

# assignment 2

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# Employee training and development legislation in the UK as part of the EU

## Introduction

In this essay the training and development of the workforce to meet EU legislation adopted by the UK will be the primary focus. The essay seeks to discover how these adoptions are made by the UK and what it means for the employers and the employees involved.

## Health and safety

According to (HSE 2019) the welfare, health and safety of employees is the responsibility of the employer, furthermore the employer is responsible for the health and safety of anybody in or affected by business operations. This is done by mitigating health and safety risks by means of control through assessing the risk in the working environment required by health and safety law.

The employer is required to train their employees on what risks and hazards are in the environment and how to mitigate, or act in response to any risks. Clear information must be provided to employees (HSE 2019).

The British health and safety at work act 1974 is the law regarding the duties an employer must carry out as mentioned above. The Health and Safety at Work act 1974 has been adjusted since it was first written to accommodate European legislation for health and safety at work (HSE 2019). According to (TUC 2019) what was called a six pack that was six sets of new regulations accompanied with guidance notes and codes of practice where put in force on the 1<sup>st</sup> of January 1993 as a means to make the British Health and Safety at Work Act match the Eu legislation for health and safety at work by making the British Act more prescriptive. These changes were all a part of the Health and Safety Framework Directive (89/391/EEC) 1989 and branching off are five daughter directives to bring about obligations on member states to force employers to evaluate, reduce, avoid risks at the workplace by instructing their workforce through the means of consultation. There has been an additional 65 new British Health and Safety regulations introduced by the EU between 1997 and 2009, however UK has put pressure on the EU Commission to have a more deregulatory approach resulting in the number of directives coming from the EU halving over the last five years with this trend going to continue into the future, for example recently only 23 out of 80 proposals were introduced to UK legislation. There is a risk that if the UK continues with deregulation of health and safety regulation post-Brexit could lead to workers losing some protections (TUC 2019).

## Performance management

According to (Sayers et al. 2018) the performance management system used by managers to monitor performance and to help assess skill sets of employees to improve, train and develop their workforce to try and gain future talent. The performance management system is primarily used to manage pay and award bonuses for employees and to highlight individual performance within the collective workforce. The survey carried out resulted in 1 in ten managers used performance management to discover training and development opportunities.

Performance management systems are made to accommodate employees with disabilities and additional needs, however in the survey mentioned by (Sayers et al. 2018) only a quarter of

managers who responded admitted to configuring their performance management system to be customised for additional needs, disabled, or mentally impaired employees. The report suggested this was due to managers believing it was unfair on the rest of the workforce for the purpose of measuring productivity believing regardless of disabilities or not, if a person can't do the job, then they can't do the job. There were however respondents mainly from larger organisations who agreed fairness to be an important factor, however they believed objectives and standards can be personalised for people with a different set of skills and abilities. The respondents supporting this idea said increasing overall fairness and personalisation were areas of improvements they are driven towards.

According to (gov.uk 2019) it is illegal for an employer to treat a person less favourably than another person because of their personal characteristic in this case would be failing to make adjustments for disabled workers and provide the same training and developments for them as the rest of the workforce. The above mentioned comes under the European Equality Act 2010 adopted by the UK.

## Equal opportunities

According to (gov.uk 2019) training and development opportunities must be the same for all parties involved, meaning one characteristic should not take precedence over another. According to (equalityhumanrights.com 2014) if an employer decides to offer to improve the skills of workers who needs additional training and development, they must not discriminate others unlawfully. Providing training opportunities either internally or externally by face to face contact, distance learning, either in groups or individually in forms such as:

- On the job training
- Online learning
- Coaching
- Workshops
- Shadowing
- Induction
- Mentoring
- Buddying
- Secondments and sabbaticals
- Project working
- Day release formal classes or outside of working hours
- Seminars and networks

Unlawful discrimination would be the result of the employer not considering a someone based on a person's protected characteristic for training and development decisions. For instance employers that would assume a woman would not be interested in taking part in training or development under the grounds, she had children at home and probably had domestic responsibilities to attend to, creating an unlawful act of sexual discrimination. Another example would be an employer assuming a person of a young age would be a waste of time and money training them as they are likely to move on, or an older worker would not be interested in any further development. Another example could be given regarding disabled employees training and development. Employers must not discriminate disabled worker based on the assumption they would not be able to take part or gain any benefits from any training available. The employer should find out through discussing with their disabled employee whether any adjustments can be done within reason to accommodate them for full participation in the training available (equalityhumanrights.com 2014).

