

## Unit 36: Employment Law

Unit code: A/601/1088

QCF level: 5

Credit value: 15 credits

---

- **Aim**

The aim of this unit is to provide the learner with an understanding of the law on employment, and the skills to apply those legal provisions which are concerned with the employment relationship and individual employment rights

- **Unit abstract**

In this unit learners will develop the understanding and skills required to analyse the law relating to employment relationships and individual employment rights.

Both UK and European sources of employment law are examined, along with the institutions and systems concerned with law enforcement. Learners will develop an understanding of the nature and scope of the employment relationship in its legal and business context. There will be a particular focus on the creation, content, application and termination of employment contracts.

The unit also considers the impact on the employment relationship of the developing law in the areas of discrimination, human rights and data protection.

- **Learning outcomes**

**On successful completion of this unit a learner will:**

- 1 Understand the sources, institutions and enforcement systems for individual employment rights
- 2 Understand the nature and scope of the employment relationship in its legal and business context
- 3 Be able to apply the legal provisions concerned with discrimination and health and safety in a legal and business context
- 4 Understand the impact on the employment relationship of the developing law in the areas of human rights and data protection legislation.

## Unit content

---

### 1 Understand the sources, institutions and enforcement systems for individual employment rights

*Sources of employment law:* UK primary and secondary legislation; European Union (EU) directives and regulations; decided cases

*Institutions and enforcement systems:* courts and tribunals; ACAS; Equality and Human Rights Commission (EHRC) available remedies for individuals to enforce their rights

### 2 Understand the nature and scope of the employment relationship in its legal and business context

*Employees and independent contractors:* tests used to make this distinction; vicarious liability, cases illustrating problem areas

*The contract of service:* content and layout; basic contractual principles and the difference between express and implied terms; the nature and scope of these terms for both employer and employee

*Impact of EU legislation:* working time; time off rights, and protection of wages; appropriate policies and procedures for employers

*Termination:* reasons other than dismissal; notice periods

*Dismissal:* wrongful, unfair and constructive; redundancy

### 3 Be able to apply the legal provisions concerned with discrimination and health and safety in a legal and business context

*Discrimination:* the continuing development of anti-discrimination law; groups who are protected by law and those who remain disadvantaged; direct and indirect discrimination; the issue of positive promotion of equal opportunities and diversity in the workplace

*Health and safety:* common law; statutory provisions

### 4 Understand the impact on the employment relationship of the developing law in the areas of human rights and data protection legislation

*The impact of human rights issues on the employment relationship:* respect for private life and freedom of belief and expression; data protection principles and the rights of data subjects

**It is important to always refer to the latest legislation, directives and regulations.**

## Learning outcomes and assessment criteria

<b>Learning outcomes</b> <b>On successful completion of this unit a learner will:</b>	<b>Assessment criteria for pass</b> <b>The learner can:</b>
LO1 Understand the sources, institutions and enforcement systems for individual employment rights	1.1 explain the sources of employment law 1.2 evaluate the institutions and enforcement systems for individual employment rights
LO2 Understand the nature and scope of the employment relationship in its legal and business context	2.1 differentiate between employees and independent contractors 2.2 explain the nature and scope of employment contracts 2.3 evaluate the effect of European Union legislation on the employment relationship 2.4 compare and contrast reasons and methods of terminating the relationship
LO3 Be able to apply the legal provisions concerned with discrimination and health and safety in a legal and business context	3.1 apply the legal provisions on discrimination to particular cases 3.2 produce an assessment of the relationship between the developing law on discrimination and human resource management practices 3.3 produce an evaluation of health and safety practice in a given organisation and compare to best practice
LO4 Understand the impact on the employment relationship of the developing law in the areas of human rights and data protection legislation	4.1 discuss the impact on the employment relationship of the legal provisions on human rights 4.2 evaluate the application of the data protection principles and the rights of data subjects in a given organisation.

## Guidance

---

### Links

There are links between this unit and the human resources units within this specification

### Essential requirements

Learners need access to a specialist law library for key texts and law reports. The use of texts should be supported by reference to broadsheet newspapers, relevant journals, specialist publications and electronic databases.

Information can also be obtained from institutions such as the Equality and Human Rights Commission and ACAS.

### Employer engagement and vocational contexts

Centres should develop links with local businesses. Many businesses and chambers of commerce want to promote local business and are often willing to provide visit opportunities, guest speakers or information about their business and the local business context.

