

IT Workers and the Law

IT Workers

IT Industry's main asset is PEOPLE

Much more valuable than hardware or software

Important to manage staff in accordance with the law

Human Resources Department

- Ensuring recruitment, selection and promotion procedures comply with anti-discrimination legislation
- Staff training and development
- Setting up and monitoring remuneration policy
- Setting up and monitoring appraisal procedures
- Administering dismissal and redundancy procedures
- Dealing with contracts of employment
- Workforce planning
- Administering grievance procedures
- Being aware of new legislation affecting employment rights and advising management on compliance
- Dealing with health and safety
- Administering consultative committees

Recruitment & Selection

- Recruitment is getting to a shortlist of apparently suitable candidates
- Selection is choosing the best individual for the position

Recruitment

Involves drawing up a job description and a statement of the skills and type of qualification needed

Job can then be advertised with a specified closing date

Often higher paid posts are handled by recruitment agencies (“head hunters”)

Selection

Methods can include:

- One to one interviews
- Interview panels
- Assessment of references
- Psychometric tests : ability, aptitude, personality
- Situational assessment : role play, mutual assessment
- Task assessment

Essential to comply with anti-discrimination legislation and codes of good practice

Staff Training

Growing emphasis in IT on professional or practitioner skills

ACM offers its members free distance learning courses

BCS has career management tools for employers and individuals

BCS Products

Based on SFIPlus skills model

Downloadable wall chart

Remuneration

Public sector typically uses incremental scales with promotions to higher scales

Industry typically uses individual salaries within broad ranges

Anti-discrimination legislation

Need to demonstrate

“equal pay for work of equal value”

Has led to complex job evaluation schemes

Also leads to extensive record keeping
about an employer's whole workforce to
demonstrate fair treatment

Redundancy, Dismissal and Grievance Procedures

Four grounds for dismissal:

- Lack of capability
- Misconduct
- Breach of law (eg no work permit)
- Redundancy

Beware of:

Unfair dismissal

- Not following statutory procedure
- Employer must provide adequate detail or reason for redundancy
- Adequate notice must be given (90 days if more than 20 staff)

Meeting must be held with employee

- Employers must not be too slow with procedures
- Meeting did not give employee reasonable opportunity to make their case

Beware also of:

Constructive dismissal:

Employer behaves towards an employee so they feel no alternative but to resign

- Moves job long distance at short notice without consultation
- Changing job function in demeaning way
- Senior manager repeatedly over-rules junior manager

Anti-discrimination Legislation

Illegal to discriminate on grounds of:

- Sex
- Race, colour, ethnic origin or nationality
- Disability
- Sexual orientation
- Religion
- Age

Discrimination

Direct discrimination

- Treating person less favourably because of their sex, race etc.

Indirect discrimination

- Applies conditions to all employees but which have disproportionate effect on one group
 - Over 180cm in height
 - Insisting all employees work on Saturdays

Disability

Apart from employers legal obligations under Disability Discrimination Act, special issues around design and use of web sites by people with visual impairment

Excellent guidelines are available from numerous sources including:

www.w3.org (World Wide Web Consortium)

www.out-law.com/page-337 (Pinsent Masons)

Other information sources include:

Equal Opportunities Commission www.eoc.org.uk

Commission for Racial Equality www.cre.org.uk

Disability Rights Commission <http://www.drc-gb.org>

Summary

Staff are the main asset of any IT organisation

Staff have rights which must be respected

Serious legal consequences for failing to observe those rights