

SQA-SCOTTISH QUALIFICATIONS AUTHORITY

HIGHER NATIONAL UNIT SPECIFICATION

GENERAL INFORMATION

-Unit Number- **6451567**
-Superclass- **EC**
-Title- **EMPLOYMENT LAW**

-DESCRIPTION-

GENERAL COMPETENCE FOR UNIT: This unit is designed to provide the knowledge and understanding to enable a participant to apply the substantive law of employment to practical situations in a business environment.

OUTCOMES

1. explain the nature of the contract of employment and apply the relevant principles of law;
2. explain the employment protection rights of employees;
3. explain employer's common law and statutory duties regarding health and safety at work and apply relevant principles of law;
4. explain the law on discrimination in relation to employment.

CREDIT VALUE: 1 HN Credit

ACCESS STATEMENT: Access to this unit is at the discretion of the centre. However, it would be helpful if the candidate had skills in communication, evidenced by relevant qualifications or experience.

For further information contact: Committee and Administration Unit, SQA, Hanover House, 24 Douglas Street, Glasgow G2 7NQ.

Additional copies of this unit may be purchased from SQA (Sales and Despatch section). At the time of publication, the cost is £1.50 (minimum order £5.00).

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STATEMENT OF STANDARDS

UNIT NUMBER: 6451567

UNIT TITLE: EMPLOYMENT LAW

Acceptable performance in this unit will be the satisfactory achievement of the standards set out in this part of the specification. All sections of the statement of standards are mandatory and cannot be altered without reference to SQA.

OUTCOME

1. EXPLAIN THE NATURE OF THE CONTRACT OF EMPLOYMENT AND APPLY THE RELEVANT PRINCIPLES OF LAW

PERFORMANCE CRITERIA

- (a) The explanation of the distinction between contract of service and contract for services is clear and correct.
- (b) The explanation of the common law and statutory rules relating to the terms of the contract of employment is in accordance with current legislation.
- (c) The advice given in respect of legal issues identified in a particular situation is in accordance with current legislation.

RANGE STATEMENT

Legal issues: employee contractor; independent contractor; vicarious liability; tests for distinguishing contracts of service from contracts for services; contracts defined and distinguished from non-contractual agreements; provisions of current legislation in relation to written statement of particulars.

EVIDENCE REQUIREMENTS

Written and/or oral evidence which satisfies the performance criteria and the range statement.

OUTCOME

2. EXPLAIN THE EMPLOYMENT PROTECTION RIGHTS OF EMPLOYEES

PERFORMANCE CRITERIA

- (a) The explanation of the common law and statutory rules relating to dismissal and breach of contract is in accordance with current legislation.
- (b) The explanation of the statutory rights of the employee under employment protection legislation is in accordance with current legislation.
- (c) The advice given in respect of legal issues identified in a particular situation is correct and is in accordance with current legislation.

RANGE STATEMENT

The range is fully expressed within the performance criteria.

EVIDENCE REQUIREMENTS

Written and/or oral evidence which satisfies the performance criteria and the range statement.

OUTCOME

3. EXPLAIN EMPLOYER'S COMMON LAW AND STATUTORY DUTIES REGARDING HEALTH AND SAFETY AT WORK AND APPLY RELEVANT PRINCIPLES OF LAW

PERFORMANCE CRITERIA

- (a) The explanation of the common law duties relating to safety at work is in accordance with current legislation.
- (b) The explanation of the current statutory provisions is in accordance with current legislation.
- (c) The advice given in respect of legal issues identified in a given situation is in accordance with current legislation.

RANGE STATEMENT

The range is fully expressed within the performance criteria.

EVIDENCE REQUIREMENTS

Written and/or oral evidence which satisfies the performance criteria and the range statement.

OUTCOME

- 4. EXPLAIN THE LAW ON DISCRIMINATION IN RELATION TO EMPLOYMENT

PERFORMANCE CRITERIA

- (a) The explanation of the provision of equality law on equal pay is in accordance with current legislation.
- (b) The explanation of the provision of equality law on sex discrimination is in accordance with current legislation.
- (c) The explanation of the provision of equality law on disability is in accordance with current legislation.
- (d) The explanation of the provision of equality law on race relations is in accordance with current legislation.

RANGE STATEMENT

The range is fully expressed within the performance criteria.

EVIDENCE REQUIREMENTS

Written and/or oral evidence which satisfies the performance criteria and the range statement.

MERIT A candidate who achieves all performance criteria for all outcomes will be awarded a pass. A pass with merit may be awarded to a candidate who consistently demonstrates some or all of the following:

- (a) more effective use of research findings;
- (b) evidence of further reading or other additional effort;
- (c) superiority of analysis through the use of extrapolation or integration.

