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### LexisPSL Employment

Our team of highly qualified employment lawyers have put together an unbeatable set of materials to guide you through employment law and practice.



### Built by Lawyers for Lawyers.

Leading Professional Support Lawyers for Employment:



**Philip Thornton**, *Barrister*, **Employment**

Philip's expertise has a particular emphasis on litigation, as well as advisory work. He has practised extensively in the areas of discrimination, whistle-blowing, TUPE transfers, restrictive covenants, collective redundancies, wrongful and unfair dismissals, and trade union and industrial dispute law.



**Melanie Adams**, *Solicitor*, **Employment**

Melanie has advised extensively on all areas of contentious and non-contentious employment law, particularly business and share sales, restrictive covenants and confidentiality, collective redundancies and

business re-organisations, wrongful and unfair dismissal and discrimination issues.

## What does LexisPSL Employment Include?

- 270+ Practice notes
- 270+ Precedents
- 38 Topic overviews
- All England Official Transcripts (Employment)
- All England Reporter (Employment)
- Selected extracts from Harvey on Industrial Relations and Law Review
- Industrial Relations Law Reports (IRLR)
- Selected All England Law Reports
- Times Law Reports (Employment)
- UK Parliament Acts (Employment)
- UK Statutory Instruments (Employment)

## Current Topics included in LexisPSL Employment:

### Starting employment

Status  
Employment contract  
Other documents

### Pay, benefits and tax

Pay  
Benefits

### Discrimination

Sex  
Equal pay  
Race  
Disability  
Sexual orientation  
Religion or belief  
Age

### Protected rights in employment

Maternity, parents and carers  
Working time  
Whistleblowing  
Information and consultation  
Other rights

### Trade unions and industrial action

Union status and obligations  
Recognition  
Rights of individuals  
Industrial action

### Business transfers and TUPE

Corporate transactions  
TUPE

### Restrictive covenants

Implied duties  
Express covenants  
Enforceability of covenants  
Enforcement of covenants

### Discipline, grievances, right to be accompanied

Discipline and grievance procedures  
The right to be accompanied  
Statutory dispute resolution procedures

### Ending employment

Issues arising on termination  
Wrongful dismissal  
Unfair dismissal  
Redundancy

### Practice, procedure and settlement

Settlement  
Employment Tribunals  
Employment Appeal Tribunal  
Civil courts and ADR



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## Employment precedents

### Starting Employment

#### Status

Clauses - casual work  
Clauses - home working  
Clauses - fixed term appointment and cover for maternity or adoption leave  
Grounds of claim - less favourable treatment of fixed term employee  
Grounds for resisting claim - less favourable treatment of fixed term employee  
Grounds of claim - less favourable treatment of part-time employee  
Grounds for resisting claim - less favourable treatment of part-time employee  
Letter - consultant offer letter  
Letter - non-executive director appointment  
Agreement - consultancy agreement  
Agreement - consultancy agreement with director's service company  
Agreement - unpaid volunteer contract

#### Employment contract

Letter - consultant offer letter  
Letter - employee offer letter  
Letter - non-executive director appointment or offer letter  
Agreement - apprenticeship agreement  
Agreement - basic employment contract  
Agreement - consultancy agreement  
Agreement - consultancy agreement with director's service company  
Agreement - executive service contract  
Agreement - secondment agreement  
Agreement - trainee solicitor contract  
Agreement - unpaid volunteer contract  
Clauses - boilerplate  
Clauses - casual work  
Clauses - data processing  
Clauses - dress code  
Clauses - education and training  
Clauses - employee indemnity  
Clauses - fixed term appointment and cover for maternity or adoption leave  
Clauses - health and safety  
Clauses - holiday and special leave  
Clauses - home working  
Clauses - medical examination  
Clauses - medical locum tenens  
Clauses - personal and company property  
Clauses - probationary period  
Clauses - public statements  
Clauses - reporting procedure  
Clauses - restrictions during employment  
Clauses - restrictions on authority

