and the strike is legally protected.

For Example, in 2020, members of the Irish Nurses and Midwives Organisation (INMO) went on an official strike to protest against pay and working conditions in Irish hospitals.

Picketing Def is involving members of a union, standing outside their place of work with signs, banners or placards that express their grievances or demands.

The aim of picketing is to put pressure on the employer by disrupting business activities, attracting public attention to the dispute and gaining public support for the workers' cause.

2. Go Slow

This is a type of industrial action where employees deliberately slow down their work rate, causing productivity to decrease. This can be a way for employees to demonstrate their dissatisfaction with an employer's policies or working conditions without resorting to a full strike.

For Example, in 2019, bus drivers in Dublin engaged in a go-slow action as part of a dispute with their employer, Dublin Bus. The action resulted in significant delays and disruptions to bus services across the city.

3. Work to Rule

This is where employees refuse to do any work outside of their contract of employment. It can cause huge disruption to an employer's operations. Work to rule is used as a way to highlight issues with an employer's policies or working conditions without resorting to a full strike.

For Example, in 2021, members of the Association of Secondary Teachers Ireland (ASTI) voted to undertake a work-to-rule action in response to issues around pay, working hours, and conditions.

4. Overtime Ban

This is a type of industrial action where employees refuse to work any overtime, which can cause significant disruption to an employer's operations if overtime is required to meet deadlines or workload demands.

For Example, in 2022, members of the Irish Fire and Emergency Services Association (IFESA) voted to impose an overtime ban as part of a long-running dispute with management over issues such as pay and conditions.

5. Token Stoppage

This is when employees stop work for a short period of time, usually a few hours or a day, as a way of demonstrating their dissatisfaction with their employer's policies or working conditions. They are used as a way to draw attention to issues and encourage further negotiation.

For Example, in 2019, staff at Irish Rail undertook a series of token stoppages in response to disputes over pay and conditions.

LEGISLATION PROTECTING EMPLOYEES

There are pieces of legislation that protect employees against the employer. These pieces of legislation include the following

1. Protection of young persons (employment) Act 1996
2. Employment Equality Act 1998 to 2011
3. Unfair dismissal Act 1977 - 2007
4. Industrial Relations Act 1990

5. Workplace Relations Act 2015

1. PROTECTION OF YOUNG PERSONS (EMPLOYMENT) ACT 1996

This law protects young workers under the age of 18 and prevent late night working. It sets out the following -

- (i) Children under the age of 14 may do light work during school term.
- (ii) Children 15-16 may also do work during school.

There are restriction on the number of hours that they work. For example, they can't work between 10pm and 6 am

An employer must look for the following -

- (i) See a copy of the employee's birth certificate.
- (ii) Obtain a letter of consent form the child's parent/ guardian.
- (iii) Keep records of the child's details.

2. EMPLOYMENT EQUALITY ACT 1998 TO 2011

Discrimination ^{Def} This is the treatment of one person in a less favourable way that another.

Discrimination includes the following -

- | | | | |
|--|------------------|-------------------|-----------------------|
| 1. Age | 4. Gender | 6. Race | 8. Sexual Orientation |
| 2. Religion | 5. Family Status | 7. Marital Status | 9. Disability |
| 3. Membership of a traveller community | | | |

This means that an employer can't discriminate in any of the following employment aspects -

- | | | |
|----------------------------------|------------------------------|-------------------|
| 1. Hiring and training employees | 3. Dismissal | 5. Equal Pay |
| 2. Condition of work | 4. Opportunity for promotion | 6. Adverting jobs |

3. UNFAIR DISMISSAL ACT 1977-2007

This law set out when and employee can and can't be dismissed. The following are reason for unfair dismissal -

- | | | | |
|------------------------------------|-----------------------|--|----------------------|
| 1. Age | 4. Becoming Pregnant | 6. Religious Beliefs | 9. Political Beliefs |
| 2. Race | 5. Sexual orientation | 7. Being a member of the traveller community | |
| 3. Being a member of a trade union | | 8. Taking part in an official Strike | |

Reasons for fair dismissal include the following -

1. Incompetence

This means that the employee is not performing their job duties to the required standard, even after being given a reasonable opportunity to improve.

2. Misconduct

This refers to behaviour that breaches company policies, codes of conduct, or the law.

3. Redundancy

This occurs when an employer no longer needs the employee's job to be done, such as when a company downsizes, restructures, or closes.

4. Not having the qualification

If an employee does not have the necessary qualifications, skills, or experience to do the job, this may be a fair reason for dismissal.

5. Taking legal proceedings against an employer

In some cases, an employee may take legal action against their employer, such as by making a complaint of discrimination or unfair treatment. If an employer dismisses an employee in response to such legal proceedings, this may be considered unfair dismissal.

4. Workplace Relations Act 2015

This sets out that if employees who are engaging in industrial action and have taken a secret ballot and give the employer 1 weeks' notice of the strike can't be sure or have legal action taken against them by the employer for loss of earning.

5. WORKPLACE RELATIONS ACT 2015

This act sets out rules for how employees and employers should treat each other in the workplace. It covers things like employment contracts, working hours and pay.

The main purpose of this law is -

1. To make sure that everyone in the workplace is treated fairly and
2. That everyone has their rights respected.
3. To prevent discrimination and harassment in the workplace.

One of the main changes is the creation of the Workplace Relations Commission (WRC). They

1. help to resolve workplace disputes between employees and employers.
2. provide information and advice on workplace issues, such as employment rights and discrimination.

