

**МІНІСТЕРСТВО ОСВІТИ ТА НАУКИ УКРАЇНИ
ЧЕРНІГІВСЬКИЙ НАЦІОНАЛЬНИЙ ТЕХНОЛОГІЧНИЙ
УНІВЕРСИТЕТ**

English for lawyers

**Методичні вказівки до практичних занять
з дисципліни "Іноземна мова за професійним спрямуванням"
для студентів спеціальності *081 - Право***

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Укладач: Гречок Лідія Михайлівна, старший викладач кафедри іноземних мов професійного спрямування,
Шевченко Юлія Вікторівна, старший викладач кафедри іноземних мов професійного спрямування,
Лашук Наталія Миколаївна викладач кафедри іноземних мов професійного спрямування

Відповідальна за випуск: Литвин Світлана Володимирівна, завідувач кафедри іноземних мов професійного спрямування, кандидат педагогічних наук, доцент

Рецензент: Литвин Світлана Володимирівна, кандидат педагогічних наук, доцент, завідувач кафедри іноземних мов професійного спрямування Чернігівського національного технологічного університету

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ВСТУП

Методичні вказівки призначені для практичних занять зі студентами юридичного факультету та укладені відповідно до чинної навчальної програми з дисципліни “Іноземна мова за професійним спрямуванням”.

Мета пропонованих методичних вказівок – сприяти формуванню професійно-орієнтованої компетенції в читанні, усному і писемному мовленні, що здійснюється в межах ситуативного професійного контексту.

Методичні вказівки містять 4 модулів, в які входять 8 тем із текстами для читання, завданнями для перевірки прочитаного, лексичними та граматичними вправами, завданнями на розвиток умінь усного мовлення та письма. Підібраний текстовий матеріал є органічним компонентом професійної підготовки студентів юристів у сфері кримінального права і правоохоронної діяльності. Фахові тексти та система вправ допоможуть майбутнім спеціалістам оволодіти відповідною термінологічною лексикою, підготують їх до спілкування іноземною мовою у професійному середовищі. Різноманітність та варіативність завдань сприятимуть реалізації диференційованого та індивідуального підходів до студентів.

MODULE 5

Judiciary in Ukraine

UNIT 1. Judicial System in Ukraine

I. WARMING-UP

1. Before reading the text about judicial system in Ukraine think about the subject in general:

What is a judicial system? What types of courts do you know? Who are people taking part in judicial proceedings?

2. Read the following words and decide what sound unites them. Use a dictionary if it is necessary for you.

- a) judicial, judge, jury, general, jurisdiction;
- b) operational, official, cassation, ensure, specialized;
- c) court, conformity, local, economic.

3. Read the definitions of the word ‘judiciary’ and decide in what meaning(s) it can be used in the text.

- a) judicial power
- b) judicial system
- c) court organization
- d) all the judges in a country who form part of the system of government.

4. Look through the words and phrases and guess which of them are used in the text. Explain your choice.

Tribunal, crime, dispute, jurisdiction, court of appeal, legal relations, monarch, prosecutor, law, legislation, arbitration.

5. Read the text and prove or disprove your choice in exercises 3 and 4.

JUDICIAL SYSTEM IN UKRAINE

Judicial power in Ukraine is based on the Constitution. It is an independent branch of state power created to solve legal problems between the state and citizens, citizens and legal persons; to *supervise* over constitutionality of laws; to defend citizens’ rights in their relations with bodies of state power and officials; to supervise citizens’ rights in the course of investigating crimes and conducting operational search activity; to establish the most significant legal facts.

Judicial power is realized by *judges* in the form of civil, criminal, economic, administrative as well as constitutional *legal proceedings*. Thus, judicial system is an aggregate of all existing courts in Ukraine. They have *jurisdiction* over all legal relations that appear in the state. The system provides availability of justice for

every person. The courts *interpret* and *apply* the laws created according to the Constitution of Ukraine. Their decisions are made on behalf of Ukraine and are obligatory for enforcement on the entire territory of the country.

Judicial proceedings are administered by *the Constitutional Court* of Ukraine and courts of general jurisdiction.

The Constitutional Court of Ukraine is the sole body of constitutional jurisdiction. It decides on issues of conformity of laws and other legal acts with the Constitution and provides their official *interpretation*.

Courts of general jurisdiction form the common system of courts united by aims, tasks, principles of organization and activity, and are headed by *the Supreme Court* of Ukraine. They are set up according to principles of territoriality and specialization. General courts are *local, appellate*, Highest Specialized Courts, and the Supreme Court. *Economic, administrative* and some other courts are defined as specialized.

The lowest courts are local (district, city, etc), which are *courts of first instance* or *trial courts*, decide different types of cases. The appellate courts hear *appeals* from the local ones. The Highest Specialized Courts deal with *cassations* and determine the legality and *reasoning* of the previous court *judgments*. The Supreme Court, the highest court in their system, *administers justice*, ensures equal application of legislation by all courts of general jurisdiction.

The specialized courts of general jurisdiction consist of administrative and economic courts *resolving disputes* in the sphere of administrative and economic legal relations.

Justice is administered by professional judges and, in cases determined by law, *people's assessors* and *jurors*. Judicial proceedings are administered by *a judge* personally, a board of judges or *a jury*.

A citizen of Ukraine of at least 25 years old, who has higher legal education and work experience in the sphere of law for not less than 3 years, has resided in Ukraine at least 10 years and speaks state language may be recommended by the qualification commission for the position of a judge. The first appointment is made by the President for a five-year term. All other judges, except for judges of the Constitutional Court, are elected by the Verkhovna Rada for a lifetime. Professional judges must not belong to political parties and trade unions, occupy any other paid positions, and perform other paid work except scientific, teaching and creative activity. The independence and *immunity* of judges are guaranteed by the Constitution and laws of Ukraine.

II. COMPREHENSION

1. Read the following statements to choose the main topics of the text. Arrange them according to the content of the text, and add or exclude any point if necessary.

- Types of courts
- Requirements for a judge
- Tasks of the judicial system
- Legal relations – Jurisdiction of courts

2. Read the following statements and decide if they are true or false. Prove your answer with the information from the text.

1. The judicial system consists of courts of general jurisdiction.
2. Court decisions are binding for everybody in Ukraine.
3. Trial courts can hear some types of appeal.
4. A person may have work experience in the sphere of law for five years to become a judge.
5. President appoints all judges.
6. Judges are allowed to take part in political activity.

3. Answer the following questions:

1. What are the tasks of the judicial system?
2. What does the judicial system consist of?
3. What are the functions of courts?
4. What types of jurisdiction do courts possess?
5. Who can administer justice?
6. Who can become a judge?

4. Find in the text legal terms which have the following meanings:

- A person with authority to hear and decide disputes brought before a court;
- An application to a higher court to examine again a case decided by a lower court;
- The power of a court to hear and decide cases;
- A serious disagreement;
- A body of persons who decide the facts of a case and give a decision of guilty or not guilty called a verdict;
- A process of thinking carefully about something in order to make a judgment.

III. VOCABULARY STUDY

1. Give synonyms to the following words and phrases and make up word combinations.

Arise, single, lawful, binding, definite, unlimited term, post, purpose, decision, important, question.

3. Match the legal terms with their definitions.

1. a case of first instance	a. a collective term for all judges
2. a hearing	b. freedom from a legal obligation or consequence such as prosecution for crimes
3. immunity	c. one which is heard before a court for the first time
4. a judgment	d. the right to use an official power to make legal decisions, the area where this right exists
5. the judiciary	e. a meeting of a court to find out the facts about the case
6. a trial	f. an official decision given by a judge or a court of law
7. jurisdiction	g. the process of examining and deciding a civil or criminal case before a court

4. Read the sentences and fill in the gaps with the words and phrases given in the box. Pay attention that there are more words than the gaps.

court, decision, jury, dispute, arbitration, trial judge, appeal, people's assessor, apply

1. The punishment was reduced to three years on
2. She is not happy with the ..., and plans to appeal.
3. The dispute is going to
4. Both sides in the ... have agreed to binding arbitration.
5. The problem was settled out of
6. The ... determines the number of years to be spent in prison.
7. The ... plays an important role in the legal system of many countries.

5. There are 13 lexical mistakes in the following text. Correct them.

In administer of justice judges are independence and obey only the law.

The main principles of the judiciary are the following:

- 1) unlawfulness;
- 2) equality of all parties to executive proceedings before the law and the court;
- 3) ensuring the proof of guilty;
- 4) competitiveness of parties and free related to presenting evidence to the court and demonstrating its inaccuracy to the court;

- 5) support of state prosecute by a prosecutor;
- 6) guarantee of the duty to defence for an accused person;
- 7) publicity of judge process and its record by technical means;
- 8) ensuring the appellate and cassation of a court decision except cases established by president;
- 9) obligatory courts decision.

6. Continue the list of words and phrases associated with the following topics. Be ready to use them for speaking.

1. Tasks of judicial system: to solve legal problems, ...
2. Types of courts and their jurisdiction: local court, ...
3. Requirements for a judge: higher legal education, ...

7. Translate into English.

- 1) Судова система – це сукупність судів, що створені і функціонують на основі єдиних принципів організації та діяльності.
- 2) Суд першої інстанції – це суд, уповноважений у межах своєї компетенції розглядати і вирішувати кримінальні, цивільні, господарські, адміністративні справи. Суди першої інстанції розглядають справу по суті, встановлюючи обґрунтованість, необґрунтованість чи часткову обґрунтованість позову (спір про цивільне право чи про захист прав, свобод та інтересів у публічно-правових відносинах), або винність чи невинність особи (за звинувачення її у вчиненні злочину).
- 3) Суд апеляційної інстанції – це суд, який розглядає апеляції на рішення судів першої інстанції, що не набули законної сили, з вирішенням питання про законність і обґрунтованість рішень, що оскаржуються.
- 4) Касація – це спосіб оскарження судових рішень, які вступили в законну силу, до вищого спеціалізованого суду або до Верховного Суду України.

IV. GRAMMAR FOCUS

1. Use the prompts to make sentences in the Present Perfect Tense

1. I/not complete/my studies/yet
I haven't completed my studies yet.
2. I/already/read/twenty pages of a book
3. You/ever/give an interview?
4. How long/you/know each other?
5. She/never/take part in any competition
6. They/publish/ three articles on this topic
7. He/not do/ anything exciting this week

8. She/have/four different jobs during the last ten years
9. How many times/you/be married?
10. He/just/start/his own company

2. Fill in the gaps with **have / has been to or have / has gone to**

- 1 A: Hello, Jim! Have you seen Mum?
B: Yes. She ...*has gone to*... the shops. She'll be back soon.
- 2 A: Where.....you.....today?
B: I.....the cinema.
- 3 A: Shall we go on a picnic this weekend?
B: Oh, yes! I.....not.....on a picnic for ages.
- 4 A: I'm going to India this year.
B: I.....never.....India.
A: Really? Ithere twice before.
- 5 A: Where are the children?
B: They.....the park to play football.
A:Dad.....with them?
B: Of course. Don't worry!

