

# Unit 14: Aspects of Employment Law

<b>Unit code:</b>	<b>L/502/5437</b>
<b>QCF Level 3:</b>	<b>BTEC National</b>
<b>Credit value:</b>	<b>10</b>
<b>Guided learning hours:</b>	<b>60</b>

## ● Aim and purpose

The aim of this unit is to introduce learners to employment law as it applies to businesses. Learners will do this through application of the law to employment situations and will consider the meaning and effect of contracts of employment.

## ● Unit introduction

Employment law is constantly changing. The relationship between employers and employees is largely controlled by legislation and is continuously being revised and updated. Good employee/employer relations will contribute to the effectiveness of a business. Cooperation between employers and employees leads to the development of good working relations.

It is important that organisations are aware of change and keep up to date with developments in employment law. In this unit, learners will be introduced to the different methods of employing staff and the different types of employment contract. Contracts of employment are governed by legislation and regulations that give rise to rights and responsibilities. Learners will explore the different types of employment contract and the impact of employment legislation on the rights and responsibilities of employers and employees.

The success of a business often relies on its relationships with its employees. Learners will investigate and explore the various perspectives in employee relations and the methods of establishing good employee relations and promoting the welfare of staff. It is important that organisations have procedures in place for terminating contracts of employment. These procedures should be managed and implemented properly in order to avoid disputes. Learners will also investigate various ways contracts of employment can be terminated.

Centres should ensure that the most up-to-date employment laws are studied.

## ● Learning outcomes

**On completion of this unit a learner should:**

- 1 Understand the different types of employment contract and the impact of employment legislation
- 2 Know the rights and responsibilities of employees and employers
- 3 Understand the various perspectives in employee relations
- 4 Know how and when contracts of employment are terminated.

# Unit content

---

## 1 Understand the different types of employment contract and the impact of employment legislation

*Types of employment contract:* permanent; part time; fixed term; temporary; home or teleworking; agency; job share; flexible working; impact of relevant legislation/regulations

*Contracts of employment and contracts for services:* differences between employees and independent contracts; status; employment protection; terms and conditions of service; relevant legislation/regulations

## 2 Know the rights and responsibilities of employees and employers

*Employer rights and employee obligations:* employees to work to contract; support the aims of the employer; support health and safety in the workplace; use of resources (internet, email, employer property)

*Employer responsibilities:* observance of employment legislation (Employment Act 2002, Equal Pay Act 1970, Sex Discrimination Act 1975, Health and Safety at Work Act 1974, Race Relations Act 1976, Disability Discrimination Act 1995 and recent amendments); age discrimination; remuneration; minimum wage; public liability insurance

*Rights of employees:* terms and conditions of service; maternity; paternity; sickness and pay; time off for public duties; trade union representation; discrimination; working time rights; holidays and pay; Sunday working; flexible working; unfair dismissal

## 3 Understand the various perspectives in employee relations

*Establishing employee relations:* types of contracts; joint decision making; joint problem solving; appraisals; performance management; social responsibility and employee welfare; dispute resolution (trade unions, employment tribunals, ACAS, staff associations)

*Employee welfare:* Working Time Regulations; medical schemes; health and safety; occupational health screening; redundancy counselling; retirement preparation; pensions, loans; benevolent funds; assistance with housing costs; travel; personal problems; crèches and nursery schemes; job share; flexible working

*Remuneration:* salary and wages; time rate systems; payment-by-results systems; incentive schemes; skills-based payment systems; high day rate systems and measured day work; salary and wage structure; reward systems; additions to basic pay eg overtime, bonuses, special allowances; income tax; NI contribution; other stoppages; major influences on pay eg bargaining strengths of trade unions, inflation, productivity, EU legislation, customs and practices, competition, labour market conditions, government policies, organisation and technological changes

*Policies for wages and pay:* purpose of policies eg to attract, retain and reward employees, recognition of value, employee shares in prosperity of the organisation, balance of costs throughout the organisation, legal obligations, motivation

## 4 Know how and when contracts of employment are terminated

*Dismissal procedures:* disciplinary procedures; grievance procedures; unfair dismissal; grounds for dismissal; appeals; employment tribunals

*Redundancy:* basic provisions; legislation; procedures; policies and provision; calculation of payment

## Assessment and grading criteria

In order to pass this unit, the evidence that the learner presents for assessment needs to demonstrate that they can meet all the learning outcomes for the unit. The assessment criteria for a pass grade describe the level of achievement required to pass this unit.

