

The Employment Contract Legal Principles Drafting And Interpretation Employment Law Practice Series

The law of work has evolved as a patchwork of legal interventions in the labor market, sometimes by statute, and sometimes through the common law of judicial decisions. Most law school curricula divide the law of work into three topical areas--Labor Law, Employment Law, and Employment Discrimination--and offer separate courses in each area. Labor law in the United States is understood to encompass the study of the National Labor Relations Act, the law governing union organizing and collective bargaining. It is the law of collective rights at work. Employment law refers to the statutes and common law governing individual rights at work. It ranges from minimum standards legislation to judicially created doctrines based in tort and contract law. Employment discrimination law deals with the statutes and interpretative case law advancing the antidiscrimination norm in the workplace. These statutes address the problem of status discrimination at work (e.g., discrimination on the basis of race, sex, national origin, ethnicity, religion, disability, or sexual orientation). A comprehensive study of the law of work also provides an opportunity to assess critically what form enforcement of rights should take. Should conflicts between employers and employees be channeled into private resolution systems such as collective bargaining or contractual arbitration, or is the public interest sufficient to justify committing administrative, judicial and legislative resources to it? What is the significance of casting employee rights as collective--and therefore entrusting their enforcement to an employee representative such as a union--versus conceptualizing them as individual? Must such a collective representative be independent of the employer, or do employer-initiated employee committees further worker voice just as effectively? Doesn't history also warn of the risks of subordinating individual interests to those of the collective, particularly in the context of a diverse workforce with minority groups characterized by race, ethnicity or gender? Accordingly, the casebook is called "Work Law" and it endeavors to present basic materials on each system of labor market regulation. The book identifies core themes of conflict and concern in the workplace, canvass the governing law, and offer a vantage point for assessment. Several themes furnish the organizing structure for the book. The book asks how law should mediate the perennial conflict between employer and employee rights; what difference it makes whether employee rights are conceptualized individually or collectively; what significance the increasing racial, ethnic, and gender diversity of the workforce should have for legal policy; whether dispute resolution systems should be privatized (via collective bargaining or individual contract) or remain in the public fora (courts and legislatures); and whether law is the most effective way to address interests of employers and employees (as contrasted, for example, with human resource practices, employer initiatives, or employee self-help measures). The book will be most useful in Employment Law courses that address the significance of conceptualizing rights at work individually as opposed to collectively. Its strength is its refusal to categorize the law of the workplace in doctrinal boxes that may be out-of-date by the time the book reaches maturity. The book adverts to Labor Law principles at a number of points throughout the book, but at a policy level rather than a doctrinal level, as a way of introducing and evaluating an alternative model of employee representation; the book does not assume any knowledge of Labor Law on the part of teacher or student and makes no effort to provide a satisfactory substitute for a Labor Law text. The book offers some detail in the law of Employment Discrimination but does so primarily with an eye toward surveying the field and assessing antidiscrimination regulation as a response to an increasingly diverse workforce, rather than providing an in-depth study of Employment Discrimination principles. The text surveys the existing legal landscape, but it does not stop there. Work Law is an exciting and intellectually stimulating practice area because it is of necessity in a constant state of flux, responding to labor market innovations. Flexibility in thinking is vital to this area of practice.

This convenient paperback from a highly respected author team supplements the authors' own casebook as well as any other casebook for Contracts. It reproduces most sections from the Restatement (Second) of Contracts black-letter text with selected comments, examples, and illustrations; most sections of the Uniform Commercial Code Articles 1 and 2, with more select sections of Articles 2A, 3 and 9; most articles from the United Nations Convention on Contracts for the International Sale of Goods (CISG); and many articles from the UNIDROIT Principles of International Commercial Contracts. This supplement also reproduces excerpts from other relevant source materials and provides accompanying commentary to enhance the study of contract law. Rules of Contract Law (2019 Edition) includes: • Restatement (Second) of Contracts • Restatements of the Law of Agency (Third), Employment Law, and Restitution and Unjust Enrichment (Third) • Principles of the Law of Software Contracts • Uniform Commercial Code Articles 1 and 2 and excerpts from Articles 2A, 3, and 9 • U.N. Convention on Contracts for the International Sale of Goods • UNIDROIT Principles of International Commercial Contracts (2016) • Materials on Electronic Contracting (UCITA, UETA, and E-Sign Act) • Comment on Commercial, Employment, and Consumer Arbitration • Contract Drafting: A Sample Problem Highlights of the 2019 Edition: Expansive coverage of Restatement (Second) of Contracts, but more concise than prior edition Select provisions from other Restatements, including Restitution and Unjust Enrichment (Third), Agency (Third), and Employment, as well as Principles of Law of Software Contracts Expansive coverage of UCC Articles 1 and 2 Expansive coverage of the CISG Commentary on arbitration and contract drafting problems

