



Marketing and Sales Standards Setting Body

EMPLOYMENT RESPONSIBILITIES AND RIGHTS

WORKBOOK

TO SUPPORT THE

FOUNDATION AND ADVANCED MODERN

APPRENTICESHIPS

IN SALES AND TELESales

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Introduction to ERR

Dear Apprentice

Welcome to the Sales and Telesales Modern Apprenticeship programme. As an apprentice on the programme you may be working towards either a Foundation or Advanced Modern Apprenticeship and this may be the first time you have worked for someone, or the first time you have undertaken any training since leaving full-time education. You need to learn about the organisation for which you work, your responsibilities within that organisation and the responsibilities of people who work with you to enable you to become an effective staff member of the organisation. You also need to know other vital information such as Health and Safety, Data Protection and Discrimination.

If you are an apprentice who is not directly employed by an employer, you should use the systems and procedures of the employer who is providing you with work based learning opportunities to answer the questions

This workbook is aimed to help you know and understand your statutory rights and responsibilities and to understand those of the sector you are working in. As an apprentice in Sales and Telesales you could be involved in any sector or industry but you will still need to know about your own sector as well as your occupation.

Many of the Employment Rights and Responsibilities are covered in your N/SVQ and/or chosen technical certificate. You will also cover many aspects in your initial induction in the workplace. This workbook should reinforce what you have already been taught, as well as fill in any gaps there may be.

You do not have to work through the book in any particular order and you may have to do some research to find out some of the answers. Your contract of employment and staff manual should provide many of the answers. Don't be afraid to ask for help from your training provider, assessor or line manager if you are unsure of any of the questions or where to look for answers. At the back of the workbook you will find a list of useful web sites where you may find much of the information required.

You will need to complete the workbook within six months of starting on your apprenticeship and it will need to be signed by your training provider and line manager as being your own work.

Good luck with the workbook and good luck with your chosen career.

Marketing and Sales Standards Setting Body

Section 1

Anti-discrimination provisions – gender, race, disability, age

What you need to know

- the right not to be discriminated against on the grounds of gender, race, or disability is legally protected from the first day of employment and applies during the recruitment process as much as during the period of employment.
- anti-discrimination provisions protect an employee who has made a complaint of discrimination, or who has said they intend to complain, from victimisation by the employer
- some exemptions from the Sex Discrimination Act 1975 exist to cover very specific situations, such as the employment of ministers of religion
- the right to receive equal pay regardless of whether you are a man or woman (Equal Pay Act 1970) covers not just payment, but all the terms of an employment contract.
- some exemptions from the Race Relations Act 1976 exist to cover very specific situations, such as employees working wholly or mainly outside the UK
- the Disability Discrimination Act 1995 applies to all employers who employ fifteen employees or more
- the definition of 'disability' addresses a wide range of conditions and the Act states that a disabled person is one who 'has a physical or mental impairment which has substantial and long-term adverse effect on his ability to carry out normal day to day activities
- employers have the responsibility to make reasonable adjustments to working practices and the workplace in order that the needs of disabled employees can be met, *for example by altering desk and seating arrangements to enable wheelchair access, or re-allocating heavy work duties to another employee if someone develops a heart condition or other form of disability that makes heavy work impossible or arranging for an employee to use ICT to carry out work rather than writing documents or making visits*
- unlike discrimination on the grounds of race and sex, the employer can justify discrimination against a disabled person if there are material and substantial reasons why the person's disability would prevent them 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 there is no age discrimination law at present in the UK, certain work activities require a person to have reached a minimum age before they can carry them out *e.g. work with certain types of equipment or plant.*

What you need to do

Answer the following questions:

1. Name three different areas of discrimination that are covered by Discrimination Acts

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2. What, if any, exemptions are there under the Disability Discrimination Act, relevant to your job?

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Section 2

Working Hours and Holiday (Annual Leave) Entitlements

What you need to know

- the Working Time Regulations 1998 (amended 1st August 2003) 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
- there are 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 with regard to seasonal workers in the run-up to Christmas or workers in sectors where the work cannot be interrupted on technical grounds such as with electricity production and transmission, or the fire service*
- both employees and employers have legal rights and responsibilities 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 parental leave

What you need to do

Answer the following questions:

1. How many days annual leave are you entitled to under your contract of employment? Does this include Public Holidays?

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2. How much notice does your employer require from you before you take annual leave and who do you have to request leave from?