Assessment and grading criteria		
To achieve a pass grade the evidence must show that the learner is able to:	To achieve a merit grade the evidence must show that, in addition to the pass criteria, the learner is able to:	To achieve a distinction grade the evidence must show that, in addition to the pass and merit criteria, the learner is able to:
<b>P1</b> describe the different types of employment contract [RL, SM]	<b>M1</b> analyse the impact of relevant legislation/regulations on any two types of employment contract	<b>D1</b> evaluate the extent to which a selected business organisation has adapted its working arrangements to accommodate legislation relating to rights and responsibilities of employees and employers.
<b>P2</b> explain the impact of relevant legislation/regulations on any two types of employment contract [SM]		
<b>P3</b> identify the differences between contracts of employment and contracts for services		
<b>P4</b> identify the rights and responsibilities of the employer and employees in a selected business organisation	<b>M2</b> analyse rights and responsibilities of employees and employer in a selected business organisation.	
<b>P5</b> explain the key features of employer and employee relations and welfare		
<b>P6</b> describe the different policies of remuneration adopted in a selected business organisation.		

Assessment and grading criteria		
To achieve a pass grade the evidence must show that the learner is able to:	To achieve a merit grade the evidence must show that, in addition to the pass criteria, the learner is able to:	To achieve a distinction grade the evidence must show that, in addition to the pass and merit criteria, the learner is able to:
<p><b>P7</b> identify the procedures that an organisation should follow when dismissing an employee, and the provisions for redundancy. [IE, SM]</p>		<p><b>D2</b> evaluate the main arguments on each side in a selected industrial relations dispute. [SM]</p>

**PLTS:** This summary references where applicable, in the square brackets, the elements of the personal, learning and thinking skills applicable in the pass criteria. It identifies opportunities for learners to demonstrate effective application of the referenced elements of the skills.

<b>Key</b>	IE – independent enquirers CT – creative thinkers	RL – reflective learners TW – team workers	SM – self-managers EP – effective participators
------------	--	---	--

# Essential guidance for tutors

---

## Delivery

This unit offers many opportunities to use active learning strategies together with an awareness of real life employment situations informed by current affairs. The internet has a wealth of information on employee relations and their changing nature; the Department for Business Enterprise and Regulatory Reform (BERR) website in particular is very useful. Delivery strategies may therefore include active research, role play and discussion of contemporary news material.

Rights and responsibilities cannot be researched without looking at employment law. More recently the introduction of the Social Charter, and directives from the EU, the Employment Act 2002, and subsequent legislation, have increased employer responsibility. Employers also have rights and learners should look at the legislation and directives from the point of view of both employers and employees.

Providing a safe and healthy working environment is a major employer responsibility and learners should understand the importance of this in the workplace today. Learners should also know about the laws intended to protect actual and potential employees from discrimination. Employees should have a contract of employment that sets out the terms and conditions of their employment. Learners should be made aware of the statutory requirements relating to the content of a contract of employment.

Learners should understand that, while protecting and providing for the employee, the minimum wage, paid holidays, maximum working week directives and improved parental rights might impact on an organisation's efficiency.

The personal use of internet and email facilities within organisations can cause conflict between employers and employees. Learners should be made aware of the rights of the individual and the organisation in these circumstances.

The increased use of information and communications technology, and greater flexibility in the workplace, mean that working practices have changed. Learners should be able to identify the range of working practices used in organisations today, the effects of employment legislation introduced to facilitate flexible working and prevent of less favourable treatment of those with part-time and fixed-term contracts.

In an effort to improve employee relations, employers and employees are required to follow correct dispute procedures. Learners should know about these kinds of procedures, which should be set out in contracts of employment under disciplinary and grievance procedures. Learners should be aware of the consequences of not following these and the effects of law relating to dismissal as well as redundancy.

Trade unions represent a large percentage of the UK workforce and have a major part to play in the negotiation of terms and conditions of employment. Learners should know about the role of trade unions in organisations today, together with other means of employee/employer negotiation from the individual to works councils (EU directive). Learners should also be aware that there are bodies in place to resolve disputes, disagreements and claims, such as the Advisory, Conciliation and Arbitration Service (ACAS) and industrial tribunals.