Clauses - restrictive covenants  
Clauses - sickness and unauthorised absence  
Clauses - workplace security  
Agreement - written statement of particulars  
Notice - of changes to written statement of particulars  
Grounds of claim - failure to provide written statement of particulars  
Clauses - employee warranties  
Clauses - bonus  
Clauses - car or car allowance  
Clauses - commission  
Clauses - deductions  
Clauses - expenses reimbursement  
Clauses - insurance and other benefits  
Clauses - overtime  
Clauses - pension  
Clauses - share schemes  
Form - health assessment for night workers  
Clauses - annualised hours  
Clauses - flexitime  
Clauses - job-sharing  
Clauses - night working  
Clauses - overseas assignment  
Clauses - shift working  
Clauses - work on call  
Clauses - working time and hours of work  
Clauses - zero hours  
Clauses - Sunday working (shop or betting workers)  
Letter - request for consent to Sunday working  
Statement of statutory rights in relation to Sunday shop work  
Notice - Sunday working opt-in  
Notice - Sunday working opt-out  
Letter - request for opt-out from workers always working more than 48 hours a week  
Letter - request for opt-out from workers possibly working more than 48 hours a week  
Letter - invitation to employees to sign a workforce agreement  
Agreement - workforce agreement for employers with 20 or fewer workers  
Agreement - workforce agreement for employer with more than 20 workers  
Grounds of claim - daily rest  
Grounds for resisting claim - daily rest  
Grounds of claim - weekly rest  
Grounds for resisting claim - weekly rest  
Grounds of claim - annual leave  
Grounds for resisting claim - annual leave  
Grounds of claim - payment for annual leave  
Grounds for resisting claim - payment for annual leave



Clauses - executive duties  
Clauses - place of work, residence, mobility and relocation  
Clauses - service occupancy  
Clauses - termination  
Clauses - garden leave  
Clauses - lay-off or factory closure  
Clauses - confidentiality  
Clauses - intellectual property

#### **Other documents**

Agreement - for supply of candidates by employment agency  
Agreement - for supply of temporary staff by employment business  
Policy - adoption leave  
Policy - alcohol, drugs and other substances  
Policy - anti-harassment  
Policy - data protection  
Policy - email, fax, phone and Internet  
Policy - emergency procedures  
Policy - equal opportunities  
Policy - flexible working  
Policy - flexitime  
Policy - job-sharing  
Policy - maternity leave  
Policy - parental leave  
Policy - paternity leave  
Policy - recruitment, promotion and appraisal  
Policy - smoking  
Policy - Sunday working  
Policy - whistleblowing  
Policy and procedure - sickness and attendance  
Policy and procedure - stress  
Disciplinary and dismissal procedure  
Grievance procedure

#### **Pay, benefits and tax**

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##### **Pay**

Agreement - daily average for national minimum wage purposes  
Notice - fair piece rate for rated output work (national minimum wage)  
Notice - to produce records for national minimum wage purposes  
Grounds of claim - national minimum wage detriment  
Grounds for resisting claim - national minimum wage detriment  
Clauses - deductions  
Grounds of claim - unauthorised deduction from wages  
Grounds for resisting claim - unauthorised deduction from wages  
Receipt - salary  
Receipt - reimbursed expenses  
Grounds of claim - itemised pay statement  
Clauses - bonus  
Clauses - commission  
Clauses - holiday and special leave  
Grounds of claim - payment for annual leave  
Grounds for resisting claim - payment for annual leave  
Clauses - overtime  
Grounds of claim - guarantee payment  
Grounds for resisting claim - guarantee payment  
Grounds of claim - debts due from National Insurance Fund on insolvency of employer  
Grounds of claim - remuneration on suspension on medical grounds  
Grounds for resisting claim - remuneration on suspension on medical grounds

