



Certificate programmes

CIPD Level 3 Certificate in Employment Relations, Law and Practice

Professional Standards

Purpose

The Certificate in Employment Relations, Law and Practice is a foundation-level programme at a level equivalent to NVQ/SVQ Level 3 in Personnel.

Successful candidates receive the CIPD Certificate in Employment Relations, Law and Practice, and are eligible for Associate Membership of the Institute. However, completing the Certificate in Employment Relations, Law and Practice, and/or gaining Associate membership, does not imply that the candidate should automatically progress to study at the Professional Development scheme level.

Potential candidates

The qualification is intended for:

- anyone working at the level of personnel/human resources or employee relations assistant, administrator, adviser or officer whose role is to provide support for key aspects of the employment function
- someone new to, or aspiring to, a career in personnel, human resources or employee relations
- line managers, supervisors or team leaders who wish to gain the same level of skills in employment practice as practitioners at this level
- the owners or managers of small businesses
- paralegals working in the employment law field
- trade union representatives.

Aims

The Certificate in Employment Relations, Law and Practice is intended to:

- develop the skills needed in employment practice
- serve as an introduction to the work of employment practice often carried out within personnel departments
- develop an awareness of the context of employment practice and the key issues that affect employment practice
- provide a platform for studies in employment law or personnel management.

Common elements for all CIPD Certificate programmes

All CIPD Certificate-level programmes cover certain knowledge, skills and competencies. These may be taught and assessed separately or be integrated into the teaching and assessment arrangements for the particular programme.

Centres must be able to indicate where they are covered in their programme design.

Guidelines on assessment for Certificate-level programmes are set out in the Certificate centre Handbook and Certificate Moderation Handbook.

Communication

Candidates must demonstrate that they are able to:

- write a report
- obtain information by interview
- give and receive feedback on behaviour and performance
- build relationships with others.

They must also demonstrate interpersonal skills such as listening, conveying information, responding to questions, etc.

Self-management (improving own learning and performance)

Candidates must demonstrate that they are able to:

- set personal objectives
- appraise their own performance
- reflect on their own practices for the purposes of learning and improvement
- maintain a personal development plan.

Understanding the work context

Candidates must demonstrate that they are able to:

- plan and administer resources
- contribute to the interpretation of legal information.

They must also demonstrate that they understand and can explain:

- the corporate environment
- factors affecting individual performance (for example, systems, relationships, performance criteria, motivation and reward)
- employment relationships
- contractual agreements
- dispute resolution
- the impact of legislation on processes and documentation
- termination procedures and their legal implications.

Performance indicators

1. Practice in context (or contextual issues)

Operational indicators

Practitioners must be able to:

1. Understand and advise on the impact of legislation while recognising the potential implications of that legislation.
2. Identify the advantages and implications of different types of working relationship.
3. Review organisational systems and policies against codes of practice/ good practice.
4. Access up-to-date sources of information.
5. Contribute to health and safety policy and practices by understanding the rights and duties of employers and employees.

Knowledge indicators

Practitioners must understand and be able to explain:

1. The organisational context of employee relations policies – how these policies are affected by external pressures/changes.
2. The relationship between employer and employee, and the contribution of this relationship to organisational success.
3. Legislation, codes of practice and procedures affecting personnel practice.
4. The role of the Government in employment relationships.
5. The role of ACAS, the CAC, employment tribunals and the EAT or equivalent.
6. Basic health and safety legislation and employer liability.

Indicative content

1. An overview of organisational employee relations and
 - the internal and external factors affecting the organisation and its employee interface
 - the business context in which it exists
 - its contribution to organisational success.
2. The concept of the balance of bargaining power.
3. The role of law in regulating the employment relationship.
4. The parties in employee relations, including management and employee representative organisations.
5. The parties in the law-making process – Parliament, the courts, employment tribunals, the institutions of the European Union and the role of social partners in shaping EU-based legislation.
6. The role of State agencies – the CAC, ACAS, the Health and Safety Commission, the Commission for Racial Equality, the Disability Rights Commission and equivalent agencies in the Irish Republic and devolved administrations.
7. The Health and Safety at Work Act 1974, employer liability, a safe working environment and managing stress.

2. Setting up employment contracts

Operational Indicators

Practitioners must be able to:

1. Produce employment contracts to suit the majority workforce (standard plus variations).
2. Review selection processes, procedures and documentation for discriminatory practices.
3. Implement procedures on data protection.
4. Review the staff handbook and induction procedures with a view to eliminating discriminatory practices.

Knowledge Indicators

Practitioners must understand and be able to explain:

1. Legislation affecting the setting-up of contracts of employment and the importance to the organisation of the use of different types of contract.
2. Legislation relating to recruitment, selection and appointment, including:
 - discrimination
 - equal opportunities
 - equal pay
 - asylum and immigration
 - references
3. The Working Time Regulations.
4. Work–life balance – flexible working provision.
5. Data protection legislation and best practice.