The law also gives employees the right to make a complaint to the WRC if they feel that their rights have been violated in the workplace. Employers have a responsibility to follow the rules set out in the law and to make sure that their employees are treated fairly.

Conciliation ^{Def} This is a process of resolving a dispute between an employer and employee. It involves a third-party mediator known as a conciliator. The conciliator helps them to find an agreeable solution to their dispute.

6. Labour Court

It is a specialized court that listens to disputes between employers and employees that can't be resolved in the WRC. It is an independent body that works to resolve disputes through arbitration and promote good industrial relations in the workplace.

Arbitration ^{Def} This is a method of resolving disputes between the employer and employee. The dispute is referred a third party, called an arbitrator. They listen to both sides and make a decision in how to solve the dispute.

Together, these pieces of legislation promote fair and just working conditions and help to ensure a healthy and productive workforce.

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Past Exam Questions and Answers

NOTE - Very Important

It is very important when answering exams question that you use the following steps -

1. That you know the information for the learning outcome
2. That you understand the information form the learning outcome
3. That you can apply the information from the learning outcome to the question
4. Be able to give at least two full sentences for your answer (Fill up the space)

Questions are changing from rote learning to applying the knowledge to the question

QUESTIONS

2022 - Question 16 - Part a

(a) Lohan Ltd, a large fashion retailer, recently closed its stores and moved all its business to online only, leaving employees without jobs or redundancy packages. This has led to a bitter industrial dispute between the business and its former employees.

(i) Explain the term Industrial Relations

(ii) Use your knowledge of industrial relations to match the following sentences to the correct terms by placing a tick (✓) in the box.

	Shop Steward	Labour Court	Trade Union
An Organisation that represents workers and protects their rights			
An employee selected by workers to represent them in dealing with the employer			
It investigates disputes and recommends a solution in a process known as arbitration			

(iii) If employer / employee relations breakdown, industrial action may be taken by employees. Explain two types of industrial action that employees may take.

1.
2.

2019 - Question 18 - Part a (iii)

(a) Mary and her husband John live in Lanesboro, Co. Longford. Mary is a pilot with Ryanair. Her husband John is currently unemployed but volunteers in the local community.

(iii) Mary enjoys her job with Ryanair but is concerned about industrial relations issues

Ryanair pilots strikes see hundreds of flights cancelled.

The Irish times, August 2018

Outline two rights and two responsibilities Ryanair has as an employer.

Rights as an employer

1.
2.

Responsibilities as an employer

1.
2.

SUGGESTED SOLUTIONS

2022 - Question 16 - Part a

(a) Lohan Ltd, a large fashion retailer, recently closed its stores and moved all its business to online only, leaving employees without jobs or redundancy packages. This has led to a bitter industrial dispute between the business and its former employees.

(i) Explain the term Industrial Relations

This is the relationship between employers and employees in the workplace. It involves the establishment of a positive relationships through effective communication, negotiation, and conflict resolution strategies. A positive relationship can lead to increased productivity, while
A negative relationship can lead to high staff turnover. This is when people leave a job because they are unhappy

(ii) Use your knowledge of industrial relations to match the following sentences to the correct terms by placing a tick (✓) in the box.

	Shop Steward	Labour Court	Trade Union
An Organisation that represents workers and protects their rights			✓
An employee selected by workers to represent them in dealing with the employer	✓		
It investigates disputes and recommends a solution in a process known as arbitration		✓	

(iii) If employer / employee relations breakdown, industrial action may be taken by employees. Explain two types of industrial action that employees may take.

- | |
|--|
| 1. Official Strike - This is when workers refuse to work for a period of time to protest against their employer's policies or working conditions. It is sanctioned and organised by a trade union and is picketing happens outside the workplace. workers are not paid. |
| 2. Go Slow - This where employees deliberately slow down their work rate, causing productivity to decrease. This is a way for employees to demonstrate their dissatisfaction with an employer's policies or working conditions without resorting to a full strike. |

2019 - Question 18 - Part a (iii)

- (a) Mary and her husband John live in Lanesboro, Co. Longford. Mary is a pilot with Ryanair. Her husband John is currently unemployed but volunteers in the local community.

- (iii) Mary enjoys her job with Ryanair but is concerned about industrial relations issues

Ryanair pilots strikes see hundreds of flights cancelled

The Irish times, August 2018

Outline two rights and two responsibilities Ryanair has as an employer.

Rights as an employer

1. They have legal rights - Employers have a legal right, such as the right to hire and
manage employees in their business. They can hire the most suitable and qualified people fill
fill the vacancies that may arise in the business and the right to protect intellectual property
and trade secrets
2. They have environmental rights - Employers also have environmental right such as the
right to use natural resources in a responsible manner and the right expect employees to use
resources efficiently and not in a wasteful manner - for example recycle properly and turn
off lights when a room is not being used.

Responsibilities as an employer

1. They have social responsibilities - employers have a social responsibility such as provide
fair and equal opportunities for all employees. This involves treating both male and females
equal. They also have a social responsibility to promote work-life balance and employee well-
Being. For example, not sending email after work hours
2. They have ethical responsibilities - employers also have ethical responsibilities such as
To act in an ethical and socially responsible manner to their stakeholder. For example, paying
their suppliers on time and the correct amount of money and to Avoid conflicts of interest
and corruption