



National Unit specification: general information

Unit title: Employment Law: An Introduction

Unit code: FR2C 12

Superclass: EC

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Summary

The purpose of the Unit is to provide candidates with the knowledge and skills to understand the legal relationship between employer and employee, and the legislation relating to dismissal, redundancy, discrimination, and equality and to be able to apply their knowledge in these areas of employment law.

The Unit is suitable for candidates who are undertaking the study of this subject for the first time and wish to develop a basic understanding of Employment Law.

This is a Mandatory Unit in the National Certificate in *Legal Services* (SCQF level 6) and in the National Progression Award in *Human Resources and the Law*. It may also be taught as a freestanding Unit. Where taken as part of the NC in *Legal Services*, candidates completing this Unit will be able to work towards progression to HNC in *Legal Services* and specifically to the HN Unit *Employment Law*.

Outcomes

- 1 Explain the relationship between employer and employee.
- 2 Explain aspects of legislation relating to dismissal and redundancy.
- 3 Explain aspects of legislation relating to discrimination and equality.

Recommended entry

While entry is at the discretion of the centre, candidates would normally be expected to have attained the following:

- ◆ Standard Grade English (Credit Level) or equivalent.

General information (cont)

Unit title: Employment Law: An Introduction

Credit points and level

1 National Unit credit at SCQF level 6: (6 SCQF credit points at SCQF level 6*)

**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.*

Core Skills

Achievement of this Unit gives automatic certification of the following:

Complete Core Skill None

Core Skill component Critical Thinking @ SCQF level 5

There are also opportunities to develop aspects of Core Skills which are highlighted in the Support Notes of this Unit Specification.

National Unit specification: statement of standards

Unit title: Employment Law: An Introduction

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

Outcome 1

Explain the relationship between employer and employee.

Performance Criteria

- (a) Distinguish between contracts of service and contracts for services.
- (b) Explain why it is necessary to identify types of employment contracts.
- (c) Apply knowledge of legislation relating to the relationship between employer and employee correctly in given situations.

Outcome 2

Explain aspects of the law relating to dismissal and redundancy.

Performance Criteria

- (a) Explain the common law rules relating to dismissal.
- (b) Summarise the automatically fair and automatically unfair reasons for dismissal.
- (c) Explain the procedures to be applied in a redundancy situation.
- (d) Apply knowledge of the law relating to dismissal and redundancy correctly in a given situation.

Outcome 3

Explain aspects of legislation relating to discrimination and equality.

Performance Criteria

- (a) Explain current legislation which covers discrimination.
- (b) Identify current areas covered by equality legislation.
- (c) Apply knowledge of legislation relating to discrimination and equality correctly in a given situation.

Evidence Requirements for this Unit

Written and/or oral recorded evidence is required which demonstrates that candidates have achieved the standards specified in the Outcomes and the Performance Criteria. Evidence will be produced under open-book under supervised conditions. Evidence can be holistic or Outcome by Outcome.

National Unit specification: statement of standards (cont)

Unit title: Employment Law: An Introduction

Candidates must provide evidence that they can:

Outcome 1

- ◆ Correctly explain the differences between contracts of service and contracts for services. Responses must include reference to employees and self employed persons or contractors.
- ◆ Give an explanation of why it is necessary to identify the types of contracts. Responses must include reference to pensions, sick pay, redundancy, discrimination, dismissal and responsibility for payment of tax and national insurance.
- ◆ Correctly apply knowledge of two different types of contracts in relation to given situations.

Outcome 2

- ◆ Explain the common law rules relating to dismissal with reference to wrongful, unfair and constructive dismissal.
- ◆ Explain current legislation relating to automatically fair and automatically unfair reasons for dismissal with reference to at least three reasons.
- ◆ Explain legislation covering redundancy procedures by giving a brief description of the ACAS Code of Practice recommended procedures.
- ◆ Correctly apply knowledge of legislation in relation to a given scenario covering any two of the above situations.

Outcome 3

- ◆ Explain discrimination legislation with reference to different types of discrimination.
- ◆ List at least four areas covered by equality legislation.
- ◆ Correctly apply knowledge of legislation in a given situation which should cover at least two areas of discrimination.

National Unit specification: support notes

Unit title: Employment Law: An Introduction

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

The purpose of the Unit is to provide candidates with the knowledge and skills to understand the relationship between the employer and employee and the legislation relating to dismissal, redundancy, discrimination and equality and to be able to apply their knowledge in these areas of employment law.

In addition to the above, the Unit should develop skills in carrying out accurate research. This may also enable IT skills to be developed.

This Unit is a general introduction to employment law and only the key aspects of each of the Performance Criteria requires to be highlighted.

Outcome 1:

This deals with the differences between a contract of service and a contract for services. It is important that the candidate can distinguish between these contracts particularly in relation to the employees' rights relating to, eg pensions, sick pay, and redundancy. Payment of tax and national insurance should be discussed in relation to who is responsible in each type of contract as should vicarious liability as one of the main advantages of having a contract of services. Health and Safety responsibilities, discrimination and unfair dismissal should also be included.

