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Professional Certificate in Construction Legal Compliance (United Kingdom)

## Employment Law in Construction

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**Acas (Advisory, Conciliation and Arbitration Service):** an independent organization that provides advice, information, and dispute resolution services to employers and employees in the UK. Acas is often involved in resolving employment disputes in the construction industry.

**Collective agreements:** agreements between employers and trade unions that set out terms and conditions of employment for a group of workers. Collective agreements are common in the construction industry and cover issues such as pay, working hours, and holiday entitlement.

**Constructive dismissal:** a form of dismissal that occurs when an employer breaches a fundamental term of the employment contract, forcing the employee to resign. Constructive dismissal is a form of unfair dismissal and may give rise to a claim for compensation.

**Discrimination:** treating someone unfairly because of a protected characteristic, such as age, gender, race, or disability. Discrimination is unlawful in the UK and may give rise to a claim for compensation.

**Employment tribunal:** a legal body that hears and determines disputes between employers and employees. Employment tribunals have the power to make binding decisions on issues such as unfair dismissal, discrimination, and unpaid wages.

**Health and safety:** the measures taken to prevent accidents, injuries, and illnesses in the workplace. Health and safety is a critical issue in the construction industry, and employers have a legal duty to ensure the safety of their employees.

**Hiring and firing:** the process of recruiting and selecting employees, and terminating their employment. Hiring and firing is a complex area of employment law, and employers must follow strict procedures to avoid legal challenges.

**Human resources (HR):** the department or function within an organization responsible for managing the employment relationship. HR plays a critical role in ensuring compliance with employment law in the construction industry.

**Industrial action:** collective action taken by employees, such as strikes or boycotts, to protest against working conditions or to achieve a specific goal. Industrial action is a complex area of employment law and may give rise to legal challenges.

**Part-time workers:** employees who work fewer hours than full-time employees. Part-time workers have the same rights as full-time workers, and employers must ensure that they are not treated less favorably.

**Redundancy:** the situation where an employer needs to reduce the workforce due to a reduction in demand or a change in business needs. Redundancy is a complex area of employment law, and employers must

follow strict procedures to ensure that redundancies are fair and legal.

**TUPE (Transfer of Undertakings (Protection of Employment) Regulations 2006):** regulations that protect the rights of employees when a business or undertaking is transferred to a new employer. TUPE applies to the construction industry and ensures that employees' terms and conditions are protected when a contract is transferred.

**Unfair dismissal:** the situation where an employer terminates an employee's employment without a valid reason or without following a fair procedure. Unfair dismissal is a form of unfair treatment and may give rise to a claim for compensation.

**Whistleblowing:** reporting concerns about wrongdoing or illegal activity in the workplace. Whistleblowing is a protected activity in the UK, and employees who report concerns are protected from victimization or dismissal.

**Zero-hours contracts:** contracts under which an employer is not obliged to provide any work, and the employee is not obliged to accept any work offered. Zero-hours contracts are common in the construction industry and have been the subject of much debate and criticism.

**Working time regulations:** regulations that govern the hours worked by employees in the UK. The regulations set out maximum weekly working hours, daily rest periods, and paid annual leave entitlements. The regulations apply to the construction industry and are designed to protect the health and safety of workers.

**Wrongful dismissal:** the situation where an employer terminates an employee's employment in breach of contract. Wrongful dismissal is a form of breach of contract and may give rise to a claim for damages.

**Example of Application:**

Consider a construction company that is planning to make redundancies due to a reduction in demand. The company must follow the strict procedures set out in the employment law to ensure that the redundancies are fair and legal. This may include consulting with affected employees, considering alternative options to redundancy, and ensuring that the selection criteria for redundancy are fair and transparent.

If the company fails to follow these procedures, an affected employee may bring a claim for unfair dismissal. The employee may also claim that they have been discriminated against if the selection criteria for redundancy are discriminatory. For example, if the company selects employees for redundancy based on their age, this may be discriminatory and unlawful.

In addition to redundancy, the company must ensure that it complies with the working time regulations. This may include ensuring that employees do not work more than the maximum weekly working hours and that they are given the required daily rest periods. The company must also ensure that employees are given paid annual leave entitlements.

If the company fails to comply with the working time regulations, it may be subject to enforcement action

by the relevant authorities. The company may also be liable to pay compensation to affected employees.

Challenges:

One of the significant challenges in employment law in the construction industry is the transient nature of the workforce. Construction workers often move from one site to another, making it difficult for employers to keep track of their employment rights and obligations.

Another challenge is the complexity of the employment law itself. Employment law in the UK is complex and constantly evolving, making it challenging for employers to stay up-to-date with the latest developments.

Finally, the construction industry is subject to a high level of regulation, including health and safety regulations, building regulations, and environmental regulations. Compliance with these regulations can be time-consuming and costly, but failure to comply can result in significant fines and reputational damage.

In conclusion, employment law in the construction industry is a complex and challenging area. Employers must ensure that they comply with the relevant regulations and follow fair and transparent procedures to avoid legal challenges. By doing so, they can create a positive and productive working environment that benefits both employers and employees.