Contract Law: Principles and Context presents the development of contract law through a considered selection of cases that are both authoritative and used as factual examples to explain the law. The text introduces readers to the nature and range of contracts, the process for making a contract, rights and duties, adjustments to contracts, vitiating factors and unfair conduct, ending contracts, and remedies and restitution. The text considers the historical development of contracts through case law and legislation, then takes the reader to particular issues with contracts as they might arise in real life and navigates a legal pathway through them. Written in a clear and engaging style, Contract Law provides a fresh, topical

and accessible account of the Australian law of contract, and is an invaluable resource for contract law students and practitioners.

Covenants Not to Compete fully explores legal principles for forming, drafting and implementing sound non-competition agreements. It clearly lays out what interests can be protected and covers the legal limits of enforceability. It is the most complete, practical resource on the subject of restrictive covenants, covering the litigation process from discovery through closing argument, including plaintiff and defendant approaches. The Fourth Edition provides up-to-date information on topics as: State law as reflected in State Case Digests for all 40 states, Puerto Rico and the District of Columbia Drafting considerations Assignments of covenants as a result of mergers and acquisitions Covenants Not to Compete even includes ready-to-use documents as well as individual clauses that can be easily customized for specific needs. Among these legally sound models are: Employment agreements in a variety of contexts Settlement and release agreements Confidential information clauses Non-competition provisions Litigation forms Covenants Not to Compete has been updated to include: New cases from various states addressing whether restrictions contained within a covenant not to compete in the employment context are reasonable Recent cases from various states addressing damages and injunctive relief New cases from various states analyzing covenants not to compete in connection with the sale of a business Recent cases from various states addressing the so-called "bluepencil" doctrine Recent cases addressing non-solicitation agreements and consideration issues

There is a dearth of well researched books on important disciplines in law written by Cameroonians. This regrettable situation has invariably meant a reliance of substantive and practice books written mostly by Nigerian and English writers. While books written by these writers have been helpful, they have not always captured the peculiarities and judicial attitudes of the Cameroonian context. When approached from the perspective of practice in the Anglophone regions, not even Cameroonian writers of French orientation have done justice to this situation. This book contributes to filling this gap. It is a comprehensive review that combines an analysis of the principles and basic procedure of labour law in Cameroon. Yanou draws on solid academic research as well as a wide ranging experience in legal practice across Cameroon and Nigeria to present a coherent and practical elaboration of themes such as employment, dismissal, remedies for wrongful dismissal, compensation for industrial injuries, and trade unions. The book is also motivated by the desire for a repository for members of the Bar and Bench, judges, academics, students and human resources practitioners.

Employment Law in Practice provides full coverage of the substantive areas of employment law likely to be encountered by a lawyer in the early years of practice. Topics covered include unfair dismissal, breach of contract, discrimination, equal pay and family friendly provisions. This manual also employs sample cases to illustrate how to complete relevant forms, deal with interlocutory stages and use special procedures and record settlements to encourage students to develop and practise their legal skills in an employment law context.

The world of work has undergone major changes in the last two decades. This book examines these changes in their international context. It is argued that collective bargaining should no longer be viewed as the most important means of regulating the employment relationship. In the changed world of work such an approach is becoming less relevant. Instead, other means of protecting legitimate worker interests are explored. These include: an adaptation and extension of the general principles of the law of contract; a constitutional right to fair labour practices; and the pursuit of good corporate governance and corporate social responsibility. The conclusion is that these alternative means of addressing legitimate worker interests can play a valuable role in filling the vacuum left by the worldwide decline of trade unions. Provides a fresh, topical and accessible account of the Australian law of contract.

