A successful career in public relations (PR) is underpinned by strong abilities in personal responsibility, self-evaluation and skills development.

Here you will cover the principles of employment legislation and rights, yours and your employer’s responsibilities in terms of health and safety, and the relevant resources for information. You will also understand how to utilise and support each element through personal workplace conduct.
1 Employment contracts

A contract of employment is an agreement between an employer and an employee which sets out their employment rights, responsibilities and duties. These are called the ‘terms’ of the contract.

Your employment contract does not have to be in writing. However, most employers will have a written contract because you are entitled to a written statement of your main employment terms within two months of starting work.

The employment contract is made as soon as you accept a job offer. If you start work the contract will show that you accepted the job on the terms offered by the employer, even if you do not know what they are. Having a written contract could prevent disputes with your employer at a later date, and will help you understand your employment rights.

You and your employer are bound to the employment contract until it ends (usually by giving notice) or until the terms are changed (usually in an agreement between you and your employer).

Types of contract

There are a number of different types of contracts of employment. Some of the most common are:

- permanent contracts, where the employee is contracted to work for an employer with no predetermined end date to the contract. The contract comes to an end when one party gives notice to the other party
- fixed-term, where an employee is contracted to work for an employer for a fixed duration (e.g. two years); after this period the contract may or may not be renewed
- secondments, where an employee is assigned to a different role within a business for a fixed period of time. This can often be to broaden experience or to develop the employee’s career within the company.

Purpose of contracts

A contract is a legal agreement. It defines your job description, confirms your start date, and states your benefits such as payment terms, holiday entitlement and pension schemes.

The employment contract provides employees with protection from unfair dismissal. It may be supported by a staff handbook. The handbook usually sets out the company’s disciplinary and grievance procedures, and the staff rules. However, if your employer does not have an employee handbook, these procedures and rules should be readily available for all employees.
2 The Equality Act 2010

The Equality Act 2010 is the law that bans unfair treatment and helps achieve equal opportunities in the workplace and in wider society. This means that employers must offer equal pay for equal responsibilities, equal recruitment practices (i.e. so no candidate is shown undue favour), and equal training and development opportunities.

This helps to build a team of employees who have a broad range of different backgrounds and experiences that they can bring to bear on different projects. Ultimately, an environment of mutual opportunity and respect helps to build a supportive work environment.

What is included in the Equality Act?

Previous anti-discrimination laws were replaced by a single Act to make the law simpler and to remove inconsistencies. This makes the law easier for people to understand and comply with. The Act also strengthened protection in some situations.

The Act covers nine protected characteristics, which cannot be used as a reason to treat people unfairly. Every person has one or more of the protected characteristics, so the Act protects everyone against unfair treatment. The protected characteristics are shown in Figure 1.1.1.

The Equality Act sets out the different ways in which it is unlawful to treat someone, such as direct and indirect discrimination, harassment, victimisation and failing to make a reasonable adjustment for a disabled person.

Employer conduct

Under equal rights legislation, employers must provide an equal and fair workplace. This means that when advertising vacancies, they cannot use terminology that implicitly discriminates against different groups of people (for example, ‘Girl Friday required for busy PR Office’ would discriminate against males).

Employers must also make reasonable adjustments to ensure the workplace is accessible for all employees. This may mean installing ramps or lifts where there are stairs, and providing facilities for disabled people.

Figure 1.1.1: Equality Act protected characteristics

Key term
Protected characteristics – a set of characteristics that cannot be discriminated against when employers recruit new people or give current employees opportunities for development, promotion or pay.
Table 1.1.1: Benefits of equality and diversity for employees and employers

Following equality and diversity procedures and legislation offers a range of benefits for both employees and employers, as Table 1.1.1 shows.

<table>
<thead>
<tr>
<th>Benefit for employee</th>
<th>Benefit for employer</th>
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<tbody>
<tr>
<td>Entitled to equal pay for equal responsibilities</td>
<td>Varied staff background and experience bring a range of different skills and perspectives to PR work</td>
</tr>
<tr>
<td>Equal recruitment practices, so roles are advertised based on experience and skills rather than gender</td>
<td>Equality supports team building within the workplace, which helps to create a more productive working atmosphere</td>
</tr>
<tr>
<td>Equal access to training and development to help them progress in the workplace</td>
<td>Lower staff turnover – recruiting staff can be expensive, and reducing this cost allows more money to be invested in training in-house</td>
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<td>Supportive working environment</td>
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3 Employee entitlements

Other employee entitlement legislation exists to set out additional rights and responsibilities. Some of these are covered below.

