

The Language of Employment Law

Unit 4A/ Foundation



FIRED

THE LANGUAGE OF EMPLOYMENT LAW

BEING AN EMPLOYER

Exercise 1

Read this text about being an employer. The most important words are in the key vocabulary below. Answer the questions that follow using a full sentence.

Key vocabulary

- | | | | |
|-------------|--------------|----------|----------------|
| ● employer | ● secretary | ● salary | ● full-time |
| ● employees | ● admin work | ● pay | ● remuneration |
| ● staff | ● payroll | ● wages | ● invoices |
| ● manager | ● part-time | ● order | ● suppliers |

'My name is Peter Connolly and I am an **employer** in the town of Chatsworth. This means that I have a business and I pay people to work for me. I am the owner of two shoe shops and I employ a total of 12 **employees**. Another word for a group of employees is **staff**. Some of my staff work in the shops and some of them work in the office. Our office is situated above one of the shops. I employ an office **manager** and a **secretary** in the office. A manager has control of the office. A secretary is a person who helps the office manager with his or her work. These two people are my office staff and they deal with all of the **admin work** connected with the shops. 'Admin work' is short for administrative work. For example, the office staff **order** goods to sell in the shops and they also pay the **invoices** we receive

from **suppliers**. Another duty of the office staff is to deal with the **payroll**. The payroll is a list of people who work for the business. The payroll shows me who works for the business and what **remuneration** each person receives from me each month. Remuneration is a formal word meaning 'payment'. My employees receive a **salary**. A salary is an amount of money that an employee receives each month. Employees who receive payment every week usually refer to this money as **wages** rather than salary. Both salary and wages are sometimes called '**pay**'. Some of my employees work **full-time** and some of them work **part-time**. My full-time staff work for 35 hours a week and my part-time staff work for 15 hours a week.'

- What type of shops does Peter Connolly own in Chatsworth?
Answer: _____
- How many staff does Peter Connolly employ?
Answer: _____
- How many staff work in the office of the business?
Answer: _____
- What information does the payroll show Peter Connolly?
Answer: _____
- What does remuneration mean?
Answer: _____
- Are Peter Connolly's staff paid weekly or monthly?
Answer: _____
- How many hours a week do Peter Connolly's full-time staff work?
Answer: _____

Exercise 2

Peter Connolly needs a new employee to work as a sales assistant in one of his shops. He decided to put an advertisement in his local newspaper. The most important words from the advertisement are in the key vocabulary. Put the correct word from the key vocabulary into the sentences below the advertisement to complete each definition.

Key vocabulary

- team
- well-motivated
- applicant
- track record
- wide range
- temporary
- maternity leave
- C.V.
- covering letter
- closing date

An exciting opportunity to be part of our great sales **team**!

THE CHATSWORTH SHOE BOX

...is looking for a **well-motivated** sales assistant to work in our busy town centre shop. The successful **applicant** must be prepared to work 35 hours a week (full-time) and should have a good **track record** in the retail industry. He or she will have a **wide range** of duties including serving members of the public and window-dressing. The position is a **temporary** one for 12 months to cover **maternity leave**.

Apply by sending your **C.V.** and a **covering letter** to:

Mr Peter Connolly
The Chatsworth Shoe Box
10 Portugal Place, Chatsworth CH1 1BD.

The **closing date** for applications is 25 August.

- a A _____ person is someone who is ambitious and wants to work hard.
- b A period of _____ is the time that a woman is away from work before and after the birth of her baby.
- c A _____ is a document that tells an employer about a person's previous experience of work and what qualifications that person has. This document is called a 'resume' in the USA.
- d A _____ is an informal name for a group of people who work together.
- e A _____ of duties means a variety of different duties.
- f Something that is _____ is only for a limited period of time. It is the opposite of permanent.
- g An _____ is a person who asks to have something, especially a job.
- h A _____ is the name of the letter that a person sends with a job application.
- i The _____ for a job application is the last date that the employer will accept an application from someone.
- j A person who has a _____ in a particular job has previous experience of doing that job.

Help desk**What do these words mean?**

a sales assistant – a person who sells goods or services in a shop.

the retail industry – the industry involved in buying goods and selling them to the public.

window-dressing – preparing a shop window in an attractive way so that the public are interested in buying things from the shop.

Exercise 3

Peter Connolly received this letter today from someone who is interested in the job at his shop. Read the letter and decide in each case which is the correct preposition from the two possibilities. Write your answers in the spaces below.

6 Kenton Road
Chatsworth CH6 2DD
Mobile: 07779 34500
Email: AndreaF@chmail.co.uk

20 August 20XX

Mr Peter Connolly
The Chatsworth Shoe Box
10 Portugal Place
Chatsworth CH1 1BD

Dear Mr Connolly

Job (*) as/of a full-time sales assistant

I would like to apply (a) **to/for** the job of a full-time sales assistant at The Chatsworth Shoe Box as advertised (b) **in/at** Thursday's Chatsworth Herald. Please find enclosed a copy of my C.V.

My previous jobs include two years as a sales assistant in the footwear department (c) **at/within** Selfridges on Oxford Street, London. This gave me experience of dealing with customers, as well as basic cashier skills and a good knowledge of the shoe retail industry.

I have good communication skills and also speak basic Spanish and Italian, which may be useful when dealing with customers whose first language is not English. I am an enthusiastic worker and enjoy working as part of a team. I returned (d) **to/in** Chatsworth a week ago after a year of travelling around Europe and I am free to start work immediately.

I would welcome the opportunity to discuss the sales position with you on the telephone or at interview. I can be contacted on my mobile phone or by email (please see details (e) **on/at** the top of this letter). I look forward to hearing (f) **from/of** you.

Yours sincerely

Andrea Farrell

Andrea Farrell

Answers

Example (*) **as**

a _____ b _____ c _____ d _____ e _____ f _____

Exercise 4

Read Andrea Farrell's letter again. Find a word in the letter to complete the following sentences.

- a To _____ for something, such as a job, means to ask if you can have that job.
- b When I say 'please find my C.V. _____' it means that I have put my C.V. in the envelope together with my covering letter.
- c A _____ is a person who deals with the money that a shop or a business has in its cash register at the end of every day.
- d Your _____ are the things that you can do well, especially in relation to your job.
- e If you are _____ about something, it means that you like that activity and you enjoy doing it.
- f If you are _____ to start work, it means that you are available to begin working immediately.
- g An _____ is the chance to do something.
- h If a _____ is available with a particular company it means that the company has a job for which it needs an employee.

Help desk**What do these words mean?**

communication skills – a person's ability to speak and listen to other people in an effective way. The opposite of good communication skills is poor communication skills.

cash register – the machine into which a shop or some other business puts the money when a customer pays for something. Also called 'a till'.

AN EMPLOYMENT CONTRACT

There are two very important words connected with talking about any contract. These are:

- **clause** (noun): a clause is a section of the contract. A clause usually has a number, for example, clause 1 of the contract. Sometimes a clause is divided into further sections, for example, 1.1, 1.2, 1.3, etc.
- **provision** (noun): a provision is a term contained in a contract. All of the terms and conditions of a contract are called the provisions of the contract. Lawyers often use the verb 'to provide', for example, 'Clause 1 of the contract provides that the employee is entitled to four weeks' holiday every year'. This means that it is an obligation of the employer to give the employee four weeks' holiday.

Exercise 1

Here are the titles of some clauses that you will find in an employment contract. Lawyers usually call them 'clause headings'. On the next page are descriptions of what each clause deals with. Match the headings of the clauses with the descriptions provided.

- Term of the contract
- Job title
- Working hours
- Remuneration

- Holidays
- Sick pay
- Grievance procedure
- Disciplinary procedure

- Pension
- Confidentiality.
- Non-competition
- Termination

- a This clause deals with the payment that the employee will receive in return for working for the employer.
The clause heading is _____
- b This clause deals with the employee's obligation not to tell anyone about certain information that belongs to the employer.
The clause heading is _____
- c This clause deals with the period of time that the contract will be valid.
The clause heading is _____
- d This clause deals with the amount of time that the employee is obliged to work every week or month.
The clause heading is _____
- e This clause deals with what the employer must do if he or she is unhappy with the way that the employee is behaving at work.
The clause heading is _____
- f This clause deals with the arrangements for the employee to have money in his or her old age.
The clause heading is _____
- g This clause gives the name of the employee's job.
The clause heading is _____
- h This clause deals with the time that the employee is allowed to stay away from work to rest and relax and still receive his or her pay.
The clause heading is _____
- i This clause deals with the ways in which the contract of employment can end.
The clause heading is _____
- j This clause deals with what an employee must do if he or she is unhappy at work and wants to complain to the employer.
The clause heading is _____
- k This clause deals with the employee's obligation after the contract of employment ends not to start the same business or work for a rival of the employer for a certain period of time.
The clause heading is _____
- l This clause deals with the money that an employer must pay to an employee when the employee is ill and cannot work.
The clause heading is _____

Help desk**What do these words mean?**

a rival – a person or an organisation that is in the same type of business as you and is in competition with you for the same customers or clients.

procedure – the accepted or correct way of doing something.

Exercise 2

A new employee has some questions about her employment contract. Complete each question using the correct word from the box below.

- | | | | |
|--------------|---------|------------|-------------|
| ● hours | ● term | ● sick pay | ● salary |
| ● provisions | ● title | ● holiday | ● terminate |

- a What does the _____ of the contract mean?
It means the duration of the contract.
- b What are the _____ of a contract?
They are all of the terms and conditions contained in the contract.
- c What is my job _____?
It is assistant manager.
- d What are my _____ of employment?
Monday to Friday, 9am to 5.30pm.
- e What will my annual _____ be?
£25,000 a year.
- f How many weeks' _____ can I have?
You are entitled to four weeks a year, in addition to public holidays.
- g Am I entitled to _____ when I am ill?
Yes. But you must provide us with a medical certificate.
- h How much notice must I give if I want to _____ the contract?
Four weeks. We use that time to find a new employee who can begin work at the time that you leave us.

