## Module 14: Employment Law [Elective]

|  |
| --- |
| **Module title**  |
| Employment Law [E] |
| **Module NFQ level** (only if an NFQ level can be demonstrated) | **Module number / reference** | **ECTS Value** | **Duration** |
| Level 7 | DLSP-EL | 5 ECTS | 8 weeks |
| **Parent programme(s).** Principal programme title, and embedded(s) if relevant | **Stage of parent programme** | **Semester No.** |
| Diploma in Legal Studies and Practice | Award Stage | Block 4 |
| Certificate in legal Studies | Award Stage | Block 4 |
| **Teaching and Learning modes** | **Proportion** (% of Total Directed Learning) |
| Classroom / Face to Face | 20% |
| Workplace | - |
| Online | - |
| Other (Identify) | 80% |
| **Entry requirements (statement of knowledge, skill and competence)** |
| Learners must comply with and meet programme entry requirements. |
| **Maximum number of learners per instance of the module** | 80 learners |
| **Average (over the duration of the module) of the contact hours per week**  | 4 hours |
| **Pre-requisite module title(s) (if any)** | n/a |
| **Co-requisite module title(s) (if any)** | n/a |
| **Is this a capstone module? (Yes or No)** | No |
| **Module-specific physical resources and support required** **per centre (or instance of the module)** |
| Lecture room with Wi-Fi access, digital recording facilities, Zoom access and digital projector. |
| **Specification of the qualifications (academic, pedagogical and professional/occupational) and experience required of staff working in this module.**  |
| **Role e.g. Tutor, Mentor etc** | **Qualifications & experience required:**  | **# of Staff with this profile (WTEs)** |
| Lecturer | Lecturers expected to hold at minimum a Level 8 legal qualification, preferably with a professional legal qualification. It is an advantage to have completed the Certificate in Education, Learning and Development provided by Griffith College. Industry experience is beneficial but not a requirement. | 0.2 WTE |

|  |
| --- |
| **Analysis of required learning effort** |
| **\*Effort while in contact with staff** | **Minimum ratio teacher / learner** | **Hours** |
|  Classroom and demonstrations | 80:1 | 21 |
| Mentoring and small-group teaching | - | - |
|  Other (specify) – workshop | - | - |
| **Independent Learning** |
|  Directed e-learning (hours) | - |
|  Independent Learning (hours) | 104 |
|  Other hours (specify) | - |
|  Work-based learning hours of learning effort  | - |
| **Total Effort (hours)** | 125 |

|  |
| --- |
| **Allocation of Marks** |
|  | **Continuous Assessment** | **Supervised Project** | **Proctored Practical Exam.** | **Proctored Written Exam** | **Total** |
| **Percentage Contribution** | 40% |  |  | 60% | **100%** |

### Module aims and objectives

This module aims to provide learners with a working understanding of Employment Law by offering an overview as to its fundamental principles and the core precedent upon which these are borne out. The module enables learners to specialise in this ever evolving area of law and increase their employability in this area.

### Minimum intended module learning outcomes

On successful completion of this module, learners are able to:

1. Define core terms and principles governing the employment relationship and the Contract of Employment.
2. Describe the law on the termination of a contract of employment and identify key redundancy entitlements in Ireland.
3. Identify and discuss protection afforded to workers contained in various pieces of protective legislation.
4. Discuss the law governing trade union activity.
5. Discuss the Institutions and Dispute Resolution Structures governing Employment Law in Ireland.

### Rationale for inclusion of the module in the programme and its contribution to the overall MIPLOs

The Employment Law module provides learners with an understanding of this wide, and growing area of law. Learners of the Employment Law module are provided with an overview of its fundamental principles which are illustrated through examples from relevant case law and decisions. Learners draw from their experiences in other modules, including contract law and equity, where cross over between subject matter occurs, affording them an opportunity to round out their legal education and providing a practical insight into the operation of law on a day to day basis. In that context this module supports the achievement of MIPLO I.