During the middle third of the 20th century, workers in most industrialized countries secured a substantial measure of job security, whether through legislation, contract or social practice. This "standard employment contract," as it was known, became the foundation of an impressive array of rights and entitlements, including social insurance and pensions, protection against unsocial working conditions, and the right to bargain collectively. Recent changes in technology and the global economy, however, have dramatically eroded this traditional form of employment. Employers now value flexibility over stability, and increasingly hire employees for short-term or temporary work. Many countries have also repealed labor laws, relaxed employee protections, and reduced state-provided benefits. As the old system of worker protection declines, how can labor regulation be improved to protect workers? In Rethinking Workplace Regulation, nineteen leading scholars from ten countries and half a dozen disciplines present a sweeping tour of the latest policy experiments across the world that attempt to balance worker security and the new flexible employment paradigm. Edited by noted socio-legal scholars Katherine V.W. Stone and Harry Arthurs, Rethinking Workplace Regulation presents case studies on new forms of dispute resolution, job training programs, social insurance and collective representation that could serve as policy models in the contemporary industrialized world. The volume leads with an intriguing set of essays on legal attempts to update the employment contract. For example, Bruno Caruso reports on efforts in the European Union to "constitutionalize" employment and other contracts to better preserve protective principles for workers and to extend their legal impact. The volume then turns to the field of labor relations, where promising regulatory strategies have emerged. Sociologist Jelle Visser offers a fresh assessment of the Dutch version of the 'flexicurity' model, which attempts to balance the rise in nonstandard employment with improved social protection by indexing the minimum wage and strengthening rights of access to health insurance, pensions, and training. Sociologist Ida Regalia provides an engaging account of experimental local and regional "pacts" in Italy and France that allow several employers to share temporary workers, thereby providing workers job security within the group rather than with an individual firm. The volume also illustrates the power of governments to influence labor market institutions. Legal scholars John Howe and Michael Rawling discuss Australia's innovative legislation on supply chains that holds companies at the top of the supply chain responsible for employment law violations of their subcontractors. Contributors also analyze ways in which more general social policy is being renegotiated in light of the changing nature of work. Kendra Strauss, a geographer, offers a wide-ranging comparative analysis of pension systems and calls for a new model that offers "flexible pensions for flexible workers." With its ambitious scope and broad inquiry, Rethinking Workplace Regulation illustrates the diverse innovations countries have developed to confront the policy challenges created by the changing nature of work. The experiments evaluated in this volume will provide inspiration and instruction for policymakers and advocates seeking to improve worker's lives in this latest era of global capitalism.

Theories of enterprise liability have, historically, had a significant influence on the development of various aspects of the law of torts.

Enterprise liability has impacted upon both statutory and common law rules. Prime examples would include laws on workmen's compensation and products liability. Of late, in a number of jurisdictions, enterprise liability has been a powerful catalyst for change in the employer's responsibilities towards third parties by prompting changes to the law on vicarious liability. The results have been seen most dramatically where the employer's responsibility for the intentional torts of employees is concerned. Recent common law reforms have not been without controversy and have raised difficult and challenging questions about the appropriate scope of an employer's responsibility. In response to this, Douglas Brodie offers a critique of the employer's common law obligations, both in tort and under the law of contract of employment. The *Employment Law Review*, edited by Erika C Collins of Proskauer Rose LLP, serves as a tool to help legal practitioners and human resources professionals identify issues that present challenges to their clients and companies. As well as in-depth examinations of employment law in 48 jurisdictions, the book provides further general interest chapters covering the variety of employment-related issues that arise during cross-border merger and acquisition transactions, aiding practitioners and human resources professionals who conduct due diligence and provide other employment-related support in connection with cross-border corporate M&A deals. Other chapters deal with global diversity and inclusion initiatives across the globe, social media and mobile device management policies, and the interplay between religion and employment law. Contributors include: Els de Wind, Van Doorne; Annie Elfassi, Loyens Loeff. "Excellent publication, very helpful in my day to day work." - Mr Frederic Thorat, Head of HR, BNP Paribas"Excellent coverage and detail on each country is brilliant." - Mr Raani Costelloe, General manager of Legal and Business Affairs, Sony music Entertainment, Australia"An excellent resource for in-house counsel for a company with an international footprint." - Mr John R Pendergast, Senior Counsel, BASF Corporation, USA"It's invaluable to any lawyer dealing with cross-border and privacy-related employment issues and is a cornerstone to my own legal research" - Oran Kiazim, Vice President, Global Privacy, SterlingBackcheck, UK