3. Underline the correct word in bold

- 1 I **always/already** do the housework on Saturdays.
- 2 We haven't booked our summer holiday **just/yet**.
- 3 My brother has **just/ever** joined the football club.
- 4 Linda has **already/ever** bought a new dress for the party.
- 5 Have you so **far/ever** tasted Japanese food?
- 6 Joe has been in Paris **since/for** two weeks.
- 7 I have **never/just** seen this film before.
- 8 The secretary has typed twenty letters **yet/so far** this morning.
- 9 I have been working here **since/still** July.
- 10 The Taylors have moved house **recently/so far**.
- 11 They **still/already** haven't employed a new supervisor.

V. SPEAKING

1. Imagine that you are a judge. Choose a court you work in and describe your job (types of cases, rights and duties, advantages and disadvantages, etc).
2. You are a specialist in judicial system of Ukraine. Describe it to your colleagues from the UK. Exercise 6 in Vocabulary Study will help you.
3. There is a joke, 'A jury consists of twelve persons chosen to decide who has the

better lawyer'. Do you agree with it? Do you think we should have jury trial? Prepare your arguments for and against it

MODULE 5

Judiciary in Ukraine

UNIT 2. Status and Role of Judges in Legal Proceedings

I. LEAD-IN

1. Before you read the text answer the following questions: 1. What are the bases for judges' independence in Ukraine? 2. What laws establish and guarantee their functions and independence? 3. What are the main responsibilities of a Ukrainian judge in a trial?

2. Divide the words into three groups according to the pronunciation of the underlined vowels. Three words do not belong to any of these groups.

Court, reach, apply, work, trial, legal, binding, reach, important, determine, appeal, law, procedure, recorder, high, appellate, provide, Lord, private.

3. Read the text to check your answers in exercise 1.

INDEPENDENCE OF JUDGES, THEIR STATUS AND ROLE IN JUDICIAL PROCEEDINGS

Notes:

institutional independence – інституціональна незалежність

decisional independence – прецедентна незалежність

preliminary hearing – попереднє судове слухання справи

to be subject to – підлягати чому-небудь

to favour – підтримувати

A judge is a state official, who knows a lot about the law, and has the power to *adjudicate* on disputes and other matters brought before the court for decision. The independence of judges is guaranteed by the Constitution and the laws of the country. In the United Kingdom judicial independence is the doctrine that decisions of the judiciary should be impartial and not subject to influence from other branches of government or from private or political interests. It is guaranteed by the Constitutional Reform Act 2005, s.3. Judicial independence is also secured by giving judges long, sometimes lifetime, tenure and making them not easily removable from

their office. As long as judges hold their positions in «good order», they remain in post until they wish to retire or until they reach 70.

There are two types of judicial independence in the USA: institutional and decisional. The former means that the judicial branch is independent of the executive and legislative branches, while the latter lies in the idea that judges should be able to decide cases solely based on the law and facts, without letting the media, politics, or other concerns influence their decisions, and without fearing punishment in the careers for their decisions. Law-abiding federal judges have lifetime appointments. Another condition of judicial independence is proper judicial selection. Many state legislatures prefer election by the general public but many professionals view judicial elections as rewarding political skills rather than legal ones.

The Laws of Ukraine «On Status of Judges», «On the Constitutional Court of Ukraine», «On Court Organization in Ukraine», «On Contempt of Court» and others determine the status of judges and provide their independence. Unity of status of judges is ensured by common requirements for candidates for a post of a judge, their powers, rights and duties, protection from interference in their work, means of legal, social and financial protection, immunity, political neutrality, etc. Guarantees of judges' independence include the procedure of their election (appointment), secret of making a decision, prohibition on interference in administration of justice, responsibility for contempt of court or judge and so on.

Though there are significant differences between the functions of judges in different legal systems, they have some common functions. In judicial proceedings they are responsible for conducting a trial fairly, orderly and efficiently, observing the established procedures. Judges interpret and apply laws, decide questions related to pretrial release. In preliminary hearings and trial without a jury, they determine both the points of fact and the points of law. In jury trials they instruct jurors: the judge calls the jury's attention to all most important points in the evidence and favours neither prosecution nor defence. In common law countries they also create law by establishing precedents.

The position of a judge is usually prestigious in society.

II. DEVELOPMENT

1. The summary of the text contains mistakes. Correct them.

The text «Independence of Judges, their Status and Role in Judicial Proceedings» deals with the constitutional law. It starts with the description of judges' functions in the USA. Then it explains the judicial independence doctrine in the UK. After that the author introduces two types of judicial independence in Ukraine. Further

on the author passes on to the status of judges in Ukraine. At the end of the text there is a definition of a judge.

2. Find in the text

a) – the definition of a judge;

– the explanation of the judicial independence doctrine in the UK;

– two types of judicial independence in the USA;

– the functions of a judge.

b) the legal terms which correspond to the following definitions:

– an institution that has power to make or change the laws;

– respectful of the law and obeying it;

– not involved in a particular situation and therefore able to give a fair opinion or piece of advice;

– disobedience or disrespect towards the court of law or judge;

– to officially decide who is right in a disagreement and decide what should be done;

– an order that forbids something;

– an act of interfering in something.

4. Complete the lists with the words and phrases connected with the following:

Sources of judicial independence: ...

Means of judicial independence: ...

Status of judges: ...

Duties of judges: ...

5. a) Read the following definitions of the word ‘contempt’ and choose the one in which it is used in the text:

a) a feeling that someone or something is not important and deserves no respect;

b) disobedience(неповага) or disrespect towards a court;

c) disobedience or disrespect towards a judge;

d) complete lack of fear about something.

b) Match the types of contempt of court to their Ukrainian equivalents:

Direct contempt	Невиконання судового розпорядження, винесеного на користь іншої сторони
Indirect contempt	Неповага до суду у засіданні
Civil contempt	Злочинна неповага
Criminal contempt	Неповага до суду поза засіданням, непідкорення розпорядженню (суду)

c) Find the English equivalents for the following words and phrases in the paragraphs below among those in italics:

Давати хабара; розкривати/розголошувати; образа судді; порушення громадського порядку; неповага перед судом/відкрита неповага в суді; бути упередженим; чесність; перешкоджати; нарада присяжних (обговорення справи).

In common law countries contempt includes the following:

- interference with the result of legal proceedings, e.g. giving a bribe or threatening witnesses, the jury or a judge;
- contempt in the face of court, e.g. using threatening language or creating a disturbance in court;
- abuse of a judge or attacks on integrity of the administration of justice;
- interference with the general process of administration of justice, e.g. disclosing the deliberations of a jury. In the UK it is a statutory contempt to publish, by any means, anything that creates a serious risk that the justice in particular active legal proceedings will be impeded or prejudiced; to get or disclose any details of jury discussions and to bring into a court or use a tape recorder without permission. Contempt of court is a criminal offence punishable by a jail sentence and/or a fine.

d) Which types of contempt of courts exist in our legislation?

6. Give your opinion on the following statements using the expressions in brackets:

(I think, as far as I am concerned, I believe)

1. Any attempts to pressure judges, people's assessors or jurors aimed at preventing them carrying out an examination of a case should be punished.
2. It is difficult to discipline people who try to pressure a judge.
3. The judges are human beings with all human weaknesses, so they can make mistakes.
4. Judges cannot be really independent.
5. It is necessary to provide decent conditions for the work of court.
6. One of the biggest problems is non-observance of laws, regulations and resolutions.

7. Translate the following into English:

Згідно з Конституцією правосуддя в Україні здійснюють професійні судді, а також народні засідателі та присяжні у визначених законом випадках. Справи в судах першої інстанції розглядаються суддею одноособово, колегією суддів або суддею і народними засідателями, судом присяжних. Суддя, який розглядає справу одноособово, діє як суд. Судді при здійсненні правосуддя є

незалежними від будь-якого впливу, нікому не підзвітні, підкоряються лише закону. Гарантії самостійності та незалежності суддів визначаються Конституцією та законами України. Суддям забезпечується свобода неупередженого вирішення справ відповідно до їх внутрішнього переконання, що ґрунтується на вимогах закону.

III. PRACTICE AND EXPERIENCE

1. Work in pairs. One of you is a journalist and the other is a judge in a court of your choice in the UK, the USA or Ukraine. Prepare questions and answers and be ready to reproduce the interview.

2. Read the following text and translate the words and phrases given in brackets.

CORONER'S COURT

Notes:

a coroner – коронер (слідчий, спеціальною функцією якого є розслідування випадків насильницької або раптової смерті)

a deceased – покійний

a cell – камера

a post-mortem – розтин трупа

an inquest – розслідування

There are special coroner's courts in some countries such as the USA, the UK, Canada, Australia and some others.

A coroner is an (посадова особа) responsible for investigating deaths, particularly those happening under (незвичайний) circumstances, and determining the cause of death. Depending on the (юрисдикція), the coroner may decide the cause himself, or (діяти) as a presiding officer of a special (суд) (а «coroner's jury»). In England and Wales a coroner is a judicial officer (який призначається) and paid by the local authority.

The Coroners are (юристи) (solicitors or barristers) or doctors of at least five years standing. This reflects the role of a coroner, to (визначати) the cause of death of a deceased in cases where the death was sudden, unexpected, occurred (за кордоном), was suspicious in any way or happened while the person was in police cells, or in prison.

The coroner's jurisdiction is (обмежений) to finding the (ім'я) of the deceased and the cause of the death. When the (смерть) was unexpected, violent or unnatural, the coroner will (вирішувати) whether to hold a post-mortem and, if necessary, an

inquest. The coroner's court is a court of law, and the coroner may summon witnesses.

3. Choose the right item or items to complete the sentences.

- a) (Lawyers, barristers, judges, doctors, solicitors, ordinary citizens) may be coroners.
- b) Coroners investigate (all types of death, limited types of death, all unusual types of death).
- c) The main tasks of coroners are to find out (the reason of the death, the name of the dead, the name of a suspect).
- d) The coroner may decide a case (with other judges, alone, with a jury).

4. Decide which of the following cases a coroner will hear:

- 1) a man was found dead in his flat;
 - 2) a woman of 84 years old died in her sleep at home;
 - 3) the sudden death of a governor;
 - 4) a death of a person after an operation;
 - 5) a broken arm as a result of car accident;
- 1) a death in a car accident;
 - 2) suicide of an official.

5. a) The adjectives below are related to both positive and negative traits of a persons' character. Divide them into two groups.

Hard-working, just, punctual, lazy, friendly, emotional, clever, responsible, calm, talkative, absent-minded, intelligent, well-educated, respectful, serious, formal, tolerant, reserved, highly-qualified, polite, reasonable, tactful, wise, resolute, cruel.

b) Choose those

- a judge as a lawyer should possess and make up a sentence with each of them

e.g. A judge must be fair to decide cases fairly.

- a judge should not possess

e.g. A judge should not be absent-minded at the trial, otherwise he can miss something important.

