

Unit 24: Employment Law

Delivery guidance

Approaching the unit

This unit addresses one of the key areas of law, policy and practice for all businesses. The unit is essentially about relationships between employers and employees, and includes different types of employment, the formation of an employment contract, and duties of both of those parties, including employment protection given by statute law.

Employment law is often discussed informally, as employment is such an important part of so many people's lives, and learners will bring their own contributions, perhaps through hearing about the experiences of friends and families, or through working part time themselves. People hold strong opinions about employment rights and responsibilities, some of these based on misunderstandings of this complex area of law, and learners should be given the opportunity to sharpen and clarify their knowledge of what employment means to both the worker and the business.

Learners should be encouraged to research and discover the themes set out in the learning aims, by reading around the topics (suggested resources are given at the end of this guide), talking to others about their experiences of employment, and by keeping up to date via reliable news sources online or on the TV or radio. There is a wide range of websites providing advice and information on employment law, policy and practice, and some trustworthy websites are also listed.

You could use a range of delivery methods in this unit, for example:

- discussions – class and small group discussions on any and all of the topics set out in the learning aims. For example, what is employment, what rights and responsibilities does it bring, how does equality law effect the employment relationship, and how can work-based problems be resolved?
- individual or small group presentations – covering any of the above areas, with small groups perhaps taking a part of a larger topic each (i.e. protected characteristics of equality law in recruitment and within the workplace).
- case studies – particularly in areas such as potential discrimination, dispute resolution and the role of the employment tribunal.
- video – including materials on video-sharing websites from organisations such as the Advisory, Conciliation and Arbitration Service (ACAS) and the Trades Union Congress (TUC).

Group work is an acceptable form of delivery but you must ensure that learners individually produce evidence that is sufficient for assessment.

You can involve local employers in the delivery of this unit by inviting them as:

- guest speakers
- mentors for learners
- audience members who can feed back on learner presentations
- providers of business materials as basis for case studies and exemplars
- providing opportunities for work experience for learners.



Delivering the learning aims

For learning aim A, you could introduce the topic by having learners share stories about their experiences around employment, as suggested above, and by commenting on what they think employment really is (as opposed to self-employment or being a company director). You could then give your learners an overview of the different types of employment contract as noted in the unit specifications, asking them in small groups to consider their potential benefits and disadvantages. They could even suggest jobs and types of workers that might be suited to the different types of employment.

This could be followed by learners researching the basic rights available to all employees, such as pay, holiday and union membership, and how these might vary in practice depending on the type of employment contract. It is important that learners understand the importance of the employment contract and how it is formed, as well as additional conditions and requirements automatically inserted into the contract through legislation around employment protection, health and safety, and equal treatment in the workplace. You could conclude by asking learners in small groups to design a basic employment contract for an employee whose details you give in a short case study.

For learning aim B, you could begin by asking learners to discuss in small groups and feed back on why equality in the workplace is important, and then to list who might be covered by equality law. They could include visual aids, perhaps designing a poster around the protection from discrimination that workers are entitled to, together with a brief outline of what they think employers' responsibilities are in this area. Follow this with informational delivery on the protected characteristics of the Equality Act 2010 and the different types of prohibited conduct. You could encourage learners to explore the Equality and Human Rights Commission website (www.equalityhumanrights.com) and its page on a video-sharing website (www.youtube.com/user/EqualityHumanRights) and to research other sources of advice and information nationally and in their local areas. Finish by using learners' research to compile a list of organisations who support equality and other rights of the employer and employee.

Learning aim C is about problem resolution in the workplace, and you could introduce this by a short video from ACAS on different types of employment dispute (www.youtube.com/watch?v=C55ocfwCvKI). Follow this up with an explanation of what ACAS is and what it does, and then ask learners to discuss the various ways in which an employee might leave their workplace, using the list under learning aim C1 in the specifications as a guide. Grievance and disciplinary procedures are part of the contents of this learning aim, and you could consider using some short role-play scenarios to enable learners to explore ways in which problems may be discussed and resolved. These could include simulating a management interview, making a complaint (grievance), and even holding a disciplinary meeting. You could conclude this part of the unit by discussing the work of the Employment Tribunal, again using materials from the ACAS website (or the Courts and Tribunal website).