##### **Benefits**

Clauses - holiday and special leave  
Notice - of holiday dates from worker to employer  
Notice - from employer requiring worker to take holiday  
Notice - from employer to worker refusing holiday  
Grounds of claim - annual leave  
Grounds for resisting claim - annual leave  
Clauses - car or car allowance  
Clauses - insurance and other benefits  
Clauses - share schemes  
Clauses - pension

#### **Discrimination**

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##### **Sex**

Sex Discrimination Act Questionnaire  
Grounds of claim - direct sex discrimination  
Grounds for resisting claim - direct sex discrimination  
Grounds of claim - indirect sex discrimination  
Grounds for resisting claim - indirect sex discrimination  
Grounds of unfair dismissal claim - right to return following maternity leave  
Grounds for resisting unfair dismissal claim - right to return from maternity leave  
Grounds of unfair dismissal claim - pregnancy-related dismissal  
Grounds for resisting unfair dismissal claim - pregnancy-related dismissal

##### **Equal pay**

Grounds of claim - equal pay  
Grounds for resisting claim - equal pay  
Race  
Race Relations Act Questionnaire  
Grounds of claim - direct race discrimination  
Grounds for resisting claim - direct race discrimination  
Grounds of claim - indirect race discrimination  
Grounds for resisting claim - indirect race discrimination

##### **Disability**

Disability Discrimination Act Questionnaire  
Grounds of claim - direct or indirect disability discrimination  
Grounds for resisting claim - direct or indirect disability discrimination  
Grounds of claim - failure to make reasonable adjustments  
Grounds for resisting claim - failure to make reasonable adjustments

##### **Sexual orientation**

Grounds of claim - direct or indirect discrimination on grounds of sexual orientation  
Grounds for resisting claim - direct or indirect discrimination on grounds of sexual orientation

##### **Religion or belief**

Grounds of claim - direct or indirect discrimination on grounds of religion or belief  
Grounds for resisting claim - direct or indirect discrimination on grounds of religion or belief

##### **Age**

Age Discrimination Questionnaire  
Grounds of claim - direct age discrimination  
Grounds for resisting claim - direct age discrimination  
Grounds of claim - indirect age discrimination  
Grounds for resisting claim - indirect age discrimination  
Grounds of unfair dismissal claim - retirement  
Grounds for resisting unfair dismissal claim - retirement

## Protected rights in employment

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### Maternity, parents and carers

Grounds of claim - time off work for ante-natal care  
Grounds for resisting claim - time off work for ante-natal care  
Grounds of unfair dismissal claim - pregnancy-related dismissal  
Grounds for resisting unfair dismissal claim - pregnancy-related dismissal  
Policy - maternity leave  
Clauses - fixed term appointment and cover for maternity or adoption leave  
Grounds of unfair dismissal claim - right to return following maternity leave  
Grounds for resisting unfair dismissal claim - right to return from maternity leave  
Policy - paternity leave  
Policy - parental leave  
Policy - flexible working  
Grounds of claim - failure to allow flexible working  
Grounds for resisting claim - failure to allow flexible working

### Working time

Form - health assessment for night workers  
Letter - invitation to employees to stand as workforce representatives  
Notice - of holiday dates from worker to employer  
Notice - from employer requiring worker to take holiday  
Notice - from employer to worker refusing holiday  
Grounds of claim - daily rest  
Grounds for resisting claim - daily rest  
Grounds of claim - weekly rest  
Grounds for resisting claim - weekly rest  
Grounds of claim - annual leave  
Grounds for resisting claim - annual leave  
Agreement - workforce agreement for employers with 20 or fewer workers  
Agreement - workforce agreement for employer with more than 20 workers  
Letter - invitation to employees to sign a workforce agreement  
Letter - request for opt-out from workers always working more than 48 hours a week  
Letter - request for opt-out from workers possibly working more than 48 hours a week