- you have and speak about yourself.

e.g. I am punctual, so I am never late.

You may use other adjectives if you wish.

6. Agree or disagree with the following statements. Use the expressions given below.

I agree. I suppose so. That's right/not right/true. That's not what I've heard. That's what I've heard. I'm not sure. I think so.

- There must be respect for the law on the part of every Ukrainian regardless of rank and position.
- It is not very easy for an ordinary citizen to refer a case to a court of law because the procedures for filing claims are very complicated.
- There are so many discrepancies (розбіжність, суперечність) in the current legislation that even the professional lawyers sometimes find it difficult to determine the jurisdiction of a case: e.g. to be handled by the administrative or the economic court.
- Our courts must serve our citizens, but in fact they serve the state.
- Ukraine will become a law-governed state only if legal punishment becomes unavoidable for everyone without exceptions, including judges and prosecutors.

7. You are participants of the International Seminar on Judicial System. Be ready to give a talk on one of the issues given below or of your own choice.

- 1) Powers of Judges: too many or too few?
- 2) Role of People's Assessors in Judicial Proceedings.
- 3) Judges Immunity: pros and cons.
- 4) Judicial Reform: what should be done to improve justice?
- 5) Protection of Judges from Interference in their Work.

IV. GRAMMAR FOCUS

1. Put the verb in brackets in the correct form *Present Perfect* or *Past Simple*.

1. She (to be) to all the capital cities of Europe this year.
2. John (to travel) around Europe last year.
3. You ever (to live) in a foreign country?
4. My friend knows a lot because he (to read) a lot.
5. She (to go) home two days ago.
6. She is free now. She (to pass) her final exam.
7. David (to start) school in 1990.
8. Look! Somebody (to break) my window.
9. I (to leave) home early last night.
10. Is he still watching this programme? — No, he just (to watch) it.
11. We (not to see) them last week.
12. His family (to build) a new house this year.
13. It (to stop) snowing an hour ago.
14. I (not to decide) where to go tonight.
15. I (to learn) all the new words. Now I can translate this text.
16. When you (to arrive) to Paris?

17. We (not to know) about the disco last night.
18. You (to read) this book before?
19. He (to work) here two months

2. Put the verb in brackets in the correct form *Present Perfect, Present Continuous, Present Simple or Past Simple*.

1. Where (to be) my gloves? I (to look) for them.
2. Who can give him a pencil; he (to break) his.
3. Where your sister (to be)? - She just (to go) to school. She (to leave) home ten minutes ago.
4. When she (to return) to Kyiv? — She (to return) this week.
5. What you (to read) now? — I (to read) “White Fang” . You ever (to read) this book?
6. You (to remember) me? We (to meet) here this month.
7. They already (to discuss) this question? - Yes, they (to discuss) it last week.
8. Where mother (to put) my magazine? I (to look) for it now.
9. Whom you (to wait) for? — We (to wait) for the doctor. —The doctor (to go) out some minutes ago.
10. I (not to have) any news from them since they (to leave) Kyiv,
11. Your children already (to read) this text? — Yes, they (to read) it at the last lesson.
12. There (to be) nobody here now. All the students (to go) home.
13. It (to be) dark in the street now. The sun already (to sit).
14. When you (to hear) the news? — I (to hear) them last Saturday. •
15. What you (to do) now? — I (to write) a letter to my friend. — When you (to receive) his letter? — I (to receive) it today.
16. Your son already (to do) his lessons? — Yes, he just (to finish) doing them and now he (to watch) TV.
17. It (to rain) now? - No, it (to stop) raining an hour ago and now the sun (to shine).
18. She (to learn) the new words and now she (to translate) the text.
19. Your child already (to get) a passport? - Yes, he (to get) it two days ago.
20. It (to be) time to go. You (to finish) your work?

IV. WRITING

- 1. Write a letter to your friend in the UK or the USA about**
 a) the judicial system of Ukraine; or b) judges in Ukraine.

V. OVER TO YOU

QUIZ

1. How many of these questions can you answer?

1. What are the two main areas of jurisdiction in the English judicial system?
2. Ordinary people play two important roles in the administration of justice in the UK and the USA. What are their roles?
3. What was the role of the House of Lords in the British judicial system?
4. Can a precedent be too old to be a binding precedent today?
5. You ask Mr Cole's job and he tells you he is an attorney. Is he American or British?
6. If the US House of Representatives is equivalent to the British Commons, what is the British equivalent to the Senate?
7. What is the Old Bailey?
8. Do British judges always wear wigs in court?

MODULE 6 Civil Law

UNIT 1. The Nature of Civil Law

I. WARMING-UP

1. Answer the following questions:

What is a civil law system?

What is the main difference between civil law and common law?

What do you know about the history of civil law?

2. Match the following English words and expressions with their Ukrainian equivalents:

1. deterioration	a. табличка з написом
2. tablet	b. уникати
3. transaction	c. занепад
4. eliminate	d. правочин
5. vast	e. великий

3. Circle the word in each group which is different in pronunciation of the underlined vowel(s).

[i:] medieval	spread	legal agreement
[ei] nature	basis	originate marriage
[ai] identical	divorce	United apply

4. Read the text to understand what information is of primary importance or new for you.

The Nature of Civil Law

Civil Law, is a term applied to a legal tradition originating in ancient Rome and to the contemporary legal systems based on this tradition. Modern civil law systems, which were originally developed in Western European countries, have spread throughout the world. Civil law is typically contrasted with *common law*, a system that evolved in medieval England and that is the basis of law in most of the United Kingdom, Canada, and the United States. The term civil law also applies to all *legal proceedings* (whether taking place in a civil law or a common law system) that are not criminal in nature. Under this definition laws regulating *marriage*, *contracts*, and payment for *personal injury* are examples of civil law.

The most obvious feature of a civil law system is the presence of a written *code* of law. The code is a systematic and comprehensive accumulation of legal rules and principles. The civil law tradition traces its origin to the Roman Republic. The early *custom* and laws of Rome were put in writing for the first time in 451 and 450 bc, when they were inscribed on 12 bronze tablets. The principles contained within these Twelve Tables constituted the basis for all Roman civil law.

In compiling the Corpus Juris Civilis, Justinian sought to rescue the Roman legal system from years of deterioration and to restore it to its former glory. The vast quantity of material written on the civil law convinced him that the code should eliminate error, resolve conflicts.

The rise of nationalism that began in the 18th century led to the adoption of distinct civil codes for each European country, of which the French Code Napoléon of 1804 is the most famous. In the early 1900s Switzerland and Germany *adopted* similar *codes*. The subject matter of all these codes is almost identical with the first three books of the Corpus Juris Civilis. The civil law tradition makes a sharp distinction between *private* and *public law*. Private law is the law that governs relations between private citizens and private businesses. When applied to financial and commercial transactions, it is known as commercial law. All other private law is known as civil law or labour law. Civil law refers to the law of persons, family law, marital property law, property law, contract law and tort law. Labour law regulates the relations of employers and their employees. In general, public law

regulates the relations between organs of the government and between the government and private citizens. Public law consists of matters that concern the government: *constitutional law*, *criminal law*, and *administrative law*, it also includes taxation and business licensing. In many countries with civil law systems, two sets of courts exist—those that hear public law cases and those that address matters of private law.

I. COMPREHENSION

1. A. Give the definitions for the following terms and expressions or explain in other words.

1. civil law
2. legal proceedings
3. private law
4. public law
5. civil code

B. Answer the following questions using the information from the text:

What is civil law typically contrasted with?

What does the term civil law also denote? What is the main feature of a civil law system?

When and where were the early custom and laws of Rome put in writing?

What does private law include?

What does public law consist of?

2. Complete the following sentences according to the information from the text:

1. Civil law is usually contrasted with ...
2. The term civil law is used to mark all ...
3. The most evident characteristic of a civil law system is ...
4. The rise of nationalism led to the adoption of ...
5. The civil law tradition makes ...
6. Private law involves ...
7. Public law is composed of ...

3. Match the following legal terms with their definitions:

1. code	a. a traditional practice that is so long-established and universal that it has acquired the force of law
2. contract	b. system of accepted laws and regulations that govern procedure or behavior in particular circumstances or within a particular profession
3. custom	c. the law of a state dealing with the rights of private citizens; a

	system of law based on Roman law rather than common law or canon law
4. civil law	d. a session of an official body that has authority to try cases, resolve disputes, or make other legal decisions
5. court	e. a formal or legally binding agreement

III. VOCABULARY STUDY

1. Write sentences using the following terms.

civil law, legal system, civil code, private law, marriage, constitutional law, criminal law, personal injury, custom, administrative law, court, contract, public law, to adopt a code, legal proceedings, common law.

2. Choose the right preposition in brackets according to the contents of the sentences (with, on, from, in).

The role of judges in civil law jurisdictions differs considerably ... that of judges in common law systems.

The term civil law was used to combine all non-English legal traditions together and contrast them ... the English common law.

Civil law is based ... written legal codes, a hallmark of the Roman legal system.

The tendency ... civil law is to create a unified legal system by working out with maximum precision the conclusions to be drawn from basic principles.

3. Substitute the words in italics with the words from the active vocabulary.

1. Civil law is typically contrasted with *case* law.

2. Civil law is made by legislators who strive to supplement and modernize *a system of laws or written rules*, usually with the advice of legal scholars.

3. The civil law system assumes that there is only one correct solution to a specific *law* problem.

4. In civil-law countries, the *official written agreement* of carriage first achieved distinct form in the early 19th century.

5. The manner in which *legal actions* are conducted in civil law jurisdictions demonstrates a great concern for the protection of personal privacy.

4. Complete the sentences with the words of the active vocabulary.

marriage / civil law (2) / common law / contract / code / personal / injury
--

1. judges administer the law, but they do not create it.

2. Systems of and also differ in how law is created and how it can be

changed.

3. Private law includes the rules governing civil and commercial relationships such as..., divorce, and... agreements.

4. The ... is a systematic and comprehensive accumulation of legal rules and principles.

5. Laws regulating marriage, contracts, and payment for... are examples of civil law.

6. Give the English equivalents for the following word combinations:

Адміністративний кодекс, приватне право, публічне право, правова система, процесуальні дії, конституційне право, шлюб, договір, звичаєве право, цивільно-правова система, суд, кримінальний, правові принципи, розв'язувати конфлікти, термін, походити.

7. Complete the words using definitions

1. i_j_ _ y	a. harm done to a person's or an animal's body, for example in an accident
2. _d_ _ _ _st_a_ _ _ _	b. connected with organizing the work of a business or an institution
3. m_rr_ _ _ _ _	c. the legal relationship between a husband and wife; the state of being married
4. _ _v_r_ _ _ _ _ _	d. the group of people who are responsible for controlling a country or a state
5. m_tt_ _ _	e. the place where legal trials take place and where crimes, etc. are judged
6. _ _ _ _t	a question to be decided in court

8. Translate into English.

Цивільне право виникло в Стародавньому Римі. Цивільне право регулює шлюб, угоди, сплату завданої особистої шкоди тощо. Традиційно цивільне право порівнюють із загальним правом. Загальне право є основою правової системи більшої частини Великої Британії, Канади та США. Цивільно-правова традиція передбачає відмінності між приватним та публічним правом. Приватне право стосується регулювання цивільних торговельних правовідносин. Конституційне право, кримінальне право та адміністративне право складають приватне право.

