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Subject Resource Guides

Research and Resources for Employment Law

Abstract: Employment is one of the five main departments at City law firm Fox Williams LLP. In the following article, Julie Keys considers the resources needed to support an employment practice and how these relate to the research requirements of employment lawyers.
Keyword: employment

Introduction

Fox Williams is regarded by Chambers and Legal 500 as one of the top city employment firms who advise clients in a whole range of commercial sectors. We have a reputation as specialists on employment issues in partnership law and in the financial services sector.

General characteristics of employment law

The principal rights and obligations imposed on employers and employees arise from three sources:

- Common law, which governs any contract of employment between employer and employee and includes the body of law created by earlier decisions:
- UK legislation: and
- European legislation and judgements of the European Court of Justice (ECJ)

Contracts of employment and common law

Generally an employer and employee are free to agree whatever contractual terms they wish, provided certain statutory minimum rights are complied with. A contract of employment need not be in writing, although employees who have been employed for one month or more are entitled by virtue of section 1 of the Employment Rights Act 1996 (ERA 1996) to a written statement of certain particulars of employment within two months of starting employment. Senior executives' contracts usually are in writing and written particulars of certain key terms are provided.

The common law also implies certain general terms into contracts of employment. For example, employees must exercise reasonable skill and care or there is an implied mutual obligation of loyalty or employees would not reveal confidential information and so on.

With over twenty years experience in employment law, Fox Williams has built up a substantial database of employment precedents and we also subscribe to the employment service supplied by Practical Law Company (PLC) www.practicallaw.com . This service is supported by in-house lawyers and practising consultants for PLC, has practice notes, standard documents and checklists and is maintained daily to produce a winning formula with most law firms.

LexisNexis recently introduced the LexisNexis PSL service in Employment which has precedents and links to their Employment Service texts. It has direct links to legislation and other relevant texts, for example, *Encyclopaedia of Forms and Precedents*, available from LexisNexis www.lexisnexis.com/uk/legal.

Statutory rights

Subject to certain qualifications, employees have a number of statutory minimum rights and it is generally not possible to exclude them from employment agreements. The main domestic legislation, available for viewing on www.opsi.go.uk is the ERA 1996. We also use Westlaw and LexisNexis subscription services for access to legislation.

The Government site Department for Business Innovation and Skills (BIS) http://www.bis.gov.uk/ carries access to legislation, regulations and best practice policy.

Since 6 April 2009 the *ACAS Code of Practice on Disciplinary and Grievance Procedures* must be followed in cases of dismissal for misconduct and poor performance. http://www.acas.org.uk/

ACAS stands for Advisory, Conciliation and Arbitration Service and was founded in 1975. Although largely funded by BIS, ACAS is a non-departmental body, governed by an independent Council.

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It aims to improve organisations and working life through better employment relations. It helps by supplying up-to-date information, independent advice and high quality training and working with employers andemployees to solve problems and improve performance. It offers facilities for conciliation and mediation.

European law

UK employment law has been heavily influenced by European law, particularly in areas of equal pay treatment. Many of the statutory minimum rights stem from European legislation. A number of ECJ judgments have also had an important impact on domestic legislation. http://ec.europa.eu/social/home.jsp

Texts

Employment lawyers working on contract issues will reach for their *Harvey on Industrial Relations and Employment Law* – looseleaf for checking the law, *Butterworths Employment Law Handbook* – annual or *Tolley's Employment Law Handbook* - annual and for a quick scan, *Tolley's Employment Law* looseleaf. All available online, bundled as *LexisNexis Employment Service*.

We advise on contracts of employment and also disputes arising from actions of both employers and employees. One extremely practical publisher is Income Data Services Ltd (IDS). An independent research organisation it produces the *IDS Employment Law Brief Service*, which is a source of employment law information and analysis. The service includes a fortnightly journal, regular handbooks and supplements and a comprehensive online service with daily alerts. The handbooks, in particular, are a heavily used resource.

http://www.incomesdata.co.uk/

Other texts which are in use or which will be published as new editions later this year include:

- *Tolley's Pensions Law* - looseleaf
- *Employment Covenants and Confidential Information: Law, Practice and Technique* K. Brearley & S. Bloch.
- *Tolley's Employment and Personnel Procedures* - looseleaf
- *McMullen: Business Transfer and Employee Rights* – looseleaf
- *Limited liability Partnership Law* - John Whittaker, John Machell, Colin Ives
- *Redundancy: Law and Practice* J McMullen
- *Unfair Dismissal* M Duggan

Case law

Claims against employers or employees may be brought in the county court or High Court, or before an employment tribunal. The maximum payment that a tribunal can order for a successful claim is £25,000. There is no maximum award in the courts.

The Employment Tribunals are independent judicial bodies who determine disputes between employers and employees over employment rights. Administrative support to employment tribunals is provided by the Tribunals Service, an executive agency of the Ministry of Justice.

Case judgments from the Employment Tribunals are not readily available. You need to send the Tribunals Service a fee in advance with the case details or go to Suffolk yourself and search for it. The contact details are on the website http://www.employmenttribunals.gov.uk/

Employment Appeals Tribunals do publish case reports on their website and the London office is extremely helpful with retrieving old cases.http://www.employmentappeals.gov.uk/

Court case reports are available from the usual sources Bailii, Westlaw, LexisNexis.

Current law and keeping up to date

Alerts

The following alerts are popular in our office and although the full text is available as a subscription service it is worth signing up to receive the abbreviated email as it will alert you to look further.

PLC

LexisNexis PSL

IDS

Expert HR - http://www.xperthr.co.uk/

Personnel Today http://www.personneltoday.com/home/default.aspx

Journals – paper and online

Practice areas have their champions and for employment it is Michael Rubinstein. Known for the introductory Highlights in the monthly *Industrial Relations Law Reports*, he publishes, *Equal Opportunities Review*, under his own banner, Michael Rubinstein Publishing. A journal with online access, it is a must read for those tasked with keeping their Employment team up to speed on the latest cases and the changes in law.

IDS Employment Law Brief is very good for case summaries.

Employer's Law and *Employment Law Journal* published by Legalease

Lawyers at Fox Williams belong to the Employment Lawyers Association (ELA) which produces a journal but also provides courses and seminars and net working opportunities. http://www.elaweb.org.uk/

Conclusion

The employment team, at Fox Williams, is an experienced group of lawyers, therefore my role is largely administrative.

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I maintain the library stock, distribute the journals and will do case and article searches. I do alert them to new legislation and interesting cases but usually find that they are already aware of these and have often been asked to make public statements about their impact on employment law. I have worked with several law firms and I have tried to include in this article the material that I have found to be used consistently in their employment departments.

Biography

Julie Keys is the Information Manager at Fox Williams and a member of the LIM Editorial Board.

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Current Awareness

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This *Current Awareness* column, and previous *Current Awareness* columns, are fully searchable in the *caLIM* database (Current Awareness for Legal Information Managers). The *caLIM* database is available on the Institute of Advanced Legal Studies website at: http://ials.sas.ac.uk/library/caware/caware.htm

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