Indicative Content

1. The nature and the significance of the employment contract and the differing working relationships, for example, temporary, casual, agency, permanent, zero hours, probationary.
2. Intervention of the State in the employment contract in relation to recruitment and selection – Asylum and Immigration Act, Access to Medical Records Act.

3. Legislation and case law relating to discrimination in the employment relationship:

- race
- gender
- disability
- sexual orientation
- religion
- equal pay
- induction and training.

4. Legislation providing minimum standards in pay, holidays, working time and the work–life balance (flexible working provisions).

5. The legal implications of a reference, both when giving and receiving.

6. The effect of data protection legislation on privacy and confidentiality.

7. Skills in setting up employment contracts – interviewing, presentational, listening, chairing, etc.

3. Managing the employment relationship

Operational indicators

Practitioners must be able to:

1. Contribute to the performance management process by advising on procedures necessary to deal with issues of poor performance and behaviour.

2. Contribute to procedures and practice on:

- grievance
- discipline
- dispute

by undertaking basic fact-finding interviews.

3. Provide advice on family-related leave and rights (that is, maternity, paternity, etc), absence, holidays and working time, pay and benefits.

4. Understand and be able to explain the basis for non-discriminatory pay structures and systems.

5. Advise on individual and collective conflict.

Knowledge Indicators

Practitioners must understand and be able to explain:

1. The purpose of performance management and the procedures in relation to poor performance and/or behaviour.
2. The legislation and organisational good practice in relation to:
 - grievance
 - discipline
 - dispute
3. Procedures based on legislation regarding family-related employment matters:
 - absence
 - working time
 - maternity/paternity
 - holidays
4. Legislation on equal pay and non-discriminatory pay structures and systems.
5. Dispute resolution processes – individual and collective conflict.

Indicative Content

1. Performance management – appraisal in relation to performance issues and its possible link to reward systems.
2. Dispute resolution procedures:
 - grievance
 - discipline
 - job- and performance-grading
 - trade union recognition
 - promotion
 - interpretation and application of agreements.
3. Dispute resolution procedures:
 - collective bargaining
 - joint consultation and information-giving institutions
 - voluntary arbitration (in trade disputes and as an alternative to employment tribunals)
 - voluntary arbitration as an alternative to the employment tribunal system in, for example, alleged unfair dismissal disputes and disputes over requests for more flexible working arrangements.

4. Preparation and conducting of grievance-handling matters; disciplinary incidents; consultation; bargaining meetings.
5. The law in relation to:
 - variation of contracts
 - equal pay and non-discriminatory pay structures
 - statutory grievance and disciplinary procedures
 - bullying and harassment
 - disability
 - trade union recognition
 - industrial action
 - information and consultation.
6. Individual employee rights:
 - maternity/paternity
 - adoptive leave
 - holiday
 - time off for public, trade union and other statutory and contractual duties.
7. Skills required to manage the employment relationship – interviewing, listening, observing, chairing, oral presenting, note-taking, report-writing, numeracy.

4. Managing the exit from employment

Operational indicators

Practitioners must be able to:

1. Contribute to termination and exit interviews.
2. Contribute to procedures and practices for dispute resolution and redundancy.
3. Identify where there is potential for TUPE to apply, and advise accordingly.
4. Advise on potentially discriminatory criteria and procedures in the selection for dismissal.
5. Maintain records of employment.

Knowledge Indicators

Practitioners must understand and be able to explain:

1. Legislation relating to unfair and constructive dismissals and employment tribunals.
2. Contract law in relation to:
 - termination
 - pay in lieu of notice/garden leave, etc
 - wrongful dismissal.
3. Legislation and issues raised by:
 - consultation
 - selection for redundancy
 - mergers and acquisitions (TUPE implications).

Indicative content

1. Exit from employment procedures, for example, exit interviews, dismissal procedure, redundancy procedures.
2. Legislation and issues raised by mergers, takeovers and acquisitions, and the potential for TUPE to apply.
3. Legislation and case law relating to unfair and constructive dismissals.
4. The law and case decisions relating to potential discriminatory criteria and procedures in the selection for redundancy.
6. The skills required to manage effectively the exit from employment – interviewing, listening, negotiating, oral and written presentations, assertiveness and numeracy.



Chartered Institute of Personnel and Development
151 The Broadway London SW19 1JQ
Tel: 020 8612 6200 Fax: 020 8612 6201
Email: cipd@cipd.co.uk Website: www.cipd.co.uk

Incorporated by Royal Charter Registered charity no.1079797