



PRIFYSGOL CYMRU
Y Drindod Dewi Sant
UNIVERSITY OF WALES
Trinity Saint David
SWANSEA - ABERTAWE

MODULE HANDBOOK

Employment Law

BMHR7003

LEVEL 7

INSTITUTE OF MANAGEMENT AND HEALTH

Semester 1 and 2 2020-2021

Employment Law

PG Dip/MA HRM – Level 7

Lecturer: Capital Law
E-mail: R.Thomas@CapitalLaw.co.uk

BMHR7003: Employment Law

DATED: 3/9/2020

LEVEL: 7
CREDITS: 15

JACS CODE: N600

AIM(S)

The purpose of this module is to provide learners with the knowledge, understanding and skills required to brief organisations on the consequences of current and future developments in employment law, and to give up-to-date, timely and accurate advice concerning the practical application of legal principles at work in different jurisdictions. The module will provide learners with the key principles that underpin UK (or Irish) and EU employment law, their purpose, the major defences that employers are able to deploy when defending cases, and the potential organisational costs and reputational risks associated with losing them. Moreover, the focus is on situations that occur relatively regularly in workplaces rather than on more uncommon or obscure legal scenarios and on advanced knowledge of legislation or case law. Employment law continues to expand both in terms of volume and complexity and the amount of regulation covering the employment relationship and the workplace has grown substantially in recent years, including additional duties placed on public bodies to actively promote equality. While organisations can source specialist advice on more complex and unprecedented issues from legal advisers, senior human resource (HR) professionals need to be sufficiently aware of major, current and coming developments in the regulatory environment to ensure organisations are fully prepared and also able to anticipate legal problems associated with proposed decisions or plans before they are implemented. In the context of increasing numbers of claims to employment tribunals, they take a leading role in handling issues and disputes at work and in leading an organisation's response when a formal legal claim is contemplated or pursued, including preparing and presenting responses to employment tribunal claims and they need to fulfil each of these requirements to a professional standard. The module promotes critical reflection on theory and practice from an ethical and professional standpoint, and provides opportunities for applied learning and continuous professional development.

LEARNING OUTCOMES

On completion of this module learners will be able to*:

- Explain the core principles that underpin employment law as it applies in the UK (or Ireland), including common law, their purpose, origin and practical implications.
- Advise colleagues about significant legal implications of decisions, plans or proposals in the employment field.

- Advise about the appropriate action that should be taken in workplace scenarios where employment regulation applies.
- Play a leading role in determining the appropriate organisational response when legal action on the part of a worker or employee is anticipated, threatened or taken.
- Participate in the preparation, presentation and settling of employment tribunal cases.
- Know how to keep their knowledge of developments in employment law up to date and advice about the impact of these developments on employment policy and practice in their organisations.

INDICATIVE CONTENT

Indicative content is provided for each learning outcome. This is neither prescriptive nor exhaustive but should enable achievement of the learning outcomes.

1. Explain the core principles that underpin employment law as it applies in the UK (or Ireland), including common law, their purpose, origin and practical implications.

The following comprises a list of the areas of employment law that form the scope of the module:

- accessing employment rights: employment status, worker status, continuity of employment, immigration regulations
- contracts of employment: establishing and changing contracts, express and implied terms, written statements of major terms and conditions
- discrimination law: the law as it relates to: discrimination on grounds of sex or marital status, race, ethnicity or national origin, religion or belief, sexual orientation, disability, age, part-time and fixed-term work and the employment of ex-offenders
- dismissal law: unfair dismissal, constructive dismissal, wrongful dismissal, redundancy payments
- health and safety: criminal sanctions and their enforcement, personal injury law as it relates to the workplace, Working Time Regulations
- wages and salaries: unlawful deductions, the National Minimum Wage regulations, equal pay law, the payment of Statutory Sick Pay (SSP)
- transfer of undertakings law: rights relating to dismissal, terms and conditions of employment, consultation and continuity of employment in transfer situations
- family-friendly employment law: rights for primary carers; maternity, shared parental, paternity and adoptive pay and leave entitlements; the law relating to ante-natal care; the health and safety of pregnant workers; parental leave; time off for family emergencies; the right to request flexible working
- confidentiality issues: data protection law, interception of communications, the protection of trade secrets, the law on 'whistle-blowing'
- collective employment law: freedom of association, rights of trade union officials, industrial action, collective bargaining, right to be accompanied by a trade union representative, consultation rights

2. Advise colleagues about significant legal implications of decisions, plans or proposals in the employment field.

The practical impact of the above body of law on day-to-day management activities and decision-making in organisations; the level and nature of risk associated with acting unlawfully, particularly where significant change is contemplated or planned.

3. Advise about the appropriate action that should be taken in workplace scenarios where employment regulation applies.

Approaches to recommend that are both lawful and effective in fields such as recruitment and selection, establishing terms and conditions, maintaining the working environment, managing performance, communication and involvement, discipline, pay and reward, training and development, allocating work and managing retirement.

4. Play a leading role in determining the appropriate organisational response when legal action on the part of a worker or employee is anticipated, threatened or taken.

Managing disciplinary and grievance procedures, undertaking disciplinary investigations, taking witness statements; sources of information on the expectations of the law, employer defences and on case law precedents.

5. Participate in the preparation, presentation and settling of employment tribunal cases.

Employment tribunals and other courts with jurisdiction to hear employment-related matters, tribunal procedures, rules of evidence, remedies; assessing the risks and potential costs associated with defending or settling claims in practice; alternative means of resolving disputes through mediation and arbitration.