The assessment of the Employment Law module challenges learners to think critically about their own insights into the operation of employment law within the jurisdiction. Learners are challenged to use their research skills, legal writing skills and critical analysis to convey arguments in a persuasive manner to problem and essay style questions. In that context this module supports the achievement of MIPLOs II and IV.

Formative classwork includes group discussion of exercises, fact-based problem scenarios and quizzes, aimed at increasing collaborative problem-solving. In that context this module supports the achievement of MIPLO VI. By receiving feedback on all summative and formative assessments, learners are enabled to evaluate and reflect on their work, thereby facilitating improvement. In that context this module supports the achievement of MIPLO VII.

The area of Employment law impacts on most individuals in the jurisdiction. The protections, entitlements and obligations it provides spark debate in the classroom, which is encouraged through formative debates and discussions. In that context this module supports the achievement of MIPLO VIII.

### Information provided to learners about the module

Learners enrolled on this module initially receive a copy of the module descriptor, assessment briefs and assessment strategy. These materials are given directly by the lecturer and also by the Programme Director as part of the Learner Handbook for award stage modules of the programme. All content is provided on Moodle as well as access to additional content through the library and online resources.

Online (via Moodle) learners are provided with video recording of each lecture, copy of PowerPoint slides, a module specific manual, extensive reading list, incorporating professional and academic and non-academic sources. Guest lectures will be introduced to ensure practical knowledge and real-life examples will keep the content relevant.

### Module content, organisation and structure

The following topics inform this module:

|  |  |
| --- | --- |
| **TOPIC** | **DESCRIPTION** |
| **The Employment Contract****Week 1**4 hours, 19% | This lecture examines:* The development of the employment relationship
* The formation of an employment contract
* The various characteristics and differences between a contract of service and a contract for services
* The development of tests to determine the type of contact in operation;
* The fundamental terms which must be included in an employment contract
* Common Implied Terms
* Restrictive covenants and the Employer’s remedies
 |
| **The Termination of Employment****Week 2**4 hours, 19% | This lecture examines:* The Law pertaining to dismissal
* The operation of a notice period
* Wrongful dismissal and the remedies available
* Unfair dismissal
* What constitutes fair dismissal
* Constructive dismissal
* Statutory remedies for dismissal
 |
| **Redundancy****Week 3**4 hours, 19% | This lecture examines:* The operation of the Redundancy Acts
* The difference between redundancy and dismissal
* Lay off and Short Time
* Calculation of a redundancy payment
* Collective redundancy
* Redundancy in an insolvency situation
* Applicable law in transfer of undertakings
 |
| **Equality****Week 4**2 hours, 9.5% | This lecture examines:* The sources of Irish Employment Equality Law
* Discrimination on Nine Grounds
* Equal Pay
* Harassment and Victimisation
* Exemptions to discrimination
* Progressing a Discrimination
 |

|  |  |
| --- | --- |
| **Protective Legislation** **Week 4**2hours, 9.5% | This lecture examines:* Health and Safety Law
* The Organisation and Working Time Act
* Atypical Employees
* Statutory Leave and the entitlement to leave
* Pay and Wages
* Transfer of undertakings
 |
| **Institutions****Week 5**2 hours 9.5% | This lecture examines:* Development of institutions to bring employment disputes
* Workplace Relations Commission
* The Civil Courts
* The Labour Court
* Health and Safety Authority
 |
| **Industrial Relations****Week 5**2 hours 9.5% | This lecture examines:* The legislative basis for industrial relations
* Union recognition
* Trade Disputes
 |
| **Revision & Preparation**1 hour, 5% | This session will provide a revision class for learners with exam preparation guidance and assistance. |

### Module teaching and learning (including formative assessment) strategy

This module is delivered through a series of lectures. Learners engage with the module either in class; online via the online streaming option or via recorded lectures. On Moodle, virtual learning environment, the lecturer can interact with learners via the class discussion forum and upload relevant additional learning material e.g. legal articles, case law, study aids and relevant multimedia. The module comprises of 21 contact hours, being 20 lecture hours and one revision/exam preparation class. Formative assessment is provided in the form of interactive exercises such as tutorial style discussions, quizzes, directed class discussion topics and collaborative group work.