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3. What is the statutory time allowed for maternity leave?

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4. What other reasons may you be allowed time off work for?
Name two

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Section 3

Sickness absence and sick pay

What you need to know

- there is a statutory right to a prescribed level of sick pay which 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 *eg statutory maternity pay or incapacity benefit*

What you need to do

Answer the following questions

1. What should you do if you are ill and can't attend work? Write the procedure below

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2. What would happen if you didn't follow the procedure for notification?

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Section 4

Legislations and Regulations in your Sector

What you need to know

- legal requirements and regulations are established to provide acceptable practice and they provide a protection for the public against practice that it thought to be unacceptable in the light of commonly agreed moral or other ethical beliefs. You must ensure you follow all relevant legislation and regulations
- areas of specific legislation, as set by the national governments of the UK and EU which specifically relate to your sector
- the name and role of regulatory bodies relevant to your industry, which exist to monitor and enforce the legislative frameworks, to include general bodies such as the Health and Safety Executive as well as industry specific regulatory bodies.

What you need to do

Answer the following questions

1. What legislation or regulations govern the sector/industry that you work in?

Name two

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(For example if you work in the petroleum industry there will be specific legislation, as there will be in other sectors, such as Child Care, Medical, Finance, etc.)

2. Name a regulatory body that is relevant to your industry/sector

.....

Section 5 – The types of representative bodies relevant to your industry and organisation and their main responsibilities and roles.

What you need to know

- within any industry there are a range of representative bodies that provide a mechanism for promoting the views of a group of people with common interests. The representative bodies collect the views of their members and act as their voice in discussions with representative of other groups on issues that affect them all.
- representation occurs both within an organisation and between an organisations and other bodies. Representation between different bodies can occur at local and national levels as well.
- the name and role of trades unions at organisational and national levels, relevant to your occupation, in representing and protecting the common interests of employees in a given industry and/or occupation.
- the name and role of trade and employer organisations, relevant to your industry and organisation, in representing and protecting the common interests of groups of employers in a given industry or sector of industry.
- the name and role of professional bodies, relevant to your occupation, in representing and protecting the common interests of members of a given professional level occupation.
- the role of consumer groups, relevant to your industry and occupation, in representing the views of consumers of products and services provided
- the name and role of regulatory bodies relevant to your industry and occupation in representing and protecting public interests
- the name and role of the Sector Body relevant to your industry and occupation

What you need to do

Answer the following questions

1. Name a regulatory body relevant to your industry and what are their main responsibilities?

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2. Name a Professional Body for Sales and what services do they provide?

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.....

3. What is the role of a trade union?

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4. Which trade unions are relevant to your sector/industry?

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.....

5. What is the name of the Sector Body (ies) relevant to your occupation and industry

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.....

Section 6 – Contracts of Employment

What you need to know

- How an employer and employee (you) 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) 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 open-ended (permanent), for temporary periods of employment or for fixed-terms; or for full or part-time work.
- Changes to employment contracts must be made following procedures which are designed to protect the employee from unfair treatment and ensure consultation 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 in case of any conflicts between an individual employee and their employer. These are laid down in the organisation's grievance procedures.

- Employees who believe they have been dismissed or otherwise treated unfairly have the right to take their case to an independent Employment Tribunal, providing certain rules are 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, accountancy services) they enter into a different kind of contract with the person or organisation who they carry out any work for. This is governed by different legislation.

What you need to do
Answer the following questions

1. What are your normal working hours per week?

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2. Are you paid overtime?

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3. What information is shown on your pay slip? i.e. Payments and deductions?

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4. What is the timescale for receiving a signed contract of employment?

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5. What procedure would you need to follow if you had a grievance?

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Section 7 – Data Protection

What you need to know

- who you report to regarding your personnel record and what the procedure is to follow to report any changes in your circumstances

- what type of information is held on your personnel record and who has access to it

What you need to do
Answer the following questions

1. What information is held on your personnel record?
Name three different types of information

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2. Are you allowed to have access to your personnel records?

