



Employment Rights and Responsibilities

Facilities Management England

Induction Pack

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1. INTRODUCTION

Dear Apprentice

Welcome to the Facilities Management (FM) Apprenticeship programme. As a FM Apprentice, you will be learning new skills and gaining knowledge that will lead you towards successful completion of the Level 3 Apprenticeship.

To help you to settle into your Apprenticeship programme, you will take part in an induction programme organised by your employer or training provider. This will explain the requirements of the programme and you will be finding out about your employer – its people, its services and the legal framework within which it operates.

This work book will help to fill some of the gaps, if there are any, and to ensure that all Apprentices achieve the same level of understanding and are not disadvantaged in any way.

You decide which parts you read first, although emergency procedures (such as fire alarms and evacuation procedures) should be covered on your first day. The sooner you understand about your responsibilities and rights the sooner you will feel part of the organisation.

Sections 2 and 3 of this workbook are structured as follows:

- A summary of the most important aspects of Employment Rights and Responsibilities (ERR) affecting all employees;
- A series of statements as to how this might affect you in your workplace plus one or two questions (in italics) to test your knowledge;
- A list of information sources to help you discover more about the topics, including important websites;
- A list of key areas of ERR so that you can indicate how you learnt about them - through the employer's induction programme, through the college/training provider, or some other way, such as the Internet, books, journals, leaflets etc.

Section 4 contains a Statement of Achievement for this part of the Apprenticeship programme. This requires your signature and that of your employer and college/training provider. This will be sent to us, together with copies of your certificates as evidence that you have completed the full programme and are entitled to receive the FM Apprenticeship certificate.

Good luck with your programme.

Richard Beamish

Richard Beamish
Chief Executive,
Asset Skills

2. STATUTORY RIGHTS AND RESPONSIBILITIES

All Apprentices need to know that employers and employees both have a range of statutory rights and responsibilities under Employment Law and that employment can be affected by other legislation as well.

2.1 Contracts of Employment

What you should know:

- The relationship between an employer and employee is governed by the terms and conditions contained within a contract of employment.
- Employment contracts are legally binding on both the employer and employee and serve to protect each other's rights and responsibilities.
- A contract of employment comes into force as soon as a firm offer of employment has been made and accepted, even if agreement has only been verbal e.g. at an interview.
- By law (Employment Rights Act 1996) all employees are entitled to a written statement of the key terms and conditions of their employment within two months of starting work, providing the contract is to last for more than one month.
- Employment contracts may be for full or part-time work and open-ended (permanent), or for fixed-terms and temporary periods of employment.
- Changes to employment contracts must be made following procedures that are designed to protect the employee from unfair treatment and ensure they are consulted on the nature of any changes proposed.
- Termination of an employment contract is governed by rules and rights which protect the employee and employer from unfair treatment.
- Codes of practice exist for managing conflicts between an individual employee and their employer. These are highlighted in grievance procedures set out by the employer.
- Employees who believe they have been dismissed or otherwise treated unfairly have the right to take their case to an independent Employment Tribunal. Certain rules must have been met about how long they have been employed, and the procedures that have been followed by their employer.
- Some people are self-employed. They have different rights and responsibilities with regard to their entitlement to a range of statutory benefits. If they offer a service (e.g. plumbing, gardening, and financial services) they enter into a different kind of contract with the person or organisation for whom they carry out any work. This is governed by different legislation.

How it affects you:

You will need to know about your own contract of employment and/or written terms and conditions statement, the system of payments used and the related documentation.

Q 1: *When is your salary paid and how often?*

.....

Q 2: *What period of notice would you have to give if you wished to leave?*

.....

You will also need to know what you should do if you have a grievance about the terms and conditions of your employment.

Q 3: *If you have a grievance, who would you go to?*

Name: **Job Title:**.....

2.2 Anti Discrimination

What you should know:

- The Equality Act 2010 gives nine protected characteristics which state the right not to be discriminated against. These are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. These characteristics are legally protected from the first day of employment. It also applies during the recruitment process.
- Anti-discrimination provisions protect an employee who has made a complaint of discrimination, or who has said they intend to complain, from victimisation, bullying or harassment. This can be direct discrimination, associative discrimination, discrimination by perception, indirect, harassment, harassment by a third party or victimisation.
- There are some exemptions called Genuine Occupational Requirements to cover very specific situations such as employees working in single gender establishments may want to recruit only women or if you wanted to recruit somebody to play the part of Martin Luther King you would want to recruit a black male actor.
- The right to receive equal pay regardless of whether you are a man or woman (Equal Pay Act) covers not just payment, but all the terms of an employment contract.
- Disability Discrimination applies to all employers regardless of size.
- The definition of 'disability' addresses a wide range of conditions. The Equality Act has simplified the definition of disability. It states that a disabled person is one who: -