### Work-based learning and practice-placement

There is no work-based learning or practical placement in the module.

### E-learning

Griffith College uses Moodle, a virtual learning environment, to support its delivery of e-learning activities in the form of peer-to-peer support based around activities where learners give and receive feedback, forums where learners must contribute, formative quizzes and video links.

### Module physical resource requirements

Requirements are for a fully equipped classroom. The classroom has Wi-Fi access and is equipped with a PC with Zoom and Microsoft Office. In addition the classroom has digital recording facilities and digital projector. No other software is required for this module. The College library has a dedicated law section and also online legal research tools including Justice One, Westlaw, Hein Online.

### Reading lists and other information resources

**Primary reading**

Griffith College Manual, *Employment Law*, (Dublin: Clarus Press, updated annually)

Bolger, Bruton & Kimber, *Sex Discrimination Law* (2012, Dublin; Round Hall)

Eardly, *Employers: Know Your Rights in Irish Law* (2009, Firstlaw, Dublin)

Meenan, *Employment Law* (2015, Dublin; Round Hall)

Redmond, *Dismissal law in Ireland* (2007, Dublin; Tottel Publishing)

Regan and Murphy, Employment Law, (2017, Dublin, Bloomsbury Professional)

**Secondary reading**

Barrett *Consolidated dismissal, redundancy and employee consultation legislation* (2006, Dublin; Clarus)

Barrett, *Redundancy: Law & Practice,* (1988, Dublin; Butterworths)

Byrne [et al.], *Employment Law*, (2006, Dublin; Law Society)

Byrne, *Safety, Health and Welfare at Work in Ireland: A Guide* (2001, Dublin; NIFAST)

Byrne, *Safety, Health and Welfare at Work in Ireland: A Guide* (2008, Dublin; NIFAST)

Cox, Corbett & Ryan, *Employment Law in Ireland* (2009, Dublin, Clarus Press)

Kilcommins, McLean, McDonagh, Mullally & Whelan, *Extending the Scope of Employment Equality Legislation: Comparative Perspectives on the Prohibited Grounds of Discrimination* (2004, Dublin; Department of Justice, Equality and Law Reform)

Meenan, *Working within the Law* (1999, Dublin; Oak Tree Press)

Thomson Professional Information *Practical Employment* (1999)

**eResources**

Workplace Relations Commission Database of Decisions and Adjudications <https://www.workplacerelations.ie/en/search/?advance=true>

### Specifications for module staffing requirements

Lecturers expected to hold at minimum a Level 8 legal qualification, preferably with a professional legal qualification. It is an advantage to have completed the Certificate in Education, Learning and Development provided by Griffith College. Industry experience is beneficial but not a requirement.

### Module summative assessment strategy

This modules requires learners to submit an Essay in week 6 of the 8 week Block, which assesses a key topic on the course and learner research and legal writing skills. The final exam in this module includes a variety of problem-based questions and abstract essay questions to offer as much choice as possible to learners in their demonstration of core competences. The following table indicates the module’s learning outcomes’ alignment with the assessment used for the module:

|  |  |  |  |
| --- | --- | --- | --- |
| **No.** | **Description** | **MIMLOs** | **Weighting** |
| **1** | Exam | (i) to (v) | 60% |
| **2** | Essay | (i) to (iii), (v) | 40% |

**Reassessment/Repeat assessment strategy:** Griffith College regulations state that learners must pass all component elements of the module to be deemed to have passed the module.

* In the event of a learner failing components of / this module, they will be required to submit a new individual repeat assignment which will be made available on Moodle to learners, and which must be submitted as per faculty instructions.
* In the event of a learner failing the group assessment element of this module, a new individual repeat assignment will be made available on Moodle to learners which must be submitted as per faculty instructions.
* In the event of the learner failing the exam, learners will take the re-sit exam at the next available sitting, details of which will be made available to learners via Moodle.

### Sample assessment materials

Please see sample assessment supplementary document.