

SFJIB16

Provide specialist employment legal advice and progress cases with clients



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## Overview

This standard is about providing specialist legal advice for a broad range of employment issues. This includes your ability to advise clients on more complex areas of employment law. You will also know how and

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## Performance criteria

*You must be able to:*

1.  
communicate with the client in a manner appropriate to their understanding and needs
  - 1.1 explain to clients the services that you can offer in line with their

## Knowledge and understanding

### *You need to know and understand:*

You need to know and 1. how to adapt communication styles in ways which are appropriate to

the needs of the client

1.  
relevant legislation, case law and guidance in your jurisdiction relating to employment status
2.  
specific statutory rights protecting different clients and client groups
3.  
key aspects of employment contracts
4.  
the purpose of employment contracts
5.  
the differences between statutory and contractual employment rights
6.  
how to apply legislation, case law and precedent from the legislative framework in your jurisdiction relating to:
  - 7.1 wrongful dismissal
  - 7.2 unfair dismissal
  - 7.3 constructive unfair dismissal
  - 7.4 automatic unfair dismissal
  - 7.5 Transfer of Undertakings (Protection of Employees) (TUPE)
  - 7.6 statutory rights in work
  - 7.7 redundancy
  - 7.8 direct and indirect discrimination
  - 7.9 harassment
  - 7.10 victimisation
  - 7.11 reasonable adjustments for disability
  - 7.12 discrimination arising from disability
  - 7.13 equal pay
7.  
working-time regulations and specific adjustments that can be

applied

8.

circumstances where discrimination may be a factor

9.

relevant statutory bodies for enforcement and equality in employment

10.

how to assess the merits of a claim

11.

the types of tribunal and court procedures in your jurisdiction

12.

the types of formal documents available to support employment casework

13.

how to draft formal documents, and the key elements to include

14.

issues relating to calculating compensation

15.

compensation remedies available in relevant tribunals and courts

16.

the role of arbitration bodies

17.

how to calculate compensation within arbitration processes

18.

methods, approaches and tactics for negotiation

19.

grounds and procedures for appeals

20.

when it is appropriate to instruct expert witnesses, and the procedure for instructing them

21.

when it is appropriate to engage in alternative dispute resolution processes

22.

fees which apply to employment tribunals

23.

how to apply for remission of employment tribunal fees

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