## 2.1.1 Employment protection

- **Retirement:**

Organizations encourage retirement for a variety of reasons

- ✓ Promotion opportunities for younger workers
- ✓ Early retirement is an alternative to redundancy
- ✓ The age structure of an organization may become unbalanced
- ✓ The cost of providing pensions rises with age

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- **Resignation:**
  - ✓ Exit interview
  - ✓ Period of notice
- **Dismissal:**

Three forms of termination that constitutes dismissal under UK law :

- ✓ The termination of an employee' s contract by the employer
- ✓ The ending of a fixed-term contract without renewal on the same terms
- ✓ Resignation by the employee where the employer' s conduct breaches the contract of employment. This is **constructive dismissal.**

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- **Wrongful dismissal:**

Wrongful dismissal is dismissal that breaches the contract of employment , wrongful dismissal relates to the method of dismissal

- **Unfair dismissal:**

It is dismissal without good reason. The basic principle is that any dismissal is potentially unfair. The onus is then on the employer to prove that the dismissal was fair.

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- **Redundancy:**

✓ Redundancy is dismissal under two circumstances:

- The employer has ceased to carry on the business at all or in the place where the employee was employed
- The requirements of the business for employees to carry out work of a particular kind have ceased or diminished or are expected to

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✓ **compensation**

The employee is not entitled to compensation in three circumstances.

- The employer has made an offer of suitable alternative employment and the employee has unreasonably rejected it.
- The employee is of pensionable age or over, or has less than two years continuous employment.
- The employee’ s conduct merits dismissal without notice.

- **Equal opportunities ( in chapter 13)**

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### 2.1.2 Health and safety

The most important piece of legislation in this area in the UK is the Health and Safety at Work Act 1974

- **Importance of maintaining health and safety at work**
  - An employer has legal obligations under UK and EU law
  - Accidents and illness cost the employer money
  - The company's image in the marketplace and society may suffer

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## Employer’s duties

- All work practices must be safe.
- The work environment must be safe and healthy.
- All plant and equipment must be maintained to the necessary standard.
- Information, instruction, training and supervision should encourage safe working practices. Employers must provide training and information to all staff.
- The safety policy should be clearly communicated to all staff.
- Employers must carry out risk assessments, generally in writing, of all work hazards. Assessment should be continuous. They must assess the risks to anyone else affected by their work activities.

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- They must share hazard and risk information with other employers, including those on adjoining premises, other site occupiers and all subcontractors coming onto the premises.
- They must introduce controls to reduce risks.
- They should revise safety policies in the light of the above, or initiate safety policies if none were in place previously.
- They must identify employees who are especially at risk.
- They must employ competent safety and health advisers.

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- **Employee’ s duties**
  - Take reasonable care of themselves and others.
  - Allow the employer to carry out his or her duties.
  - Not interfere intentionally or recklessly with any machinery or equipment.
  - Inform the employer of any situation which may be a danger.
  - Use all equipment properly.

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## 2.1.3 Data protection and security

Data protection Act 1998 **protects individuals** about whom data is held. Both manual and computerized information must comply with the Act.

- **Personal data** is information about a living individual, including expressions of opinion about him or her**. Data about organization is not personal data.**
- **Data users** are organizations or individuals who control personal data and the use of personal data.
- **A data subject** is an individual who is the subject of personal data.

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The Act has two main aims :

- To protect individual privacy and the rights with regards to control the use and disclosure of information about him/her, including information on financial status, health and lifestyle. *The Act applies to all personal data, in any form.*
- To harmonize data protection legislation so that, in the interest of improving the operation of EU market, there can be a free flow of personal data between the member states.

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The Act establishes the following rights for data subjects

(a) A data subject may seek ***compensation*** through the courts for damage and any associated distress caused by the loss, destruction or unauthorised disclosure of data about himself or herself or by inaccurate data about himself or herself.

(b) A data subject may apply to the courts for ***inaccurate data to be put right*** or even wiped off the data user's files altogether. Such applications may also be made to the Registrar.

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(c) A data subject may obtain ***access to*** personal data of which he or she is the subject (This is known as the 'subject access' provision). In other words, a data subject can ask to see his or her personal data that the data user is holding.

(d) A data subject can ***sue a data user*** for any damage or distress caused to him by personal data about him which is incorrect or misleading as to matter of fact (rather than opinion).



### 2.1.4 Consumer protection

We will now look at those aspects of law and regulation which apply to consumer protection

- What is a contract?

  A contract is a legally binding agreement.

- Under contract law, the money that you give in exchange for the goods is referred to as the '**consideration'.** For a contract to take place, there must be agreement between the parties. This requires an offer made by one party, acceptance by the other party.

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- An important point about contracts is that they do not have to be written. They do not even have to be spoken. A customer picking up something in a supermarket and walking to the checkout is making an offer to the shop, and that offer is **implied by his behaviour.**

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## 2.2 Social and cultural trends(S)

***Demography trends***

**The study of human population and population trends is known as Demography**. It will affect the ***labor market and consumer market***.

In the social environment, we would consider these demographic factors:

- Changing age structure
- Women participation
- Older workers
- Family life cycle
- Social class
- Buying pattern
- Income and wealth



***Cultural trend***

***Health and diet issues***

- Growing market for sports-related goods
- Employee health
- New foods
- Organic foods

***Women in work***

***Overt/direct discrimination*** is where one group is treated less favourably than another.

***Indirect discrimination*** makes it harder for somebody of a particular group to fulfill requirements.

# SUMMARY

## Employment protection:

1.Retirement
2. Resignation
3. Dismissal : wrongful & unfair
4. Redundancy
5. Compensation

## Healthy and safety:

Employer & Employee

## Data protection and security

## Consumer protection (Contract)

## Social and cultural trends

Demography trends
Cultural trend

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