.....

3. Who would you need to report any changes in circumstance to? E.g A change of name or address.

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Section 8 – There are a range of sources and information and advice available on your employment rights and responsibilities. These sources can be found both internally and externally (within the organisation and outside of the organisation)

What you need to know

- the range of information made available to you by your employer on matters relating to your employment and working practice and where this can be obtained
- other information sources that may be available outside of the workplace, what they provide and how to use them

What you need to do
Answer the following questions

1. What information does your employer have available relating to your employment and working practice?

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2. Where can this information be found?

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3. What information can you find outside of work? There are many organisations providing information and advice – you may have used one already. Name two sources of information

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Section 9 – Understanding the role played by your occupation within your organisation and industry

What you need to know

- what sort of changes have been taking place in your industry over recent years which have affected your working practices and the way in which organisations operate
- the impact, if any, that these changes have had on your organisation and the way in which their occupation is carried out

What you need to do

Answer the following questions

1. Think of the industry that you work in. What changes have taken place over recent years which have affected the way the organisation operates? For example it could be technology or currency related (e.g. the influence of the Euro, the introduction of computerised systems, etc)

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2. What impact on the structure of the organisation has this had – or the way sales personnel operate within the organisation?

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Section 10 – you know where and how to get information and advice on your industry, occupation, training and career

What you need to know

- Information sources that may be available outside of the workplace, what they provide and how to use them

**What you need to do
Answer the following questions**

1. What is the name of the organisation that provides information, advice and guidance to young people up to the age of 19?

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.....

2. Where would you go for Careers Advice if you are over the age of 19?

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.....

Section 11 – describe and work within your organisation’s principles and codes of practice

What you need to know

- the mission statement (if appropriate) and/or codes of practice, documentation and procedures which the candidate must follow in carrying out their work
- which aspects of the codes of practice you must follow relate to the following sources:
 - the legislative and regulatory framework within which your organisation operates

- principles established by professional or trade organisations
 - principles established by the organisation itself
- how your organisation makes its operating principles and business ethos known to employees, customers, suppliers and the community in which it operates
- ways in which sector, organisational and occupational values influence the way in which a business operates and the kind of implications which can arise for the individual and organisation of failure to meet up to expected codes of practice

What you need to do
Answer the following questions

1. What is your organisation's Mission Statement?

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2. What are the main principles of your organisation and how are they made known to employees?

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3. How are they made known to customers and suppliers?

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4. What would happen if you or your organisation failed to meet up to the expected Code of Practices?

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Section 12 – you recognise and can form a view on issues of public concern that affects your organisation and industry

What you need to know

- current issues of public concern that are particularly relevant to your industry and the views of different representative bodies on them
- key shifts in public opinion that have affected your industry, organisation and/or occupation, and the impact they have had on a general level and in relation to your own working practice
- how changes in public opinion can affect the way in which organisations and occupations operate by influencing the choices that customers make about:
 - what to purchase, and how much
 - who to buy from
 - how to make a purchase
 - when to buy
 - why to buy in the first place
- how organisations may try to predict, monitor and influence public opinion and adjust how they present themselves and their products/services
- examples of how the views and values of your organisation and/or relevant representative bodies have been made known to the wider community on a local, regional or national level

What you need to do

Answer the following questions

1. Name any issues of public concern that have had an impact on your occupation or industry

.....

2. Say how any relevant issues of public concern have affected the way you work

.....

3. How have these issues affected the organisation as a whole?

.....

What to do next

Now you have completed your workbook you will need to ask your training provider and your employer/line manager to sign the next page. This is to confirm that you have completed the workbook yourself.

You (or your training provider) will need to send the sign off sheet with all your other qualification certificates to claim your Modern Apprenticeship certificate when you have finished your framework, so make sure it's kept somewhere safe – such as your portfolio of evidence. You are advised to make a copy of the sign off sheet for your own records. You can keep the rest of your workbook, this doesn't need to be sent off.