### Whistleblowing

Policy - whistleblowing  
Grounds of claim - disclosure to employer  
Grounds for resisting claim - disclosure to employer  
Grounds of claim - disclosure to journalist  
Grounds for resisting claim - disclosure to journalist  
Grounds of claim - disclosure to prescribed person  
Grounds for resisting claim - disclosure to a prescribed person

### Information and consultation

Election rules - electing employee representatives  
Nomination form - employee representative candidates  
Application form - employee representative candidates  
Letter - enclosing ballot paper for election of employee representatives  
Voting form - employee representatives  
Proxy form - voting for employee representatives  
Agreement - works council agreement

### Other rights

Form - consent to medical report or examination  
Letter - request for medical report on employee from doctor  
Letter - request to doctor for pre-employment medical report or examination  
Letter - request for consent to pre-employment medical examination, report and access to medical records

Letter - request for consent to medical exam and access to medical records  
Statement of employee rights under AMRA 1988  
Letter - data subject access request  
Letter - response to data subject access request  
Grounds of claim - health and safety detriment  
Grounds for resisting claim - health and safety detriment  
Grounds of claim - time off work to perform public duties  
Grounds for resisting claim - time off work to perform public duties

## Trade unions and industrial action

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### Recognition

Letter - about measures from transferor to trade union or employee representatives  
Letter - about measures from transferee to trade union or employee representatives

### Rights of individuals

Grounds of unfair dismissal claim - trade union membership or activities  
Grounds for resisting unfair dismissal claim - trade union membership or activities

## Business transfers and TUPE

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### Corporate transactions

TUPE clauses - apportionment and transfer of data  
TUPE clauses - indemnities  
TUPE clauses - warranties  
TUPE  
TUPE clauses - apportionment and transfer of data  
Letter - notification of TUPE transfer from transferor to transferring employees  
Letter - notification of TUPE transfer from transferee to transferring employees  
Letter - about measures from transferor to trade union or employee representatives  
Letter - about measures from transferee to trade union or employee representatives  
Letter - request to transferee re proposed measures regarding transferring employees  
Letter - to employees about election of representatives for TUPE consultation  
Grounds of claim - failure to consult under TUPE  
Grounds for resisting claim - failure to consult under TUPE  
TUPE clauses - indemnities  
TUPE clauses - warranties  
Grounds of unfair dismissal claim - TUPE  
Grounds for resisting unfair dismissal claim - TUPE

## Restrictive covenants

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### Implied duties

Clauses - confidentiality  
Express covenants  
Clauses - restrictions during employment  
Clauses - garden leave  
Clauses - restrictive covenants

## Discipline, grievances, right to be accompanied

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### Discipline and grievance procedures

Disciplinary and dismissal procedure  
Grievance procedure  
Acas Code of Practice - disciplinary and grievance procedures  
Letter - suspension from duties  
Letter - request to employee to attend disciplinary hearing

Letter - confirmation of dismissal on notice (following previous warnings)  
Notice - written warning or final written warning  
Notice - date of appeal hearing  
Notice - outcome of appeal hearing

## Ending employment

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### Issues arising on termination

Disciplinary and dismissal procedure  
Letter - suspension from duties  
Letter - request to employee to attend disciplinary hearing  
Letter - confirmation of dismissal for long-term sickness absence  
Letter - confirmation of dismissal on notice (following previous warnings)  
Letter - confirmation of summary dismissal (without previous warnings)  
Notice - written warning or final written warning  
Notice - date of appeal hearing  
Notice - outcome of appeal hearing  
Agreement - compromise agreement  
Letter - enclosing compromise agreement  
Acas - settlement of tribunal claims  
Acas - settlement where no tribunal claim  
Receipt - ex gratia termination payment  
Letter - statutory statement of reason for dismissal  
Grounds of claim - written reasons for dismissal  
Clauses - garden leave  
Grounds of unfair dismissal claim - constructive dismissal  
Grounds for resisting unfair dismissal claim - constructive dismissal  
Letter - resignation from directorship