Exercise 3

Here are the clause headings from Exercise 1 again. Below are some very short extracts from an employment contract. Match the correct heading from the blue box with each extract.

- | | | |
|------------------------|--------------------------|-------------------|
| ● Term of the contract | ● Holidays | ● Pension |
| ● Job title | ● Sick pay | ● Confidentiality |
| ● Working hours | ● Grievance procedure | ● Non-competition |
| ● Remuneration | ● Disciplinary procedure | ● Termination |

- a 'For a period of 12 months after the termination of this agreement the Employee agrees that he or she will not start a business that is the same or similar to the Employer's business.'
The clause is _____
- b 'The Employer shall pay the Employee a salary of £21,000 a year.'
The clause is _____

- c 'If you have a complaint relating to your employment you should follow the procedure attached to this contract in order to inform your manager about your complaint.'

The clause is _____

- d 'The Employer agrees to employ the Employee in the position of sales assistant.'

The clause is _____

- e 'On the first day of your absence from work you must inform your manager. If you are absent for more than seven days you must provide your manager with a medical certificate signed by your doctor.'

The clause is _____

- f 'This contract is for a duration of 12 months.'

The clause is _____

- g 'Employees who wish to contribute to the Fund may do so until the age of 65 years.'

The clause is _____

- h 'The Employee is entitled to 25 days per year in addition to public holidays.'

The clause is _____

- i 'The Employee shall not during the term of his or her employment disclose any material information relating to his or her employment to any third party.'

The clause is _____

- j 'A summary of the rules and procedures that the Employer must follow in relation to difficulties with the Employee's performance in the workplace is attached to this contract.'

The clause is _____

- k 'The Employee is required to work Mondays to Fridays between 8.30am and 5.30pm, with one hour for lunch.'

The clause is _____

- l The Employer may end this agreement by giving four weeks' written notice to the Employee.'

The clause is _____

Help desk**What do these words mean?**

absence – when somebody is not in the place where you expect that person to be, such as at school or at work, then it is described as an absence. The adjective is 'absent'.

fund – an amount of money that a person or an organisation keeps for a particular purpose. It can be to pay for something special, such as a college fund to pay for education, or it can be a way of saving money to spend in the future, such as a pension fund.

material – important, significant.

public holiday – a day that the government says is a holiday for everyone in the country. The important public holidays in the UK are Christmas Day and New Year's Day. In the USA 4 July is also a public holiday.

notice – a warning period. When you give notice to someone you tell that person that something is going to happen in the future.

contribute – to give money towards something. This is often because you want to, and not because it is an obligation.

HOW CAN AN EMPLOYMENT CONTRACT END?

Read this information about the ways that an employment contract can end and then do the exercises that follow.

Resignation

The employee resigns from his or her job. This means that the employee informs the employer that he or she will stop working for the employer's business. This might be because the employee wants to work for a new employer. The employee must usually tell the employer in writing that he or she wishes to resign. This is called a letter of resignation. The employee will usually work a notice period of perhaps two weeks or four weeks. This means, for example, that an employee who wishes to stop work on 1 July must give his or her employer a letter of resignation on 3 June. Resigning is known informally as 'handing in your notice'.

Retirement

The employee retires from work. This means the employee leaves his or her job with the intention not to work again because he or she is a certain age. In many countries the age of retirement is 65 years old. However, some employees choose to take early retirement if they have enough money. When an employee retires they must live on the money they receive from their pension. Most people in the UK have a state pension, which they receive from the government. When they are working they pay some money to the government each month to pay for their pension. In the UK this is called a National Insurance contribution. Some people also have a private pension plan. This is because they want more money than the state pension gives them.

Redundancy

The employee is made redundant. This means that an employee leaves his or her job because the employer does not need them. This might be because business is not good for the employer or because the business is closing. The employee usually receives a redundancy payment. This is an amount of money that the employer pays to the employee as a final payment. The amount of money that the employee receives sometimes depends on the number of years that he or she worked for the employer. The employer sometimes offers the employee training for a new career as part of the redundancy deal. Training means learning the skills necessary to do a different job.

Dismissal

The employer dismisses the employee. The employee is dismissed. This means that the employer is unhappy with the performance or behaviour of the employee and tells him or her that they no longer have a job. This might be, for example, because the employee is not doing the job well or because the employee is always late for work. Dismissal is known informally as 'being fired' in the USA and as 'being sacked' in the UK. Employment law states that the employer must follow a certain procedure of warning the employee before this can happen. However, the employer is not obliged to follow this procedure when the employee is guilty of gross misconduct. Gross misconduct is very bad behaviour, such as stealing money from the employer.

A fixed-term contract ends

The employee stops working for the employer or leaves his or her job because his or her contract was for a specific period of time, which has ended. For example, I agree to work in an office for six months. My contract is a fixed-term contract for six months. At the end of the six-month period I stop working for that employer.

Exercise 1

Choose a word from the previous page to complete these sentences about resignation.

- To _____ means to tell your employer that you intend to stop working for him or her.
- The correct way to resign is usually to give your employer a letter of _____.
- When an employee resigns he or she must usually work a _____ period of several weeks.
- In the UK the informal way to say 'resigning' is to say _____ in your notice.

Exercise 2

Choose a word from the previous page to complete these sentences about retirement.

- To _____ from work means to stop working with the intention that you will not work again.
- Some people choose to take early _____ and stop working at the age of 45 or 50 years old, for example.
- When a person retires they usually live on the money from a _____.
- A private pension _____ is a way of saving extra money for old age in case the money from the government is not enough.

Exercise 3

Choose a word from the previous page to complete these sentences about redundancy.

- When an employee is made _____ it is usually because the employer no longer needs so many workers.
- _____ is a great problem in western Europe and the USA at the moment. This is because many goods and services are cheaper to produce in other countries.
- The final sum of money that an employer pays to an employee can be a very large amount. This is called a final redundancy _____ and sometimes depends on the number of years that the employee worked for the employer.
- When John lost his job at the car factory he was offered a _____ course in computer skills to help him find a new job.

Exercise 4

Choose a word from the previous page to complete these sentences about dismissal.

- The printing company _____ Jason because he did some printing for his friend and he did not ask his friend to pay for it.
- I dismissed an employee for gross _____ last year because she telephoned me to say that she was ill but really she was on holiday in Spain.
- My employer did not follow the correct _____ when he dismissed me. My lawyer says that I can make a claim against my employer because he breached employment law.
- The informal word for dismissed in the USA is 'fired' and in the UK it is '_____'.

Exercise 5

Choose a word from the previous page to complete these sentences about the end of a fixed-term contract.

- a I am _____ the company at the end of the month because my contract ends on 31 July.
- b My contract with the airline is for a _____ term of 12 months so I leave next April.
- c We cannot employ you after March. Your contract is for a specific _____ of time and it ends on 31 March.
- d Your contract will be for a fixed, 12-_____ term.

Exercise 6

Complete these sentences with the correct preposition.

- a Susan resigned _____ her job last week.
- b I wrote a letter _____ resignation and gave it to my employer yesterday.
- c How much money will you have to live _____ when you retire?
- d I was fired because I was always late _____ work.
- e Resigning from work is sometimes known informally as 'handing _____ your notice'.
- f Two employees were guilty _____ gross misconduct and they were sacked immediately.
- g My contract of employment is _____ a term of 18 months.
- h Last week I informed my employer that I intend to stop working for her _____ 30 September.
- i Your employer will pay you a redundancy payment _____ £10,000.
- j The amount of money you receive as a redundancy payment depends _____ the number of years you worked for your employer before you were made redundant.

ACTING FOR AN EMPLOYEE**Exercise 1**

Emma Lucas is an employment lawyer in Chatsworth. Read what she says about representing employees in employment cases. The most important words are in the key vocabulary below. On the next page you will see some questions and answers. Match each question with the correct answer.

Key vocabulary

- grievance
- procedure
- constructive dismissal
- consult
- tribunal
- grounds
- discrimination
- disability
- harassment
- bullying
- unfair dismissal
- appraisal

'When I represent an employee it is usually because he or she has a **grievance** against an employer. A grievance is a complaint. The law says that employers must listen to grievances and help the employee. Unfortunately some employers

do not do this. Employees often come to me because the employer has not followed the correct **procedure** for dealing with a grievance. When an employee leaves a job because the employer does not listen to a grievance, the law

says that it is not fair. Sometimes employees **consult** me because although the employer followed the correct grievance procedure, the employee feels they were not treated in a fair way. The employee has the right to make a claim against the employer in a special employment court called a **tribunal**. Most towns and cities in the UK have a Tribunal Office where an employee can file a claim. When an employee makes a claim to a tribunal he or she must state the **grounds** for the claim. Here are some of the reasons that employees give to a tribunal:

- **Discrimination.** To discriminate against someone at work means to act towards that person in a different, more negative way from other employees. Employees often claim that they had a bad experience at work because of their age, their sex, the colour of their skin, their nationality, or because they have some physical or mental **disability**.
- **Harassment.** To harass someone means to act towards someone in a way that makes that

person feel uncomfortable or distressed. Sometimes it is the employer who harasses the employee. Sometimes it is other employees who do it. In this case the employer has a duty to stop the harassment. If the employer does not stop the harassment and the employee leaves work, it is **constructive dismissal**. The employee can make a claim against the employer if this happens. Harassment is sometimes called **bullying** in the workplace. In Europe the word 'mobbing' is sometimes used. This word is not used in the UK.

