

MODULE DESCRIPTOR

Module Title

Employment Practice

Reference	LLM199	Version	3
Created	August 2023	SCQF Level	SCQF 11
Approved	September 2018	SCQF Points	15
Amended	September 2023	ECTS Points	7.5

Aims of Module

To develop professional and advocacy skills in relation to contentious and non contentious employment cases and to develop knowledge and understanding of employment tribunal procedures

Learning Outcomes for Module

On completion of this module, students are expected to be able to:

- 1 Advise a client on the key differences between employment and self-employment and draft a standard employment contract and an employment contract for a senior employee
- 2 Understand the key principles of the employment law including Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE)
- 3 Advise a client in relation to termination of employment of an employee
- 4 Understand how to make an application for an interdict to enforce post termination of employment restrictive covenants (i.e. non competition, non solicitation and confidentiality)
- 5 Conduct and defend an unfair dismissal claim in the employment tribunal

Indicative Module Content

The principles of employment and self employment, determining the existence of employment and self-employment, formation of the employment relationship, contracts of employment, consultancy agreements, drafting principles, the key principles of statutory and common law employment protection including unfair dismissal, discrimination, redundancy, wrongful dismissal and Transfer of Undertakings, procedural fairness, negotiated exits - the use of settlement agreements, court and employment tribunal procedure jurisdiction and choice of forum outline of sheriff court and employment tribunal procedure (including document drafting, interdict and other interlocutory hearings, advocacy in a mock tribunal hearing, remedies, damages and compensation.

Module Delivery

Seminars, problem solving activities, case studies, drafting exercises and multiple choice test, portfolio building, forum postings, quizzes and role play.

Indicative Student Workload

	Full Time	Part Time
Contact Hours	34	34
Non-Contact Hours	116	116
Placement/Work-Based Learning Experience [Notional] Hours	N/A	N/A
TOTAL	150	150
<i>Actual Placement hours for professional, statutory or regulatory body</i>		

ASSESSMENT PLAN

If a major/minor model is used and box is ticked, % weightings below are indicative only.

Component 1

Type:	Practical Exam	Weighting:	100%	Outcomes Assessed:	1, 2, 3, 4, 5
Description:	Role play and written exercises				

MODULE PERFORMANCE DESCRIPTOR**Explanatory Text**

Component 1 comprises 100% of the module grade. To pass the module a D grade or above is required

Module Grade	Minimum Requirements to achieve Module Grade:
A	A
B	B
C	C
D	D
E	E
F	F
NS	Non-submission of work by published deadline or non-attendance for examination

Module Requirements

Prerequisites for Module	None in addition to SCQF 11 entry requirement or equivalent.
Corequisites for module	None.
Precluded Modules	None.

ADDITIONAL NOTES

In addition to the texts in the indicative bibliography, the student will be required to purchase the course materials.

INDICATIVE BIBLIOGRAPHY

- 1 HARVEY, R.J.S., 2017. *Harvey on industrial relations and employment law*. London: LexisNexis.
- 2 INCOME DATA SERVICES, 2013. *IDS employment law handbooks*. Andover: Sweet and Maxwell.
(Available on WESTLAW)
- 3 SELWYN N.M., 2016. *Selwyn's law of employment*. 19th ed. Oxford: Oxford University Press.