An employer must provide flexible times, location, or style of any training provided to employees if there is no reasonable justification for setting any of these things in stone one way or another. Doing

so would avoid any unlawful discrimination by making any required adjustments available, for example one time and day is offered by the employer which could discriminate by excluding some individual like finishing the training day by night time when it is dark affecting some women who are more likely to work flexible hours, or Jewish people who need finish work in time to observe the sabbath. Another example could be if the employer decides to train people via the internet and by doing so is assuming everyone can utilise a computer. The employer should always check before making a decision to use a computer for all employee training, and to find out if any adjustments are required to be made before committing to a single method. The final example would be if the employer booked an external venue and had not checked to see if all their staff could access the training room, and whether any staff had mobility issues, and ensuring the venue is accessible for all employees regardless of their abilities or requirement wherever reasonable actions and adjustments can be made to accommodate them (equalityhumanrights.com 2014).

An employer should not disallow pregnant women from training or development on the basis of them being pregnant, meaning anything related to them being pregnant such as being on maternity leave, or due to take maternity leave, on sickness or absence in relation to maternity leave or being pregnant. In nearly all cases the fore mentioned reasons for excluding them would be unlawful sex discrimination, even on the grounds of health and safety without a specific risk being identified.

The equality and human rights, are issued by the European Commissioner as legislation to be carried out by its member states. The equality act 2010 is a legislation adopted by the UK (equalityhumanrights.com 2014).

## Mental health and wellbeing

As part of the EU2020 strategy the new skills and jobs agenda, and European platform against poverty falls under to combat social exclusion and discrimination and directing focus on quality labour available to the labour market. A strong focus on the mental health of workers to assist with the types of changing and demanding jobs on the market today increasing employment and productivity in the process. The UK as a member state has adopted a national policy to combat this issue called the Management Standards for Work Related Stress issued in 2004 (el explanation required

## Lifelong Learning

According to (Ahlgren & Engel 2011) European policy has started to focus its attention learning at the workplace to promote their agenda to improve economic human capital development, social inclusion, and active citizenship. The European Union has been central in creating the concepts such as lifelong learning being an investment in human capital development, and the human capital theory counts this to be an investment to create a competitive advantage increasing the interest in increasing human capital skills and competencies.

The EU agenda for lifelong learning is to create public awareness of the importance of lifelong learning to focus on the peoples skills and competencies by means of training and development of individuals through better cooperation between education and training from businesses, primarily small-and-medium-enterprises through academic, and vocational channels and recognition of the EU qualifications in an attempt to mitigate inequality by providing more opportunities for learning (Ahlgren & Engel 2011).

The UK is driven by the European policy called the Lisbon strategy, the HM Treasury 2004 in review of the UKs long term skills needs promoting learning for all ages throughout the life of the individual

employee to increase the workforce skills in the UK to move towards higher value jobs, and reducing state dependencies (Ahlgren & Engel 2011).

## Conclusion

The essay found information on health and safety of employees, and how they needed by law training to be safe at work. Performance management is a tool discovered to manage employee performance and training and development. Equality is a legislation adopted by the UK to create equal opportunities for all character types in the workplace in this case training and development. The mental health of workers is an important policy for the UK to follow for life fulfilment. Lifelong learning to help the economy develop by promoting the individual is essential for the current and future labour market requirements and the betterment of society.

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# assignment 2

## GRADEMARK REPORT

### FINAL GRADE

34/100

### GENERAL COMMENTS

#### Instructor

Satisfactory research and use of informed literature.

Limited knowledge and understanding of the dynamics of training and personal development demonstrated.

Poor analysis. Largely descriptive. A few areas of training and development focussed on but essay fails to evaluate any of them with any depth. As a result, the essay fails to really answer the question.

Layout and structure OK.

Late so mark would have been capped at 40%

### PAGE 1

**QM** **spelling**  
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### PAGE 2

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### PAGE 3

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