Labor and Employment Law in the United States is a unique and important treatise that in a single, concise text covers all aspects of the law of work both in organized and unorganized workplaces. It surveys the full range of legal principles and statutory and administrative structures and procedures that govern employment relations. Additionally, it provides essential background information that places the law in context with the economic, political and social forces which shape its development. *Labor and Employment Law in the United States* is a complete revision of Professor Goldman's earlier treatise *Labor Law and Industrial Relations in the U.S.A.* . The title change reflects the impact of developments in the law of the workplace during the past decade and a half, with the resulting expansion of the treatise's coverage of the law and individual employment contracts, As well as examination of new federal legislation such as the American with Disabilities Act, The Family and Medical Leave Act And The Plant Closing Act (WARN). *Labor and Employment Law in the United States* will serve equally well as a desk reference for lawyers and labor relations specialists and as a text for courses in industrial relations, human resources and training programs. This treatise was originally published as part of the *International Encyclopaedia for Labour Law and Industrial Relations* .

Employment Law introduces students to major issues and problems in labor policy and the practice of employment law, moving from one practical or policy area to the next, recalling and expanding students' understanding of basic legal principles in particular contexts, and introducing laws specially designed for the protection of employees and other individual workers. Updates to the Fourth Edition: Materials current through early 2018 and the early Trump Administration Updated materials on employee status and joint employers in the sharing and gig economy New materials on interns and other student workers proof and rebuttal of mixed motive discrimination on the basis of sexual identity and orientation the "personal comfort" doctrine in workers' compensation law testing for prescription drugs and "direct observation" rules Employee "concerted action" in "dealing" with employer, including use of social media Updates on the impact of the Affordable Care Act on employee benefit plans the impact of Marijuana legal reform employer electronic surveillance of employees Developments in the law of tortious interference

Employment Law in Context combines extracts from leading cases and articles with insightful and sophisticated author commentary to provide the reader with a full, critical understanding of employment law. As well as providing a thorough grounding in individual labour law, and drawing attention to key and current areas of debate, this title offers the reader detailed analysis of the social, economic, political, and historical context in which employment law operates. An innovative running case study contextualizes employment law and demonstrates its practical applications by following the life-cycle of a company from incorporation, through expansion, to liquidation. Reflection points and examples encourage the development of critical thinking skills and students' ability to view the issues practically. The text is supported by an Online Resource Centre hosting: - four supplementary chapters on collective employment law to facilitate a broader understanding of the subject - additional reading lists to accompany topics signposted in each chapter and annotated web links to key online resources to direct further research - a flashcard glossary helps students test their understanding of terms highlighted and defined in the book - twice-yearly updates to the law are provided by the author to keep students abreast of the latest developments - PowerPoint slides and figures from the book are available to lecturers

Provides a summary of legal developments under the Employment Contracts Act 1991. Supplementary material is included, covering related topics, such as the common law principles governing the contract of employment, and the law relating to wages, unions, the economic torts and picketing.

Derived from the renowned multi-volume *International Encyclopaedia of Laws*, this practical analysis of the law of contracts in Finland covers every aspect of the subject – definition and classification of contracts, contractual liability, relation to the law of property, good faith, burden of proof, defects, penalty clauses, arbitration clauses, remedies in case of non-performance, damages, power of attorney, and much more.

Lawyers who handle transnational contracts will appreciate the explanation of fundamental differences in terminology, application, and procedure from one legal system to another, as well as the international aspects of contract law. Throughout the book, the treatment emphasizes drafting considerations. An introduction in which contracts are defined and contrasted to torts, quasi-contracts, and property is followed by a discussion of the concepts of 'consideration' or 'cause' and other underlying principles of the formation of contract.

Subsequent chapters cover the doctrines of 'relative effect', termination of contract, and remedies for non-performance. The second part of the book, recognizing the need to categorize an agreement as a specific contract in order to determine the rules which apply to it, describes the nature of agency, sale, lease, building contracts, and other types of contract. Facts are presented in such a way that readers who are unfamiliar with specific terms and concepts in varying contexts will fully grasp their meaning and significance. Its succinct yet scholarly nature, as well as the practical quality of the information it provides, make this book a valuable time-saving tool for business and legal professionals alike. Lawyers representing parties with interests in Finland will welcome this very useful guide, and academics and researchers will appreciate its value in the study of comparative contract law.