Employee welfare, and the provisions organisations make to establish good employee relations, play a major role in a successful organisation. This differs from organisation to organisation but learners should be aware of the benefits. Health and safety at work and working hours are now embedded in employment legislation and should be recognised as an essential requirement of employee welfare. Other benefits to employees include counselling, medical schemes, pensions, financial assistance, legal advice, nursery facilities, job share and flexible working arrangements.

Learners should be able to identify recent and relevant laws and directives and explain the implications for employee relations. Throughout this specification the law has been set out as at the time of writing. Given the dynamic nature of law, tutors need to ensure that the up-to-date equivalent is being considered. Usually a 12 month time lag is allowable.

## Outline learning plan

The outline learning plan has been included in this unit as guidance and can be used in conjunction with the programme of suggested assignments.

The outline learning plan demonstrates one way in planning the delivery and assessment of this unit.

Topic and suggested assignments/activities and/assessment
Introduction to unit content
Basic legal terminology
Distinction between contract of employment and contract for services; examples and application to situations
The different types of employment contract
Group work and research
Speaker or visits
<b>Assignment 1: Contracts of Employment</b>
Introduction to employment rights
Employee rights investigated and explained
Employer rights investigated and explained
Employer and employee rights investigated and explained through exemplar contracts
Welfare rights and responsibilities, examples and application to situations
Employer/employee relations
Role of external organisations
Pay and pay policies, examples and application to situations
Group work and research
<b>Assignment 2: Employment Terms and Industrial Disputes</b>
Dismissal and redundancy, examples and application to situations
Evaluation of effectiveness of contracts and assignment work
Group work and research
<b>Assignment 3: Losing your Job</b>
Supervised assignment work
Non-supervised study time and completion of assignments

## Assessment

To achieve P1, learners need to describe the different types of employment contract and how they are formed. This could relate to learners' part-time employment or research into how a particular organisation employs its staff. For P2, learners then need to describe the impact of current legislation and regulations on two contracts, for example minimum wage, flexible working provisions and disability provisions.

This could lead on to P3 where learners explain the difference between contracts of employment and contracts for services. Learners could be given examples of actual contracts in order to draw comparisons and explain the differences and consequences of breaching the contract.

To achieve P4 learners should identify the rights and responsibilities of employees and the employer in a selected business organisation. This will involve learners researching the organisation's policies and contract terms and conditions. Learners will also apply current legislation and regulations to an organisation, in particular implied terms in contracts of employment.

To achieve P5 learners need to explain the key features of employer and employee relations and welfare, highlighted in a selected industrial relations dispute. This could draw on case study materials from the media, chambers of commerce and trade unions. Learners will be expected to relate the issues outlined in the unit content section to a real dispute.

To achieve P6 learners will investigate an organisation's policies on remuneration and describe those policies and methods of remuneration. It would be advisable to use the same organisation throughout.

To achieve P7 learners need to identify the procedures that an organisation should follow when dismissing an employee. This could be linked to P3 and P4 in that learners may choose to look at a particular organisation or relate the procedures to a particular trade dispute. Learners will be expected to explain the provisions and rules relating to redundancy.

To achieve M1, learners should analyse the effects of legislation/regulation relating to the rights and responsibilities of employees and employers which are stated in any two types of employment contract.

Learners' analysis will reflect an understanding of the impact of legislation as applied to both parties in a business.

To achieve M2, learners should analyse the rights and responsibilities of employees and employer in a selected business. Learners could, for example analyse the root cause of a disagreement over employee relations in a selected industrial relations dispute.

To achieve D1, learners need to evaluate the extent to which a selected business organisation may have adapted its working arrangements in order to accommodate legislation relating to the rights and responsibilities of employees and the employer. This will not just show a description or analysis of the legislation but an awareness of the employer response. Case studies may be obtained from the local chamber of commerce or trade union branches, or they may feature in local or national news sources.

To achieve D2, learners need to evaluate the main arguments presented by each side in a selected industrial relations dispute. Through this evaluation, the degree of employment cooperation can be assessed and weighed up, drawing together many of the covered topics. Learners should evaluate the main arguments supporting each side's case before reaching a final judgement. The long-running fire fighters' dispute of 2002-03 is a typical case study, backed by a considerable amount of investigative journalism. Learners need to look at recent or current examples.

