



## Managing people within the law - A two day course

This two day course is designed to help managers develop an appreciation of the key employment law issues that impact on their role. A series of interactive presentations with debate and discussion encouraged throughout are interspersed with detailed case studies designed to highlight key areas. The course assumes no specific knowledge of employment law, but will draw on the expertise and experience of managers in dealing with challenging situations and examine how employment law can both help and hinder the process.

At the end of this course, participants will:

- Feel more confident in managing situations with employment law implications
- Understand basic employment law principles and how they apply in everyday management situations
- Be able to avoid unnecessary tribunal claims by taking appropriate steps at an appropriate time
- Recognise situations that carry a significant employment law risk and be able to seek advice accordingly
- Understand the importance of avoiding unlawful discrimination and behaviours that can increase the risk of a successful discrimination claim

### Course Programme

#### **Day One**

##### **Welcome and introduction**

Setting objectives for the course

##### **Employment law and management**

Overview of how employment law works  
The role of HR and line management  
The employment tribunal system  
Balancing risk and commercial effectiveness

##### **The contract of employment**

What is a contract and how is it formed?  
Express and implied terms  
Variation of contract  
*Practical exercise: short problem on introducing changes in working hours*

### **Termination of contract**

- Wrongful Dismissal and the right to notice
- Resignation
- Constructive dismissal

### **Unfair Dismissal**

- Qualifying for the right
- Potentially fair reasons for dismissal
- Practical exercise: what makes a dismissal reasonable?*

### **Disciplinary procedures**

- The Acas Code
- The rules of natural justice
- When can you dismiss for misconduct?
- Different approaches to misconduct and poor performance

### **Case Study Session: Discipline and Grievance**

*(NB example only, all case studies are written specifically for client concerned)*

Participants are presented with a detailed hypothetical scenario in which an employee is accused of breaching health and safety procedures. In response he brings a grievance alleging that any errors he made were a result of the stress caused by the unfair workload placed on him by the manager. He is then signed off sick with stress. The task is to decide how to bring the proceedings to a fair conclusion without undue delay and to decide on the appropriate action to be taken.

Participants will break into groups to discuss the case study and then reconvene for an open discussion of the issues raised.

### **Managing poor performance**

- Setting clear standards
- Warnings and the opportunity to improve
- Having the difficult conversation
- Dealing with long-standing issues
- Review of main points from the day

## **Day Two**

### **Introduction to day two**

- Review of key points so far

### **Discrimination law in the UK**

- Defining discrimination
- Scope of the law
- Direct and Indirect discrimination
- Victimisation

### **Case Study: Discrimination in promotion**

*(NB example only, all case studies are written specifically for client concerned)*

Participants are presented with a discrimination questionnaire alleging

discrimination in a recent decision to promote someone to a supervisor's position, together with a response from the appropriate line manager of the points raised. The task is to identify what features of the process for deciding who to promote could be seen as discriminatory and assess the line manager's response to the accusations.

Participants will break into groups to discuss the case study and then reconvene for an open discussion of the issues raised.

### **Harassment**

- Distinguishing harassment from bullying
- Defining harassment
- The liability of employers
- The liability of employees

### **Case Study: Returning from maternity leave**

*(NB example only, all case studies are written specifically for client concerned)*

Participants will be presented with three short scenarios where an employee is requesting a flexible working arrangement following maternity leave. In each case her manager is objecting to the request and the task is to assess the response and suggest how each situation might best be resolved.

### **Disability Discrimination and absence**

- Defining disability
- Discrimination and the duty to make reasonable adjustments
- Key principles in managing attendance fairly

### **Case Study: Short-term absence**

*(NB example only, all case studies are written specifically for client concerned)*

Participants will consider a detailed scenario in which an employee's absence record is unsatisfactory with significant instances of short-term absence. The evidence is that these are connected with a chronic illness. A number of alternative solutions will be presented, some involving making significant adjustments to the job, or to the way in which his absence is managed. The task will be to consider the best approach to take in the circumstances. After considering the issues in groups, participants will engage in an open discussion on the issues raised.

### **Conclusions and round-up**

- Review of the objectives for the course
- Feedback
- Close of course