6. Know how to keep their knowledge of developments in employment law up to date and advice about the impact of these developments on employment policy and practice in their organisations.

Sources of information about the employment law and its evolution, including ACAS and the CIPD; key current and anticipated future developments and their practical significance for organisations.

LEARNING AND TEACHING STRATEGY

The study of employment law is normally a new and challenging experience for students of HRM and HRD. For this reason, teaching is conducted through lectures (and seminars where necessary) and encourages independent learning and initiative.

This usually involves an exposition of a particular topic by the lecturer, supported by references to legal materials and academic writing. The main aim of a lecture is to provide students with an overview or map of the employment law topic in question, and to highlight what the lecturer regards as the most interesting or important issues. Students are expected to supplement lectures with extra reading from both primary materials (e.g. case authorities and legislation – i.e. statutes) and secondary sources (e.g. textbooks and up to date journal articles). In any event, students have to investigate independently particular topics in more detail. All students are expected to participate in discussion of the relevant topic – asking and responding to questions, debating with fellow students and giving a short presentation or delivering a prepared speech for a moot or formal debate. The topics for discussion in lectures and/or seminars are set in advance, along with required and/or recommended reading. Nevertheless, students are encouraged to raise and share any issues related to the topic being discussed or even the unit more generally.

The teaching and learning strategy seeks to promote independent learning, because while the student are not required to become lawyers, this is an important skill of any lawyer in practice. Students are encouraged to seek answers, not only from their tutors, but by independent reading and working together in preparation for lectures and/or seminars. This focus on student-centred learning means that students may also be expected to explore independently all parts of the syllabus.

The allocation of teaching to deliver the module is:

Activity type	Hours	Percentage
Scheduled learning	30	20%
Independent learning	120	80%
Placement learning	0	0
TOTAL	150	100%

ASSESSMENT

Assessment Component 1

(Tick one)

☐ Written exam

☒ Coursework

☐ Practical

Mode of assessment	Volume	Weighting
Written assignment	4500 words	100%

Assessment Summary

Activity type	Percentage
Written exam	
Coursework	100%
Practical	
TOTAL	100%

These modules are accredited by and prescribed by the CIPD. This means there is permitted deviation from UWTSD current guidelines with regard to areas such as learning outcomes, assessment and format. This is necessary to ensure continuation of CIPD awarding powers.

READING LIST

Module Code	BMHR7003	
Module Title	Employment Law	
Classification	Reading List entry	Electronic*
Essential	Daniels, K. (2019) <i>Introduction to employment law : fundamentals for HR and business students</i> 5th ed. London: Kogan Page	☐
Essential	Lewis, D. and Sargeant, M. (2019) <i>Essentials of Employment Law</i> . 15th Ed. London: Chartered Institute of Personnel and Development.	☐
Further	Kidner, R. (2019) <i>Blackstone's Statutes on Employment law</i> , Oxford University Press	☐
Further	COLLINS, H (2012): <i>Employment law</i> . 2nd ed. Oxford, Oxford University Press.	☐
Further	HONEYBALL, S. and BOWERS, J. (2012) <i>Honeyball and Bowers' textbook on employment law</i> . 12th ed. Oxford: Oxford University Press.	☐
Further	LOCKTON, D. (2011) <i>Employment law</i> . 8th ed. Basingstoke: Palgrave Macmillan.	☐
Further	NAIRNS, J. (2011) <i>Employment law for business students</i> . 4th ed. Harlow: Longman.	☐
Further	PAINTER, R. and HOLMES, A. (2015) <i>Cases and materials on employment law</i> . 10th ed. Oxford: Oxford University Press.	☐
Further	PITT, G. (2011) <i>Employment law</i> . 8th ed. London: Sweet and Maxwell.	☐
Further	TAYLOR, S. and EMIR, A. (2012) <i>Employment law: an introduction</i> . 3rd ed. Oxford: Oxford University Press.	☐
Further	WILLEY, B (2012): <i>Employment law in context</i> . 4th ed. Harlow: Pearson	☐
Essential	Journal IDS Employment Law Brief	☐
Further	Journal Industrial Law Journal	☐
Further	Journal Human Resource Management Journal Available at: www.cipd.co.uk/journals	☒
Further	Journal International Journal of Human Resource Management Available at: www.cipd.co.uk/journals	☒
Further	Journal PeopleManagement Available at: www.cipd.co.uk/journals	☒
Essential	www.cipd.co.uk Website of the Chartered Institute of Personnel and Development CHARTERED INSTITUTE OF PERSONNEL AND DEVELOPMENT. <i>Factsheets about employment law [online]</i> . London: CIPD. Available at: https://www.cipd.co.uk/knowledge/fundamentals/emp-law	☒
Essential	CHARTERED INSTITUTE OF PERSONNEL AND DEVELOPMENT. <i>Frequently asked questions about employment law [online]</i> . London: CIPD. Available at:	☒

	https://www.cipd.co.uk/search?q=frequently+asked+questions+employment+law	
Further	CHARTERED INSTITUTE OF PERSONNEL AND DEVELOPMENT. <i>Latest employment law news [online]</i> . London: CIPD. Available at: http://www.cipd.co.uk/hr-resources/latest-news-employment-law	☒
Further	ACAS – www.acas.org.uk	☒
Further	EHRC – www.equalityhumanrights.com	☒
Further	Department for Business Innovation and Skills – Employment rights on the transfer of an undertaking (January 2014 Guidance) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/275252/bis-14-502-employment-rights-on-the-transfer-of-an-undertaking.pdf	☒