When you have completed your Modern Apprenticeship framework in Sales or Telesales you will need to send a copy of **all** your certificates, including the sign off sheet along with a Completion Certification request Form and the current administration fee, to the Marketing and Sales Standards Setting Body in order to receive your Modern Apprenticeship Certificate.

Once you have completed this framework, if you move on to another Modern Apprenticeship framework that has an ERR Workbook as part of its outcomes, you will not be able to use this workbook as evidence, although having completed this workbook should help you with some of the questions as they may be similar.

**Completion of Marketing and Sales Standards Setting Body ERR
Workbook – Foundation/Advanced Modern Apprenticeship in
Sales/Telesales**

**We, the undersigned, agree that the knowledge and understanding covered
in the employment responsibilities and rights workbook developed by the
MSSSB, has been completed by the apprentice named below:**

Name of Apprentice:

Date of Birth:

Foundation/Advanced – delete as applicable

Sales/Telesales – delete as applicable

Signature:

Candidate Number:

Name of employer/line manager:

Signature:

Name and address of Training Provider:

Signature:

A copy of this page should be retained in the workbook. The original (signed) version should be returned to MSSSB, Moor Hall, Cookham, Maidenhead, Berkshire SL6 9QH on successful completion of the apprenticeship, together with copies of all of the evidence required for the issue of a completion certificate/diploma for this Apprenticeship (refer to the relevant Framework).

Awarding and Professional Bodies

Awarding Bodies:

<p>City & Guilds 1 Giltspur Street, London, EC1A 9DD Tel: 020 7294 2800 www.city-and-guilds.co.uk</p>	<p>Edexcel Foundation Stewart House, 32 Russell Square, London, EC1B 5DN Tel: 020 7393 4444 www.edexcel.org.uk</p>
<p>IMI Institute of Motor Industry Fanshaws, Brickendon, Herts, SG13 8PQ Tel: 01992 511 521 www.motor.org.uk</p>	<p>ISMM Tel: 01727 812500 www.ismm.co.uk</p>
<p>LCCIEB Athena House, 112 Station Road, Sidcup, Kent, DA15 7BJ Tel: 020 8302 0261 www.lccieb.com</p>	<p>OCR Westwood Way, Coventry, CV4 8HS Tel: 01203 421944 www.ocr.org.uk</p>

Professional Bodies: Please note there will be many professional bodies for people working in sales as this is a cross sector occupation. These are just a sample

<p>CIM – Chartered Institute of Marketing Moor Hall, Cookham, Maidenhead, Berks SL6 9QH Tel: 01628 427 500 www.cim.co.uk</p>	<p>ISMM – Institute of Sales and Marketing Management Tel: 01727 812 500 www.ismm.co.uk</p>
<p>IMI Institute of Motor Industry Fanshaws, Brickendon, Herts, SG13 8PQ Tel: 01992 511 521 www.motor.org.uk</p>	

Useful Addresses/Contacts

<p>Advisory Conciliation and Arbitration Service (ACAS) – booklets and advice on employment matters. Head Office, Brandon House, 180 Borough High Street, London, SE1 1LW Tel: 020 7210 3000 www.acas.co.uk</p>	<p>Adviceguide – information about a range of topics, including contact details of the National Association of Citizen’s Advice Bureaux www.adviceguide.org.uk</p>
<p>Careers Advice: Your local Careers/Connexions service National and local advice services such as the Careers/Connexions service: www.connexions.gov.uk</p>	<p>Connexions Service – Confidential advice, support and information via telephone, e-mail, text and webchat for all people aged between 13 and 19. Tel: 0800 800 13219 Text: 07764 13219 www.connexions.gov.uk</p>
<p>Department for Education and Skills Moorfoot, Sheffield, S1 4PQ Tel: 0870 000 2288 www.dfes.gov.uk</p>	<p>Department for Trade and Industry - information about work-related queries Enquiry Unit, 1 Victoria Street, London, SW1H 0ET Enquiry Line: 020 7215 5000 www.dti.gov.uk</p>
<p>Education and Learning Wales ELWa www.elwa.org.uk</p>	<p>Equal Opportunities Commission Arndale House, Arndale Centre Manchester M4 3EQ Tel: 0161 833 9244 www.eoc.org.uk</p>
<p>Health & Safety Executive HSE Infoline 0870 545500 Fax: 02920 859260 Email: hseinformationservices@natbrit.com</p>	<p>Learning and Skills Council – information and advice about all Post 16 learning Cheylesmore House, Quinton Road, Coventry, Cv1 2WT Tel: 0845 019 4170 www.lsc.gov.uk</p>
<p>Local Training Consult your local telephone directory for: Local Learning and Skills Council Local colleges or training providers</p>	<p>Marketing and Sales Standards Setting Body (MSSSB) Moor Hall, Cookham, Maidenhead, Berkshire SL6 9QH Tel: 01628 427 106 www.msssb.org</p>
<p>National Institute of Careers Education and Counselling (NICEC) Centre for Guidance Studies, University of Derby, S413, Kedleston Road, Derby, DE22 1GB Tel: 01332 621351</p>	<p>Trade Union Council - information about training in work and trade unions Congress House, Great Russell Street, London, WC1B 3LS Tel: 020 7636 4030 www.tuc.org.uk</p>