IV. GRAMMAR FOCUS

1. Underline the correct verb form in the sentences

Example:

‘Oh, dear. I’m late for work.’

‘Don’t worry. *I’m going to give / I’ll give* you a lift.’

a) ‘I’ve got a headache.’

‘Wait a minute. *I’ll get / I’m going to get* you an aspirin.’

b) ‘Why are you putting on your coat?’

‘Because *I’ll take / I’m going to take* the dog for a walk.’

c) ‘Are you and Alan still going out together?’

‘Oh, yes. *We’ll get married / we’re going to get married* next year.’

d) ‘Did you phone Peter about tonight?’

‘No, I forgot. *I’ll do / I’m going to do* it now. What’s his number?’

e) ‘Have you booked your holiday?’

‘Yes, we have. *We’ll go / we’re going* to Italy.’

f) ‘I haven’t got enough money to pay for my ticket.’

‘It’s OK. *I’ll lend / I’m going to lend* you some.’

g) ‘Can you meet me after work?’

‘I’d love to, but *John will take / John’s taking* me out tonight.’

2. Put the verbs in brackets into the future simple or the future continuous

Kevin: Shall we go to the beach tomorrow?

Ruth: Well, I’m working in the morning, but I 1)*I’ll phone*... (phone) you when I finish.

Kevin: Shall we ask Ben and Linda to come with us?

Ruth: Yes. I 2).....(see) Linda at work in the morning, so I 3)(ask) her then.

Kevin: If they want to come I 4)(pick) you up from work and we can all go together

Ruth: Great! Just think, we 5).....(swim) in the sea this time tomorrow! I can’t wait.

3. Put the verbs in brackets into the correct future tense

Dear Victoria,

The holidays are coming and I’ve made lots of plans. This time next week, I (1)... *’ll be buying*... (buy) Christmas presents for my family and friends. I (2)(get) everything in one day, so that I can enjoy myself for the rest of the holidays.

I’m staying at home with my family on Christmas Day, but two days later I (3) (leave) for Austria. Becky and I (4).....(spend) a week there skiing. I’m sure we (5).....(have) a wonderful time.

When I come back from Austria, I (6).....(probably/have) a party, because it's my birthday on January 5th. I (7).....(be) nineteen! I hope you (8).....(come).

Well, I must go now. I'm going to help my mother with the housework. See you soon!

Love, Penny.

4. Put the verbs in brackets into the future continuous or the future perfect

1 A: I can't come shopping on Saturday morning because I(work).

B: That's a pity.

2 A: Don't phone me later than midnight because I(sleep) then.

B: Shall I give you a call at about 10:30, then?

3 A: Come to my house at six o'clock.

B:(you/finish) your homework by then?

4 A: Have you made the preparations for the party?

B: Not yet, but I(finish) them by this evening.

5 A: There's a meeting tomorrow at 4 o'clock.

B: I can't go if it is that late. I(leave) by then.

5. Put the verbs in brackets into the future perfect or future perfect continuous

1. By 3 o'clock, she ...*will have been studying*... (study) for six hours.

2. By the end of next month, Sam.....(finish) the project.

3. He(not/start) painting the kitchen before Tuesday.

4. By the time she arrives in Paris, she(travel) for four hours.

5. I hope I.....(buy) my own house by the time I'm thirty-five.

6. By Saturday, Lisa.....(diet) for two weeks.

7. Hopefully, they.....(learn) everything by the time they sit the exam.

8. By 4 o'clock, I(sit) in the hairdresser's for three hours.

9. By Christmas, I.....(work) for this company for eighteen months.

10. By next weekend, Brian(move) house.

11. Hopefully, the builders(finish) building the house by next month.

12. By Tuesday, Alan(sail) for twelve days.

13. By tomorrow morning, she(sleep) for twelve hours.

6. Underline the correct tense

1) When we go to Paris, we will climb/*will have climbed* the Eiffel Tower.

2) James *will have completed*/*will have been completing* his studies by the end of the year.

- 3) By the time I get home, I *will have been walking/will walk* for three hours.
- 4) Kim *will be performing/will have been performing* in the concert next week.
- 5) We're too late to catch the bus. It *will go/will have gone* by now.
- 6) 'We're run out of milk.' 'Really? I *will buy/will have been buying* some more this afternoon'.
- 7) This time tomorrow, I *will have been leaving/will be leaving* for the airport.
- 8) Sam *will work/will have been working* here for two years on Monday.
- 9) I *will collect/will have collected* you from Peter's house on my way home.
- 10) Julia *will have found/will be finding* the note I left for her by now.

V. SPEAKING

1. You have three minutes to list the expressions in the box under one of the three headlines:

Agreeing

Half agreeing

Disagreeing

1. You're absolutely right.
2. To a certain extent, but...
3. I don't think that's true.
4. I see what you mean, but...
5. I disagree, I'm afraid.
6. That's true in a way, but...
7. I take your point, but...
8. That's right. 5. Absolutely!
9. Well, it depends.
10. Do you really think so?
11. I would agree with that.

Use these statements to agree or disagree with the following sayings.

Good men must not obey the laws too well.

Ralph Waldo Emerson (1803–1882) In commercial law, the person duped was too often a woman. In a section on land tenure, one 1968 textbook explains that "land, like women, was meant to be possessed."

Ruth Bader Ginsburg (1933–), U.S. jurist and educator.

In university they don't tell you that the greater part of the law is learning to tolerate fools.

Doris Lessing (1919–), British novelist and short-story writer.

Where there's a will, there's a lawsuit.

Attributed to Addison Mizner (1872–1933), U.S. architect.

2. The most common type of civil case (perhaps other than divorce matters) is a claim arising from an automobile crash (car, truck, van, semi or other vehicle collision). Motor vehicle crashes are a leading cause of accidental death and injury. In the following list the instructions for an aggrieved party are mixed. Arrange them in the right order. What should one do after an accident? Suggest your own ideas. Steps To Follow After A Motor Vehicle Accident

If you, or someone you know, has been injured in automobile collision you (or the person involved) should do the following:

- 1) Don't sign anything except a ticket, citation or report issued by police. Never sign anything else at the accident scene. Signing some types of documents may jeopardize your rights.
- 2) Get out of your vehicle. Although you must remain on the accident scene, remove yourself from further danger by getting out of your vehicle – and out of traffic.
- 3) Turn off your engine to minimize the risk of fire.
- 4) Stop your car . . . no matter who is at fault, the law requires you to stop and exchange names, addresses and insurance information at the scene of an accident.
- 5) Collect information. If possible, collect information about the accident at the scene or as soon after as appropriate.
- 6) Call for police or medical assistance. Even if there are no injuries, assistance may be necessary to clear the accident scene, handle traffic, and file an accident report.
- 7) Inform your insurance company. Call your agent or your company's claims number and inform them that you have been involved in a collision and give them the information about the time, date and place of the collision and the people involved.
- 8) Don't discuss the accident . . . except for giving necessary details to police, medical personnel, your insurance company, or your attorney, do not discuss the accident...especially with insurance companies or lawyers representing other people or insurance companies.

MODULE 6

Civil Law

UNIT 2. Unification of European Civil Law

I. LEAD-IN

1. Answer the following question: What is a harmonisation of law? 2. Match the following English words and expressions with their Ukrainian equivalents:

1. internal market	a. влада права
2. authority of law	b. орган влади, що має всі повноваження

3. party (of an agreement)	с. влада, правління
4. governance	d. справа
5. overarching body	е. поширення
6. case	f) сторона (договору)
7. extent	g) внутрішній ринок

2. Read the text to understand what information is of primary importance or new for you.

Harmonisation of Law

Harmonisation of law means “make or form a pleasing or consistent whole”. In the case of harmonisation of law, the aim is to make a consistent whole of law. It is an important concept in the European Union for creating common standards across the internal market. It is a process of admitting limits of international unification but does not necessarily mean total uniformity. Harmonisation is usually not comprehensive but is relatively partial. That is, harmonisation of law doesn't seek to create a sole authority of law on a particular subject. This is because measures to harmonise law cannot go further than that which is necessary.

Harmonisation is unsystematic. The Directives of the European Union do not focus on or contain comprehensive regulation of the entire law. The Directives regulate some very specific issues and they regulate them only for particular situations or circumstances and only for particular types of parties. Harmonisation generally takes place on two levels of governance, the overarching body and the each of the members individually. Taking the European Union, the two levels are the European level and national level. Although both European and national legislators share the legislative responsibilities, neither of these bodies has final responsibility for the whole. Also, there is no superior political authority which has the final say on who is responsible for what, i.e. no overarching authority over the European and national legislators. The European Court of Justice may however determine the extent of harmonisation when determining cases.

Harmonisation can be seen as a step towards unification of European Union Law.

II. DEVELOPMENT

1. Find in the text the information on

- a) definition of harmonisation of law;
- b) harmonisation and unification;
- c) levels of unification.

2. Prove the following statements.

1. Harmonisation of European law is partial.
2. Harmonisation is unsystematic.
3. Directives of the EU are of specific character.
4. Harmonisation of law acts on two levels of governance.

3. Speak on differences between harmonisation and unification of EU law.

4. Explain the difference between a law and a directive.

5. Insert one of the following words into the text in an appropriate form.

to assemble	to discuss	to enact	to feel	to apply	to bind
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In February 1997, a large symposium was convened in The Hague **1.**_____ the further harmonization of European private and commercial law. More than 200 jurists **2.**_____ for this particular purpose, most of them academics, judges, practitioners and civil servants from EU Member States, but also representatives from the EU Parliament and Commission, as well as observers from countries currently **3.**_____ for EU membership. The conference title was "Towards a European Civil Code". The ultimate goal for the pro-Code group in Europe is the enactment of comprehensive legislation, **4.** _____ upon all European Union Members and comprising virtually all aspects of private and commercial law. Though the idea of drafting and implementing such a codex is not really new, it might seem both unworkable and unattainable, at least in the foreseeable future. Then again, as certain influential delegates emphasized in the Hague, the Code project has already gained the support of the ever-morepowerful European Parliament, and if a Civil Code were to be **5.**_____ as a Directive or Regulation, it would not even require a unanimous vote! For these and other reasons, even the most skeptical among the symposium participants **6.**_____ compelled to take a second, more serious look.

6. Translate into Ukrainian. Make a title of the text. Explain the difference of the terms: a decree – an act; to adopt – to pass; a purpose – an aim.

According to the Minister of Economic Affairs of Ukraine, Anatoly Kinah, for the purpose of efficient realization of our state exports capacity, harmonization of monetary policy and in the context of increase in competitiveness of Ukrainian exports, the Government has adopted the Decree "On validation of procedure of determination of periods and conditions of completion of import transaction without carriage of goods inwards Ukraine". it was passed in 2007.