Learning aim	Key content areas	Recommended assessment approach
A Examine employment rights and how those rights impact on a business and its employees	A1 Basic employment rights available to all employees A2 Contracts of employment and other documentation	A guide for a new employee on rights, duties and documents. A presentation applying the basic laws relating to employment and equality and the effect on a given business of non-compliance. A briefing sheet on relevant support organisations.
B Investigate the importance of equality within the workplace and the influence of support organisations	B1 Ensuring equality in employment B2 Organisations who can support the rights of the employer and employee	A fully justified report, or brief, providing advice on the impact of compliance and non-compliance with employment and equality rights in the workplace on the employer and employee, including a discussion on these rights and support available.
C Explore the legal approaches used to resolve employment work-based issues	C1 Grounds for the termination of employment C2 Formal and informal methods of resolving problems in the workplace	A presentation applying the basic laws relating to termination of employment, using case studies. A briefing sheet providing advice in problem work scenarios. A fully justified report, or brief, providing advice on the impact and effectiveness of formal and informal grievance and disciplinary procedures on employees and businesses.



Assessment guidance

This unit is internally assessed through a maximum of two summative assignments, one for learning aims A and B, and one for learning aim C. Summative assignments could each include a number of tasks, although each task should be directly related to the assignment as a whole, and it is important that learners are given a realistic and achievable number of tasks for each assignment. A recommended assessment approach is outlined in the table above.

All learners must independently generate evidence that can be authenticated.

BTEC assessors should complete observation records, while people such as work colleagues can complete witness statements. Observation records alone are not sufficient sources of learner evidence; the original learner-generated evidence must support them.

Learners could also produce presentations. Suitable forms of evidence for a presentation are, for example, slides, preparation notes, scripts or cue cards.

Getting started

This gives you a starting place for one way of delivering the unit, based around the recommended assessment approach in the specification.

Unit 24: Employment Law

Introduction

Begin by introducing the unit to learners through a group discussion exploring what learners know about employment and the law, noting the importance of having a comprehensive legal and policy framework with an effective system for dispute resolution. Give a brief introduction on the principal legislation in the area, such as the Employment Rights Act 1996, Employment Act 2008 and Equality Act 2010. You could follow this by outlining the learning aims of the unit, and introducing the two assignments.

Learning aim A – Examine employment rights and how those rights impact on a business and its employees

- Ask learners to research and discuss the different types of employment contract as noted in the unit specification, considering the potential benefits and disadvantages of each of them. Each small group should focus on one type of contract and suggest jobs and types of workers that might be suited to it.
- Lead a whole group discussion on what employees should be entitled to in terms of their basic rights, such as pay, holiday and sick leave, family rights and union membership, and how these might vary, in practice, depending on the type of employment contract. Give learners short case scenarios around workers' terms of contract (i.e. zero hours, flexible working or fixed term) and ask them to comment on the legality and fairness of each of them.
- Ask learners, in small groups, to design a basic employment contract for an employee whose details you give them in a short case study, perhaps linked to the one(s) you have used in the task above. The contract could be written on flipchart paper and fed back to the whole group.
- Use the above task to lead a discussion on the importance of the employment contract, explaining key legal terms such as offer, acceptance, capacity and consideration. Finish by explaining the contents of an employee's 'written statement of employment particulars' (s.1 of the Employment Rights Act 1996) and the requirement for employers to produce them for all employees.

Learning aim B – Investigate the importance of equality within the workplace and the influence of support organisations

- Ask learners to work in small groups and discuss then feed back on why equality in the workplace is important. Then ask them to list groups which might be covered by equality law. Learners should include visual aids, perhaps designing a poster around the protection from discrimination that workers are entitled to, together with a brief outline of what they think employers' responsibilities and rights are in this area.
- Following on from the above task, ask learners in their small groups to prepare and deliver a presentation with PowerPoint or equivalent slides and speaker notes to give their conclusions to the class.
- Use the learners' presentations to lead a discussion on the development and application of the nine protected characteristics of the Equality Act 2010 and how they relate to the workplace, including the principal forms of prohibited conduct.
- Use case studies, perhaps from decided case law, to demonstrate to learners the sorts of disputes coming before the courts. This could lead you into a brief overview of the Employment Tribunal Service (first and upper tier tribunals).