### Wrongful dismissal

Letter - confirmation of dismissal on notice (following previous warnings)  
Receipt - ex gratia termination payment  
Grounds of claim - breach of contract  
Grounds for resisting claim and counterclaim - breach of contract

### Unfair dismissal

Grounds for resisting claim - jurisdiction (unfair dismissal)  
Grounds of unfair dismissal claim - constructive dismissal  
Grounds for resisting unfair dismissal claim - constructive dismissal  
Grounds of unfair dismissal claim - ill-health capability  
Grounds for resisting unfair dismissal claim - ill-health capability  
Grounds of unfair dismissal claim - performance capability  
Grounds for resisting unfair dismissal claim - performance capability  
Grounds of unfair dismissal claim - conduct  
Grounds for resisting unfair dismissal claim - conduct  
Grounds of unfair dismissal claim - redundancy (reason disputed)  
Grounds of unfair dismissal claim - redundancy (unfair selection)  
Grounds for resisting unfair dismissal claim - redundancy  
Grounds of unfair dismissal claim - retirement  
Grounds for resisting unfair dismissal claim - retirement  
Grounds for resisting unfair dismissal claim - contravention of statute  
Grounds for resisting unfair dismissal claim - some other substantial reason  
Grounds of unfair dismissal claim - right to return following maternity leave  
Grounds for resisting unfair dismissal claim - right to return from maternity leave  
Grounds of unfair dismissal claim - pregnancy-related dismissal  
Grounds for resisting unfair dismissal claim - pregnancy-related dismissal  
Grounds of unfair dismissal claim - trade union membership or activities  
Grounds for resisting unfair dismissal claim - trade union membership or activities  
Grounds of unfair dismissal claim - TUPE  
Grounds for resisting unfair dismissal claim - TUPE

## Redundancy

Form - redundancy selection assessment  
Grounds of unfair dismissal claim - redundancy (reason disputed)  
Grounds of unfair dismissal claim - redundancy (unfair selection)  
Grounds for resisting unfair dismissal claim - redundancy  
Letter - request for volunteers for redundancy  
Letter - informing employees in selection pool of risk of redundancy  
Letter - notice of provisional selection for redundancy  
Letter - confirmation of selection for redundancy and notice of dismissal  
Letter - from employer to employees warning of collective redundancies  
Letter - invitation to nominate candidates for employee representatives for redundancy consultation  
Notice - of proposed redundancies to appropriate representatives  
Letter - collective redundancy consultation  
Grounds of claim - protective award  
Grounds for resisting claim - protective award  
Grounds of claim - failure to pay protective award  
Letter - offer to renew contract of or re-engage redundant employee  
Receipt - redundancy payment  
Grounds of claim - redundancy payment  
Grounds for resisting claim - redundancy payment  
Notice - termination and claim for redundancy payment following lay-off or short-time  
Notice - of intention to contest claim for redundancy payment following lay-off  
Notice - of withdrawal of notice contesting claim for redundancy payment  
Grounds of claim - unpaid redundancy payment due from National Insurance Fund  
Grounds of claim - time off work for redundant employee  
Grounds for resisting claim - time off work for redundant employee

## Practice, procedure and settlement

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### Settlement

Agreement - compromise agreement  
Letter - enclosing compromise agreement  
Acas - settlement of tribunal claims  
Acas - settlement where no tribunal claim  
Receipt - ex gratia termination payment

### Employment Tribunals

Application - review of default judgment  
Sex Discrimination Act Questionnaire  
Race Relations Act Questionnaire  
Disability Discrimination Act Questionnaire  
Age Discrimination Questionnaire  
Discrimination questionnaire consent form  
Application - additional information  
Application - case management discussion  
Application - pre-hearing review  
Application - disclosure and inspection  
Application - attendance of witness and production of documents  
Notice - withdrawal of tribunal claim  
Application - review of tribunal decision

### Employment Appeal Tribunal

Notice of Appeal from Decision of Employment Tribunal  
Response - to notice of appeal from employment tribunal