**Assignment 1 Answer Guide**

Sam has just graduated from the University of Business and has applied for a three week internship with a commercial law firm called London Law

Sam has just found out that she has received an invitation to interview for an internship. Sam is aware that if she impresses members of the various departments at London Law it may lead to a training contract at the firm. Sam has been told by Deb, the HR Manager at London Law, that during the internship, the successful candidate would spend time in each of the following two departments: **Company/Corporate** **Law and the Employment Law Division.** As part of the interview process, Sam is given a set of questions. One question relates to the two departments in which she would work during her internship.

**Sam is asked the following:**

1. Discuss the fundamental features of the formation of the Company in the UK (750 words).
2. Discuss the broad structure of UK Employment Law and indicate who you think UK Employment Law favours – either employers or employees (750 words).

Put yourself into Sam’s shoes – you become Sam for the day!

**1. Discuss the fundamental features of the formation of the Company in the UK (1000 words).**

**Introduction** - Discuss the core elements of UK Company law – what is the history of the Company Acts that get us to the Companies Act of 2006. The Companies Act was reforming and all-encompassing (that is include all possibilities). There was a committee that was set up to look into the process of law reform that led to the Companies Act 2006. Look at the background to what led to this law coming into operation. And describe to the reader the **essential features of the** **Companies Act** 2006.

**Suggestion for Introduction** – google background to Companies Act 2006.

Start with how the **Companies Act** distinguishes between a Private Limited Company (LTD) and a Public Limited Company (PLC). In doing so tell the reader what the key differences are between the PLC and the LTD, the two dominant types of company that exist in the UK. **I go into this in detail from PPT 17-22 in particular. Read the pdf document in the portal on the Companies Act for further information on how to distinguish between the PLC and LTD.**

**Then go into outlining the 2 other main forms of company that we have in the UK – this is the sole trader and then the limited liability partnership company.** The power points and my lecture notes went into great detail on these 2 types of company as well. I said a lot about the pros and cons of a partnership. Go through these and tell us about them. **Read the pdf document under the link for Company Law in the portal for BLE.**

So focus on describing the fundamental features and structure of the 4 different types of company – the Public Limited Company (PLC), the Private Limited Company (LTD), the sole trader and the Limited Liability Partnership.

**Part 2 - Discuss the broad historical structure of UK Employment Law (since 1970) and indicate who you think UK Employment Law favours – either employers or employees (1000 words).**

We covered the twists and turns in UK Employment Law since **1970 to 2016** (approximately).

The approach you should take is this – **outline the approach you will take in the Introduction.**

Then each paragraph should cover each of the consecutive periods of **Employment Law reform**. These periods were broken down in to which political party was in power. These were the periods that we broke down:-

**1970-74** - Conservative government and the balance tended to favour employers (somewhat hostile to collective bargaining principles). Describe how the laws passed in this period impacted on principles of collective bargaining…

**1974-79** – Labour Government and the balance tended to favour employees (somewhat more favourable to collective bargaining), but also describe the anti-discrimination laws passed by Parliament in this period between 1974-79.

**1979-1996** – Conservative Government and the balance moved firmly in favour of employers (much more hostile to collective bargaining). Great emphasis on using free-market principles in relation to collective bargaining and marginalise the role of trade unions in this process – how did this happen? I covered in the lecture and the **power-points** two broad areas that the Conservative Govt used to restrict trade unions. The Conservatives (particularly when Margaret Thatcher was Prime Minister) stressed privatising state industries…discuss how privatisation of state industries further eroded trade union rights. And mention that all these reforms led to reduction in trade union membership since the 1970s.

**1997-2010** – Labour Government (this was New Labour in power and the balance shifted back a little in favour of employees and collective bargaining. What were legal reforms in this period that benefited trade unions and what were the anti-discrimination passed in this period. And also don’t forget the role of the **Equality Act 2010**.

**2010** – Since 2010 there was a collation Conservative/Liberal Democrat government in power and from 2015 a Conservative Government. Not much Employment legislation (laws) was passed and the status quo that New Labour left in place was largely untouched. But in early 2022 we were all shocked to see **P & O** ferry staff sacked by **P & O Ferries. See**

**https://researchbriefings.files.parliament.uk/documents/CBP-9529/CBP-9529.pdf**. Why don’t you do some research on this incident using google and finish of this question by saying something briefly about why **P & O** were able to sack their staff with no consequences.

It seems that the balance still remains too much in favour of employees as the **P & O Ships** scandal reveals. Say something about this as you conclude this question..