Jury service

If you are called up for jury service, your employer must allow you time off for this. If they do not, they could be in contempt of court; this could lead to criminal proceedings resulting probably in a fine. If you are an employee, you have the right not to be treated unfairly (for example, not being considered for promotion) because of your call-up.

Your employer does not have to pay you while you are on jury service. However, you can claim for travel and food expenses and for loss of earnings from the court.

You need to get your employer to fill out a Certificate of Loss of Earnings to claim for loss of earnings. There are limits on the amount that you can claim.

Working time directive

Usually adult workers (over 18) cannot be forced to work more than 48 hours a week on average – this is normally averaged over 17 weeks. You can work more than 48 hours in one week, as long as the average over 17 weeks is less than 48. Your working week is not covered by the working time limits if you have a job:

- where your working time is not measured or can be determined by you
- in the armed forces, emergency services and police
- as a domestic servant in a private household
- that falls under certain categories of seafarers and sea-fishermen.
Flexible working

‘Flexible working’ is a phrase that describes any working pattern adapted to suit your needs. Common types of flexible working are:

- **flexitime**: choosing when to work (there is usually a core period during which you have to work – for example, 10 am to 4 pm)
- **annualised hours**: your hours are worked out over a year (often set shifts with you deciding when to work the other hours)
- **compressed hours**: working your agreed hours over fewer days
- **staggered hours**: different starting, break and finishing times for employees in the same workplace
- **job sharing**: sharing a job designed for one person with someone else
- **home working**: working from home
- **part time**: working fewer than the normal hours, perhaps by working fewer days per week.

This list is not exhaustive and there may be other forms of flexible working that are better suited to you and your employer.

Other entitlements

Other entitlements available to employees include the following.

- **Sick pay based on your salary** – your contract will state how many sick days you are able to take each year. If you cannot work long term, you may be entitled to statutory sick pay (for up to 28 weeks); this is paid by the government.
- **National Insurance payments**, which come out of your wage, but are also contributed by your employer. If you have paid National Insurance for enough years over the course of your career, you may receive the state pension.

4 Employee liability legislation

Legislation also exists to protect employers from the actions of employees. These are very important within PR, where employees may have access to sensitive information or be involved in producing content for their employer or a client.

The key aspects are as follows.

- **Confidentiality clauses**, which may restrict an employee from revealing certain information. For example, this is particularly important within crisis management PR, but may be equally important in promoting a product or event where information can be **embargoed** until a certain date.
- **Patents, inventions and copyright** are all forms of **intellectual property**. Most contracts of employment will state that everything an employee writes or creates while working for their employer is the property of the employer.
- **Moonlighting**, where an employee takes on additional work, will probably need approval by your employer. They are unlikely to decline a reasonable request, but any extra work must not conflict with your current employment (e.g. you could not work freelance for a competitor) and must not affect your performance at work.

**Key terms**

- **Embargo** – the partial or complete prohibition of something.
- **Intellectual property** – any creative work or invention considered to be the property of its creator.
There are other requirements for employees, such as disclosing conflicts of interest, assigning inventions and copyrights to their employer for intellectual property produced during the course of their work, and making sure their work is legal.

In addition, your contract of employment will set out the amount of notice you need to provide your employer with if you choose to leave the organisation.

**Ex-employee liability**

Employment contracts also affect ex-employees, with many employers including clauses that prevent them from revealing trade secrets, or taking contact lists to their next employer. When an employee hands in their notice to move to a directly competing business, they may be put on garden leave to distance them from commercial information during their notice period.

**5 Employee support**

**Internal employment rights resources**

There are two key sources of information for employment rights within your place of work.

- Employee handbook (or intranet, or equivalent), which will set out workplace rules and procedures. This should be read in conjunction with your contract of employment.
- The human resources department. Human resources are involved in all workplace disputes, and will also be able to advise on your rights and commitments as an employee.

**Trade unions**

Trade unions support employees in dealings with their employers. There are many different trade unions, some specialising in certain industries (e.g. the National Union of Journalists) while others specialise in certain sectors (e.g. Unite, which represents public sector workers).