“Has an impairment which has substantial and has a long-term adverse effect on their ability to carry out normal day to day activities”.
- Employers have the responsibility to make reasonable adjustments to working practices and the workplace to meet the needs of disabled employees. For example: -
 1. by altering desk and seating arrangements to enable wheelchair access;
 2. re-allocating heavy work duties to another employee if someone develops a heart condition or other form of disability that makes heavy work impossible
 3. arranging for an employee to use ICT to carry out work rather than writing documents or making visits.
- Unlike discrimination on the other protected characteristics an employer can justify discrimination against a disabled person. There must be material and substantial reasons why the person's disability would prevent him or her from doing the job or make it exceedingly difficult for them to do it **and** there is no adjustment that could be made that would allow the disabled person to do the job. For example: -
“Where a person's medical condition requires the taking of a drug which affects concentration and decision-making and poor skills in these areas would be likely to put safety at risk, as in a driving occupation.”

- Although it is illegal to discriminate on the grounds of age, certain work activities require a person to have reached a minimum age before they can carry them out. For example: -
Work with certain types of equipment or plant.

How it affects you:

You need to know about Equal Opportunities policies and procedures in your workplace and any exemptions from the Equality Act which are relevant to your job:

Q 4: Give an example of an occupation which would be exempt from the Equality Act and why?

.....
.....

You also need to know the steps that you should take if you experience or witness discrimination and/or bullying at work.

Q 5: Who should you contact in the first instance if you experience or witness discrimination and/or bullying at work?

Name: Job Title:.....

2.3 Working Hours and Holiday Entitlements

What you should know:

- The **Working Time Regulations** apply to all employers in the UK, regardless of sector or organisation size. They set rules about the amount of time that employees can work and the amount of rest time to which they are entitled. They are enforced by Employment Tribunals combined with inspections by the Health and Safety Executive.
- The special provisions which limit the hours that Young Workers aged 16 to 17 can work.
- Some categories of employee are excluded from these provisions, and there are some situations which may be exempt from different parts of the provision. For example: -
 - *Seasonal workers in the run-up to Christmas;*
 - *Workers in sectors where the work cannot be interrupted on technical grounds e.g. electricity production/transmission, or emergency services.*
- The legal rights and responsibilities, of both employees and employers, about the amount and timing of holidays taken from work.
- There are legal rights to time off work for public duties and other functions, not all of which need be paid for by the employer.
- There are specific rights and responsibilities that apply in the case of maternity and paternity leave.

How it affects you:

You need to know about your working hours and the steps you should take to request a period off work, including the organisation's rules that apply to time off work for different reasons.

Q 6 What is the maximum number of hours per week you can be asked to work?

.....

Q 7 How many days paid holiday are you entitled to?

.....

2.4 Sickness Absence and Sick Pay

What you should know:

- There is a statutory right to a prescribed level of sick pay that all employers must abide by. Some employers go beyond this and pay additional entitlements if employees are unwell.
- There are rules about who can claim Statutory Sick Pay which relate to how old the employee is, how much they earn and whether they have or are claiming any other form of statutory benefit *e.g. statutory maternity pay or incapacity benefit*.
- Employees are allowed to “self certificate” the first few days of their sickness without the need to get a certificate from their Doctor.

How it affects you:

You need to know about the sick pay arrangements in your organisation, including how and when you must notify your employer if you are unable to go to work because of ill health, and the implications of not following the procedures.

Q 8: Where would you get a “self certification” form and how many days sickness are you allowed to self certificate, before you have to get a Doctor’s certificate?

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Q 9: What are the arrangements for notifying your employer of sickness?

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.....

Q 10: After how many days sickness can your employer claim statutory sick pay?

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2.5 Data Protection and Access to Personal Information

What you should know:

- Legislation exists to protect data held about an employee by an employer and this covers both computerised and manual filing systems.
- There are a range of principles which govern personal information: -
 - What sort of information it is acceptable to collect;
 - How it should be processed;
 - How inaccuracies should be dealt with;
 - Who should have access to it;
 - The protection that should be in place to ensure that no unauthorised person gains access to it

How it affects you:

You need to know who to report to on matters to do with your personnel record, and the procedure to follow to report any changes in your circumstances.

Q 11: Give three examples of changes to your personal circumstances and to whom you should report these changes:

EXAMPLE 1

.....

Report to

.....

EXAMPLE 2

.....

Report to

.....

(If different from above)

EXAMPLE 3

.....

Report to

.....

(If different from above)

You also need to know what type of information is in your personnel record and who has access to it.

Q 12: Do you have the right to see your personnel record?

.....

