

## Liverpool John Moores University

Title: EMPLOYEE RELATIONS AND THE LAW  
Status: Definitive  
Code: **6512CP** (103596)  
Version Start Date: 01-08-2013

Owning School/Faculty: Arts, Professional and Social Studies  
Teaching School/Faculty: Dublin Business School

Team	Leader
Alistair Beere	Y

**Academic Level:** FHEQ6  
**Credit Value:** 24.00  
**Total Delivered Hours:** 77.00  
**Total Learning Hours:** 240  
**Private Study:** 163

### Delivery Options

Course typically offered: Standard Year Long

Component	Contact Hours
Lecture	50.000
Tutorial	25.000

**Grading Basis:** 40 %

### Assessment Details

Category	Short Description	Description	Weighting (%)	Exam Duration
Essay	AS1	Group Project 1	25.0	
Exam	AS3	Examination	50.0	2.00
Essay	AS2	Group Project 2	25.0	

### Aims

*To build in learners an awareness of the relevance and significance of knowledge of employment law in the workplace in order to be able to recognise potential problems and seek appropriate advice.*

*To provide learners with a critical understanding of employment law and dispute resolution.*

*To enable learners to facilitate the management and resolution of workplace*

*disputes.*

*To assist learners to appreciate on-going reform and the challenges the law creates for the business environment.*

*To enable learners to apply relevant employment law principles, rules, case law and legislation to relevant work-place scenarios.*

## **Learning Outcomes**

After completing the module the student should be able to:

- 1 Evaluate the key elements of Irish employment law, from both a contractual and statutory perspective.
- 2 Discuss the difference between contracts of employment and contracts for services and the various associated express or implied terms.
- 3 Assess the different regulatory means by which an employee can enforce their statutory and common law rights.
- 4 Appraise the role of alternative dispute resolution mechanisms in resolving employment and industrial conflict.
- 5 Apply analytical, management and interactive skills in relation to employment relations.

## **Learning Outcomes of Assessments**

The assessment item list is assessed via the learning outcomes listed:

GROUP PROJECT 1	1	2	5	
EXAM	2	3	4	5
GROUP PROJECT 2	1	3	4	5

## **Outline Syllabus**

- 1. Institutions of Industrial and Employment Relations, Labour Court: structure, aims and objectives, referral procedures, activity/usage in recent years Labour Relations Commission: structure, aims and objectives, conciliation service, advisory service, codes of practice, activity/usage in recent years; Work Relations Commission: its introduction, historical evolution, and practice. Joint Labour Committees and Joint Industrial Councils: structure, aims and objectives, activity/usage in recent years*
- 2. The Employment Relationship - The contract of employment, the status of a worker, types of employment contracts. Duties of the employer, duties of the employee. Confidentiality issues, restraint of trade clauses, data protection, employment permits. Information and consultation*
- 3. The protection of atypical employment Fixed term, part time, agency*
- 4. Working Time and Statutory Leave Organisation of Working Time, Maternity Protection, Parental Leave, Force Majeure Leave, Adoptive Leave and Carers Leave*
- 5. Payment of Wages Payment of Wages Act 1991 Modes of payment of wages Regulations Complaints in relation to contravention of section 5 Remedies*
- 6. Employment Equality Employment Equality Acts 1998-2008, direct and indirect*

*discrimination, positive discrimination, redress and remedies, role of the Equality Authority, activity/usage in recent years Bullying, harassment and sexual harassment in the workplace, obligations upon the employer, vicarious liability, redress and remedies, anti-harassment policies*

*7. Employers Liability Common law liability Vicarious liability Safety, Health and Welfare at Work Act 2005 Duties of the employer, employees, designers, manufacturers, constructors of places of work, occupational stress, Health and Safety Authority*

*8. Termination of the Employment Contract Notice requirements Dismissal: Unfair dismissal, constructive dismissal, wrongful dismissal, redress and remedies*

*9. Redundancy and Transfer of Undertakings Statutory obligations, calculable and reckonable service, collective redundancies, dispute resolution Transfer of undertakings*

*10. Alternative Dispute Resolution Role of the courts in encouraging parties to agree solutions Access to ADR Distinguishing between mediation and conciliation – statutory definitions Private Workplace ADR and Dispute System design*

## Learning Activities

Lectures and tutorials.