The aim of the Decree is very important for the European integration. “The subject-matter of this draft decree is governed by banking law, which, according to the Act of Ukraine “On nationwide programme of harmonization of the law of Ukraine with the law of the European Union”, belongs to priority sectors, within which the laws of Ukraine are harmonized with the laws of the European Union”, – the Minister of Economic Affairs of Ukraine, A. Kinah has told.

III. PRACTICE AND EXPERIENCE

- 1. Prepare a report “Ukraine and harmonisation of European law”.**
- 2. Speak on the future development of harmonisation of European laws in Ukraine.**

IV. GRAMMAR FOCUS

1. Underline the correct tense

A Next Saturday, Daisy 1) *is flying/flies* to Paris for a business meeting. Her secretary has already booked the flight. The plane 2) *will leave/leaves* at nine o'clock in the morning and one of her business clients 3) *will have met/will be meeting* her at the airport when the plane lands. She doesn't know how long the meeting will last, but she 4) *will have returned/will have been returning* home by Thursday evening.

B Florence 1) *is going to become/will be becoming* a doctor when she finishes medical school. She thinks she 2) *will probably work/will have probably worked* in a hospital for most of her career. This time next month, she 3) *will have revised/will be revising* hard for her exams. By the time she gets her degree she 4) *will have been studying/will have studied* medicine for five years. Florence hopes she 5) *will have passed/will pass* all the exams with excellent grades.

C Next Monday, Amanda 1) *will have been starting/ is starting* work. She 2) *is going to work/will work* for a large company in the city centre. By the end of next week, she 3) *will be finishing/will have finished* her training.

D My parents have been married for almost thirty years. In fact, this time next month, they 1) *will be celebrating/will have been celebrating* their 30th wedding anniversary. They 2) *will have been living/will be living* in the same house for twenty-five years by next Thursday, and, by the time my father is sixty, he 3) *will work/will have been working* for the same company for forty years.

V. WRITING

- 1. Write an essay using on of the topics:**

- 1) Business-government partnerships, cooperation by government and certain types of businesses to further technological development or economic quality.
- 2) Intellectual property laws and corporations in Cyberspace.
- 3) Globalization in the coming decades.

V. OVER TO YOU

1. Read the definitions and put the letters in order to make 10 words connected with the law.

1. belonging to or shared by members of one or more nations or communities; public — MMOOCN;
2. of the ordinary life of citizens as distinguished from military, legal, or ecclesiastical affairs — LIICV
3. established by or founded upon law; lawful — EAGLL
4. legal action — SGPREEOCDIN
5. not widely or publicly known, confidential, secret — EIATPRV
6. of, relating to, or concerning the people as a whole — PBLUIC
7. a formal agreement between two or more parties — CCTTAONR
8. relating to crime or its punishment — IILNAMRC
9. a failure to act, to meet a financial obligation or to appear in a court of law at a time specified — FRDAU
10. a moral or legal requirement, duty — IIOONTABLG

MODULE 7

Contract Civil Law and Intellectual Property

UNIT 1. Contract Law

I. WARMING-UP

1. Answer the following questions:

What is a contract?

Have you ever concluded a contract? What was it?

What can the consequences of breaking a contract be?

2. Match the following English words and expressions with their Ukrainian equivalents:

1. obligation	a. грошовий
2. covenant	b. невиконання зобов'язань
3. pecuniary	c. нерухоме майно
4. default	d. предмет обговорення

5. fraud	е. юридична сила
6. subject matter	ф. шахрайство
7. real estate	г. домовленість, договір
8. validity	h) гарантія, зобов'язання

3. Read the text to understand what information is of primary importance or new for you.

Notes:

thereby – таким чином

CONTRACT LAW

Contracts are an integral part of everyday life. Working for an employer; insuring your car or your house and even buying a pint of milk are all governed by the law of contract. Although each of the three situations given above have their own specialist areas of law (employment law, insurance law and consumer law respectively) they are all governed by a set of underlying fundamental principles often referred to as the "general law of contract".

Contract, in US law, is an *agreement* that creates an *obligation* binding upon the parties. The essentials of a contract are as follows: (1) mutual assent; (2) a legal consideration, which in most instances need not be pecuniary; (3) parties who have legal capacity to make a contract; (4) absence of *fraud* or duress; and (5) a subject matter that is not illegal or against public policy.

In general, contracts may be either oral or written. Certain classes of contracts, however, in order to be *enforceable*, must be written and signed. These include contracts involving the sale and transfer of real estate; contracts to guarantee or to answer for the debt, or default of another person; and, in most states of the U.S., contracts for the sale of goods above a certain value.

Contracts are often classified as either contracts by specialty or simple contracts. Another class of obligations, sometimes referred to as contracts of record, are conclusive legal obligations created by the judgment or order of a court of record.

Contracts by specialty depend for their validity on the formality of their execution. They are required to be written, sealed, and delivered. The usual form of specialty contract is a *covenant*. A bond has always been regarded and classified as a specialty contract. Contracts by specialty do not require consideration or *surrender of a right*, given in exchange for the promise, to give them *validity*. Courts of equity, however, will not enforce a specialty contract unless it is founded on a consideration.

Simple contracts do not depend for their validity on any particular formality in their execution, but rather on the existence of a consideration. Simple contracts are frequently classified as express and implied. An express contract is one entered into on terms expressed in spoken or written words. An implied contract is one that is inferred from the acts or conduct of the *parties*.

II. COMPREHENSION

1. A. Give the definitions for the following terms and expressions or explain in other words.

1. valid contract
2. party (of a contract)
3. legal
4. obligation
5. terms

B. Answer the following questions using the information from the text:

1. What is the definition of a contract?
2. What basic types of contracts can you point out?
3. What is a contract of record?
4. What is a covenant?
5. What are the requirements for a valid contract?
6. What is an express contract?

2. Complete the following sentences according to the information from the text:

1. According to US law, a contract is...
2. The four basic features of a contract are...
3. A subject matter of a contract must not be...
4. Contracts may be either...
5. ... must be written and signed.
6. Contracts of record, are...
7. Courts of equity will not enforce... from the acts or conduct of the parties.

4. Choose an answer for each question.

1. What do simple contracts depend on?
2. What is the usual form of specialty contract?
3. What is one of the essentials of a contract?
4. What kinds of contracts do not require consideration or surrender of a right?
5. What is the other term for contracts by specialty?
6. What is an express contract?

7. What kinds of contracts must be written and signed?

1. It is entered into on terms expressed in spoken or written words.
2. They are contracts involving real estate; debt, or default of another person; etc.
3. A covenant.
4. Mutual assent.
5. On the existence of a consideration.
6. Simple contracts.
7. Contracts by specialty.

III. VOCABULARY STUDY

1. Match a line in A with a line in B.

A	B
to create	a contract
to have	surrender of a
to make	right an obligation
to be	on the formality
to depend	from the acts
to require	enforceable
to be inferred	legal capacity

2. Fill the gaps by adding a suffix to the word in brackets.

One of the ... (interest) complexities of English contract law is that it bears the marks of two ... (differ) conceptions of how a contract is formed, which derive from two different periods of English legal history. On the one hand, most legal ... (history) agree that up until the nineteenth century the predominant conception of a contract in England was as a mechanism of exchange: giving something of value entitled one to something in return. When, on the other hand, the first contract textbooks came to be written in the late eighteenth and early nineteenth centuries – the era when the teaching of ... (nation) law began in English universities – authors drew inspiration from continental authors, especially the French legal academics Pothier and Domat. These authors developed structures and ideas in their work ... (design) to describe the French law of contract, based ... (large) on ... (Rome) law as developed by medieval thinkers.

3. Choose the right preposition in brackets according to the contents of the sentences (on, as, between, upon, to, into, from, by, of).

1. Contract law has come to us ... common law and it is said that it is an off spring

of tort law.

2. Contracts, ... the other hand, are a mechanism by which persons voluntarily create obligations themselves.

3. Contract law is the body of law that governs oral and written agreements associated with exchange ... goods and services, money, and properties.

4. It includes topics such ...the nature of contractual obligations, limitation of actions, freedom of contract, privacy of contract, termination of contract, and covers also agency relationships, commercial paper, and contracts of employment.

5. The important thing about any contract is to enter ... a proper agreement that covers all the possible aspects of the arrangement and that you get it in writing.

6. Legally, contracts relating... the sale of land, disposition of any interest in land (including leases) and charges or mortgages over land, must be in writing and signed by the parties to the contract.

7. The exchange of goods and services is governed ...contract law.

8. The law of contract is a set of rules governing the relationship, content and validity of an agreement ... two or more persons (individuals, companies or other institution) regarding the sale of goods, provision of services or exchange of interests or ownership.

4. Read this summary of the text. Say if the sentences are true or false.

The main features of a contract include five issues. Contracts may be oral, written or signed. All contracts must be simple. It is not good for a contract to be specialized. A covenant is the usual form of a simple contract. Validity is important for contracts by specialty. Simple contracts may be often express and implied.

IV. GRAMMAR FOCUS

1. Complete the sentences with the past forms of the verbs in brackets

1. Nelson Mandela(spend) twenty-seven years in prison. Before that, he(be) a lawyer.

2. Abba(write) most of the songs in English. They (sell) millions of records in the 70s and 80s.

3. John Lennon and Paul McCartney first (meet) at a party when they(be) students.

4. Marilyn Monroe(change) her name before she(become) famous.

5. Marie Curie and her husband Pierre Curie(discover) radium. She(win) the Nobel Prize twice, in 1903 and again in 1911.

6. Pablo Picasso(leave) Spain in 1904. He(live) in France for most of his life. He(die) in 1973.

2. Put the verbs in brackets into the Past Continuous

A: What 1) was happening (happen) at the time of the robbery?

B: Well, I 2)(sit) in my office. I 3)(talk) to an employee. Some of the staff 4)(put) food onto the shelves. Several customers 5).....(do) their shopping and a cashier 6) (stand) behind the till.

A: Can you tell me anything about the robbers?

B: Yes. They 7)(wear) black masks and they 8)(hold) guns. They 9)(shout).

A: How did they get away?

B: They drove off in a car which 10)(wait) outside.

3. Put the verb in brackets in the correct form Past Simple or Past Continuous

1. I(not want) to get up this morning. It(rain) and it was cold, and my bed was so warm.

2. I(listen) to the news on the radio when the phone(ring).

3. I said 'Hello' to the children, but they didn't say anything because they(watch) television.

4. Simon(dance) when he fell and hurt his leg.

5. Todd often(ride) horses when he was a boy.

6. It(rain) while I was waiting for the bus.

7. I(play) the guitar when I was young, but I don't any more.

4. Put the verbs in brackets into the past perfect simple

1. Jason had returned (return) home before the storm broke out.

2.(Lucy/pack) her suitcase by the time you called her?