## Programme of suggested assignments

The table below shows a programme of suggested assignments that cover the pass, merit and distinction criteria in the assessment and grading grid. This is for guidance and it is recommended that centres either write their own assignments or adapt any Edexcel assignments to meet local needs and resources.

Criteria covered	Assignment title	Scenario	Assessment method
P1, P2, P3, M1, D1	Contracts of Employment.	Preparation of leaflet for new employees relating to employment contracts used in a business.	Leaflet with accompanying notes.
P4, P5, M2, D2	Employment Terms and Industrial Disputes.	Analysis of a contract of employment referring to legislation. Dispute scenario.	Written analysis.
P6	Losing your Job.	Individuals in a business are dismissed/made redundant.	Role play.

## Links to National Occupational Standards, other BTEC units, other BTEC qualifications and other relevant units and qualifications

This unit forms part of the Business sector suite. This unit has particular links with the following unit titles in the Business suite:

Level 2	Level 3
Consumer Rights	Aspects of Contract and Business law
People in Organisations	Aspects of Civil Liability for Business

This unit links to the Level 3 National Occupational Standards for Legal Advice, particularly Units LA18, LA22, LA32, LA34, LA45 and LA46.

This unit also links to the Level 3 National Occupational Standards for Management and Leadership, particularly Unit B8.

## Essential resources

Learners should have access to a learning resource centre with a good range of legal texts and case books. Additional resources include statutes and law reports.

## Employer engagement and vocational contexts

Work Experience/Workplace learning frameworks – Centre for Education and Industry (University of Warwick): [www.warwick.ac.uk](http://www.warwick.ac.uk).

Learning and Skills Network: [www.vocationallearning.org.uk](http://www.vocationallearning.org.uk).

Network for Science, Technology, Engineering and Maths Network Ambassadors Scheme: [www.stemnet.org.uk](http://www.stemnet.org.uk).

National Education and Business Partnership Network: [www.nebpn.org](http://www.nebpn.org).

Local, regional Business links: [www.businesslink.gov.uk](http://www.businesslink.gov.uk).

Work-based learning guidance: [www.aimhighersw.ac.uk](http://www.aimhighersw.ac.uk).

## Indicative reading for learners

### Textbooks

Armstrong M – *A Handbook of Human Resource Management Practice* (Kogan Page, 2006) ISBN 0749446315

Gennard J and Judge G – *Employee Relations* (Chartered Institute of Personnel and Development, 2005) ISBN 1843980630

Rose E – *Employment Relations* (FT Prentice Hall, 2004) ISBN 0273682598

Salamon M – *Industrial Relations: Theory and Practice* (FT Prentice Hall, 2001) ISBN 027364646X

Sargeant M and Lewis D – *Essentials of Employment Law* (People & Organisations) (Chartered Institute of Personnel and Development, 2002) ISBN 0852929854

Singh B D – *Industrial Relations and Labour Laws* (Excel Books, 2008) ISBN 8174466207

### Websites

<a href="http://www.acas.org.uk">www.acas.org.uk</a>	The Advisory, Conciliation and Arbitration Service
<a href="http://www.businesslink.gov.uk/bdotg/action/layer?r.l1=1073858787&amp;topicId=1082249786&amp;r.lc=en&amp;r.l2=1079568262&amp;r.s=tl">www.businesslink.gov.uk/bdotg/action/layer?r.l1=1073858787&amp;topicId=1082249786&amp;r.lc=en&amp;r.l2=1079568262&amp;r.s=tl</a>	Information for employers about employing older workers
<a href="http://www.bized.co.uk">www.bized.co.uk</a>	Business education website including learning materials and quizzes
<a href="http://www.businesslink.gov.uk/">www.businesslink.gov.uk/</a>	Details about employing people
<a href="http://www.berr.gov.uk">www.berr.gov.uk</a>	Department for Business, Enterprise and Regulatory Reform
<a href="http://dwp.gov.uk/agepositive/">dwp.gov.uk/agepositive/</a>	The Age Positive campaign promotes the benefits of employing a mixed-age workforce that includes older and younger people
<a href="http://www.europa.eu.int">www.europa.eu.int</a>	Portal site of the European Union
<a href="http://www.hmsso.gov.uk">www.hmsso.gov.uk</a>	Office of Public Sector Information
<a href="http://www.hrmguide.co.uk">www.hrmguide.co.uk</a>	UK Human Resource Articles
<a href="http://www.hsegov.uk">www.hsegov.uk</a>	Health and Safety Executive
<a href="http://www.iosh.co.uk">www.iosh.co.uk</a>	Institution of Occupational Safety and Health
<a href="http://www.statistics.gov.uk">www.statistics.gov.uk</a>	Official UK Statistics
<a href="http://www.tssa.org.uk">www.tssa.org.uk</a>	Transport Salaried Staffs' Association
<a href="http://www.tuc.org.uk">www.tuc.org.uk</a>	Trades Union Congress
<a href="http://www.ukonline.gov.uk">www.ukonline.gov.uk</a>	UK government website