## References

<b>Course Material</b>	Book
<b>Author</b>	Daly, B. And Doherty, M.
<b>Publishing Year</b>	2010
<b>Title</b>	Principles of Irish Employment Law
<b>Subtitle</b>	
<b>Edition</b>	
<b>Publisher</b>	Clarus Press
<b>ISBN</b>	

<b>Course Material</b>	Book
<b>Author</b>	Regan, M. (ed.)
<b>Publishing Year</b>	2009
<b>Title</b>	Employment Law
<b>Subtitle</b>	
<b>Edition</b>	
<b>Publisher</b>	Tottel
<b>ISBN</b>	

<b>Course Material</b>	Book
<b>Author</b>	Faulkner, M.
<b>Publishing Year</b>	2007
<b>Title</b>	Essentials of Irish Labour Law
<b>Subtitle</b>	
<b>Edition</b>	

<b>Publisher</b>	Gill & Macmillan
<b>ISBN</b>	

<b>Course Material</b>	Book
<b>Author</b>	Jane Moffatt (ed.)
<b>Publishing Year</b>	2011
<b>Title</b>	Employment Law
<b>Subtitle</b>	Law Society of Ireland manual
<b>Edition</b>	
<b>Publisher</b>	Oxford University Press
<b>ISBN</b>	

<b>Course Material</b>	Book
<b>Author</b>	Cox, N., Corbett, V. and Ryan, D.
<b>Publishing Year</b>	2009
<b>Title</b>	Employment Law in Ireland
<b>Subtitle</b>	
<b>Edition</b>	
<b>Publisher</b>	Clarus Press
<b>ISBN</b>	

<b>Course Material</b>	Book
<b>Author</b>	Forde, M. and A.P. Byrne
<b>Publishing Year</b>	2009
<b>Title</b>	Employment Law
<b>Subtitle</b>	
<b>Edition</b>	3rd
<b>Publisher</b>	Thomson Round Hall
<b>ISBN</b>	

<b>Course Material</b>	Book
<b>Author</b>	Bolger, M. and Kimber, C.
<b>Publishing Year</b>	2000
<b>Title</b>	Sex Discrimination Law
<b>Subtitle</b>	
<b>Edition</b>	
<b>Publisher</b>	Round Hall
<b>ISBN</b>	

<b>Course Material</b>	Book
<b>Author</b>	Eardly, J.
<b>Publishing Year</b>	2004
<b>Title</b>	Sex Discrimination at Work
<b>Subtitle</b>	A practical guide to the law in Ireland
<b>Edition</b>	
<b>Publisher</b>	First Law
<b>ISBN</b>	

<b>Course Material</b>	Book
<b>Author</b>	Redmond, M.
<b>Publishing Year</b>	2007
<b>Title</b>	Dismissal Law in Ireland
<b>Subtitle</b>	
<b>Edition</b>	2nd
<b>Publisher</b>	Tottel Publishing
<b>ISBN</b>	

<b>Course Material</b>	Book
<b>Author</b>	Stewart, E. And Dunleavy, N.
<b>Publishing Year</b>	2007
<b>Title</b>	Compensation on Dismissal
<b>Subtitle</b>	Employment Law and Practice
<b>Edition</b>	
<b>Publisher</b>	First Law
<b>ISBN</b>	

<b>Course Material</b>	Book
<b>Author</b>	Purdy, A.
<b>Publishing Year</b>	2011
<b>Title</b>	Termination of Employment
<b>Subtitle</b>	A Practical Guide for Employers
<b>Edition</b>	2nd
<b>Publisher</b>	Bloomsbury Professional
<b>ISBN</b>	

<b>Course Material</b>	Book
<b>Author</b>	Eardly, J.
<b>Publishing Year</b>	2008
<b>Title</b>	Bullying and Stress in the Workplace
<b>Subtitle</b>	Employers and Employees – A Guide
<b>Edition</b>	2nd
<b>Publisher</b>	First Law
<b>ISBN</b>	

<b>Course Material</b>	Book
<b>Author</b>	Kinsella, J.
<b>Publishing Year</b>	2012
<b>Title</b>	Health, Safety and Welfare Law in Ireland
<b>Subtitle</b>	
<b>Edition</b>	2nd
<b>Publisher</b>	Gill & Macmillan
<b>ISBN</b>	

<b>Course Material</b>	Book
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<b>Author</b>	Shannon, G
<b>Publishing Year</b>	2007
<b>Title</b>	Health and Safety
<b>Subtitle</b>	Law and Practice
<b>Edition</b>	2nd
<b>Publisher</b>	Round Hall
<b>ISBN</b>	

<b>Course Material</b>	Book
<b>Author</b>	Kerr, T.
<b>Publishing Year</b>	2005
<b>Title</b>	Employment Equality Legislation
<b>Subtitle</b>	
<b>Edition</b>	2nd
<b>Publisher</b>	Thomson Round Hall
<b>ISBN</b>	

<b>Course Material</b>	Book
<b>Author</b>	Arthur Cox Employment Law Dept.
<b>Publishing Year</b>	2011
<b>Title</b>	Arthur Cox Employment Law Yearbook 2011
<b>Subtitle</b>	
<b>Edition</b>	
<b>Publisher</b>	Bloomsbury Professional
<b>ISBN</b>	

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## Notes

This module is designed to provide learners with the fundamental principles applicable to the employment relationship, the influence of EU law and will further go on to examine principal legislative enactments affecting both parties. The regulatory for a relevant to the resolution of disputes will be investigated and the role of Alternate Dispute Resolution (ADR) for those parties seeing an alternative resolution.