- **Unfair dismissal.** If an employer unfairly dismisses an employee, it means that the employer fired the employee without a good reason. Most employers do what is called an **appraisal** of an employee's performance every year. An appraisal is an evaluation or a judgement of how the employee is doing. If an employee gets two or three bad appraisals the employer might not want to continue employing that person. The problem is, employees often think their appraisal was unfair.'

What is a grievance? (1)

What is a procedure? (2)

What is an employment tribunal? (3)

What does discrimination mean? (4)

What does harassment mean? (5)

What is constructive dismissal? (6)

What is unfair dismissal? (7)

What is an appraisal? (8)

- a It is a special court. It hears employment cases. It is less formal than a normal court but it has its own rules, which people must obey.
- b It is when an employee leaves a job because he or she is very unhappy and the employer is doing nothing to help the situation.
- c It means treating someone in a different way at work. It may be because that person is a woman or has a disability, for example.
- d It is the accepted, correct way of doing something.
- e It is a type of assessment of someone's performance, especially at work.
- f It is when an employer fires an employee, and the employee thinks that there was not a good reason for it.
- g It means behaving in a way that makes someone feel very unhappy or uncomfortable.
- h It is a complaint.

Exercise 2

Complete these sentences with a word or phrase from the key vocabulary in Exercise 1.

- a I am sure my employer treats me badly because I am a foreigner. My lawyer says that I can sue my employer on the grounds of _____.
- b I was the only woman in my office. The men working there made jokes about me all of the time and said that my job was only to make coffee for them. I stopped working there because it was horrible and my employer didn't help me. The grounds for my claim were _____ dismissal.
- c I have made a claim against my employer. The case will be heard next month by an employment _____.
- d I had an _____ from my employer last week. It was very good. My employer said that I am a good employee and I work well with others.
- e I am making a claim for _____ dismissal. My employer sacked me last month and the only reason was that my employer's daughter wanted to have my job.

ACTING FOR AN EMPLOYER**Exercise 1**

The employment lawyer, Emma Lucas, is going to talk about acting for an employer. Before you read what Emma says, complete the definitions of the words below by matching the first half of each sentence with the correct ending.

(*) **Non-contentious work** is...

a **Legislation** is...

b **Regulations** are...

c A **seminar** is...

d A **duty of care** is ...

e **Contentious work** is...

f An **allegation** is...

g To **dock pay** means...

h To be **fired on-the-spot** means...

i A **trade union** is...

j A **strike** is...

...a meeting where a group of people learn and talk about a new subject. (1)

...work that does not involve any kind of dispute or argument between people.

...all of the laws passed by a government or an organisation such as the European Union. (2)

...a statement that someone has done something wrong. However, it is not proven. (3)

...to keep part of someone's salary as a punishment because that person did something wrong. (4)

...an organisation of workers who unite for better pay and working conditions. (5)

...rules that a person or a country must obey. (6)

...work that a lawyer does that involves a dispute or an argument between people. (7)

...a duty to take care and not to harm anyone by your actions. (8)

...that an employee is dismissed immediately and without any warning. The more formal way of saying fired on-the-spot is to say that the employer dismissed the employee 'summarily'. (9)

...a situation where a group of employees stop working for a period of time because of a disagreement with an employer. (10)

Exercise 2

Here is what Emma Lucas says about acting for an employer. Choose a word or phrase from the box below to complete the text.

- | | | | | |
|---------------|---------------|---------------|----------------|---------------|
| • docked | • legislation | • on-the-spot | • seminars | • contentious |
| • allegations | • regulations | • strike | • duty of care | • trade union |

'Acting for an employer is very different from acting for an employee. Often my job is doing non-contentious work. Non-contentious means that the employer is not involved in a dispute with anyone. It means doing work such as drafting contracts of employment or giving employers some advice about the latest (a) _____. There are many (b) _____ that employers need to know about. A lot of these come from the European Union. It is very important that employers comply with employment law. This means that employers must follow employment law. To inform employers about new legislation my law firm holds (c) _____. These are meetings where groups of employers receive information from our law firm about how new laws will affect them. The employers can ask us questions if they are not sure about anything. A lot of new regulations are about health and safety issues. For example, an employer has a (d) _____ to employees and to any people who visit the employer's premises. In this situation, the duty of care is a duty to make sure that no employee or visitor is harmed. This includes things like making sure that employees have the proper training to do their job correctly and safely. It also includes making sure that machinery or office equipment is safe.

Sometimes I have to do (e) _____ work. This is because an employee makes a claim against my client, the employer. Some employees make very serious (f) _____ and it is my job to defend my client at an employment tribunal. Sometimes the employee's claim is valid and the employer must pay compensation. Last month I advised an employer who (g) _____ an employee's pay as a punishment because the employee was always late for work. This means that the employer kept part of the employee's pay. I explained to the employer that he is not allowed to do this. A tribunal would support the employee in this situation. Another employer fired an employee (h) _____ for being late. This means he dismissed the employee immediately and without warning. Again, I explained that this is not legal. In that case, the employee's (i) _____ became involved. This is an organisation of people who work in the same job or profession who help each other when a member has a problem like this. An employer has to be careful because when a trade union is involved it could lead to a (j) _____. This is a situation where a group of employees stop working because one of them or a group of them have a grievance against the employer.'

AN EMPLOYMENT CASE

Exercise 1

Julie Murphy is an employee. She is making a claim against her employer at an employment tribunal. Read the information in the box and answer the questions that follow using a full sentence.

'My name is Julie Murphy. Today I am at an employment tribunal. I am the claimant. I am making a claim against my former employer. I must use the word 'former' because he is no longer my employer. My former employer has an estate agency in the town of Chatsworth. An estate agent sells houses. His name is Keith Penhaligon. I worked for Mr Penhaligon as a receptionist in his office for four years. My job was to welcome people who came into the office and give them information about property that was for sale. I liked my job. I was a good employee. I was never late for work. I had a good relationship with my colleagues. During the four years that I worked there I only had two days' absence.

Six months ago Mr Penhaligon said that he needed an assistant manager. He advertised the vacant position in the local newspaper. The advertisement said that candidates for the job should be 'young and ambitious and with previous experience of working for an estate agent'. I am 27 years old, very ambitious and I have experience. I applied for the job. 15 other people also applied for the job. Mr Penhaligon refused to interview me for the job. He explained that it was a waste of his time to discuss my C.V. and talk about the job. He told me this was because I got married a year ago. He said that he was afraid I would have a baby very soon and would need lots of time away from work. He said he would prefer to employ an older woman or a man. I stopped working for Mr Penhaligon immediately. I am very angry. I am making a claim on the grounds of discrimination.'

a What type of business does Julie Murphy's former employer have?

Answer: _____

b What was Julie Murphy's job?

Answer: _____

c Did Julie Murphy have a good relationship with the other people in her office?

Answer: _____

d How many days did Julie Murphy have away from work?

Answer: _____

e Where did Mr Penhaligon advertise the job of assistant manager?

Answer: _____

f What was the total number of candidates for the job of assistant manager?

Answer: _____

g What did Mr Penhaligon refuse to do?

Answer: _____

h Who would Mr Penhaligon prefer to employ as assistant manager?

Answer: _____

i How does Julie Murphy feel about Mr Penhaligon's decision?

Answer: _____

j What are the grounds for Julie Murphy's claim?

Answer: _____

UNIT 4A VOCABULARY CHECK

These are the important words you have studied in Unit 4A. You should make sure that you know these words before you go on to Unit 4B.

absence

absent

applicant

apply

appraisal

bullying

candidate

cashier

clause

closing date

confidentiality

constructive dismissal

contentious

covering letter

C.V.

disability

disciplinary

discriminate

discrimination

dismiss

dismissal

dismissed

dock

employee

employer

estate agent

fired

fixed-term contract

former

full-time

grievance

gross misconduct

harass

harassment

interview

job title

made redundant

manager

maternity leave

misconduct

non-competition

non-contentious

notice period

on-the-spot

part-time

pay

payroll

pension

procedure

provide that

provision

redundancy

redundant

regulations

remuneration

resign

resignation

retire

retirement

sacked

salary

secretary

seminar

sick pay

staff

strike

team

temporary

term

termination

track record

trade union

tribunal

unfair dismissal

vacant position

wages

well-motivated

wide range

TOLES FOUNDATION EXAM PRACTICE

Exercise 1

Look at the sentences below. Each sentence contains a mistake. The mistake is either an incorrect word or a word that should not be there. Put a circle around the word. Do not circle more than one word for each sentence. There is an example at the beginning (*).

Example

(*) The telephone company employs thousands of staffs.

- 1 Your skills are the things that you can do good.
- 2 Your employer did not make the correct procedure when he dismissed you.
- 3 Could you please confirm me that you agree to pay my client for his work?
- 4 Marco explained me at our meeting that his company dismissed him because he is a foreigner.
- 5 I would like to discuss about my salary for next year.

Exercise 2

Read the text below. There are ten words missing from the text. In the spaces below, write the missing words. The first letter of each word has been provided for you. There is an example at the beginning (*).

DISMISSING AN EMPLOYEE FOR GROSS MISCONDUCT

Gross misconduct is (*) _____ that is completely unacceptable. When an employee is guilty of gross misconduct the law does not expect an employer to tolerate it. The employer can usually dismiss the employee without giving him or her any warning. A lawyer would describe this as dismissing the employee without (1) _____.

When an employee is dismissed on the (2) _____ of gross misconduct he or she might file a (3) _____ against the employer in a special court called an employment tribunal. The tribunal will take several (4) _____ into account when deciding if the employer acted fairly. One of the most important things that an employer must do is make sure that the correct disciplinary (5) _____ is followed. Even in cases of very serious misconduct the employer should:

- Inform the employee in (6) _____ what the problem is, as well as speaking to him or her about it. This normally takes the form of a letter.
- Allow the employee a face-to-face meeting to discuss the misconduct. The employer must tell the employee that he or she is entitled to have a (7) _____ union representative or some other witness present at that meeting.
- Allow the employee to (8) _____ against the decision if he or she is dismissed.

Employers must follow these rules. It is very dangerous to dismiss an employee on-the-(9) _____. This means asking the employee to leave immediately without having a proper investigation. If an employer does this, then the employee will almost certainly (10) _____ for damages and he or she is very likely to win.

(*) behaviour

(1) n

(2) g

(3) c

(4) f

(5) p

(6) w

(7) t

(8) a

(9) s

(10) s

Exercise 3

Read the text below. It is from a contract. Some of the words in the text are underlined. The meanings of these words appear in the list below, but they are not in the same order. Match the underlined words in the text with the correct meanings by writing the letters (A, B, C, etc) in the list below. There is an example at the beginning (*).

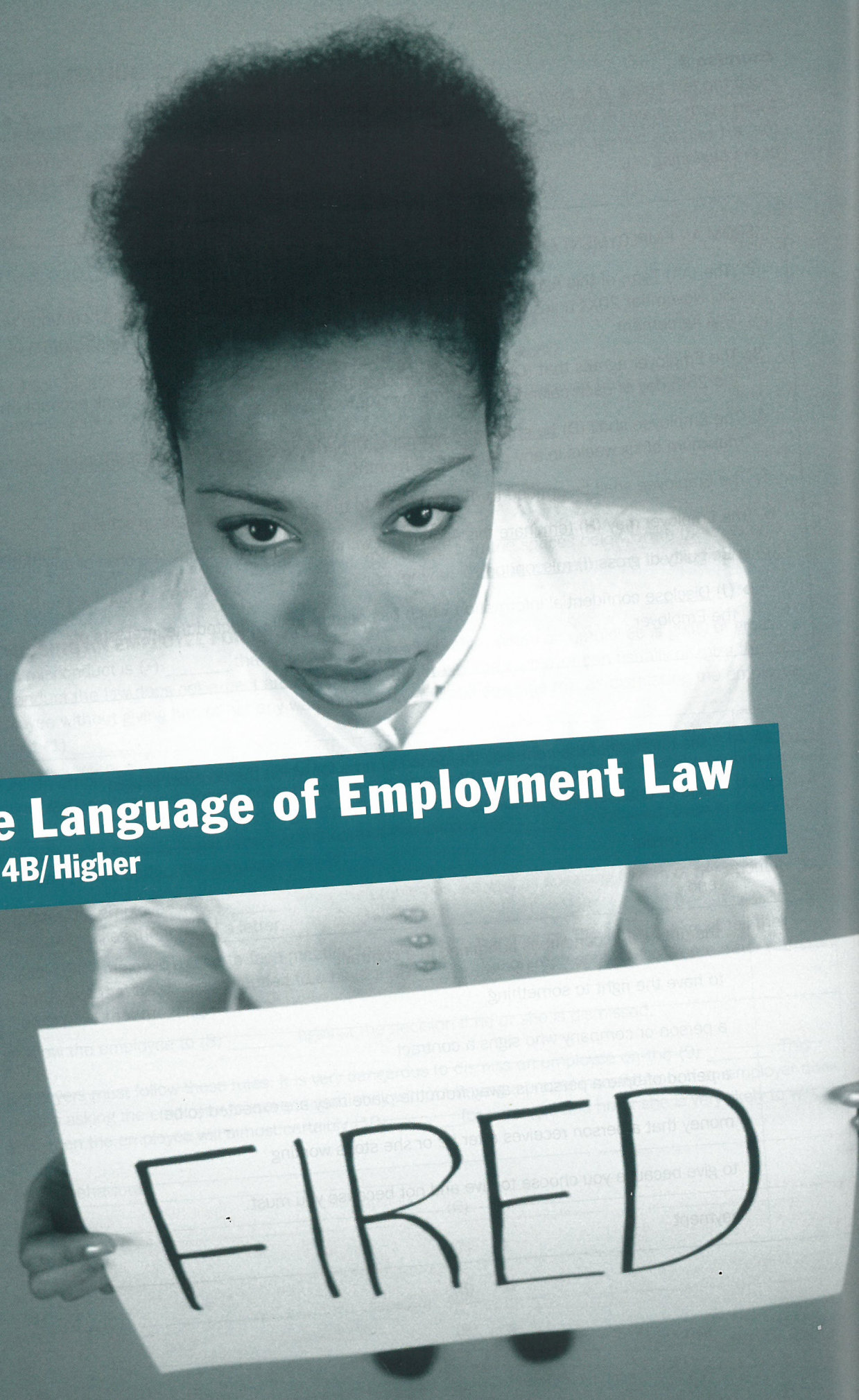
FROM AN EMPLOYMENT CONTRACT

2. The (AA) Term of this Agreement shall commence on 1 December 20XX and shall continue until 30 November 20XX unless terminated by either (A) party in accordance with the (B) terms of this Agreement.
3. The Employer agrees that (C) remuneration shall be paid into the Employee's bank account on the 25th day of each calendar month.
4. The Employee shall (D) be entitled to normal remuneration during sickness (E) absence for a maximum of six weeks in any period of 12 months.
5. The Employee shall be entitled to (F) contribute to the Employer's (G) pension scheme.
6. The Employer may (H) terminate this Agreement without notice if the Employee shall at any time:
 - Be guilty of gross (I) misconduct.
 - (J) Disclose confidential information which has detrimentally affected the interests of the Employer.

(*) AA	the duration of the contract, the period of time for which the contract is valid
	bad or unacceptable behaviour
	tell, reveal
	end
	the duties and conditions contained in a contract
	to have the right to something
	a person or company who signs a contract
	a period of time a person is away from the place they are expected to be
	money that a person receives after he or she stops working
	to give because you choose to give and not because you must
	payment

The Language of Employment Law

Unit 4B/Higher



FIRED

THE LANGUAGE OF EMPLOYMENT LAW

FINDING A JOB

Exercise 1

On the next page you can see some advertisements from the jobs section of a newspaper. In the box below are some words that are used in the advertisements. Match the words in the box with the meanings provided below.

- | | | | |
|----------------|---------------|----------------|---------------|
| ● remuneration | ● recruitment | ● absence | ● temporary |
| ● training | ● grievance | ● track record | ● legislation |

- | | |
|--|-------------------|
| a The collective name given to all of the laws that have been passed by Parliament and which are enforced by the courts. | The word is _____ |
| b Something that an employee complains about to their employer. | The word is _____ |
| c Non-attendance at work. | The word is _____ |
| d Payment. | The word is _____ |
| e The process of learning the skills needed to do a particular job. | The word is _____ |
| f The opposite of permanent. For a limited period of time only. | The word is _____ |
| g A person's past behaviour and attendance that show how well he or she has done their job. | The word is _____ |
| h The process of finding employees to work for a particular organisation or company. | The word is _____ |

Exercise 2

Find a word in the advertisements on the next page that matches the following meanings.

- | | |
|--|--|
| a To produce or create something. | The word is _____ (from the Chatsworth and Gatford Bank advertisement) |
| b A group of things that are different but are of the same general type. | The word is _____ (from the Chatsworth United Football Club advertisement) |
| c A person who has formally asked to have a particular job. | The word is _____ (from the David Ross & Co advertisement) |
| d Something that is absolutely necessary. | The word is _____ (from the Homefast UK Estate Agency advertisement) |

'If you want to join a winning team come and talk to us.'

THE CHATSWORTH AND GATFORD BANK

Branch Manager
Competitive salary + benefits

Do you have a proven track record in financial sales? Can you motivate a team to maximise the commercial potential of your branch? You could have found the career you are looking for.

The Chatsworth and Gatford Bank is looking for a branch manager for its Gatford branch. If you have excellent management skills and are confident of your ability to generate new business opportunities we want to hear from you.

To find out more and apply, email your C.V. to Ali.Makepeace@cagb.co.uk or call 0771 652 9090.

(closing date 31 March)

CHATSWORTH UNITED FOOTBALL CLUB

Require a personal assistant to join us within the catering department. You will be responsible to the department manager for a wide range of duties including

- recruitment and selection of new kitchen and dining room employees
- performance and absence management of employees
- disciplinary and grievance procedures

You should be able to demonstrate an up-to-date knowledge of all of the above and be familiar with current employment legislation.

Should you wish to be considered for this position please send a C.V. and your current remuneration to

Pamela Howard, Chatsworth United Football Club, Old Highgate, Chatsworth, CH1 2SG.

Closing date: 1 April.

David Ross & Co Solicitors Chatsworth

Legal Receptionist

Havery Road, Chatsworth
£6.80 per hour
16 hours per week
Thurs – Fri: 9am – 5pm (12 Months)

The successful applicant will have experience of client care and using a switchboard. Duties will include meeting and greeting clients, dealing with clients on the telephone and other relevant tasks as required. This is a temporary position for 12 months to cover maternity leave. This is a job-share position. You will be expected to cover holiday leave from Mon to Wed.

For an informal discussion please contact Donna McIntyre on 0771 222 0046.

Closing date 5 April.

Homefast UK Estate Agency

requires an Assistant Valuer

A NEW POSITION FOR A
CONFIDENT AND
WELL-MOTIVATED PERSON.

This is a sales role focusing upon advising clients who are thinking of selling their home. Good knowledge of the property selling process is needed, ideally from previous experience of estate agency or property-related employment. However, training can be provided to the right person if they have no previous experience. Full driving licence essential.

Please forward C.V. to:
Brendan Ingleby
7A Station Lane
Burnside, Chatsworth CH6 7FL.

Closing date 1 April.

Exercise 3

Read the advertisements and decide if the following statements are true or false.

- a A legal receptionist is required at David Ross & Co because the receptionist they have at the moment is going to have a baby. ☐ True ☐ False
- b A person needs previous experience of working as an estate agent to be considered for the job at Homefast UK Estate Agency. ☐ True ☐ False
- c The job at the Chatsworth and Gatford Bank offers other advantages, (maybe things like a company car or medical insurance), as well as a good salary. ☐ True ☐ False
- d I can apply for the job at Chatsworth United Football Club until the end of April. ☐ True ☐ False
- e The job at David Ross & Co is usually done by one employee from Monday to Wednesday and by a different employee from Thursday to Friday. ☐ True ☐ False

Exercise 4

Look at the advertisements again. Complete the following sentences with the correct preposition.

- a I heard _____ Stephen Brown yesterday. He sent me a postcard. He is working in Sydney for a year.
- b You can contact me _____ Chatsworth 577 9940.
- c Do you have up-to-date knowledge _____ disciplinary and grievance procedures?
- d Do you have any experience of dealing with people _____ the telephone?
- e My contract of employment says that I have to deal with any task relevant to my job _____ required.

Collocation bank

- to have **previous** experience
- to **generate** new business
- to **forward** a C.V. to someone
- to **apply** for a job
- to **join** a department

Preposition bank

- to have a track record **in** a particular area
'She has a strong track record **in** financial sales.'
- to be confident **of/in** something
'I am confident **of** my ability to increase sales.'
- to work **within/in** a department of an organisation
'A new assistant manager is needed **within** the accounts department.'
- to be familiar **with** something
'Are you familiar **with** recent employment legislation?'
- to have experience **of** a particular job
'I have five years' experience **of** working as a receptionist.'
- to focus **on/upon** something.
'In this company we have a strong focus **upon** client satisfaction.'

WORKING IN EMPLOYMENT LAW

Exercise 1

Paul Hollingsworth is a partner in the law firm Freeman Smith. He works in the employment department. Today Paul Hollingsworth is speaking to a group of trainee lawyers and giving them his opinion about working as a solicitor in employment law. Fill the gaps in the text with a word from the box below.

- | | | | |
|-------------|----------------|------------------|-------------|
| ● employers | ● confidential | ● representation | ● data |
| ● judgments | ● complying | ● statutory | ● safety |
| ● tribunal | ● governed | ● legislation | ● paternity |

'It is extremely difficult to describe a typical case in employment law because there is a lot of variety. For example, the nature of the work means that you have to deal with contentious work, such as acting for a client at an employment (a) _____, and non-contentious work, such as drafting a contract of employment. I decided to specialise in employment law because the work is varied and interesting.

Cases are usually of a very sensitive nature and are therefore highly (b) _____. Sometimes requiring very careful handling. I act for both employers and employees, although to be honest, it is usually an employer who is more likely to be able to afford legal (c) _____. However, it is an area of law, perhaps second only to family law, where a client's emotions are involved. To work in employment law you need to be able to cope with that, and to understand that clients feel very strongly about the issues concerned.

Employment law covers the rights of workers and the obligations of (d) _____. In the UK these rights and obligations come from the following main sources:

- Acts of Parliament, which give rise to (e) _____ rights and obligations
- Employment contracts, which give rise to contractual rights and obligations. This area is largely (f) _____ by the common law and there is a large body of law created by earlier decisions
- European Union legislation and

(g) _____ from the European Court of Justice

I have been with this firm for 12 years and in that time I have dealt with all aspects of employment law. These include:

- drafting contracts of employment
- advising employers on (h) _____ with new Acts of Parliament
- health and (i) _____ at work issues
- advising on all aspects of discrimination at work
- advising on family-related issues such as maternity and (j) _____ rights
- advising on pension rights
- (k) _____ protection
- acting on behalf of clients at employment tribunals.

It is fair to say that employment law has required an increasing number of lawyers over the last few years, largely because employees are a lot more aware of their rights than they used to be. Also, there has been a lot of new (l) _____, some of it from the European Union, so we have to keep employers completely up-to-date with the law. I think it's true to say that employers feel slightly under fire at the moment. By that I mean that employers feel they are being attacked by the law, while employees are protected by it. Employing people is a tricky business these days and employers must get good advice every step of the way.'

Exercise 2

In Exercise 1, Paul Hollingsworth gave a list of different aspects of employment law that he has dealt with during his 12 years at his law firm. Match the statements below with the correct aspect of employment law mentioned by Paul.

Example statement: 'A new statute will come into force next year concerning smoking in the workplace. The purpose of this seminar is to make employers here in Chatsworth aware of their duties in this area.'

Aspect of law: advising employers on complying with new Acts of Parliament

- a 'As an employee you are entitled to 52 weeks' leave after the birth of your child regardless of the number of hours you work or the length of your service with your current employer. However, you must give the correct period of notice.'
- b 'Your claim for unfair dismissal has been filed and your employer now has 28 days in which to respond to your allegations.'
- c 'The information that your company holds on its computers is an asset of the business. We can advise you on how to safeguard it; something that most companies are doing these days.'
- d 'Your employees will receive money from the government when they retire because they paid National Insurance contributions while they were working. However, as an employer you can help your employees by contributing to a private retirement fund for each of them.'
- e 'In clause 10, which deals with termination, I have stated the minimum notice period that your employees must give you if they wish to end their employment with you.'
- f 'It is important as employers to bear in mind that you have a duty of care to visitors to your premises as well as to your employees.'
- g 'Under current legislation, a woman has the right to equal pay if she does the same job as a man.'

Exercise 3

Read Paul Hollingsworth's view of working as an employment lawyer in Exercise 1 again and answer the following questions using a full sentence.

- a Why does Paul say that it is so difficult to describe a typical employment case?
- b Why did Paul choose to practise in the area of employment law?

- c Why does Paul say that an employer is more likely to use his services than an employee?
- d Paul says that an employment lawyer needs some of the same skills as a family lawyer. Why is that?
- e How does Paul describe the rights of workers and obligations of employers that arise from Acts of Parliament?
- f How long has Paul been working for Freeman Smith?
- g Paul says that more employment lawyers have been needed in recent years, partly because of more legislation from Europe. What other reason does he give for the increase in the number of employment lawyers?
- h Who does Paul say feels unhappy about current employment law – employees or employers?

Collocation bank

- highly confidential
- to **comply with** a statute or the law
- to **keep** up-to-date with the law
- to be **entitled to** leave/holiday

Preposition bank

- to work **in** employment law
'Jane has worked **in** employment law for five years.'
- to cope **with** a problem
'Solicitors in this area of law have to cope **with** some very emotional clients.'
- to advise someone **on** a particular issue
'This morning I advised members of the local Chamber of Commerce **on** employers' duties regarding maternity leave.'
- to increase **in** number **over** a few years
'Employment lawyers have greatly increased **in** number **over** the last few years.'
- to hold information **on** a computer
'All of our clients' contact details are held **on** our computer.'
- to contribute **to** something
'My employer contributes every month **to** my private pension plan.'
- to end your employment **with** a company
'I give notice that I will end my employment **with** the Royal Chatsworth Bank on 30 April.'
- **under** legislation
'**Under** current legislation, employers are not allowed to discriminate on the grounds of an employee's age.'

LISTENING

Exercise 1

This morning Paul Hollingsworth of the law firm Freeman Smith, is giving a talk to a group of clients. The clients are all employers in the town of Chatsworth. Paul is going to talk about a new Act of Parliament that will affect the way in which employers advertise job vacancies. Listen carefully and write the missing words in the box on the next page.

'Good morning, ladies and gentleman. First of all, thank you very much for coming along to this breakfast seminar at Freeman Smith this morning. You are all very welcome. My name is Paul Hollingsworth and as most of you know, I'm a partner in the employment law department here at Freeman Smith.

The subject of this morning's talk is the Age Discrimination Act, a new Act of Parliament that came into (a) _____ a few days ago on 1 October. This new legislation will affect all of you as employers and one of the key messages that I have for you today is the importance of complying with it in order to avoid being taken to employment tribunals by unhappy employees. From now on you should be very aware of how you treat employees with regard to their age. The new regulations will have an impact on every aspect of a company's employment policies including pay and benefits, (b) _____, dismissal, redundancy and retirement and even training opportunities.

It might surprise you to learn that one of the most important areas for you to consider as employers is the language that you use in advertising job vacancies. When you are looking for new (c) _____ you have to be very aware of the words you use in any newspaper or Internet advertisement as well as in any internal memo you might write advertising a new or vacant position within the company.

To use another country's experiences as a guide for us here in the UK, our neighbours in the Republic of Ireland introduced legislation six years ago to prevent employers discriminating against employees on the grounds of age. Our research on how things have worked out in Ireland is interesting. It tells us that most claims in tribunals have been based on discriminatory advertising rather than discrimination in the workplace. In other words, too many employers are using discriminatory language in the (d) _____ process. So what do you need to be aware of when you advertise a job?

Well, first you should remember not to use certain words in your advert that suggest you only want people of a certain age. You might for example, face legal action from older people if you advertise for a 'young, dynamic (e) _____' to fill a position in your company. These words 'young' and 'dynamic' have been interpreted as automatically excluding older people. On the other hand, be careful of words such as 'senior', 'mature' or 'well-experienced' as they could be seen as excluding younger people from applying.

As well as being careful about the words that you use, you also need to be careful about making general statements in job adverts. For example, requiring that all (f) _____ for a particular job have a degree if it is not really necessary to do so might be seen as discriminating against older people. This is because younger people are more likely to have had the benefit of a university education.

Just to make local employers here in Chatsworth fully aware of the situation, I have with me a copy of Thursday's edition of our local newspaper, the Chatsworth Herald. As you all know, the Herald carries a jobs vacant section every Thursday. It might come as a shock to you to discover that approximately 25% of all of the adverts in the newspaper this week breach the new legislation. That means that all of these advertisers are open to claims from potential employees who might feel that they have been discriminated against on the grounds of age.

continued

Now let's move on to employees who are (g) _____ working for you. A case was brought against an employer in Ireland last year by a female employee aged 61. Her name is Brenda Flanagan. Brenda worked in the accounts department of a large chemical company and there is a normal retirement age of 65 for people in her position. This particular lady did not wish to retire at 65 and intended to make a request to continue working when she received notice of her retirement. The employer arranged a (h) _____ training course for everyone in Brenda's department on a new software package that they are going to use. The employer told Brenda that she would not be trained because she was retiring soon and it wasn't worth spending the money on training her. Brenda took legal action against her employer immediately.

Another age-(i) _____ case was brought on quite different grounds. Michael, aged 55, worked in an office where most of the rest of the staff are aged 25 to 40. Everyone in the office, including the manager, often met for drinks on Friday evenings but they didn't ask Michael to join them. Michael discovered that they discussed work issues on those nights out and he felt undervalued and excluded.

In both cases above, Brenda and Michael were successful at tribunals. Both successfully argued that they had suffered from age discrimination at work. I cannot stress to you strongly enough how important it is to be aware of the new regulations and not to suffer (j) _____ because of compensation payments to employees.

I have prepared a fact sheet for you to collect at the end of the seminar but we will now have a question and answer session based on the new legislation.

Thank you'.

a	f
b	g
c	h
d	i
e	j

SOME CLAUSES FROM AN EMPLOYMENT CONTRACT

A typical employment contract will contain clauses dealing with:

- the term of the contract and the starting date
- the job title and job description
- hours of employment
- salary and expenses
- holiday entitlement
- sick pay entitlement
- discipline and grievance procedures
- non-competition
- confidentiality and data protection
- pension arrangements
- collective agreements/agreements with trade unions
- termination
- address for notices to be served
- governing law/jurisdiction

Here are three clauses from a contract of employment. They deal with salary, expenses and termination of the contract. Look at the contract and complete the exercises that follow.

5. PAYMENT

The Company agrees that all remuneration payable (a) _____ this contract (b) _____ employment shall be paid (c) _____ the Employee's bank account (d) _____ the last Friday of each month. (e) _____ the event of a public holiday falling on a Friday the payment will be made on the following Monday.

6. EXPENSES

In addition to the (a) _____ specified above in clause 5 the Employee is entitled to be (b) _____ by the Employer for all costs (c) _____ in the performance of his/her duties in (d) _____ with the terms of this agreement and with the rules and practices of the Employer's business which are at the time in (e) _____.

7. TERMINATION

The Employer may terminate this agreement without any period of notice or payment if the Employee at any time:

- 7.1 is guilty of serious **misconduct** or **neglect** or any other conduct **in respect of** the Employee's employment or personal life which may seriously **adversely** affect the interests of the Employer
- 7.2 is **convicted** of a criminal offence **other than** an offence under road traffic legislation in the UK or abroad for which a penalty other than a term of imprisonment is **imposed**
- 7.3 becomes the **subject** of a bankruptcy order
- 7.4 is diagnosed as mentally ill or becomes a patient for the purposes of the Mental Health Act 1983
- 7.5 is guilty of any material breach of the **provisions** of this agreement or any neglect in carrying out his or her duties under the terms of this agreement.

Such termination will be **without prejudice to** any other rights of the Employer against the Employee.

Exercise 1

Look at clause 5 of the employment contract above. It deals with payment of the employee. Complete the clause by using one of the prepositions in the box below.

into of under In on

Exercise 2

Look at clause 6 of the employment contract above. It deals with expenses that the employer must pay back to the employee. Complete the clause by using one of the words in the box below.

reimbursed accordance remuneration incurred force

Exercise 3

Look at clause 7 of the employment contract. It deals with the circumstances in which the employer can terminate the contract without giving any warning to the employee. Match the words that are highlighted in the clause with the meanings below.

- a The terms and conditions contained in a contract. Answer: _____
- b A failure to do something when it is your duty to do it. Answer: _____
- c Except, with the exception of. Answer: _____
- d Negatively, badly. Answer: _____
- e Bad or dishonest behaviour. Answer: _____
- f Forced upon you. You have no choice about it. Answer: _____
- g Having no effect on something. Answer: _____
- h Regarding or concerning. Answer: _____
- i To be found guilty of a criminal act. Answer: _____
- j In this context, it means the person that something happens to. Answer: _____

Exercise 4

Read the three clauses again and decide if the following statements are true or false.

- a The employee must collect his or her pay from the company office on the last Friday of each month. ☐ True ☐ False
- b If New Year's Day is on a Friday the employee will be paid on the following Monday. ☐ True ☐ False
- c If the employee makes a negative statement about the company's products when he is at a party with his friends he could possibly be dismissed. ☐ True ☐ False
- d If the employee is stopped by the police for driving too fast and she receives a fine of £200 she could possibly be dismissed. ☐ True ☐ False
- e If the employee cannot pay his debts and a court has issued an order to say that he is insolvent he can be dismissed immediately. ☐ True ☐ False

Collocation bank

- to **incur** a cost or an expense
- to **adversely** affect something
- to be **convicted** of a crime
- to **impose** a penalty on someone
- a **material** breach

Preposition bank

- to be reimbursed **by** someone
'I was reimbursed **by** my employer for my train fare to London.'
- **in** respect **of** something
'My employer wrote to me last week **in** respect **of** my redundancy payment.'
- **under** the terms of an agreement
'**Under** the terms of your contract you are entitled to five weeks' holiday.'
- to be **in** force
'There are rules **in** force as to where employees are allowed to smoke cigarettes at work.'
- to be the subject **of** something
'I was the subject **of** an investigation into a breach of confidentiality when I worked for the government.'

AN EMPLOYMENT TRIBUNAL

Employment cases in the UK are heard in Employment Tribunal Offices. An employment tribunal is not as formal as a court but it must follow the correct rules of procedure in the same way as a normal court. Employment tribunals have the power to make decisions but there is a period where the parties are encouraged to reach an agreement before a case is heard. On the next page you can see a diagram summarising the process of making a claim at an employment tribunal.

Exercise 1

The diagram on the next page uses some important collocations to describe the process of making a claim at an employment tribunal. Using the diagram to help you, complete the sentences below using a verb or a phrasal verb.

- a First of all a dispute _____.
- b The parties should then try to _____ the dispute.
- c If the parties cannot agree then the claimant should _____ advice from a professional.
- d The tribunal will _____ the claim if it is presented on the correct form.
- e The tribunal will then _____ a hearing to examine the facts of the case.
- f The tribunal will finally _____ a judgment.

Exercise 2

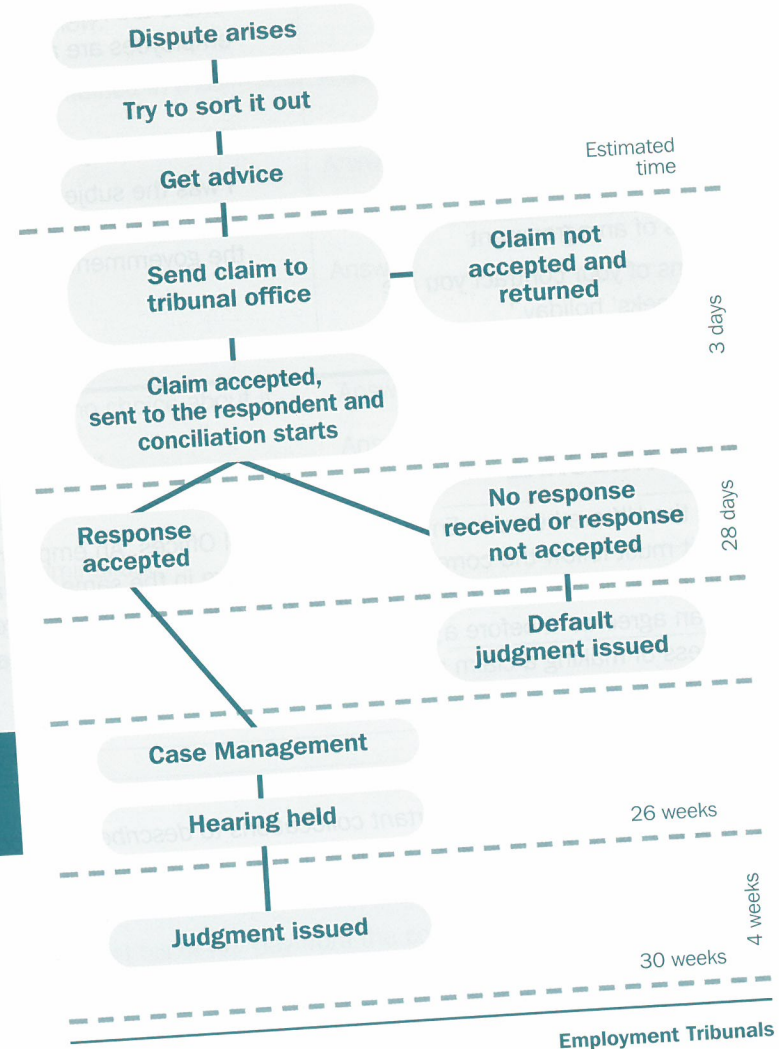
The diagram contains some formal words and phrases. Find the words or phrases in the diagram that match the meanings provided below.

- a A process in which the two parties to a dispute are brought together in order to try to find a solution. Mediation is an example of this. _____
- b The formal answer to a claim. _____
- c An order issued by the court which says that the claimant has won the case because the respondent failed to file a response to the claim. _____
- d The process in which the parties to the dispute agree on the conduct of the case, for example agreeing whether expert evidence is needed, what documents must be disclosed to each side and the time allowed for this, etc. _____

Claim process summary

Making a claim

4



Printed with permission of the Employment Tribunal Office.

Exercise 3

Look at the diagram again and say whether the following statements are true or false.

- a The first thing an employee who is in dispute with his or her employer should do is file a claim with an employment tribunal. ☐ True ☐ False
- b The 'defendant' is known as a 'respondent' in a case at an employment tribunal. ☐ True ☐ False
- c The respondent has just three days to respond to the claim. ☐ True ☐ False
- d If the respondent does not respond to the claim then the tribunal can rule in favour of the claimant without a hearing. ☐ True ☐ False
- e The entire process takes about 30 weeks from start to finish. ☐ True ☐ False

Exercise 4

Maggie Redman is an employee of a business in Chatsworth. She is involved in a serious dispute with her employer. Maggie has some questions about employment tribunals. Complete her questions with a word from the box below.

with How do When Can

- a What exactly do employment tribunals _____?
- b Where can I get a full list of the categories of complaints that employment tribunals deal _____?
- c _____ the staff at an employment tribunal office give me legal advice?
- d _____ long does the tribunal office give my employer to respond to my initial letter of complaint before I can bring a claim?
- e I understand that I have three months in which to make a complaint about my employer. _____ does the three-month period begin?

Exercise 5

On the next page is a leaflet that Maggie Redman has picked up from her local tribunal office in Chatsworth. The information needed to answer Maggie's questions from Exercise 4 is contained in the leaflet. Answer Maggie's questions using a full sentence. Each sentence has been started for you.

- a An employment tribunal _____
- b You can get _____
- c The staff at _____
- d The tribunal office _____
- e The three-month period _____

What does the Chatsworth Employment Tribunal do?

Employment tribunals hear cases and make decisions on matters connected with employment. Employment matters include cases in the areas of discrimination at work, unfair dismissal, breaches of health and safety regulations and a range of claims dealing with payments relating to wages and redundancy.

If you want a full list of the complaints that employment tribunals deal with, you can collect a full jurisdiction list from the Chatsworth Tribunal Office or download the list from our website.

Further information

The staff at this tribunal office can answer general enquiries and give you information about how the tribunal system works. **They cannot give you legal advice** or advise you as to whether your claim will be successful. If you need help with your claim you can contact a solicitor, or seek help from your trade union if you are a member.

Information needed to make a claim

Your claim must meet certain conditions before it can be accepted. It must be submitted to the tribunal on the correct

form provided by an employment tribunal office. You must tell us:

- your name and address
- the name and address of the respondent that you are making a claim against
- the details of your complaint.

Please note that before making a claim you should write to the respondent and give details of your complaint. You should then allow the respondent 28 days to reply before bringing your claim to a tribunal office.

How much time do I have to make a claim?

In most cases you have three months to make your claim. **This time limit is very strict and if you wait longer than three months the tribunal may not be able to deal with your claim.** The three months begins with the date your employment ended or when the event that you are complaining about took place. In exceptional circumstances more time may be given. For example, if you were in hospital at the time that your claim should have been made.

Where to send your claim

You can send your claim to the Chatsworth Tribunal Office or you can complete the online version on our website.

Exercise 6

Look at the leaflet again. In each of the examples below, tick the box which uses the correct collocation.

- | | |
|---|---|
| (*) <input type="checkbox"/> listen to a case | <input checked="" type="checkbox"/> hear a case |
| a <input type="checkbox"/> employment matters | <input type="checkbox"/> employment affairs |
| b <input type="checkbox"/> unjust dismissal | <input type="checkbox"/> unfair dismissal |
| c <input type="checkbox"/> seek help | <input type="checkbox"/> search for help |
| d <input type="checkbox"/> bring a claim | <input type="checkbox"/> do a claim |
| e <input type="checkbox"/> draft a claim form | <input type="checkbox"/> complete a claim form |

AN EMPLOYMENT CLAIM

Exercise 1

If you want to make a claim at an employment tribunal you must check that the nature of your claim is covered by the tribunal's jurisdiction list. On the next page you will see ten types of claim that are covered by the jurisdiction list. Look at the employees' complaints below. Match each employee with the correct type of complaint.

- | | |
|-----------------------|--|
| Anna Kingston | 'I am a machine operator in a factory in Chatsworth. I have worked here for two years. I have just discovered that a man who works here is paid £2 an hour more than I am for doing exactly the same job as me.' |
| David Cainley | 'I work in the office of a publishing company. I had to attend a disciplinary meeting last month because I was accused of using the Internet to look at football websites during paid working hours. I was dismissed at the end of that meeting. I was extremely angry because my employer refused to allow my trade union representative to attend the disciplinary meeting with me.' |
| Arthur Bentley | 'I am 55 years old. I work for a travel agency. Last month our manager resigned and the job of branch manager became available. Despite the fact that I have 20 years' experience of this type of work, a younger man in my office was promoted over me. The area manager actually told me afterwards that although they were impressed by me at my interview they thought that I was too old to handle the new technology that the company were planning to introduce over the next few years. I feel that this is extremely unfair.' |
| Simon Cole | 'I am 45 years old. I applied for a job working in a petrol station in Chatsworth. The job advertisement said applicants should be 'young and dynamic'. I was not selected for interview, despite lots of previous experience of doing similar jobs. I believe the employer only wanted people who were younger than me.' |
| Brian Hedley | 'I am 19 years old. I work for a sole trader who runs a gardening business. Last month I decided to take out a loan and the bank asked for my last three months' payslips. My employer pays me in cash at the end of every day and refuses to give me payslips. Without proof that I earn money I can't get a loan.' |
| Jack Walsh | 'I am 23 years old. I do seasonal work for a local fruit grower near Chatsworth and I pick fruit for eight hours every day. The law says that my employer must pay me at least £5.35 an hour but my employer only pays £3 an hour.' |
| Deborah Clark | 'I worked in the office at a local brewery. My employer needed to reduce the number of administrative staff last month because there wasn't enough work for everyone. Two of us in the office, my colleague Jane and I, have young children and we only work 20 hours a week in comparison to the other employees who work 37 hours a week. The boss made Jane and I redundant, although we had actually been there longer than some other employees.' |
| Alex Harmon | 'I am 41 years old and I have worked for all of my working life in a factory that produces furniture. The factory is due to close in two months and we will all be made redundant. It is really difficult to get a new job at my age but to make matters worse my employer refused to let me have a morning off to go for an interview.' |
| Dan Beale | 'I work for an advertising agency based here in Chatsworth. My employment contract clearly states that I will be paid on 26th of each month but my employer always pays me later than that. I have had a few financial troubles as a result.' |
| Maggie Redman | 'I used to work as a manager of a restaurant business until I resigned last July. I didn't want to resign but when my employers found out that I was expecting a baby they treated me very badly and I didn't feel that I could stay.' |

Jurisdiction list

- a You have suffered a detriment or have been dismissed as a result of your employer's refusal to allow you to be accompanied at a disciplinary/grievance hearing.
Employee name: _____
- b You have a complaint based upon breach of contract.
Employee name: _____
- c You have a complaint based upon a discriminatory advertisement.
Employee name: _____
- d You have suffered discrimination in the workplace on the grounds of age.
Employee name: _____
- e Your employer has failed to provide equal pay for equal work.
Employee name: _____
- f Your employer has failed to allow time off to seek work during a redundancy situation.
Employee name: _____
- g Your employer has failed to provide a written pay statement.
Employee name: _____
- h You have suffered a detriment or have been dismissed on the grounds of pregnancy.
Employee name: _____
- i You have suffered a detriment or have been dismissed as a result of your employer's failure to pay the minimum wage.
Employee name: _____
- j You have suffered less favourable treatment or have been dismissed as a result of being a part-time employee rather than a full-time employee.
Employee name: _____

Collocation bank

- **unfair** dismissal
- to **meet** certain conditions
- to **attend** a meeting
- to **seek** help
- a **strict** time limit
- to be **made** redundant

Preposition bank

- to be promoted **over** someone
'Sandra has worked here for seven years now and three people have been promoted **over** her.'
- to have time **off** work
'I had a lot of time **off** work last year due to family problems.'
- **in** comparison **to/with** something/someone
'We are paid well in this country **in** comparison **to/with** workers who make cars in other countries.'
- to be paid **in** cash
'Many illegal workers are paid **in** cash.'

Exercise 2

Read the newspaper story on the next page. It is a story about a hearing at an employment tribunal. Fill the gaps in the text with a word from the box below.

- **suspehded**
- **resigned**
- **dismissal**
- **hearing**
- **admitted**
- **earnings**
- **awarded**
- **alleged**
- **manager**
- **distressed**

Exercise 3

Read the newspaper story again and answer the following questions using a full sentence.

- a What was Maggie Redman's job at Casa?

- b What was Maggie Redman's yearly salary at Casa?

- c Who were the owners of Casa?

- d How long had Maggie Redman been working at Casa when she discovered she was going to have a baby?

- e Was Michael Roeder sympathetic towards Maggie Redman when she told him that she was pregnant?

- f What reason did Maggie Redman give for being unable to work efficiently after her conversation with Michael Roeder?

- g When Maggie Redman returned to work, how did Mr and Mrs Roeder financially punish her for alleged offences such as making late payments to suppliers?

- h Was Maggie Redman fired from her job at Casa?

- i What were Maggie Redman's grounds for bringing a case against her employers?

- j What did the tribunal award to Maggie Redman when it upheld her complaints?

Tribunal rules in favour of manager suspended from top restaurant

Woman asked to choose between her baby and her job wins £60,000 for constructive dismissal

A Chatsworth woman who was asked by her employers to choose between her unborn baby and her job was (a) £60,000 in damages at a tribunal today.

Maggie Redman, aged 29, originally from Manchester, had worked as (b) at the fashionable restaurant 'Casa' in Beaumont Street, Chatsworth for just two months when she informed her employers, restaurant owners Michael and Sarah Roeder that she was going to have a baby. She was initially (c) from her £30,000-a-year post, but returned to the restaurant to resume work last May, the tribunal was told. Miss Redman claimed she was then forced out by a campaign of harassment.

Miss Redman told the tribunal that she had informed her employer Sarah Roeder as soon as she knew that she was expecting a baby. Miss Redman described Mrs Roeder's response to her news as 'brutal'. Sarah Roeder yesterday (d) to saying, 'If you keep this baby, I don't think we can keep you. We have put everything we have into this business and we have to prioritise it above everything else'. According to Miss Redman, who is unmarried, Michael Roeder approached her later on the same morning and asked her how strong her relationship was with Glenn Taylor, the father of her child. Miss Redman told the tribunal, 'Michael was furious when he heard my news. He asked me deeply personal questions about my relationship with my partner and encouraged me not to continue with my pregnancy. I was shocked beyond belief by his attitude and was too (e) by the conversation to work efficiently for the rest

of the day. Michael's response to my distraught condition was to suspend me on the spot. I had no choice except to go home. I left work that day at 11am'.

Although Mr and Mrs Roeder suspended Miss Redman from her post that day, she later returned to work. She eventually (f) last July after being given what she termed 'an inaccurate, negative work appraisal that portrayed me as a liar and an opportunist'. During the three-day tribunal (g), Miss Redman told of being verbally abused by the Roeders and of having her salary docked for (h) offences that she had not committed, such as failing to file important invoices and making late payments to suppliers.

After today's judgment, Miss Redman told the Chatsworth Herald, 'The Roeders made my life a misery when I worked for them and for many months after. They suggested to me and to other staff that I came to work at Casa with a deliberate plan to take a highly-paid post and then have a baby immediately to take advantage of statutory maternity rights. Nothing could be further from the truth'.

At the tribunal Miss Redman alleged constructive and unfair (i) as well as sexual discrimination. Her claims were upheld, resulting in damages of £60,000 for harassment, sexual discrimination and lost (j). As a result, the Roeders, who have since sold Casa, now face financial ruin. They were not available for comment after the tribunal today.

USING YOUR KNOWLEDGE

Collocation review

Complete these sentences with a collocation that you have seen.

- Please do not disclose this information to anyone, as it is _____ confidential.
- If you _____ any expenses on your training course in London the company will reimburse you upon your return.
- Do you have any _____ experience of working in a bank? We are ideally looking for someone who won't need very much training.
- I have _____ for a job with a major law firm but I'm not sure that I will be selected for interview, as there is sure to be a lot of competition.
- It is vital to _____ up-to-date with changes in employment law because employers have to comply with many duties and obligations.
- Employees have been _____ affected by the bad economic situation that we have at the moment and many people have lost their jobs as a result.
- The employee's dishonest behaviour amounted to a _____ breach of his employment contract and he was dismissed immediately.
- If you have been _____ of a serious criminal offence in the past you are not eligible for a job in the police force.
- I have _____ to a pension fund for 30 years and I hope I will have enough in it to be able to retire at the age of 50.
- The European Union _____ penalties upon member countries that breach its employment legislation.

Vocabulary review

Complete these sentences with a word that you have seen.

- The successful _____ for this challenging post will have experience of financial sales and be a good leader of staff.
- Mothers of new babies are entitled to 52 weeks' maternity _____ according to current legislation.
- The _____ clause of this contract explains the circumstances in which the employer can bring the contract to an end without notice to the employee.
- She was fired from her job without good reason and she is bringing a claim against her employer for unfair _____.
- Employers are not allowed to _____ against employees on the grounds of age, sex or religion.

- f If you are ill and you are away from work your employer is obliged to pay you _____ pay for a certain number of weeks.
- g In the UK, special courts known as _____ deal with employment cases.
- h Employers are obliged to give _____ pay to men and women if they are doing the same job.
- i The work of an employment lawyer that does not involve any kind of dispute is known as non-_____ work.
- j There is a lot of health and _____ legislation these days, which is designed to keep employees safe from harm when they are at work.

Preposition review

Complete these sentences with the correct preposition.

- a Are you familiar _____ the latest European Union legislation on sexual discrimination?
- b We hold all of our confidential information _____ a computer at our head office.
- c I was reimbursed _____ the company accountant for all of the expenses that I incurred in the month of July.
- d I give notice that I will end my employment _____ Harrods on 23 April of this year.
- e The Employee's salary will be paid directly _____ his or her bank account on the last day of each month.
- f _____ the terms of his employment contract he must give four weeks' notice if he wants to terminate his employment.
- g Employment tribunals hear cases relating _____ a wide range of complaints.
- h I wish to make a claim _____ my employer on the grounds of breach of contract.
- i I am very angry because I thought I would be made a manager at my company this year but a younger man was promoted _____ me.
- j I was not able to go to an interview for a new job because it was at two o'clock and my current employer refused to give me the afternoon _____.

TOLES HIGHER EXAM PRACTICE

Exercise 1

Read the contract clause below. The missing prepositions are in the list below. For each gap choose the preposition which best fits into the space from the options provided. Use each option only once. Write your answers in the box below. There is an example at the beginning (*).

FROM A CONTRACT OF EMPLOYMENT

7. HOLIDAYS

The Company and the Employee agree as follows:

- 7.1 All of the Employee's holiday dates shall be agreed with the human resources department of the Company a minimum (*) _____ six weeks (1) _____ advance of holiday being taken.
- 7.2 The Company shall be entitled to require the Employee to work any public holiday including Christmas Day if any such holiday falls (2) _____ a day on which the Employee would normally be required to work.
- 7.3 In the event that the Employee leaves the Company he or she shall be entitled to pay in lieu (3) _____ any holiday entitlement that may have accumulated.
- 7.4 In the event that the Employee leaves the Company and he or she has received paid holiday in excess of holiday entitlement the Company is entitled to deduct any overpayment (4) _____ any other sums due (5) _____ the Employee from the Company.

(AA) of (A) upon (B) from (C) in (D) of (E) to

(*) AA	(1)	(2)	(3)	(4)	(5)
--------	-----	-----	-----	-----	-----

Listening

Exercise 2

Listen to this conversation between a lawyer and his client. Decide if the following statements are true or false.

- Mr Winter had already filed a claim against his former employer before his visit to the lawyer.
- Mr Winter was employed as an office worker in Birmingham.
- Mr Winter was dismissed two weeks ago.
- Mr Winter was injured by a woman when he tried to stop her fighting with her husband.
- Mr Winter has now completely recovered from the injury he sustained to his ear.
- Mr Winter suffered no broken bones in the attack upon him.
- Mr Winter's supervisor was very sympathetic about his medical problems.
- Mr Winter's supervisor telephoned him to say she intended to file a defence to his claim.
- Mr Winter has only worked for six weeks since the attack upon him.
- The lawyer thinks that Mr Winter's claim will be unsuccessful.

True or false?

(1)	(2)	(3)	(4)	(5)
(6)	(7)	(8)	(9)	(10)

Exercise 3

Look at the letter below. A lawyer has written it on behalf of his client. Parts of the letter are written in an inappropriate way. They are underlined. Rewrite the underlined words in a more appropriate way. There is an example at the beginning (*).

McKay, Browne & Co
11 Cardogan Square
Liverpool
L1 3BQ

17 July 20XX

Mr Fergus Keane
General Manager
Carlton Engineering
Unit 33, Broome Industrial Park
Liverpool
L23 5CH

Dear (*) Fergus Keane Esquire

Our client: Neil Hoffmann

I (1) write about your letter of 14 July 20XX, sent to Mr Neil Hoffman at his home address, 44 Willow Gardens, Merton, Liverpool. Mr Hoffman has (2) talked to McKay, Browne & Co and I will be representing him (3) about this problem.

I am instructed by Mr Hoffmann that, (4) opposite to what you now claim, he was not informed at any stage of the company's official (5) process to complain, nor was he offered an interview at your head office on the afternoon of Monday 2 July.

Mr Hoffmann insists that he was involved in a heated argument with his supervisor, Mr Kevin Radcliffe, on the morning of 2 July and was subsequently asked to leave the company's (6) buildings by you in your capacity as General Manager. Mr Hoffmann then received notification that his employment contract had been terminated without notice on the grounds of his (7) terrible behaviour by a letter dated 3 July.

My client insists that the (8) argument he had with Mr Radcliffe on 2 July was one of several similar incidents and that his repeated attempts to speak to someone in authority in order to make a formal complaint were not taken seriously.

I have advised my client that he has excellent grounds to make a claim against Carlton Engineering for (9) unjust firing. I have instructions to issue proceedings against you if we do not receive reasonable proposals for settlement of this matter within (10) two weeks after the date written on this letter.

Yours sincerely

B. Lambton

Brendan Lambton
Partner

(*) Mr Keane

(1)

(2)

(3)

(4)

(5)

(6)

(7)

(8)

(9)

(10)