Union members pay an annual subscription and may be supported by their union in these situations:

- collective bargaining on terms such as pay rises
- mediation and support for an employee who has a dispute with their employer (e.g. about treatment or workplace harassment)
- mediation and support for an employee through the disciplinary process
- representation at an employment tribunal
- industrial action if a ballot is held (and a certain number of the members vote for action); a strike may be called to add weight to negotiations with an employer.
Under legislation, an employer must recognise a union if 10 per cent or more employees are a member of the union and around 40 per cent of the workforce supports the union.

**Other support bodies**

There are other employee support bodies provided through legislation, such as the European Employment Council or the Citizens Advice Bureau.

**Take it further**

There are a number of sources of information for the conditions relating to your employment. You can find out more from:
- your employee handbook, if your employer has one
- your employer’s human resources department.

There are also a number of external sources of information about your employment rights, including:
- trade unions
- government advice – [www.direct.gov.uk](http://www.direct.gov.uk)
- the Citizens Advice Bureau – [www.adviceguide.org.uk](http://www.adviceguide.org.uk)
- ACAS (Advisory, Conciliation and Arbitration Service), an organisation devoted to preventing and resolving employment disputes – [www.acas.org.uk](http://www.acas.org.uk)

## 6 Employer and employee responsibilities

### Liability and conduct of employers

Under European working law there are various responsibilities placed on the conduct of employers. These include the following.

- Employment adverts, as we saw earlier, must be open to all and allow equal opportunities by avoiding any kind of implicit or explicit restrictions against characteristics covered by the 2010 Equality Act.
- Interviews must be conducted equally and fairly. This means that employers must ask the same questions of all interviewees, although they can follow up on candidates’ individual answers.
- Employers must offer equal pay for the same roles. There may be pay bands for roles in order to reflect experience, but faced with two candidates starting with the same level of experience in the same role, an employer should provide the same level of pay for both.
- Employers must pay at least the National Minimum Wage. There are slightly different rates of pay for those completing Apprenticeships as this is part of a formal education.
Workplace policies

Employees must adhere to workplace policies. Some of these will be informed by the employer’s responsibility to offer an equal and fair workplace, but others may be driven by your employer’s principles and approach.

These policies may include the following.
- Equal opportunities – this means treating your colleagues fairly and equally.
- Privacy is to be respected. If you are told something in confidence, do not spread gossip. Similarly, if a colleague is reluctant to tell you something, allow them their privacy and do not push the matter.
- Bullying and harassment are not tolerated. These may be punishable through disciplinary procedures.
- Codes of conduct, which may be based on professional standards or set by your employer. These will define how you should deal with colleagues, clients and suppliers.

Copyright and intellectual property

PR is a creative industry and often involves working with other creative professionals. Consequently, it is important that both employers and employees understand copyright and adhere to their responsibilities.

Copyright covers a range of creative products, including:
- photographs
- written copy (text)
- graphics
- audio
- film.

Copyright entitles the creator of the material to control how their creation is used, and to be paid and credited for its use. Clients may provide you with graphics that they own and can be used freely as part of a campaign, but you may find that you need to supplement this with other copyright content.

In the digital age it is easier than ever for copyright to be abused. Regulatory schemes and organisations such as the Newspaper Licensing Agreements (NLA) and the Advertising Standards Authority (ASA) have been set up to make the licensing of copyright easier to manage and also to identify breaches of copyright.
In order to complete the assessment for this unit, you will need to demonstrate your understanding of the employment rights and responsibilities of you and your employer, and why these exist. To prepare for this part of your assessment, address the questions below.

1. Identify the main points of a contract of employment and state their purpose.

2. Outline the main points of legislation affecting employers (including anti-discrimination and entitlement legislation), and state the purpose of these points.

3. Identify where to find out more information about employment rights and responsibilities and state which internal and external sources of information you would use.

4. Explain the purpose and functions of the representative bodies that support employees.

5. Explain what responsibilities you have as an employee for equality and diversity within the workplace or other business environment.

6. Explain what responsibilities your employer has for equality and diversity within the workplace or other business environment.

7. Explain the benefits of ensuring that equality and diversity procedures are followed in the workplace or other business environment.