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This chapter analyses the various*

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*tests adopted by the courts and tribunals to distinguish between the contract of employment and the contract for services. It considers the history of employment, moving from a master and servant arrangement to the emergence of the 'mutual' or 'reciprocal'*

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***contract of employment. It  
considers the statutory concept of  
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***played by implied terms of the employment contract. It then turns to the implied terms which impose obligations on the employer. These include the duty to provide work, pay wages, exercise reasonable care for the physical and psychiatric well-being of the***

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***employee; the implied term of mutual trust and confidence; and the discretionary benefit implied term ...***

***Personal Work Contracts Other Than the Contract of Employment  
On the termination of your***

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***employment (or earlier if requested)  
you must return to the Employer, or  
its representative, all property,  
equipment, records,  
correspondence, documents, files,  
Confidential Information and other  
information (whether originals,  
copies or extracts) belonging to, or***

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*in any way relating to the business  
and affairs of, the Employer which  
is in your possession or custody ...*

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*However, she faced a problem: the  
employment rights set out in the*



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***ERA 1996 are contingent on a particular contractual status. In order to fall within their personal scope, an individual must work under a contract of employment (s230(1)) or under a contract to perform personally any work or services (s230(3)(b)).***

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account of relevant British and  
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principles of construction for  
personal employment contracts An  
exploration of the novel concept of  
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***this concept replaces the employer***

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***This chapter explores the category  
of personal work contracts which  
lie beyond the contract of  
employment — or, to be more***

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***precise, which lie at the margins of  
and beyond the contract of  
employment. It begins by arguing  
that this category is, to a singular  
extent which is revealed by  
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***Introduction: From the Contract of***

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***work or employment contracts. If  
that larger project would be  
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