## Delivery of personal, learning and thinking skills

The table below identifies the opportunities for personal, learning and thinking skills (PLTS) that have been included within the pass assessment criteria of this unit.

Skill	When learners are ...
<b>Independent enquirers</b>	researching the law applying the law to situations and contracts of employment
<b>Reflective learners</b>	explaining the meaning of the contents of a contract of employment
<b>Self-managers</b>	explaining the meaning of the contents of a contract of employment researching the law and finding appropriate examples of industrial relations in practice.

Although PLTS are identified within this unit as an inherent part of the assessment criteria, there are further opportunities to develop a range of PLTS through various approaches to teaching and learning.

Skill	When learners are ...
<b>Independent enquirers</b>	planning and carrying out research into the Law
<b>Creative thinkers</b>	looking at the law
<b>Reflective learners</b>	setting goals with, success criteria, for researching the law inviting feedback on their own work and dealing positively with praise, setbacks and criticism evaluating their experiences and learning to inform future progress
<b>Team workers</b>	working in groups to discuss issues managing activities to reach agreements and achieve results
<b>Self-managers</b>	seeking out challenges or new responsibilities and showing flexibility when priorities change dealing with competing pressures, including personal and work-related demands responding positively to change, seeking advice and support when needed
<b>Effective participators</b>	making justified recommendations for improvement.

## ● Functional Skills – Level 2

Skill	When learners are ...
<b>ICT – Use ICT systems</b>	
Select, interact with and use ICT systems independently for a complex task to meet a variety of needs	researching the law
Use ICT to effectively plan work and evaluate the effectiveness of the ICT system they have used	tabulating information about law
<b>ICT – Find and select information</b>	
Select and use a variety of sources of information independently for a complex task	finding illustrative materials for presentations and tabulations creating diagrams, presentations and tabulations for information presentation
Access, search for, select and use ICT-based information and evaluate its fitness for purpose	exploring, extracting and assessing the relevance of information from websites about law
<b>ICT – Develop, present and communicate information</b>	
Enter, develop and format information independently to suit its meaning and purpose including: <ul style="list-style-type: none"> <li>• text and tables</li> <li>• images</li> <li>• numbers</li> <li>• records</li> </ul>	bringing together a variety of materials gathered through research preparing information to present about the law
Bring together information to suit content and purpose	
Present information in ways that are fit for purpose and audience	
Evaluate the selection and use of ICT tools and facilities used to present information	
Select and use ICT to communicate and exchange information safely, responsibly and effectively including storage of messages and contact lists	communicating with other members of a group

Skill	When learners are ...
<b>Mathematics</b>	
Understand routine and non-routine problems in a wide range of familiar and unfamiliar contexts and situations	using numerical data in relation to the law
Identify the situation or problem and the mathematical methods needed to tackle it	
Select and apply a range of skills to find solutions	
Use appropriate checking procedures and evaluate their effectiveness at each stage	
Interpret and communicate solutions to practical problems in familiar and unfamiliar routine contexts and situations	
Draw conclusions and provide mathematical justifications	
<b>English</b>	
Speaking and listening – make a range of contributions to discussions and make effective presentations in a wide range of contexts	carrying out group work investigating law making presentations about law
Reading – compare, select, read and understand texts and use them to gather information, ideas, arguments and opinions	reading about law
Writing – write documents, including extended writing pieces, communicating information, ideas and opinions, effectively and persuasively	writing reports to provide information about law producing labelled charts and diagrams showing business information about the law.