2.6 Health & Safety

What you should know:

- The main legislation covering health and safety in the workplace.
- Under this legislation, employers and employees have certain responsibilities. These are:
 - *“Employers must safeguard as far as is reasonably practicable, the health, safety and welfare at work of all the people who work for them. This applies in particular to the provision and maintenance of safe plant and safe systems of work and covers all machinery, equipment and substances used.*
 - *People at work (employees) have a duty to take reasonable care to avoid harm to themselves or to others by their work activities, and to co-operate with employers and others in meeting statutory requirements. Employees must not interfere with or misuse anything provided to protect their health, safety or welfare.”*
- There are many health and safety regulations and codes of practice that relate to different kinds of work and different sorts of workplaces.
- There are specific health and safety requirements relating to the employment of young people.

How it affects you:

You need to know about the specific health and safety regulations and codes of practice which apply to your workplace and job and the equipment you use.

Q 13: Give one example of a health and safety regulation which applies to your workplace:

You need to know about the measures put in place by your employer to protect you and others, the name of the person who is responsible for health and safety in your workplace, and your personal responsibilities.

Q 14: Who is your health and safety representative?

Name:..... **Job Title:**.....

Q 15: If you have to evacuate the building for any reason, where should you go?

Q 16: When should you return to the building and why?

2.7 Legislation and Codes of Practice for the Facilities Management Sector

What you should know:

- Legislation and regulations are established to provide a framework of acceptable practice that everyone governed by that framework must adhere to. Legislation and regulation provide a protection for the public against practices that are thought to be unacceptable in the light of commonly agreed moral or other ethical beliefs.
- Areas of specific legislation, as set by the national governments of the UK and EU, that specifically relate to the FM sector.
- The name and role of regulatory bodies relevant to the FM sector, which exist to monitor and enforce the legislative frameworks, to include general bodies such as the Health and Safety Executive as well as sector specific regulatory bodies.

2.8 Additional Learning Support and Access to Work

What you should know:

- Additional Learning Support (ALS) is available for apprentices on government funded training. Apprentices can gain access to additional help and support towards successfully achieving their learning goals. The need for ALS may arise from a learning difficulty, disability, or from literacy, numeracy or language needs.
- Access to Work (ATW) is a Government scheme designed to provide practical help to overcome the barriers that disabled people experience in the workplace. Through this scheme the government will either pay for, or make a substantial grant towards, the costs of additional support needed as a result of disability. This is essential to enable many disabled people to find or stay in employment.

How it affects you:

Q 17: Where would you find information within and outside your organisation about Additional Learning Support and Access to Work?

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.....

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2.9: Internal and external sources of information and advice about Employment Responsibilities and Rights (ERR)

2.9.1 Internal Sources:

You need to know who to ask for information and advice in your organisation – this can be on a range of topics related to:

- Employment and personnel issues
- Training
- Assessment

2.9.2 External Sources:

- **Advice guide** – information about a range of topics, including contact details of the National Association of Citizen's Advice Bureaux
www.adviceguide.org.uk
- **Equality & Human Right Commission**
Helpline:
England: 0845 604 6610
Wales: 0845 604 8810
www.equalityhumanrights.com
- **Health & Safety Executive**
Tel: 0845 345 0055
www.hse.gov.uk

2.10 SUMMARY WORKSHEET: Statutory Rights and Responsibilities

How much do you know and where did you learn about it?

Employment Rights and Responsibilities	Employer's Induction and/or Handbook (Please tick)	College/training provider's induction and/ or handbook (Please tick)	Other: Please say which sources you used
Contracts of employment: <ul style="list-style-type: none"> • General • Your own/the organisations, including grievance procedures and systems of payment • Working hours and holiday entitlements • Sickness absence and sick pay 			
Legislation: <ul style="list-style-type: none"> • Equality Act 2010 • Data Protection Act • Employment Rights Act • Health & Safety at Work Act • Working Time Regulations • How this legislation affects you 			

3. ABOUT YOUR JOB AND THE FACILITIES MANAGEMENT SECTOR

You need to understand the structure of your employer's organisation, of the Facilities Management Sector and the career pathways that are open to you.

3.1 Your Employer's Organisation:

- Running most organisations involves carrying out a range of different functions - finance, operations, personnel, marketing, health etc. In larger organisations, these functions may be split between different people, departments and/or sites. In smaller organisations, the same people may be responsible for more than one function. Different occupations are associated with different functions.
- You should know the formal and informal systems operating in your organisation to ensure there is effective co-operation and the management of conflict between different functions. *e.g. "Quality circles are an example of a cross-functional mechanism to ensure the highest possible standards of quality are met and maintained."*

How it affects you:

You need to know how your organisation is structured, where your occupational role fits in, what your responsibilities are, and how typical is the structure of your organisation in the FM sector.

Q 18: Draw a structure chart of your organisation, workplace or department, showing your name and job title.

You need to know what steps you should take to try to ensure you communicate effectively with colleagues and contacts in the workplace and why this is important to the organisation.