The Labor Law of the People's Republic of China, originally promulgated in 1994, has undergone many changes and continues to be subject to judgments and arbitral awards arising from disputes and such claims as breaches of labor contract and denial of benefits. This book provides most updated, detailed, and comprehensive interpretation of Chinese labor law issues, focusing on detailed analysis of twenty leading cases. The first part of the book describes in depth the role of labor law in Chinese society, elaborating on its development and its characteristic features. The cases that follow, each described in minute detail, thoroughly explicate the issues that underlie the dynamic growth of Chinese labor law, such as the following: establishment and identification of the employment relationship; performance, change, dissolution, and termination of the employment contract; determining atypical employment relationships; fiduciary duties; health insurance provisions; work-related injury; labor dispatching service; legal remedies—mediation, arbitration, litigation; labor inspection; legal issues on

foreigners' employment in China; violation of rights to privacy, human dignity, and equal employment; enterprise dissolution or merger; employer's right to dismissal; economic compensations arising from illegal dismissal; and worker's damages arising from illegal dissolution of the employment contract. The carefully selected cases span the full range of labor law issues, with perspectives from parties to the action, attorneys, and judicial personnel as well as the editor's expert analysis of the legal principles, statutes, and case law involved. This English translation of a book published in 2016—the first to focus on labor and employment-related issues in China in a comprehensive way via case law—will help the international community to understand China's labor law environment and its current achievements. It will prove of immeasurable practical value for practitioners, arbitrators, and academics, as well as for employers and workers with an interest in China. This collection of materials can be used with any Contract Law casebook. In addition to the editors' helpful introduction, this volume contains relevant portions of the Restatement (Second) of Contracts and Article 2 of the Uniform Commercial Code; materials on electronic contracting, such as excerpts from the text and comments of the Uniform Computer Information Transactions Act; portions of the text and comments of the Uniform Electronic Transactions Act; portions of the Electronic Signatures in Global and National Communications Act; most of the black-letter text of the Proposed Final Draft of the Principles of the Law of Software Contracts; and relevant black-letter provisions of Tentative Draft No.1 of the Restatement Third of Employment Law.

The aim of this research is to investigate the implications of unfair dismissal within the boundaries of Omani labour law with particular relevance to the role of Shari'a. Shari'a itself does not provide a legal code, contract law, or a law of tort as yet but it does provide examples of applicable rules, supported with analogies, to deal with employment. The basic principles of forming a contract in Omani Commercial Law; English Law and Shari'a are similar; however, they differ in application. Likewise, the principles of the employment contract are similar with a few differences being seen in implementation; specifically with regards to unfair dismissal issues. This research used a qualitative approach that has enabled the generation and analysis of data from multiple sources including literature review, semi-structured interviews, court cases, Shari'a implied employment contract principles as found in the Qur'an, the Sunnah and relevant Islamic texts. The research shows that the main reasons for employee dismissal can be categorised into: poor performance, disobedience regarding the contractual rules and regulations, absenteeism, aggressive behaviour and an extreme critical attitude in the work-place. From the employee's perspective, the main reasons for filing cases at Oman Courts were to seek justice, to obtain fair compensation or to highlight the moral values that form the Islamic code of practice. In contrast the employers considered seeking financial gain and revenge as the motivating factors for employees for filing court cases. There obviously is a mismatch to the reasons by each side and the key findings from this research suggest that there is a modest impact of the legal aspects of Shari'a on the Omani Law of Contract and the Employment Law though it is normally conceived by the public that Shari'a is the fundamental law that governs all aspects of muslim life. There needs to be an overwhelming expectation and requirement to develop procedures in the Omani Employment Law that expedite the process of dealing with dismissal cases and the propositions of establishing an arbitration committee may seem to be a way forward. In addition, the establishment of a Labour Court is paramount as at present the employment cases are heard in the Commercial Courts. This will align with the approach taken in the English system where the Employment Tribunals and the Employment Appeal Tribunal oversee cases and minimize delays in achieving justice. There is also a strong argument that there needs to be a review of Article 40/35/2003 that deals with employer rights to dismiss the worker without prior notice in order to establish a solid foundation for justice in the Sultanate of Oman. Unfair dismissal is a phenomenon that impacts on the employee, the employer, the employee's wider family network and society. This study provides an in-depth understanding and insight into these impacts and into the capacity of Shari'a impact to address modern employment issues in relation to the labour laws and secular laws being used in Oman today.