ASSESSMENT

In order to achieve this unit, candidates are required to present sufficient evidence that they have met all the performance criteria for each outcome within the range specified. Details of these requirements are given for each outcome. The assessment instruments used should follow the general guidance offered by the SQA assessment model and an integrative approach to assessment is encouraged. (See references at the end of support notes).

Accurate records should be made of the assessment instruments used showing how evidence is generated for each outcome and giving marking schemes and/or checklists, etc. Records of candidates' achievements should be kept. These records will be available for external verification.

SPECIAL NEEDS

Proposals to modify outcomes, range statements or agreed assessment arrangements should be discussed in the first place with the external verifier.

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SUPPORT NOTES

UNIT NUMBER: 6451567

UNIT TITLE: EMPLOYMENT LAW

SUPPORT NOTES: This part of the unit specification is offered as guidance. None of the sections of the support notes is mandatory.

NOTIONAL DESIGN LENGTH: SQA allocates a notional design length to a unit on the basis of time estimated for achievement of the stated standards by a candidate whose starting point is as described in the access statement. The notional design length for this unit is 40 hours. The use of notional design length for programme design and timetabling is advisory only.

PURPOSE The purpose of this unit is to provide candidates with a basic understanding of the main concepts of employment legislation.

CONTENT/CONTEXT Corresponding to outcomes:

The following support notes are intended to indicate the topics that might be covered in the unit. They are offered only as suggestions of some of the areas which might be covered, and are intended neither to be prescriptive nor comprehensive.

Outcome 1

(a), (b), (c) - As per range; Institutions and sources of law; court structure. European sources.

Outcome 2

Unfair dismissal remedies - reinstatement, re-engagement.

Compensation: special award; additional award; redundancy payments; ACAS.

Performance evidence might be gathered in relation to any details in the range statement for outcome 2 or relevant case law.

Breach of contract and remedies: extinction of contractual obligations; wrongful dismissal; constructive dismissal; unfair dismissal; fair reasons for dismissal; automatically inform reasons; redundancy; time off work; maternity rights; termination of employment (notice).

Outcome 3

Health and Safety at Work Act 1974 and associated legislation with court decisions. Employers common law duty of care.

Management of Health and Safety at Work Regulations S1 92/2051

Manual Handling Operations Regulations S1 92/2793

Provision of use of work equipment Regulations S1 91/2953

Workplace (Health and Safety) Regulations S1 91/3004

Personal Protective Equipment Regulations S1 92/3073

Health and Safety (Display Screen Equipment) Regulations S1 92/2779

Control of Substances Hazardous to Health Regulations 1988

Working time directive 93/014

Display Screen Directive 90/270

Reporting of Injuries, Diseases and Dangerous Occurrence Regulations 1985

Common law cases: Donoghue v Stevenson 1932 SCHL; Paris v Stephray BC 1951 AC 376; Latimer v AEC 1953 2ALLER 449; English v Wilson and Clyde Co. 1937 SC(HL)46; Hudson and Ridge Manufacturing Co. 1957 QB 348; and other relevant cases. European case law.

Common law duty of care.

Outcome 4

“Transferred” discrimination; scope of prohibited discrimination; enforcement mechanisms; ACAS; Equal Opportunities Commission; Commission for Racial Equality; Social Security Act 1989; Employment Act 1989; Case Law. (British and European) Article 119 of the Treaty of Rome 1995.

The main statues on discrimination which it is advised to cover are Equal Pay Act 1970; Sex Discrimination Act 1975 and associated legislation; Race Relations Act 1976; Disability Discrimination Act 1996.

APPROACHES TO GENERATING EVIDENCE A candidate centred learning approach is recommended. During the work of the unit, candidates should be assessed at appropriate times.

ASSESSMENT PROCEDURES

Outcome 1

Extended response questions could be used to generate evidence for performance criteria (a), (b) and (c).

Outcome 2

Extended response to cover performance criteria (a), (b) and (c).

Outcome 3

Case study could be used to gather evidence for all performance criteria. Candidate would be expected to offer advice re explanation covering performance criteria (a) and (b) and possible solutions to given situation re performance criteria (c).

Outcome 4

Restricted response. Class based, closed book. Paper concentrating on discrimination cases.

REFERENCES

1. Guide to unit writing.
2. For a fuller discussion on assessment issues, please refer to SQA's Guide to Assessment.
3. Information for centres on SQA's operating procedures is contained in SQA's Guide to Procedures.
4. For details of other SQA publications, please consult SQA's publications list.

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