

SECTION 15: OTHER EMPLOYMENT LEGISLATION

This section provides information on:

- Data Protection Act
- Working Time Regulations
- Information Sources

Data Protection Act

The Data Protection Act 1998 came into force on 1 March 2000. It regulates the use of personal data and gives effect in UK law to the European Directive on data protection.

The Act covers some manual records, such as those recorded on paper or media such as microfiche, as well as computerised records, and is concerned with the processing of 'personal data', that is, data relating to identifiable living individuals. From 24 October 2007, all data held on a manual filing system must comply fully with the Data Protection Act 1998.

It:

- Gives individuals (known as 'data subjects') certain rights
- Requires those who decide how and why personal data are processed (data controllers) to be open about their use of those data and to comply with the data protection principles in their information handling.

There are eight data protection principles that are central to the Act. In brief, they say that personal data must be:

- Processed fairly and lawfully
- Processed for limited purposes and not in any manner incompatible with those purposes
- Adequate, relevant and not excessive
- Accurate
- Not kept longer than is necessary
- Processed in line with data subjects' rights
- Secure
- Not transferred to countries that do not protect personal data adequately.

The Act grants workers and other "data subjects" the right to have a copy of the information that an organisation holds about them. If a "subject access request" is received a copy must be provided within 40 days. A fee of £10 may be charged. References may be made to third

parties in the documentation to be disclosed and generally their consent should be obtained. If this is impracticable advice should be sought from the Lay Employment Secretary or Development and Personnel at Methodist Church House.

This applies to job applicants, employees and past employees.

Working Time Regulations

The Working Time Regulations came into force in 1998. They are primarily a health and safety measure and give effect in UK law to the European Directive on working time.

The Regulations provide for:

- A maximum 48-hour week averaged over 17 weeks excluding weeks when work was not carried out, for example, holidays or sick leave
- Regular breaks
- Paid annual leave
- Health checks for regular night workers
- Special provisions for young people aged less than 18.

When the regulations were introduced there was a facility for workers to exempt themselves from the 48-hour limit by signing a waiver agreement. This continues to be under review. Employers cannot exempt themselves from responsibility for providing a healthy and safe working environment even if an employee signs such a waiver.

It is unlikely that church employees will be required to work more than 48 hours on a regular basis. However, the regulation applies to all work and so care should be taken with employees who may have more than one job.

All workers are entitled to have periods without work as follows:

- 20 minutes after 6 hours
- 11 hours in each period of 24 hours
- 24 hours in a period of 7 days (or 48 hours in a period of 14 days)
- 4 weeks in every year.

There is no facility for waiving the regulation relating to breaks.

An employer is expected to take reasonable steps to ensure that employees with more than one employer do not work outside the regulations.

Information Sources

1. The District Lay Employment Secretary
2. The Development and Personnel at Methodist Church House
3. The Arbitration, Conciliation and Advisory Service (ACAS) have a web site at www.acas.org.uk; their telephone helpline number is 08457 474747.
4. HM Revenue and Customs telephone helpline for employers is 08457 143 143.
5. There are several government web sites that provide information about employment legislation; try www.bis.gov.uk.
6. The National Minimum Wage helpline number is 0800 917 2368.
7. The Churches' Agency for Safeguarding has a web site at www.churchsafe.org.uk. Telephone enquiries relating to Disclosure applications 020 7467 5216. Requests for Disclosure forms telephone 020 7467 5206.
8. There are several services that can be accessed electronically by subscription. Details can be requested from Development and Personnel at Methodist Church House.
9. The Health & Safety Executive has a web site at www.hse.gov.uk. There is also an Infoline by telephone (0845 345 0055) open from 0800 until 1800 or e-mail (hse.infoline@connaught.plc.uk).
10. A number of NHS Trusts offer occupational health services for small employers in their area. Details can be found at www.nhsplus.uk.
11. The Chartered Institute of Personnel and Development offers a free helpline to members.