



# Unit 41: UK Employment Law

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## Delivery guidance

### Approaching the unit

This unit addresses one of the key areas of law, policy and practice for all businesses from a UK perspective. 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 in the UK. UK law changes and is updated continuously. Centres are always advised to use the most up-to-date law whenever possible.

UK employment law is often discussed informally in the UK, as employment is such an important part of so many people's lives, and learners will bring their own contributions on employments, 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 worker and businesses in the UK.

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 UK employment law, policy and practice, and some trustworthy websites are also listed.

Learners must also have access to UK law reports and statutes.

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? These discussions must be from a UK perspective.
- 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 UK equality law in recruitment and within the workplace).
- UK 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 employers with knowledge and experience of UK employment law 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
- providers of opportunities for work experience for learners.

## **Delivering the learning aims**

Your learners need to be well prepared for their assignments, and it is important that they compile a folder or portfolio with their notes, activities and research, as these could be useful evidence. Learners may find it helpful to organise these materials in sections relating to each learning aim together with a section for general use. Learners could also compile a glossary of legal terminology as an ongoing activity. You need to show learners how to find facts about UK cases and statutes by introducing them to law books and tables of cases and statutes (you will need to explain law report abbreviations to them); you also need to stress the importance of using up-to-date resources.

This unit is based on aspects of UK employment law and must be delivered from a UK perspective.

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 discuss employment in the UK, asking learners to look for similarities to employment in their own country.

To introduce your learners to UK employment rights and their impact give an overview of the different types of UK employment contract as noted in the unit specification. Ask them to work in small groups to consider the potential benefits and disadvantages of each. 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 in the UK, 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 UK 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 to work in small groups to design a basic employment contract for a UK 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 feedback 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 in the UK 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 this act on the UK government services and information website ([www.gov.uk/guidance/equality-act-2010-guidance](http://www.gov.uk/guidance/equality-act-2010-guidance)) and the Equality and Human Rights Commission website ([www.equalityhumanrights.com](http://www.equalityhumanrights.com)), and its page on a video-sharing website ([www.youtube.com/user/EqualityHumanRights](http://www.youtube.com/user/EqualityHumanRights)) and to research other sources of UK national and local advice.

Finish by using learners' research to compile a list of UK organisations who support equality and other rights of the employer and employee.

Learning aim C is about problem resolution in the UK workplace, and you could introduce this with a short video from the Advisory, Conciliation and Arbitration Service (ACAS) on different types of employment dispute ([www.youtube.com/watch?v=C55ocfwCvKI](http://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 content area C1 in the specification as a guide.

Grievance and disciplinary procedures in the UK 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 UK Employment Tribunal, again using materials from the ACAS website ([www.acas.org.uk](http://www.acas.org.uk)).



Learning aim	Key content areas	Recommended assessment approach
<p><b>A</b> Examine employment rights and how those rights impact on a business and its employees</p>	<p><b>A1</b> Basic employment rights available to all employees  <b>A2</b> Contracts of employment and other documentation</p>	<p>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.</p>
<p><b>B</b> Investigate the importance of equality within the workplace and the influence of support organisations</p>	<p><b>B1</b> Ensuring equality in employment  <b>B2</b> Organisations who can support the rights of the employer and employee</p>	<p>A briefing sheet on relevant support organisations.  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.</p>
<p><b>C</b> Explore the legal approaches used to resolve employment work-based issues</p>	<p><b>C1</b> Grounds for the termination of employment  <b>C2</b> Formal and informal methods of resolving problems in the workplace</p>	<p>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.</p>

## **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.

An assignment is a distinct activity, completed independently by learners, that is separate from teaching, practice, exploration and other activities that learners complete with direction from tutors. All learners must independently generate individual evidence that can be authenticated.

The unit specification suggests a guide, a presentation, a briefing sheet and a report for learning aims A and B, and a presentation, a briefing sheet and a report for learning aim C.

Suitable forms of evidence for a presentation include slides, preparation notes, script, cue cards, peer assessment records and records of activity. BTEC assessors can complete observation records and learners' colleagues in placements or part-time work can complete witness statements. Records of activity alone are not sufficient sources of learner evidence; the original learner-generated evidence must also support them. Assessors should remember that they are assessing the content of the presentation against the learning aim and not the skill with which the presentation was delivered.

Learners should ensure that all research is fully referenced with a bibliography.



## 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 41: Employment Law

#### Introduction

This unit considers the important legal rights, duties, documents and remedies available under law in the United Kingdom (UK). **All delivery must therefore be from a UK perspective.**

Begin by introducing the unit to learners through a group discussion exploring what learners know about employment and UK 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 the assessment methods.

