

Higher National Unit Specification

General information for centres

Unit title: Collective Employment Relations: Law

Unit code: DN7D 34

Unit purpose: This Unit is designed to provide candidates with knowledge and understanding of the major principles of some major collective employment law topics as listed below. It is intended to provide underpinning legal knowledge which can be applied in the workplace.

On completion of the Unit the candidate will be able to:

1. Explain the application of the current law relating to organisations representing employees.
2. Explain the application of current law in relation to Health and Safety
3. Explain the application of the current law relating to Redundancy

Credit points and level: 1 HN Credit at SCQF level 7: (8 SCQF credit points at SCQF level 7*)

**SCQF credit points are used to allocate credit to qualifications in the Scottish Credit and Qualifications Framework (SCQF). Each qualification in the Framework is allocated a number of SCQF credit points at an SCQF level. There are 12 SCQF levels, ranging from Access 1 to Doctorates.*

Recommended prior knowledge and skills: Access to this unit is at the discretion of the centre. However, candidates would normally be expected to have competence in communication skills at Intermediate 2 (SCQF Level 5) or similar qualifications or experience.

Core skills: There may be opportunities to gather evidence towards core skills in this Unit, although there is no automatic certification of core skills or core skills components.

Context for delivery: If this Unit is delivered as part of a group award, it is recommended that it should be taught and assessed within the subject area of the group award to which it contributes. It is a Mandatory Unit in the HNC and HND Human Resource Management.

Assessment: This unit will be assessed by means of extended response questions in relation to case studies. The candidates must explain the application of relevant common law and statutory rules. Candidates should be assessed on their ability to apply the law rather than use of memory.

Centres will have discretion in designing assessments so that they can assess outcomes individually or combine outcomes where they consider it appropriate.

Higher National Unit specification: statement of standards

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The sections of the Unit stating the Outcomes, knowledge and/or skills, and evidence requirements are mandatory.

Where evidence for Outcomes is assessed on a sample basis, the whole of the content listed in the knowledge and/or skills section must be taught and available for assessment. Candidates should not know in advance the items on which they will be assessed and different items should be sampled on each assessment occasion.

Outcome 1

Explain the application of the current law relating to organisations representing employees.

Knowledge and/or skills

- ◆ The law governing Trade Unions
- ◆ The law governing Industrial action
- ◆ Employee representatives and other employee organisations

Evidence Requirements

Candidates will need evidence to demonstrate their knowledge and/or skills by showing that they can:

- ◆ explain the application of two pieces of legislation
- ◆ explain the role of organisations representing employees

Assessment Guidelines

This outcome should be assessed by means of an extended response to a case study involving an organisation that represents employees

Higher National Unit specification: statement of standards (cont)

Unit title: Collective Employment Relations: Law

Outcome 2

Explain the application of the current law in relation to Health and Safety

Knowledge and/or skills

- ◆ Employers' and employees' statutory duties under the Health and Safety at Work Act 1974
- ◆ General Health and Safety Regulations
- ◆ Enforcement of the Health and Safety at Work Act 1974
- ◆ Enforcement by the individual - common law claim for negligence

Evidence Requirements

Candidates will need evidence to demonstrate their knowledge and/or skills by showing that in response to a scenario they can:

- ◆ explain both employers and employees duties.
- ◆ identify appropriate Regulations
- ◆ explain enforcement procedures
- ◆ explain the common law claim for negligence

Assessment Guidelines

This outcome should be assessed by means of an extended response to a case study involving a breach of the Health and Safety at Work Act 1974

Outcome 3

Explain the application of the current law relating to Redundancy.

Knowledge and/or skills

- ◆ Definition of redundancy
- ◆ Duty to consult employees
- ◆ Selection criteria for redundancy.
- ◆ Employers' duty to assist employees under notice of redundancy
- ◆ Redundancy pay

Evidence Requirements

Candidates will need evidence to demonstrate their knowledge and/or skills by showing that, in response to a scenario they can

- ◆ Explain the application of relevant common law and statutory rules
- ◆ Cover all the items listed under the knowledge and skills.

Higher National Unit specification: statement of standards (cont)

Unit title: Collective Employment Relations: Law

Assessment Guidelines

This outcome should be assessed by means of an extended response to a case study involving redundancy

Administrative Information

Unit code: DN7D 34
Unit title: Collective Employment Relations: Law
Superclass category: EC
Date of publication: August 2004
Version: 02

History of Changes:

Version	Description of change	Date
02	Assessment guidelines amended to allow centres greater discretion in designing assessments. Wording revised relating to guidance for candidates with additional support needs.	20/07/10

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Higher National Unit specification: support notes

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This part of the Unit specification is offered as guidance. The support notes are not mandatory.

While the exact time allocated to this Unit is at the discretion of the centre, the notional design length is 40 hours.