- Working in small groups arranged geographically, learners should research their local area (including, for example, the nearest large town) and design a map of organisations which can support the rights (including equality rights) of employees and employers. The maps should be annotated with descriptions of each organisation – what it is and who it serves etc.

Learning aim C – Explore the legal approaches used to resolve employment work-based issues

- You could begin by showing the class a short video from ACAS on the types of problems people experience at work (see Resources section), and then lead a discussion on other issues that might occur and how these issues might be resolved. Ask learners to consider both formal and informal methods of resolution.
- Ask learners to research different ways in which an employee might leave their employment, including redundancy, resignation, dismissal and retirement. They should include in their research any law or procedures (i.e. notice periods, formal procedures or rights of appeal). Each group should present one of these ways of leaving employment, illustrating it with a case study that they have devised.
- Follow on from the above task by preparing the class for some role play on types of dispute resolution, including a management interview, a grievance process and a disciplinary hearing. Prepare, in advance, an outline case scenario for each type of dispute resolution.
- Encourage learners to ensure that they have prepared all their notes and materials in order to inform their work on their assignments. Conclude the sessions with an extended opportunity for Q&A.

Details of links to other BTEC units and qualifications, and to other relevant units/qualifications

Pearson BTEC Level 3 Nationals in Business (NQF):

- Unit 23: The English Legal System.
- Unit 25: Aspects of Civil Liability Affecting Business.
- Unit 26: Aspects of Criminal Law Impacting on Business and Individuals.

Chartered Institute of Legal Executives Level 3 Diploma:

- Unit 6: Employment Law.
- Unit 13: The Practice of Employment Law.

Institute of Leadership and Management Level 3 Diploma:

- Unit 402: Managing Equality and Diversity in Own Area.

Resources

In addition to the resources listed below, publishers are likely to produce Pearson endorsed textbooks that support this unit of the BTEC Nationals in Business. Check the Pearson website (<http://qualifications.pearson.com/endorsed-resources>) for more information as titles achieve endorsement.

Journals

- *The Economist* (Economist Group).
- *The Economist* print edition is a weekly economics and business journal that has regular articles and features about issues related to employment related matters, including occasional reports on high profile court cases. It has an extensive archive of relevant materials.
- *The New Law Journal* (LexisNexis).
Available for reference at many publicly accessible university law libraries, the *New Law Journal* covers all possible areas of law, and regularly features articles and cases on employment law.
- *The Times Law* (The Times).
This supplement to *The Times* newspaper contains a wide range of articles on law, including employment law, and publishing law reports on a regular basis.

Videos

- www.ted.com
TED offers online videos of short, powerful talks (18 minutes or less) covering almost all topics, including business and global issues.
- www.youtube.com/user/acasorguk
ACAS has its own page on YouTube, populated by a variety of videos on employment issues, including employee rights and dispute resolution.



- www.youtube.com/user/EqualityHumanRights
The Equality and Human Rights Commission also has its own YouTube page, with a very wide range of videos, including many on employment issues.

Websites

- www.acas.org.uk
ACAS gives information, advice, training, conciliation and other services for employers and employees to help prevent or resolve workplace problems, and is a useful reference tool for this unit.
- www.cipd.co.uk/pm/peoplemanagement/p/sectioncategory.aspx?catid=1
The Chartered Institute of Personnel and Development's employment law blog page; it contains lots of useful articles, usually written from an employer's point of view.
- www.equalityhumanrights.com
The Equality and Human Rights Commission is a commission set up by the UK government which seeks to maintain and strengthen a heritage of upholding people's rights, valuing diversity and challenging intolerance, while identifying and tackling areas where there is still unfair discrimination or where human rights are not being respected. Their website includes some useful examples of employment situations.
- www.gov.uk/courts-tribunals/employment-tribunal
The Courts and Tribunal Service's home page for the Employment Tribunal service, which includes information on what they do, how to apply, and the (recently introduced) fee structure.
- www.gov.uk/browse/employing-people
Search page from the government on employing people. It has links to useful webpages on contracts of employment, health and safety, trade unions and workers' rights, etc.
- www.hse.gov.uk
The Health and Safety Executive's work covers a varied range of activities - from shaping and reviewing regulations, producing research and statistics to enforcing the law. Their website includes materials on health and safety in many different types of workplace.