The law of contracts permeates most, if not all, other subjects of legal education. The third edition of Principles of Contract Law surveys the fundamental legal principles underlying the law of contracts, addressing such customary topics as contract formation, defenses and other doctrines of avoidance, breach and performance, remedies, as well as such other collateral but related topics involving third-party beneficiaries, assignments and delegations. The text addresses the traditional common law principles governing contracts, and yet is accompanied by a steadied discussion of relevant commercial law principles pertaining to the sale of goods under Article 2 of the Uniform Commercial Code. When able to do so, the authors remained loyal to their commitment to utilize time-honored, classic common law cases in their presentment of the subject matter. While this textbook adopts a classical approach to the study of contracts, it is also provides a relevant and robust experience for the aspiring law student. About the Authors: Kevin S. Marshall is Professor of Law at the University of La Verne College of Law, Ontario California where he teaches Contracts, Antitrust, Corporate Finance and Governance and Law & Economics. Professor Marshall also serves as Lecturer at the University of La Verne College of Business and Public Administration where he teaches graduate courses in finance, economics and quantitative methods. Professor Marshall joined the La Verne Law faculty in 2004, after having practiced law for approximately twenty years in Dallas, Texas. Professor Marshall received his J.D. from Emory University School of Law and his M.P.A. and his PH.D. in Political Economy from the University of Texas. Professor Marshall also serves as both a testifying and consulting economic expert with respect to economic damages in Robinson-Patman, antitrust, breach of contract, class-action fairness hearings, wrongful termination, employment discrimination, personal injury, and wrongful death cases. Professor Marshall has published and presented numerous books and articles involving the interdisciplinary workings of law and economics. Juanda Lowder Daniel currently serves as University Counsel to California State University. Professor Daniel formerly taught at the University of La Verne College of Law at the rank of Full Professor teaching Contracts, Contract Drafting and Sales. Professor Daniel received her J.D. from Emory University School of Law. Professor Daniel joined the La Verne Law faculty in 2001, bringing with her a wealth of practice experience and moot court familiarity. Professor Daniel also spent four years as deputy city attorney for the City of Riverside, California, and several years in private practice. She is a member of the state bars of California, Michigan, Illinois, Washington, and Minnesota and is admitted to the United States District Court, Central District of California. Professor Daniel has published and presented numerous articles on various aspects of the law of Contracts and Sales.

This book explores the conceptual framework of European employment law, focusing on understanding the law's construction of employment relationships. The book draws on extensive comparative research of the legal architecture of employment relations in national legal systems and EU law to analyse the traditional model of the contract of employment and the difficulties of using the traditional model to frame modern working relationships. The authors then present a new model of the foundations of employment relationships, based on the concept of a personal work nexus, and explore the potential of their model to shape the future development of employment law. Throughout the book, the authors analyse the interaction of domestic and EU employment law, and discuss the possibility of future legal harmonisation in the area. They conclude by exploring the potential for a common framework for European employment law, in the context of broader debates surrounding the harmonisation of European private law.

This revised and expanded second edition of Contract Law in Hong Kong is the most comprehensive contemporary textbook on Hong Kong contract law written primarily for law students. The 16 chapters of the book cover all basic contract concepts in a reader-friendly style and make ample use of case illustrations. The book deals with all the core areas of Contract Law. The first two chapters introduce the major themes and explain the multiple sources of law in Hong Kong. The subsequent thirteen chapters cover the formation of a valid contract, its contents, "vitiating" elements, the consequences of illegality, the termination of contracts and remedies for breach of contract. The book concludes with an explanation of the doctrine of privity and proposals for reform of the operation of privity in Hong Kong. Particular attention is

given to what makes Hong Kong law different from other common law jurisdictions, and to the continuing significance of English case law in Hong Kong and the theoretical and practical reasons for this. The book is intended primarily as a readable but comprehensive and authoritative text for Hong Kong law students. Practising lawyers and professionals who need to acquire knowledge on the topic, however, will also find this book useful and accessible.

The Employment Contract Legal Principles, Drafting, and Interpretation OUP Oxford

For over 30 years, students, academics and professionals have relied on MACKEN'S LAW OF EMPLOYMENT as one of Australia's most respected works in employment law. This 7th edition continues in that tradition. Authored by a distinguished team of experts, the carefully selected topics and case extracts along with the scholarly commentary ensure reputable guidance on common law and equitable principles as they affect contracts of employment.