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

- Give a presentation on the basic employment rights available to all UK employees. This must include payment, holiday entitlements, family leave, workplace rights, and the duties of both the UK employer and employee.
- Lead a class discussion on how those rights impact on UK businesses and their employees.
- Give a presentation on UK employment contracts, to include formation, terms, commencement, employed versus self-employed, making changes to a contract and the rules relating to issuing of the written statement and its contents.
- Ask learners to work in small groups to research and discuss the different types of UK employment contract as shown in A2 of 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 how the employment rights of UK employees might vary in practice, depending on the type of employment contract.
- Give learners short case studies on UK workers' terms of contract (i.e. zero hours, flexible working or fixed term) and ask them to contribute to a class discussion by commenting on the legality and fairness of each of them.
- Ask learners to work in small groups to each design a basic employment contract for an employee in the UK using details provided in a short case study (perhaps linked to the one(s) used in the task above). The contract should be written on large sheets of paper and fed back to the whole group.
- Give a presentation on the key legal terms in UK employment contracts such as offer, acceptance, capacity and consideration. Explain the contents of an employee's 'written statement of employment particulars' (s.1 of the Employment Rights Act 1996) and the requirement for UK employers to produce contracts for all employees.
- Lead a discussion on the importance of employment contracts to the employer and employee.

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

- Give a presentation on equality in the workplace. Ask learners to work in small groups to discuss equality in the workplace, then feed back to the rest of the class why they feel equality in the workplace is important.
- Ask learners to work in pairs to list groups which might be covered by equality law and use these to lead a class discussion.
- Ask learners to work in small groups to create a visual aid, perhaps designing a poster around the protection from discrimination that UK 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 to prepare and deliver a presentation in their small groups using PowerPoint or an equivalent programme with slides and speaker notes to give their conclusions to the class.
- Using the learners' presentations, 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.
- Ask learners to individually prepare a set of notes on the impact of compliance and non-compliance with employment and equality rights in the workplace on the employer and employee. Use these to lead a class discussion.
- Ask learners to work in small groups to research UK organisations who can support the rights of the employer and employee. Split the organisations shown in content area B2 of the specification between the groups and ask each group to prepare a set of notes on each organisation that can then be shared with the rest of the class.
- Using UK case studies, perhaps from decided case law, discuss the types of disputes coming before the courts. This could lead into a brief overview of the Employment Tribunal Service ([www.gov.uk/courts-tribunals/employment-tribunal](http://www.gov.uk/courts-tribunals/employment-tribunal))(first and upper tier tribunals).
- Lead a class discussion on the influence of the support organisations found.
- Ensure all learners are prepared before providing them with the assignment brief for the assessment of learning aims A and B.

**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 to introduce the types of problems people in the UK experience at work (see Resources section), and then lead a discussion on other issues that might occur.
- Give a presentation on the different reasons why an UK employee might leave their employment, including redundancy, resignation, dismissal and retirement etc. Ask learners to work in pairs to research one or two of these reasons. They should include in their research any law or procedures (i.e. notice periods, formal procedures or rights of appeal). Each pair should present their findings, illustrated with a case study that they have devised.
- Give a presentation on the formal and informal methods of resolving problems in the UK workplace, to include grievance and disciplinary procedures and policies, and reference to the contract of employment.
- Ask learners to work in small groups to research the role of ACAS in dispute resolution and present their findings to the class.
- Give a presentation on tribunals and their use in the UK.
- Give learners case studies of employees experiencing problems at work and ask them to work in pairs to decide how these issues might be resolved. Ensure learners consider both formal and informal methods of resolution.
- Ask learners to take part in role plays using different types of dispute resolution. Prepare, in advance, an outline case scenario for each type. These could include a management interview, a grievance process and a disciplinary hearing.
- Give learners case studies on both formal and informal methods of dispute resolution and ask them to make individual notes on the success of each, then share these with the class.
- Ensure all learners are prepared before providing them with the assignment brief for the assessment of learning aim C.

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

Pearson BTEC International Level 3 Qualifications in Business:

- Unit 40: The English Legal System.
- Unit 42: Aspects of UK Civil Liability Affecting Business.
- Unit 43: Aspects of UK 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 International Level 3 Qualifications in Business. Check the Pearson website (<http://qualifications.pearson.com/endorsed-resources>) for more information as titles achieve endorsement.

## Journals

- *The Economist* (EconomistGroup).  
*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.

## Videos

- [www.ted.com](http://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](http://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](https://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](http://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/knowledge/fundamentals/emp-law](http://www.cipd.co.uk/knowledge/fundamentals/emp-law)  
The Chartered Institute of Personnel and Development's employment law page; it contains many useful articles, usually written from an employer's point of view.
- [www.equalityhumanrights.com](http://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](http://www.gov.uk/courts-tribunals/employment-tribunal)  
The UK Courts and Tribunal Service's home page for the Employment Tribunal service, which includes information on what they do, how to apply, and the fee structure.
- [www.gov.uk/browse/employing-people](http://www.gov.uk/browse/employing-people)  
Search page from the UK 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](http://www.hse.gov.uk)  
The UK 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.
- [www.thetimes.co.uk/topic/law?page=1](http://www.thetimes.co.uk/topic/law?page=1)  
*The Times Law* is a supplement to *The Times* newspaper contains a wide range of articles on law, including employment law, and publishes law reports on a regular basis.

*Pearson is not responsible for the content of any external internet sites. It is essential for tutors to preview each website before using it in class so as to ensure that the URL is still accurate, relevant and appropriate. We suggest that tutors bookmark useful websites and consider enabling learners to access them through the school/college intranet.*