3. I(not/finish) my lunch when uncle Bill came.

4. After Sarah(do) the shopping, she had coffee with her friends at a cafe.

5. When I got to the garage, the mechanic(not/repair) my car.

6. The boys were frightened because they(not/be) on a plane before.

5. Join the sentences using the conjunction in brackets. Change one verb into the Past Perfect

Example

The children went to bed. We watched television. (After)

After the children had gone to bed, we watched television.

a I took an aspirin. My headache disappeared, (when)

- b He drove 200 miles. He stopped for a break, (after)
- c I couldn't pay for my ticket. A thief stole my wallet. (because)
- d She passed her driving test. She bought a car. (as soon as)
- e I didn't go to Italy. I learnt Italian, (until)
- f He didn't tell the policeman. He took the money. (that)
- g We didn't tell Anna. George rang, (that)

6. Underline the right tense in the story

It was ten o'clock in the evening. Peter a) *sat/had sat* down on his sofa and thought about the day. What a busy day it b) *was/had been!* This was his first night in his own flat. He c) *lived/had lived* his entire life in the family home, and now for the first time, he d) *was/had been* on his own.

He sat surrounded by boxes that they e) *didn't manage/hadn't managed* to unpack during the day. It f) *took/had taken* months to get all his things together. His mother g) *was/had been* very generous, buying him things like towels and mugs.

He h) *went/had gone* into the kitchen and i) *got/had got* a beer from the fridge. He suddenly j) *felt/had felt* very tired and yawned. No wonder he k) *was/had been tired!* He l) *was/had been* up since six o'clock in the morning. He m) *decided/had decided* to finish his beer and go to bed.

7. Put the verbs in brackets into the past perfect continuous

1. Sophie(paint) the walls all day before she finished them.
2.(you/wait) long when the boss announced that he couldn't see you?
3. Tom(look) for a job for six months when he found one.
4. We(watch) TV for half an hour when the doorbell rang.
5. They(sunbathe) for an hour when it started to rain.
6. Stan(work) as a postman for forty years when he retired.
7. I(live) in France for ten years when I met my husband.

8. Fill in the gaps with the verbs in the past perfect continuous

1. Emily was angry. Shewith her parents for an hour.
2. Hannah felt sick. Shechocolates all afternoon.
3. Allan had a headache. His baby sisterfor half an hour.
4. Emily was frightened. Shea horror film for half an hour.
5. Simon was confused. Heto win the game for hours.
6. John was very tired. Hehis article all night.

V. SPEAKING

1. Speak on the types of contracts.

2. Work together to make a marriage contract (or contract of employment). Think of questions to ask parties about their requirement, termination, fee etc. Use the following issues while making a contract: 1) property, care of children, mutual obligations etc.; 2) work conditions, time of work, salary, social insurance etc.

3. Speak on the differences between Ukrainian and US Contract Law.

According to the US legislation “the contract of a lunatic, an idiot, or a person so under the influence of a narcotic or of intoxicating liquor as not to be capable of a free exercise of will is sometimes said to be wholly void. In recent cases, however, such contracts have usually been regarded as merely voidable; and in some instances they are enforced if the other contracting party is unaware of the incompetency and the terms are fair. The contract of a minor, usually a person under the age of 18, is not void, but voidable, and it may be affirmed by that person on attainment of full age.”

4. The article below gives examples of an illegal agreement. List arguments for and against illegal contracts. Are there any types of illegal contracts mentioned or implied in Ukrainian legislation? Write an essay on illegal agreements in Ukraine in comparison with that of other countries. Give your own examples of illegal contracts.

A contract is void if it is based on an illegal purpose or contrary to public policy. One example, from Canada, is *Royal Bank of Canada v. Newell*. A woman forged her husband's signature on 40 cheques, totalling over \$58,000. To protect her from prosecution, her husband signed a letter of intent prepared by the bank in which he agreed to assume "all liability and responsibility" for the forged cheques. However, the agreement was unenforceable, and struck down by the courts, because of its essential goal, which was to "stifle a criminal prosecution." Because of the contract's illegality, and as a result voided status, the bank was forced to return the payments made by the husband.

In the U.S., one unusual type of unenforceable contract is a personal employment contract to work as a spy or secret agent. This is because the very secrecy of the contract is a condition of the contract (in order to maintain plausible deniability). If the spy subsequently sues the government on the contract over issues like salary or benefits, then the spy has breached the contract by revealing its existence. It is thus unenforceable on that ground, as well as the public policy of maintaining national security (since a disgruntled agent might try to reveal all the government's secrets during his/her lawsuit).

MODULE 7

Contract Civil Law and Intellectual Property

UNIT 2. Intellectual property

I. LEAD-IN

1. Answer the following questions:

1. What is the definition of 'intellectual property' according to Ukrainian Civil Code?
2. How is intellectual property protected in Ukraine?

2. Match the following English words and expressions with their Ukrainian equivalents:

1. copyright	a. невідчутний (на дотик)
2. trademark	b. авторське право
3. intangible	c. оголошення, реклама
4. advertisement	d. нововведення
5. innovation	e. фабрична марка
6. subject matter	f. шахрайство

3. Read the text to understand what information is of primary importance or new for you.

INTELLECTUAL PROPERTY

Intellectual property, creative works that have economic value and are protected by law. Intellectual property laws reward the creators of most types of intellectual property by preventing others from copying, performing, or distributing those works without permission. The main purpose of this protection is to provide incentives for people to produce scientific and creative works that benefit society at large, grant of rights from a government agency before they can be protected by law. Nearly all nations have laws protecting intellectual property. However, some nations do not vigorously enforce intellectual property laws, making illegal copying, or piracy, a major problem in these areas.

Intellectual property was not always recognized as a single field of law. Historically, the fields of patent, copyright, and trademark developed independently. In the late 20th century, however, legal experts began to recognize that these various fields of law had a great deal in common because they all pertained to intangible products of the mind. Nevertheless, an attorney will often specialize in only one area of intellectual property, such as patent law, and the legal rules for the different branches of intellectual property law vary greatly.

In all branches of intellectual property, the legal system seeks to balance two competing concerns. On the one hand, protection must be strong enough to encourage authors and inventors to invest the necessary effort in innovation. On the other hand, the law must also allow people some freedom to use the intellectual property of others. This is because artistic, technological, and commercial progress always requires building on the work of others. To strike this balance, all branches of intellectual property law confer general rights on creators but also limit those rights with a variety of exceptions. For example, in patent law, a scientist may use someone else's invention to conduct experiments. Similarly, copyright law allows a literary critic to quote passages of a novel in a review. Under trademark law, a company may use a competitor's brand name in a comparative advertisement. In all these ways, intellectual property law tries to be flexible enough to protect the property rights of the creator while also allowing the public to benefit from the protected work.

II. DEVELOPMENT

1. Match the titles to each paragraph:

- a) The definition of the intellectual property;**
- b) A balance of different branches of intellectual property; c) History of the intellectual property laws.**

2. Fill in the table with the words from text

1. Protection of creative works	a.
2. Types of intellectual property laws violations	b.
3. Copyright law	c.
4. Patent law	d.
5. Trademark law	e.

3. Speak on types of intellectual property laws and their functions.

4. Translate the text into Ukrainian. Write a list of measures that a legislator should take to protect intellectual property in the Internet.

In the last years of the 20th century, the growth of the Internet and related digital technologies began to pose new problems for intellectual property owners. Unauthorized parties began using trademarks such as domain names for Web sites, which made it difficult for consumers to find the trademark owner's official Web site. Copyright owners found that their works, particularly music and movies, could

be perfectly duplicated by parties using file-sharing software. New devices were sold that made it possible to defeat copy-control features, such as those designed to prevent duplication of digital video discs (DVDs). The U.S. government attempted to respond to these developments by adopting several complex new laws protecting intellectual property. These laws became controversial. On the one hand, intellectual property owners claimed that the laws failed to provide full protection against unauthorized use of their property. On the other hand, various consumer groups argued that the laws interfered with the public's rights to engage in free speech and may also invade privacy.

III. PRACTICE AND EXPERIENCE

1. Speak on the types of intellectual property.

2. Work in pairs. You are interviewed by a journalist who wants to know about the protection of intellectual property in Ukraine. Use the following words and expressions to answer the reporter's questions and to make a dialogue:

Talking/Speaking about...

According to...

I'm rather worried about...

Frankly speaking...

3. Read the text. Speak on protection of inventions. Find arguments for and against protection of all inventions. Is it possible to define all types of intangible products of the mind?

In most countries, certain classes of inventions are legally recognized, and their use is temporarily restricted to the control of the inventor. In the United States, any new and useful art, machine, manufacture, or material, or any new and useful improvement of these, may be protected by patent; written material, music, paintings, sculpture, and photographs may be protected by copyright. The protection afforded by this legal recognition is limited; in many cases, if a person alters an invention and thereby improves or changes it, that person may be eligible for a new patent or copyright. Patent and copyright laws do not provide coverage for all inventions. Many processes and ideas lacking clear characteristics, such as psychological concepts useful in advertising, cannot be legally protected.

IV. GRAMMAR FOCUS

1. Underline the correct option in these sentences

1. I *saw/was seeing* a very good programme on TV last night.

2. While I *shopped/was shopping* this morning, I *lost/was losing* my money. I don't know how.
3. Last week the police *stopped/were stopping* Alan in his car because he *travelled/was travelling* at over eighty miles an hour.
4. 'How *did you cut/were you cutting* your finger?' 'I *cooked/was cooking* and I dropped the knife.'
5. I *met/was meeting* a friend while I *walked/was walking* in the park.
6. He *stood/was standing* up, *walked/was walking* across the room, and *closed/was closing* the window.
7. A strange man *walked/was walking* into the room. He *wore/was wearing* red trousers and a pink shirt.
8. As soon as I *walked/was walking* into the room, he *handed/was handing* me the letter.
9. As he *passed/was passing* the bank, a man in a mask *knocked/was knocking* him onto the ground.
10. What *did you write/were you writing* when your computer *crashed/was crashing*?
11. While he *rode/was riding* in the forest he *lost/was losing* his wig.
12. When I *arrived/was arriving* the party was in full swing. Paul *danced/was dancing* with Mary, and Pat and Peter *drank/were drinking* champagne.
13. When I *finished/was finishing* the ironing, I *cooked/ was cooking* dinner.
14. How fast *did they travel/were they travelling* when their car *had/was having* a puncture?
15. A police car *passed/was passing* us on the motorway when we *did/were doing* 80 miles per hour.
16. I *took/was taking* a photograph of him while he *ate/was eating* an ice-cream.
17. He *didn't like/wasn't liking* the photo when he *saw/was seeing* it.
18. I'm sorry I *woke/ was waking* you. What *were you dreaming/did you dream* about?

V. WRITING

1. Write an essay using on of the topics:

- 1) Business-government partnerships, cooperation by government and certain types of businesses to further protection of intellectual property rights.
- 2) Intellectual property laws and corporations in Cyberspace.
- 3) Globalization in the coming decades.