Foundational Principles of Contract Law not only sets out the principles and rules of contract law, it places more emphasis on what the principles and rules of contract law should be, based on policy, morality, and experience. A major premise of the book is that the best way to grasp contract law is to understand it from a critical perspective as an organic, dynamic subject. When contract law is approached in this way it is much easier to grasp and learn than when it is presented simply as a static collection of principles and rules. Professor Eisenberg covers almost all areas of contract law, including the enforceability of promises, remedies for breach of contract, problems of assent, form contracts, the effect of mistake and changed circumstances, interpretation, and problems of performance. Although the emphasis of the book is on the principles and rules of contract law, it also covers important theories in contract law, such as the theory of efficient breach, the theory of overreliance, the normative theory of contracts, formalism, and theories of contract interpretation.

The Employment Contract: Legal Principles, Drafting, and Interpretation provides a detailed analysis of the content of the employment contract. It explains the way in which the general principles of contract law operate in respect of the employment contract, discusses the significance of implied terms in interpreting the employment contract, and includes guidance on the drafting of effective employment contracts. Offering a balance between a reliable guide to the current law and an analysis of how the employment contract might develop, the book will be of equal interest to the practitioner and the academic.

BUSINESS LAW: PRINCIPLES AND PRACTICES, 9E has been revised dramatically to enhance learning! The 9th edition offers a new learning system with clear learning objectives to guide students. The fresh two-color design engages students with its contemporary features: Ethics in a Business Setting, You React, and the Self-Check Quizzes. The case examples are presented in readable segments to be clear, current, and jargon-free. Co-authored by Arnold J. Goldman, a practicing attorney and William D. Sigismund, a veteran business law educator, this straightforward text shows students about the law using fascinating cases and ethical dilemmas. Hypothetical examples immediately follow discussion of concepts to further reinforce understanding. The new edition is updated throughout to reflect recent changes in the law, covering legal rights and responsibilities in both the public and private sectors. Important Notice: Media content referenced within the product description or the product text may not be available in the ebook version.

Contracts for Paralegals: Legal Principles and Practical Applications engages students with a practical, applied approach. Using a clear and accessible writing style, Wendling makes a comprehensive presentation of contracts, rounded out by current exercises that motivate lively discussions. Students are encouraged to develop critical thinking, vocabulary, and analytical and writing skills through a variety of real-world exercises, portfolio creation, and team exercises. New to the Second Edition: "Cyber Contracts" feature familiarizes students with the latest blockchain technology in the application of "smart contracts" Updated cases provide students the opportunity to apply their knowledge of chapter topics through analysis of relevant cases Examples of new technology demonstrate the influence of social media on contract origination, performance, and evidence Professors and students will benefit from: An accessible style A variety of approaches that stimulate students A step-by-step chronology that walks students through all the phases of contract formation, performance, and breach Practical applications Portfolio creation

In its third edition (previously entitled Labour Law), Employment Law Core Text has emerged as an extremely valuable student text, providing balanced coverage of the key legislative provisions impacting employment relationships. Tailored to meet the needs of employment law modules, the authors' straightforward approach ensures that the text guides students concisely through the ever changing legislative maze of employment law. Areas of recent development are clearly highlighted, particularly relating to discrimination and equal pay, which are now chapters in their own right. The chapter summaries, self-test questions, and further reading sections enable students to critically self-test themselves as well as aiding exam preparation.

Detailed attention to compliance with labour and employment laws is crucial for success in setting up business in a foreign country. This book – one of a series derived from Kluwer's matchless publication International Labour and Employment Compliance Handbook – focuses on the relevant laws and regulations in China. It is thoroughly practical in orientation. Employers and their counsel can be assured that it fulfills the need for accurate and detailed knowledge of laws in China on all aspects of employment, from recruiting to termination, working conditions, compensation and benefits to collective bargaining. The volume proceeds in a logical sequence through such topics as the following: - written and oral contracts - interviewing and screening - evaluations and warnings - severance pay - reductions in force - temporary workers - trade union rights - wage and hour laws - employee benefits - workers' compensation - safety and environmental regulations - immigration law compliance - restrictive covenants - anti-discrimination laws - employee privacy rights - dispute resolution - recordkeeping requirements A wealth of practical features such as checklists of do's and don'ts, step-by-step compliance measures, applicable fines and penalties, and much more contribute to the book's day-to-day usefulness. Easy to understand for lawyers and non-lawyers alike, this book is sure to be welcomed by business executives and human resources professionals, as well as by corporate counsel and business lawyers.