Q 19: Give two examples of how your employer benefits from effective working relationships:

Example 1

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.....
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Example 2

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.....
.....
.....
.....
.....

3.2 The Facilities Management Sector

The FM sector has faced many changes over recent years and continues to face new changes. A couple of examples would be the impact of the green agenda and the need to keep up to date with new legislation.¹

How it affects you:

You need to understand the impact, if any, that these changes have had on your employer and how you do your job.

Q 20: Give an example of one change, which your employer made recently to respond to change.

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¹ The research conducted by Asset Skills may assist with understanding - www.assetskills.org
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3.3 Career Pathways

- Facilities Managers work in a wide range of settings which could be in the private or public sector.
- Depending on the size of the organisation, there may be an opportunity to specialise in energy management or outsourcing strategies. In smaller organisations, Facilities Managers will be expected to cover the whole range of activities.
- The Facilities Management Certificates at Level 3 will give you a broad understanding of all of these areas.
- Asset Skills as a Sector Skills Council is responsible for:

.....

.....

.....

How it affects you:

You need to know about the main functions represented by FM, including: -

- **The occupation for which you are preparing**
- **The main stages and requirements of the development programme that you are pursuing**
- **What training and development opportunities your employer provides in relation to this**

You also need to know about the requirements and characteristics of typical career paths associated with your chosen occupation and other closely related occupations.

Q 21: What options are open to you to progress within FM and with whom can you discuss these options?

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3.4 Representative Bodies within the Facilities Management Sector

- Within any Sector there is a range of representative bodies that provide a mechanism for promoting the views of a group of people with common interests, e.g. professional bodies and trade associations, or federations. The representative bodies collect the views of their members and act as their voice in discussions with other groups on issues affecting them.
- Representation bodies operate both within an organisation and between organisations and other organisations and bodies. Representation between different bodies can occur at both local and national levels.

How it affects you:

You will need to know the name and role of representative bodies relevant to your sector and the name of any regulatory bodies.

Q 22: Give the names of two FM professional and trade bodies and outline their role.

Example 1:

.....
.....
.....

Example 2:

.....
.....
.....

3.5 Sources of Information and Advice on Training and Career Pathways

Careers Advice:

British Institute of Facilities Management
Number One Building
The Causeway
Bishop's Stortford
Hertfordshire
CM23 2ER

Website: www.bifm.org.uk

Email: membership@bifm.org.uk

Asset Skills
Sol House
29 St Katherine's Street
Northampton
NN1 2QZ

Website: www.assetskills.org

Telephone: 01604 233336

Email: enquiries@assetskills.org

Local Training

- Your local Careers/connexions service
www.connexions.gov.uk

Consult your local telephone directory for:

- Local colleges or training providers

3.6 SUMMARY WORKSHEET: Your Job and the Facilities Management Sector

How much do you know and where did you learn about it?

Your Job and the FM Sector	Employer's Induction and/or Handbook (Please tick)	College/training provider's induction and/ or handbook (Please tick)	Other: Please say which sources you used
<p>Structure of the Organisation</p> <ul style="list-style-type: none"> Your employer's organisational structure and how typical this is Functions of different departments/sections Your main job role and responsibilities and where you fit into the organisation Formal and informal systems for ensuring co-operation and managing conflict How to interact with colleagues and why this is important to the organisation 			
<p>About the FM Sector</p> <ul style="list-style-type: none"> The different segments which make up the FM Sector, how they relate to each other Main customers Numbers of employees, size of turnover, market share Changes taking place within the Sector affecting working practices and their importance 			
<p>Career Pathways</p> <ul style="list-style-type: none"> Main occupations within the FM profession, including your own job Requirements of typical career paths Main stages and requirements of the FM Apprenticeship programme and what career/ development opportunities your employer might offer in the future 			

Your Job and the FM Sector cont'd	Employer's Induction and/or Handbook (Please tick)	College/training provider's induction And/ or handbook (Please tick)	Other: Please say which sources you used
Representative Bodies <ul style="list-style-type: none"> • The role of the Sector Skills Council for FM (Asset Skills) • How to contact Asset Skills • Roles and range of professional and trade bodies and how to contact them 			

COMPLETION STATEMENT AND SIGNING OFF THE ERR WORKBOOK

We the undersigned, agree that the knowledge and understanding covered in the Employment Rights and Responsibilities workbook, has been completed by the apprentice:

(Please ✓ as applicable)

Advanced Apprentice (level 3)

Apprentice's name in capitals:	Signature:	Date:
Employer's name	Signed for employer:	Date:
Training provider's name	Signature for provider:	Date:

A copy of this page should be retained by the apprentice/training provider for submission to Asset Skills when claiming an Apprenticeship completion certificate.

NOTES: