

ILEX Employment Contract

By Dr Peter Jepson

Prior to delivery of the lecture you should read & précis Part B of Employment Issues in the ILEX Booklet and/or Chapter 16 of 'GCSE Law' by Jacqueline Martin.

1

Lecture rules ...

- Read and précis the ILEX textbook beforehand.
- Turn off your mobile.
- Put your chair neatly under the table when you leave.
- Raise your hand if you have a Q.
- Annotate these notes in class.

2

Contract of employment

A contract is an agreement between two parties. Suppose I am desperate for work and agree to be paid £3 an hour for 100 hours per week.

- Can I expect to be paid at the national minimum wage of £5.05 per hour? (note for those aged 18-21 it is £4.25 - aged 16-17 it is £3 [i.e. at the 5/10/05]).

3

Contract of employment

- Like all contracts - there must be an offer, acceptance, intention to create legal relations and consideration. **Can you identify these in a typical C of E?**
- **What is a written statement?**
- **What should the statement include?**
- **When should it be provided?**
- **What Act establishes it?**

4

Variation to contract ...

Can an employer unilaterally change or a contract of employment?

- See the case of Rigby v Ferodo [1988]

What is constructive dismissal?

- Suppose an employer wishes to provide Apple Mac Laptops instead of Windows Desktops can he do that unilaterally - must the employee adapt (Cresswell v Board of Inland Revenue [1984])?

5

Express & implied terms

- Think about a job advert, job description, interview, and letter of employment. What would be evidence of express terms?
- Give an example of an implied term.

6

Important Terms

[Discuss the below using the ILEX booklet]

- Duty to pay wages - Sick pay - Provision of work ? - Indemnity - Holiday Pay - References - Respect - Duty of care.
- Employees faithful service.

7

Tasks to be undertaken

With the person next to you do two things:

- As per Task 1 - draft out a list of items you would expect to be in a written statement.
- As per Task 2 - provide a list of terms that could be implied into a C of E.

8