This text provides a comprehensive guide to the principles of European contract law. They have been drawn up by an independent body of experts from each Member State of the EU, under a project supported by the European Commission and many other organizations. The principles are stated in the form of articles, with a detailed commentary explaining the purpose and operation of each article and its relation to the remainder. Each article also has extensive comparative notes surveying the national laws and other international provisions on the topic.

The contract of employment is the central legal institution of modern English employment law. It provides the foundation upon which most statutory employment rights are constructed; it provides a conduit for the implementation of norms negotiated in collective bargaining; and it continues to provide a contractual structure for the terms and conditions of employment for a significant proportion of the working population. The Contract of Employment provides the most ambitious and comprehensive

treatise on the theoretical and doctrinal aspects of the English contract of employment in the common law world. Under the general editorship of Professor Mark Freedland, the text has been produced by a team of world leading experts in employment law. Part I examines the theoretical context to the contract of employment, studying its structure and development from a wide variety of theoretical and comparative perspectives. Part II provides an exposition and analysis of the doctrinal aspects of the contract of employment. The coverage of The Contract of Employment is unrivalled in its depth, detail and sophistication. The legal analysis is always informed by a keen sense of the modern labour market context of the contract of employment, and it is sensitive to contemporary challenges such as precariousness, the interaction with migration law, the role of legislation in the contract of employment, and the decline of collective bargaining. It will be the principal reference point for the practitioners, judges, and academics concerned with the contract of employment as a legal category, both nationally and internationally.

While there are publications on specific legal fields, no recent book includes several core legal subjects presented in a general manner. Resulting from this need for an updated work on the general principles of law in Hong Kong for use by non-law students and nonlegal professionals, the first edition of this book was published in 2006. After three printings, the latest in 2010, a new edition became necessary to reflect accurately the changes in the law since the first publication. Intended as a practical general guide to the more common legal principles as they relate to Hong Kong -- contract, tort, employment, and property -- the second edition should assist the reader in understanding and anticipating legal issues that might arise in commercial or daily personal situations. Therefore the second edition of this book has been updated to reflect recent court decisions and revisions to Hong Kong ordinances and has been reorganized to render the book more user friendly.

A less-expensive grayscale paperback version is available. Search for ISBN 9781680923018. Business Law I Essentials is a brief introductory textbook designed to meet the scope and sequence requirements of courses on Business Law or the Legal Environment of Business. The concepts are presented in a streamlined manner, and cover the key concepts necessary to establish a strong foundation in the subject. The textbook follows a traditional approach to the study of business law. Each chapter contains learning objectives, explanatory narrative and concepts, references for further reading, and end-of-chapter questions. Business Law I Essentials may need to be supplemented with additional content, cases, or related materials, and is offered as a foundational resource that focuses on the baseline concepts, issues, and approaches.

This book provides a comprehensive overview of employment law and is a useful supplement to any employment law casebook. The book is divided into six chapters. Chapter 1 examines who is an employee and who is an employer. Chapter 2 analyzes the employment-at-will doctrine and job security claims. Chapter 3 focuses on privacy, autonomy, and dignity. Chapter 4 analyzes claims that employers may have against employees. Chapter 5 discusses employment terms and benefits that are directly mandated by law, like minimum wage, or strongly encouraged or regulated by law, such as pensions. Finally, Chapter 6 examines workplace health and safety.

"Flexibilisation," the leitmotiv of contemporary employment, is used by policy makers, employers, human resource managers, and the European money lenders. Part-time employment, limited-duration contracts, temporary work, and freelancing are only a few examples among the "new" forms of employment contracts. But, what does this word actually mean in terms of employment and labor law? Using a comparative legal methodology with a focus on Swiss law, this study shows how flexibility challenges the three levels which, together, form the employment relationship: the law of the individual work contract (employment law), the law of collective bargaining (labor law), and social security law (in particular, old-age and unemployment insurance). Inspired by the Decent Work principles of the International Labor Organization, the book explores how the law can newly define the employment relationship and its contents. The study aims to grasp a definition of the new employment relationship and its contents, as well as to encourage more flexibility in social security systems as a counter-part to the flexibility in the individual employment relationship. The features of the "new" employment relationship thereby appear as possibly combining the wishes of flexibility and the social protection of the worker. (Series: Dike Law Books) [Subject: Swiss Law, Employment Law, Labor Law, Social Security Law] Providing a clear introduction to employment law, this updated edition looks at the principles of the law governing employment relations, including employment contracts, industrial relations, discrimination laws, and the application of human rights law.

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