MODULE 8

Protection of Employees

UNIT 1. Contract of Employment and Collective Bargaining

I. WARMING-UP

1. Answer the questions:

- Have you ever met the term “a contract”?
- What kinds of contract do you know?

2. Do you agree with the following statements?

- A Contract of employment isn't so significant document; the process of employment should be informal.
- Trade unions can't solve problems with employers because they lack powers.

3. Read and translate the text. Prove or disapprove your answers in exercise 2.

CONTRACT OF EMPLOYMENT AND COLLECTIVE BARGAINING

An employment contract is an agreement between an employer and an employee at the commencement of the period of employment and stating the exact nature of their business relationship, specifically what compensation the employee will receive in exchange for specific work performed.

The basic feature of labour law in almost every country is that the rights and obligations of the worker and the employer between one another are mediated through the contract of employment between the two. Many terms and conditions of the contract are implied by legislation, in such a way as to restrict the freedom of people in order to protect employees, and facilitate a fluid labour market. As an example in many countries is the duty to provide written particulars of employment with an employee. This aims to allow the employee to know concretely what to expect and is expected in terms of wages, holiday rights, notice in the event of dismissal, job description and so on. An employer may not legally offer a contract in which the employer pays the worker less than a minimum wage. An employee may not, for instance, agree to a contract which allows an employer to dismiss them unfairly. There are certain categories that people may simply not agree to because they are thought categorically unfair. However, this depends entirely on the particular legislation of the country in which the work is. There are two ways of termination. According to the employment contract an employee have the right to leave the job and such decision is called voluntary termination. Such an action is commonly known as "resignation", or "giving notice". Involuntary termination refers to the employee's departure at the hands of the employer. Some terminations occur as a result of mutual agreement between the employer and employee. There are differing classifications of

workers within a company. Some are full-time and permanent and receive a guaranteed salary, while others are hired for short term contracts or work as temps (temporary workers) or consultants. These latter differ from permanent employees in that the company where they work is not their employer, but they may work through a temp-agency or consulting firm. Collective bargaining is the process whereby workers organize collectively and bargain with employers regarding the workplace. Collective bargaining permits workers to achieve a form of workplace democracy and to ensure the rule of law in the workplace. Workers gain a voice to influence the establishment of rules that control a major aspect of their lives.

Employees can be organized into labour unions (American English), or trade unions (British English), they represent most of the available work force in a single organization. Ukrainian law entrusts trade unions with significant powers. The Universal Declaration of Human Rights identifies the ability to organize trade unions as a fundamental human right. The International Labour Organization's Declaration on Fundamental Principles and Rights at Work defines the "freedom of association and the effective recognition of the right to collective bargaining" as an essential right of workers. A collective agreement or bargaining is a labour contract between an employer and one or more unions. Collective bargaining consists of the process of negotiation between representatives of a union and employers (represented by management, in some countries by employers' organization) in respect of the terms and conditions of employment of workers, such as wages, hours of work, working conditions and grievance-procedures, and about the rights and responsibilities of trade unions. The parties often refer to the result of the negotiation as a Collective Bargaining Agreement or as a Collective Employment Agreement.

II. COMPREHENSION

1. Are the following statements true or false? Find reasons for your answers in the text.

1. Trade unions have powers to conclude a collective agreement on behalf of the employees.
2. Collective bargaining is a process of negotiation between the representatives of local power and trade unions.
3. An applicant should be employed only on a full-time work as provided for by the law.
4. The monthly wage of an employee shall not be less than a minimum wage established by law.
5. Trade unions may represent employees in individual and collective disputes with an employer.
6. The particulars of an employment agreement should be done only in oral form.

2. Explain the meaning of the following words according to the text:

- trade union
- full-time work
- termination
- contract of employment

3. Match the terms with their definitions.

1. collective bargaining	a. payment by employers for some part of the cost of injuries.
2. family leave	b. association of workers for the purpose of improving their economic status and working conditions through collective bargaining with employers.
3. labour law	c. an arrangement by which people work at home using a computer and telephone, transmitting work material to a business office by means of a modem and telephone lines.
4. pension	d. social policy permitting workers to take a specified amount of time off from the job to attend to pressing family needs.
5. Stakhanovism	e. procedure whereby an employer or employers agree to discuss the conditions of work with representatives of the employees, usually a labour union.
6. telecommuting	f. periodic payments to one who has retired from work because of age or disability.
7. union	g. movement in the Soviet Union aimed at increasing industrial production by the use of efficient working techniques.
8. workers' compensation	h. legislation dealing with human beings in their capacity as workers or wage earners.

III. VOCABULARY STUDY

1. Find in the text the word combinations with the terms below and make up your own sentences.

Договір; початок; право; закінчення терміну; спілка; постійний; платня; умови; процедура; колективний

2. Choose the best word from the brackets to fill in the gaps.

1. I work in a small law firm in Kiev. I 8 Hr an hour. (earn/ to be paid)
2. It's not a lot, but it's more than the.....wage. (maximum/ minimum)
3. My sister works in a bank and her.....is 3.000 Hr a month. (salary/wages)
4. The bank also provides her with a good.....package. (bonus/ benefi ts)

5. When she is 55 she will be able to give up work and live on her.....(package/pension)

3. The words below are connected with labour law. Divide them into six groups. Make one sentence with a word from each group.

Salary, post, end, prospective employee, work, redundancy, arrangement, competitor, dismissal, bargain, closing, candidate, service, contract, discharge, stopping, job-hunter, notice, employment, conclusion, profession, earnings, quit, stipend, job, finish, hiring, occupation, fee, deal, job-seeker, firing, position, cancellation, labour, interviewee, agreement, wages, termination, payment, ending, income, applicant.

1. Salary -----
2. Post -----
3. Dismissal -----
4. Contract -----
5. Termination -----
6. Employment -----

4. The extract below is a skeleton contract of employment for a full-time employee. The key words/phrases from each section have been removed. Complete the text using the words/phrases from the box.

date of commencement; duties and responsibilities; grievance; commencing salary; holiday entitlement; notice; pension; probation period; sickness pay; terms and conditions; position

Example: You have been appointed to the position of a judge assistant.

1. Your _____ will be detailed in the labour contract.
2. The _____ of your service with this organization is 1 January 2008.
3. Your specific _____ are contained in the collective agreement negotiated by this organization.
4. Confirmation of your appointment will be finally decided after your 3 months' _____.
5. Your _____ is Hr 2000 per month, paid monthly.
6. Your _____ entitlement is 30 days in any calendar year.
7. Your annual _____ is 25 days.
8. The minimum period of _____ to which you are entitled is 3 month.
9. Your position with regard to _____ is set out in the labour contract.

10. If you have a _____ relating to your employment, you should refer to the complaint procedure outlined in the collective agreement.

5. Translate the text from Ukrainian to English.

Трудовий контракт Особливою формою трудового договору є контракт. У ньому угодою сторін встановлюються строк дії, права, обов'язки і відповідальність сторін, організація праці й умови розірвання договору з працівником. Вимоги контракту двосторонні, конкретніше й чіткіше обумовлені порівняно з трудовим договором як стосовно працівника, так і підприємства. Наприклад, у контракті можуть визначатися додаткові, окрім установлених чинним законодавством, підстави його розірвання.

IV. GRAMMAR FOCUS

Reported Speech. Verb tenses and time expressions change in reported speech:

a) when the introductory verb is in a past tense. *"I'm buying a new car next month," he said. He said that he was buying a new car the following month.*

b) in out-of-date reporting. *(Wednesday 13 October) Tim said "I have caught a cold." (Sunday 17 October) Tim said that he had caught a cold.*

c) when we consider what the speaker says to be untrue. *"Peter and I are business partners," Jill said to me. Jill said that she and Peter were business partners. (but Peter had never met her.)*

1. Somebody says something to you which is the opposite of what they said before. Write a suitable answer beginning *I thought you said*

1. A: That restaurant is expensive. B: Is it? **I thought you said it was cheap.**

2. A: Ann is coming to the party tonight. B: Is she? I thought you said _____

3. A: Ann likes Paul. B: Does she? I thought _____

4. A: I know lots of people. B: Do you? I thought _____

5. A: I'll be here next week. B: Will you? I thought _____

6. A: I'm going out this evening. B: Are you? _____

7. A: I can speak a little French. B: Can you? _____

8. A: I haven't been to the cinema for ages. B: Haven't you? _____

2. Turn the following questions into reported speech.

1. "Did you go to Bill's party last night?" asked Mark.
2. "Have you ever been to Italy?" she asked me. "Will you drive me to work today?" Carla asked Richard.
3. "Do you like reading the cartoons section of newspaper?" Brad asked Susan.
4. "Where does she live?" he wondered.
5. How old were you when you first travelled on an aeroplane?" Sally asked me.

3. There are 15 grammar mistakes in the text. Find and correct them. Explain your answers and translate the text.

1. The Labour Code provide that an employment contract are a special form of employment agreement that may used only where permit by law.
2. While an employment contract may be enter into for a definite term or until a specific job is completing an employment agreement, being the major basis of employment relation, is usually conclude for an indefinite term.
3. Employment contract must been in writing, however, an employment agreement may be verbal.
4. At the time of hire, an employer and employees may agreed to a probationary period to determined if the new employee are suited for the job.
5. The probationary period may not exceed three months.

V. SPEAKING

1. Imagine you are seeking a job and now you are at the meeting with your perspective employer. Here are frequently asked interview questions.

Work in pairs. Make up dialogues using these questions.

1. When would you expect your next promotion?
2. What do you know about this organization?
3. What kind of salary are you seeking?
4. What can you tell us about yourself?
5. Do you expect to work regular hours? / Would working irregular hours cause a problem?
6. Why would you like to work for this organization?
7. What are your weaknesses? How do you overcome them?
8. Why are you seeking a new job?
9. What has been your favorite job?
10. How do you feel about your previous employer?

MODULE 8

Protection of Employees

UNIT 2. Employment Protection Legislation

I. LEAD-IN

1. Discuss the following questions:

- Can you be fired for no reason at all?
- Should you file a claim against your employer for violating the Labour Code?
- What is employment discrimination?

How much overtime pay are you entitled to?

Does your employer have to notify you in advance that you are being fired?

Can you be forced into early retirement? What is severance pay?

2. There are some grounds for discrimination below. Link the ground with its description.

1. race	a. where the job applicant will give birth in the near future
2. sex	b. where the candidate comes from a country in the developing world
3. religion	c. where the person is over 40
4. colour	d. where the employee is homosexual
5. national origin	e. where a prospective employee is a woman
6. physical disability	f. where the employee has a young family
7. age	g. where the employee belongs to a lesser known sect
8. pregnancy	h. where an applicant is dark-skinned
9. childbirth	i. where an employee has been sick as a result of pregnancy
10. medical conditions	j. where the applicant has a bodily handicap, but still related to childbirth is able to perform the job
11. sexual orientation	k. where the candidate is non-European

3. Read and translate the text. Make up a plan of annotation and annotate the text.

Notes:

prenotification – попередження про звільнення заздалегідь

severance payments – виплата при звільненні

to itemize – перелічувати по пунктах

EMPLOYMENT PROTECTION LEGISLATION

Ukrainian Labour Code refers to all types of employment protection measures, which are grounded primarily in legislation, court rulings and collectively bargained conditions of employment. Employment protection refers both to regulations concerning hiring and firing (e.g. redundancy procedures, prenotification periods and severance payments, special requirements for collective dismissals and short-time work schemes).

If you have a problem with your employer you should usually try to sort it out informally first. If this doesn't work, you should follow the special threestep grievance procedure which all employers are required to have by law. If you have followed this procedure and are still not happy with the outcome, you can take your case to an employment tribunal. You should bear in mind that if you haven't followed the grievance procedure properly first, the employment tribunal may decide to reduce any compensation it awards to you.

Employment tribunals are legal bodies which deal with complaints about employment rights. A tribunal is made up of a legally qualified employment judge and two other people representing the employer's and the employee's sides of industry. A tribunal can deal with problems on the following:

- written statement of terms and conditions
- maternity rights
- holiday rights
- itemized pay statement
- unpaid wages
- sex discrimination/equal pay
- race discrimination
- disability discrimination
- age discrimination
- discrimination because of sexual orientation
- discrimination because of religion or belief
- some health and safety problems
- unfair dismissal and redundancy.

Wrongful dismissal, also called wrongful termination or wrongful discharge, is an idiom and legal phrase, describing a situation in which an employee's contract of employment has been terminated by the employer in circumstances where the termination breaches one or more terms of this contract, or a statute provision in employment law.

Wrongful dismissal will tend to arise first as a claim by the employee so

dismissed. Many jurisdictions provide tribunals or courts which will hear actions for wrongful dismissal. A proven wrongful dismissal will tend to lead to two main remedies: reinstatement of the dismissed employee, and/or monetary compensation for the wrongfully dismissed.

A related situation is constructive dismissal, in which an employee feels no choice but to resign from employment for reasons imposed by the employer. To avoid potential liability for wrongful dismissal is to institute an employment probation period after which a new employee is automatically terminated.

II. DEVELOPMENT

1. Answer the questions.

1. What cases does the employment tribunal deal with?

What is wrongful dismissal?

How many types of illegal employment discrimination are mentioned in the text?

What is an employment probation period?

What is workers' compensation?

2. Choose the best verb from the brackets to fill in the gaps. The first one is an example. Translate the sentences into Ukrainian.

1. If a company desires (desires/demands) to _____ (dismiss/detain) an employee without explaining the reasons, it might not be easy.

2. The Ukrainian Labour Code _____ (prohibits/probates) dismissal of an employee during the period of their temporary disability or a vacation. 3. In cases _____ (provided/promised) for by the law, the employer shall _____ (obtain/ advise) the consent of a trade union before the dismissal of an employee. 4. In the event of unlawful dismissal, an employee may _____ (apply/obligate) to a court and _____ (demand/detail) the re-employment and the compensation of the average wage for the period of forced absence, but not more than for a year. 5. Moral damages can also be _____ (sought/signed).

3. Rearrange the underlined letters to make words in the extract.

The Labour Code of Ukraine protects (1) esplymeoe from groundless (2) dsimisasl and restricts the (3) cesas of dismissal at the demand of the employer by the following (4) resonas:

– related to certain (5) fulat of the employee;

– systematic non-fulfillment of (6) luaobr duties without valid reasons;

– absence (7) woituht a valid reason;

– sick (8) laeey for more than 4 months running;

– appearance at (9) wrok intoxicated by (10) aloochl, narcotics or other toxic

substances;

- (11) tfhet of employer's property;
- single gross (12) beacrh of labour duties by a worker;
- (13) otehr particular grounds.

4. Match English terms with their definitions.

1. Employment court	a. the termination of an employee's contract, when an employee is dismissed without the notice.
2. Constructive dismissal	b. a period of paid absence from work to which a woman is legally entitled during the months immediately before and after childbirth.
3. Wrongful dismissal	c. termination of the contract by an employee because his employer has shown that he does not intend to renew the term of the contract.
4. Severance pay	d. it's a decision of an employment court directing an employer who has been found to have unfairly dismissed an employee to restore to his former job.
5. Discrimination	e. a court that rules on disputes between employers and employees regarding unfair dismissal, redundancy, etc.
6. Maternity leave	f. unfair treatment of a person, racial group, minority, etc.; action based on prejudice.
7. Reinstatement	g. compensation paid by an organization to an employee who leaves because, through no fault of his own, the job to which he was appointed ceases to exist and no comparable job is available to him.

5. Match English phrases with their explanations.

1. maternity rights	a. to single out a particular person, group, etc., because of a characteristic such as race, sex, intelligence
2. holiday rights	b. rules of medical care and protection from danger
3. unpaid wages	c. unjust discharge
4. disability discrimination	d. working without pay
5. health and safety plan	e. non-business day; non-working day
6. employment tribunal	f. a period of paid absence from work to which a woman is legally entitled during the months immediately before and

	after childbirth
7. unfair dismissal	g. discrimination on the condition of being redundancy unable to perform a task or function because of physical or mental impairment
8. sex/ race discrimination	h. a court that rules on disputes between employers and employees regarding unfair dismissal, redundancy, etc

6. Give English equivalents for the following word combinations:

- звільнення за власним бажанням;
- право на відпочинок;
- відповідальність роботодавця;
- умови контракту;
- несправедливе звільнення;
- випробувальний строк;
- порушувати договір;
- звільнення робітника;
- повідомлення про звільнення;
- виплата при звільненні;
- припинення договору;
- процедура подання скарги;
- дискримінація під час прийому на роботу;
- трудові відносини;
- суд з трудових спорів;
- трудовий кодекс.

III. PRACTICE AND EXPERIENCE

1. The sentences from a letter of redundancy have been mixed. Put them in order and fill in the box.

1. Details of your forthcoming redundancy and severance pay are enclosed.
2. Finally, I shall be pleased to supply any prospective employer with a reference on your behalf.
3. Your sincerely, Maria Petrova, Personal Manager.
4. It is much regret that I must ask you to accept this letter as a formal notice of the redundancy of your position as an assistant of lawyer with effect from 12 November 2008.
5. Dear Mr Ivanov.
6. On behalf of the company, I would like to thank you for the services you have given us in the past and wish you every success in the future.

7. Please, do not hesitate to contact me if you need clarification.
8. The company will gladly grant you reasonable time off with pay for the purposes of attending job interviews or undertaking any training for alternative employment.
9. The assistant of the Personal Department will help you in obtaining suitable alternative employment.

5.							
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2. Fill in the missed letters using the definition above.

1. Negotiation between one or more trade unions and one or more employers or an employers' organization on the incomes and working conditions of the employees.

c _ _ _ e _ _ i _ _ _ _ r g _ _ _ i _ g

2. An association of employees formed to improve their incomes and working conditions by collective bargaining with the employer or employer organizations.

_ r _ _ _ _ _ _ _ n

3. A negotiated agreement, which is not enforceable at law, between an employer and employees' representatives, covering rates of pay or terms and conditions of employment, or both.

_ _ l _ e _ _ _ v _ _ _ _ _ m _ _ t

4. A written agreement between an employer and an employee, that, taken together with the rights of each under statute and common law, determines the employment relations between them. _ o _ t _ _ _ _ _ m _ _ _ _ _ t

IV. GRAMMAR FOCUS

Task 1. Complete the sentences with the proper form of the verb using the Sequence of Tenses rule.

1. The minister was attacked by protesters who (wait) outside the building all day to voice their opposition to the police.
2. The readers understood that the news (leak) to the press by the minister in an attempt to boost his popularity.
3. A man was run over by a car which a witness said (drive) at a very high speed.
4. We hoped that the police (show) the victim a picture of the suspect.
5. The woman was surprised that they (not, guarantee) every participant a free lunch.
6. The press informed the public that the ex-President (take) illegal payments when he (be) in office.
7. I never understood why my parents (not, allow) me to play with the children next door when I (be) a child.
8. The teacher often said that Shakespeare never (revise) anything he (write).
9. It was once thought that there (be) canals on Mars.

10. The police announced that new measures to combat crime (introduce) by the end of the year.

11. The listeners were explained that the two-chamber system (be) an integral part of British parliamentary government.

12. It was interesting to learn that the system of parliamentary government in the United Kingdom (be) not based on a written constitution, but (be) the result of a gradual evolution going back several centuries.

13. Supporters of the monarchy tried to prove that it (be) an important source of stability and political continuity.

14. It was accepted that ultimate legal power (be) with Parliament and it (lay) the foundations of the modern representative democracy.

V. WRITING

1. Using the previous information make a report. You are suggested to choose one of the proposed themes or prefer your own.

1. Basic work conditions.
2. Termination of employment.
3. Nondiscrimination and social guarantees.
4. Wages and vacations.
5. Distinguishing between employment agreements and employment contracts.
6. Hiring employees.
7. The prospects.

2. Below is an extract from a labour contract which contains two parts.

A) Entitle each section choosing the title from the box.

B) Fill in all gaps according to the context.

C) Translate this extract from English into Ukrainian.

- Labour Insurance, Welfare and Benefits;
- Work Conditions and Labour Protection;
- Labour Discipline;
- Terms of Contract and Probation Period;
- Compensation;
- Other Matters;
- Termination of, Changes to, Renewal and Dissolution of Labour Contract;
- Liabilities for Breach of This Labour Contract;
- Job Post and Job Duties.

LABOUR CONTRACT

Law firm (hereinafter referred to as "Party A")

and

Name of Employee: _____ Identification Card No.: _____
(hereinafter referred to as "Party B") hereby execute this Contract in accordance with the applicable provisions of "The Labour Law Code" and other laws and regulations on the basis of equality, voluntariness and consensus.

Section 1. _____ 1. The term of this Contract shall be ___ years ___ months, from ___ to ___ , during this: there shall be a probation period of ___ years ___ months, from ___ to _____.

2. This Contract shall take effect on the day Party B actually commences work for Party A. 3. During probation period, Party A shall perform all obligations on Party B, and shall decide whether to formally hire Party B based on Party B's work performance and capabilities. The probation period shall end upon notice from Party A of Party B's formal hiring, and Party B shall become Party an employee.

Section 2. _____ 1. Party A shall implement a 40-hour work week schedule. Due to business needs, management, sales and service departments, etc., shall implement an irregular work system or comprehensive work hour system. 2. In the event that Party A needs Party B to work overtime due to business needs, Party A may provide make up breaks or compensation. In the event that the provisions of this Contract contravene applicable laws and regulations Party A may sue Party B. This Contract shall be in duplicate copies, with one copy for each of the parties, and shall take effect upon affixation thereto of the signatures and seals of the parties.

Party A (Seal) Law firm

Signature of Authorized Representative: Date: _____ Party B's signature:
Date: _____

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