Outcome 2:

This covers the different ways an employee can be dismissed and should cover fair, wrongful, unfair and constructive dismissal. Current legislation detailing automatically fair, (eg dismissal for gross misconduct) and automatically unfair reasons, (eg pregnancy, trade union reasons, maternity, paternity and adoption leave) should be covered as should the current legislation detailing redundancy procedures. The candidate should then be familiar with legislation relating to both dismissal and redundancy procedures. Candidates should be aware that although the ACAS code of practice is not a procedure which requires to be followed in redundancy, if the employer refuses to follow it this can be taken into consideration if it results in a tribunal case.

Outcome 3:

This covers discrimination and equality issues. An overview of the current legislation should be discussed and could include direct/indirect discrimination as well as victimisation. Candidates should understand that equality laws require that no-one is treated adversely on grounds of their:

- ◆ age
- ◆ disability
- ◆ gender and sexual orientation

National Unit specification: support notes (cont)

Unit title: Employment Law: An Introduction

- ◆ gender reassignment
- ◆ marriage and civil partnership
- ◆ pregnancy and maternity
- ◆ race
- ◆ religion or belief

Candidates should understand that discrimination can occur:

- ◆ if someone is treated less favourably by reason of any of the protected characteristics listed above, or
- ◆ if a practice or requirement applied to everyone has an adverse impact on people of a particular protected characteristic, or
- ◆ if they are subjected to harassment as defined in the law.

Guidance on learning and teaching approaches for this Unit

Tutor input will be required to explain the elements of common law and statutory provisions relating to types of contracts, the various elements in relation to dismissal and redundancy and the law relating to discrimination and equality. Candidates should be encouraged to gather and collate materials directly relevant to the content of the Unit, in particular media reports and case studies on problems which can occur in the field of employment law. These can be used in class to discuss the problems highlighted in each individual case and how these problems have been or can be solved. A visit to an employment tribunal may be a worthwhile exercise and/or an employment specialist or an Employment Judge could be invited to individual centres to discuss employment issues with the candidates. Tutors could devise various question and answer problems to enable the candidates to develop an insight into how these problems come about and are solved.

The internet is also a valuable source of information and the candidates could use it to research particular cases or information which would be valuable for the individual topics. ACAS is a valuable website for research.

There are opportunities throughout the Unit for group work, class discussion, and oral presentations of findings.

Guidance on approaches to assessment for this Unit

As this Unit is designed to develop knowledge and skills relating to employment, the assessment strategy should have a combination of theory and practical assessments where case studies would play an important part. It is suggested therefore, that, for each Outcome, this may take the form of a mix of short answer questions along with mini case studies where candidates can correctly apply knowledge of the individual areas of law in a given situation.

National Unit specification: support notes (cont)

Unit title: Employment Law: An Introduction

Opportunities for the use of e-assessment

E-assessment may be appropriate for some assessments in this Unit. By e-assessment we mean assessment which is supported by Information and Communication Technology (ICT), such as e-testing or the use of e-portfolios or e-checklists. Centres which wish to use e-assessment must ensure that the national standard is applied to all candidate evidence and that conditions of assessment as specified in the Evidence Requirements are met, regardless of the mode of gathering evidence. Further advice is available in *SQA Guidelines on Online Assessment for Further Education (AA1641, March 2003)*, *SQA Guidelines on e-assessment for Schools (BD2625, June 2005)*.

Opportunities for developing Core Skills

In this Unit candidates will learn about the relationship between the employer and employee and the legislation relating to dismissal, redundancy, discrimination and equality and apply knowledge in response to given situations in these areas of employment law.

Candidates will:

- ◆ distinguish between different types of contracts
- ◆ explain common law rules relating to dismissal and procedures relating to redundancy situations
- ◆ apply knowledge of legislation to given examples
- ◆ explain aspects of current legislation.

In this way, candidates will naturally develop aspects of the Core Skills of *Communication* and *Problem Solving* through completion of the Outcomes and Evidence Requirements.

In addition, whilst completing this Unit candidates may further develop aspects of the following Core Skills where specific learning and teaching approaches are adopted:

- ◆ *Working with Others* — through working in groups to carry out research work.
- ◆ *Information and Communication Technology (ICT)* — through undertaking internet research.
- ◆ *Problem Solving* — through activities which require candidates to analyse the impact of current legislation.

This Unit has the Critical Thinking component of Problem Solving embedded in it. This means that when candidates achieve the Unit, their Core Skills profile will also be updated to show they have achieved Critical Thinking at SCQF level 5.

Disabled candidates and/or those with additional support needs

The additional support needs of individual candidates should be taken into account when planning learning experiences, selecting assessment instruments, or considering whether any reasonable adjustments may be required. Further advice can be found on our website www.sqa.org.uk/assessmentarrangements

History of changes to Unit

Version	Description of change	Date
02	Core Skills Component Critical Thinking at SCQF level 5 embedded.	26/03/2012

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