Glossary of Terms

In this section of the workbook we provide you with a glossary of terms that you may come across while you are completing your Modern Apprenticeship.

Term	Definition
Marketing and Sales Standards Setting Body (MSSSB)	The organisation responsible for the overview of vocational education and training in Marketing and Sales. They are responsible for developing standards and qualifications which are based on best practice in the workplace
Chartered Institute of Marketing (CIM)	Professional Body for people working in Marketing and Sales
Connexions	The confidential service to provide a comprehensive support for all young people between the ages of 13 and 19. They will provide information, advice and guidance about learning and work, health and social problems as well as acting as a referral agency for young people who may be encountering social problems, etc
DfES	Department for Education and Skills: the Government Department responsible for supporting the development and implementation of education and training programmes across England
Institute of Sales and Marketing Management	Professional Body for people working in Marketing and Sales
Learning and Skills Council (LSC)	A national body set up by the Government in April 2001. They manage the provision of funding for and quality of provision of all Government Funded education and training, post 16, excluding Higher education. This includes 6 th form colleges, training providers and employers involved in the delivery of learning programmes such as Foundation and Advanced Modern apprenticeships
Local Learning and Skills Council (LLSC)	There are 47 local Learning and Skills Councils. These are responsible to the National LSC in terms of carrying out national policy for the support of education and training programmes. They all work locally and respond to local needs and priorities
Learn direct	Organisation working with the University of Industry (Ufi) to provide access to innovative and high quality learning opportunities, most of which are available online. Designed to fit learning into other commitments

Modern Apprenticeships	<p>Structured training programmes open to young people under the age of 25. These are at two levels:</p> <ul style="list-style-type: none"> • Foundation Modern Apprenticeships leading to an NVQ level 2, associated key skills, technical certificate and possibly other enhancements decided by employers • Advanced Modern Apprenticeships leading to an NVQ level 3, associated key skills, technical certificate and possibly other enhancements decided by employers <p>Funding support for the training may be available from the LSC</p>
National Occupational Standards	<p>Standards of performance required for individuals to work effectively and efficiently in their occupational area. They are devised by people working in the occupational area and contain statements of skill needs as well as required underpinning knowledge. Their development and review are managed by the appropriate Sector Skills Council/ National Training Organisation</p>
NVQ/SVQ	<p>National Vocational Qualification/Scottish Vocational Qualification: vocationally based qualifications developed from the National Occupational Standards and broken down into units or 'modules'</p>
Sector Bodies (Sector Skills Councils formerly National Training Organisations)	<p>Organisations approved by Government to identify and manage the learning needs of all workers within their sectors. This includes developing National Occupational Standards, NVQ/SVQs and Modern Apprenticeship frameworks. For Management Standards, N/SVQs and Modern Apprenticeship frameworks this organisation is called the Chartered Management Institute</p>
University for Industry (Ufi)	<p>Part of the Government's Lifelong Learning agenda with the aim of putting individuals in a better position to get a job, improve their careers prospects and boost business competitiveness. The learning services are delivered through learndirect</p>