Guidance on the content and context for this Unit

Employment Law underpins and permeates all aspects of the employment relationship. Therefore, it is essential that candidates receive a comprehensive introduction to the major principles. At the end of the Unit candidates will be able to identify work situations where specific legal principles apply, explain how they apply and suggest approaches to be taken to ensure legal compliance.

For this essential underpinning knowledge to remain current and valid it is imperative for institutions to review and update where appropriate the content of this Unit on an annual basis.

It is suggested that the Unit should be prefaced by an outline of the sources of law (Parliament, Courts, and Europe etc), the roles of relevant institutions (ACAS, Employment Tribunals, CAC) and sources of information to enable candidates to access current law. This would not be included in any assessment.

Outcome 1 is concerned with the law as it affects trade unions and other organisations that represent employees within the workplace:

Trade Unions – legal status; certification; recognition process; right to information from employer; election of officers; rights of officers; rights of individual members vis-à-vis their trade union.

Industrial action – trade unions' exposure to prosecution for torts; conditions for trade unions' immunity from such prosecution; ballots on industrial action; repudiation of industrial action; picketing; secondary action.

Other organisations – staff associations; works councils, European works councils

Outcome 2 is concerned with common law and statutory rules in relation to health and safety: the evolution of health and safety law, employers' common law duties, employers' statutory duties, employees' statutory duties, general Regulations developing employer's duties – e.g. Management of Health and Safety at Work; COSHH; Display Screen Equipment, RIDDOR, Manual Handling, Workplace Health and Safety etc, safety representatives and safety committees, enforcement of the Health and Safety at Work Act – rights, powers and duties of the Health and Safety Executive and the Health and Safety Inspectorate, enforcement by the individual - breach of statute; breach of common law duty (negligence); vicarious liability, damages, defences available to the employer.

Outcome 3 is concerned with the current law relating to redundancy: causes of redundancy, definition of redundancy, consultation with employees – time scales; employers' obligations, selection for redundancy, employers' duty to assist employees under notice of redundancy, reasonable alternative work, enforcement, statutory redundancy pay.

Higher National Unit specification: support notes (cont)

Unit title: Collective Employment Relations: Law

Guidance on the delivery and assessment of this Unit

This unit is core to and delivered within the HND Human Resource Management Group award but could be delivered within other appropriate awards as a Stand Alone Unit.

If this unit is being delivered within different group awards, it is anticipated that the outcomes and assessments are contextualised as is appropriate.

Teaching should be focussed on helping candidates to understand and apply the principles and main provisions of the law rather than to memorise details of case law. It is also important to encourage research skills to enable candidates to keep up to date with new law.

It is strongly recommended that this Unit be completed prior to units involving the application of these laws within the workplace.

A variety of teaching and learning approaches could be utilised throughout this unit. Tutor exposition, class and group discussion, individual and small group research projects and case studies are all appropriate for developing knowledge and skills. Candidates should be encouraged to draw upon real work situations, and review these as is appropriate.

Open learning

This unit would be ideally suited to open learning or distance learning methods, additional resources will be required for candidate support, assessment and quality assurance. For further information and advice please refer to the SQA guide: *Assessment and Quality Assurance for Open and Distance Learning* (A1030, February 2001).

Candidates with additional support needs

This Unit specification is intended to ensure that there are no artificial barriers to learning or assessment. The additional support needs of individual candidates should be taken into account when planning learning experiences, selecting assessment instruments or considering alternative Outcomes for Units. For information on these, please refer to the SQA document *Guidance Assessment Arrangements for Candidates with Disabilities and/or Additional Support Needs*, which is available on the SQA website www.sqa.org.uk.

General information for candidates

Unit title: Collective Employment Relations: Law

The two Units Individual Employment Relations: Law and Collective Employment Relations: Law are designed to give you a foundation of knowledge and understanding of all areas of Employment Law. This knowledge correctly applied will help to ensure that expensive legal actions and penalties are avoided; employees are treated correctly and fairly thus improving morale and performance; employees will feel that the organisation's relationship with them is based on an awareness of and respect for their legal rights.

Employment Law is a very broad subject. No-one would claim to know every aspect of it in detail. If you work in a particular area for any length of time you will acquire very detailed knowledge of the legal provisions applicable but once you move on you will forget many of the finer points. Therefore the aim of both Units is to provide you with broad basic knowledge of all areas of Employment Law and show you where to find out the details that you will need to know in working life.

In Collective Employment Relations: Law you will study the principles of the law governing trade unions (e.g. recognition processes, officers' rights, immunity from prosecution, strike ballots) and employee organisations, health and safety at work (e.g. the duties of employers and employees, the role of the Health & Safety Executive and its Inspectors) and redundancy (e.g. consultation rules, selection for redundancy).