

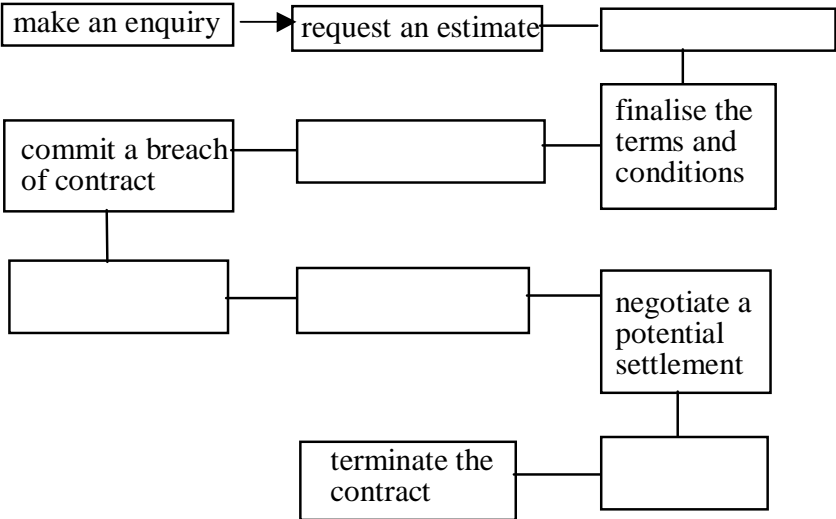
Business Missions

CONTRACTS

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Related words : contractual agreements

This is a possible sequence of events in the life of a contractual agreement. Other events are underneath. Where could you put them?



sue for damages **draw up a draft agreement** **go to arbitration**
pay compensation **sign the contract**

SEND THIS BACK

Rephrasing

A lot of the language found in contracts is different from the language used in everyday life.

If a reader is not used to the kind of formal, legal language used in contracts, s/he might well ask someone to explain. This would be done by *rephrasing*.

For example,

The agreement contained in this document is binding on both parties.

A: "What does that mean?"

B: "Oh that means that both parties must obey and carry out the terms and conditions in the contract"

(a) Read the Conditions of Employment below. Underline any words and expressions you do not understand. Then, use your dictionary and try to find a suitable paraphrase.

Conditions of employment

1. Every employee must give his/her services solely to the Company.
2. Employees must reside within a radius of 80 kilometers from the Company premises unless prior written consent has been granted.
3. The employer and/or the employee are entitled to terminate an appointment after one month's notice in writing. It is understood that an employee applying for a post in another firm will notify the Company.
4. Membership of the Company pension scheme is a condition of employment for all eligible staff. Contributions are 7% of gross annual earnings.
5. It is essential that notification of sickness and a medical certificate be sent after 48 hours absence.
6. Paid holiday entitlement is based on completed continuous service with an annual maximum of 5 weeks. Staff are expected to take their main holiday during the summer period.

7. Retirement is compulsory at the age of 60. However, employees are entitled to retire on reaching the age of 55, subject to appropriate advance notice.

8. It is the Company's policy, so far as possible, to fill staff vacancies by promotion and/or transfers within the Company. Selection of candidates will have no regard to race, nationality, religion, marital status or sex, but will be based entirely on suitability for the post.

9. Employees may appeal against dismissal using the official grievance procedure agreed upon by the management and unions.

(b) Which of the conditions do you consider reasonable or unreasonable? Are there any you feel should be added? **SEND THIS BACK**

(c) If you are in employment, compare the conditions with your own.

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Levels of formality

(a) What words and expressions are used in the Conditions instead of these:

tell only live end can sacking given

Why do you think these words are not used?

(b) Match the relatively informal words on the left with their more formal equivalents on the right.

get	ascertain
carry out	recover
find out	confer
agree to	obtain
get back	terminate
end	remunerate
give	execute
pay	undertake

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Word building : Prefixes and suffixes

(a) These prefixes are used to make the opposites of words.

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Which prefixes go with these words to make their opposites? Use a dictionary if necessary.

qualify	professional	justice	precise
honest	acceptable	adequate	legal
practical	interpret	inform	relevant
regular	official		

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(b) The words **entitlement**, **appointment** and **retirement** are in the Conditions of Employment. Which verbs correspond to these nouns?

Which verb corresponds to **dismissal**?

Which adjectives correspond to **sickness** and **absence**?

(c) Transform the following words into nouns ending in

-al -ance -ment -ship

Use a good dictionary if necessary.

accept	renew	partner	judge
member	owner	require	perform
arrive	withdraw	agree	significant

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Word Partners

Many expressions in English involve two words linked with *and*

I want to see the proposals in **black and white**.

The balance sheet is divided into **assets and liabilities**.

These expressions are fixed in word order; we could not say *white and black, or *liabilities and assets.

(a) Make expressions using the following words linked by *and* . Most of these expressions are likely to be found in a contract.

terms	void
supply	tear
null	labour
parts	figures
wear	demand
facts	conditions

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(b) Check that you understand the expressions and complete the sentences below

1. Our products are fully guaranteed for _____ and _____ .
2. Depreciation is a way of accounting for _____ .
3. The contract would have been considered _____ and impossible to implement even if the _____ had been complied with.
4. Don't just give me your opinion, I need some concrete _____.
5. There are certain basic economic rules like the law of _____.

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(c) Can you add a word to each of these binomial expressions?

1. We have meetings on and _____ , every three weeks or so on average.
2. Her work has come on by leaps and _____.
3. There has to be a spirit of compromise - a bit of give and _____.
4. It's takes about the same time from here to Glasgow or Marseilles, give or _____ . half an hour.
5. We've got important clients coming from Saudi Arabia and we'll have to wine and _____ them in a posh restaurant.
6. We don't do any market studies so our sales strategy is a very hit and _____ affair.
7. Being able to use a keyboard is part and _____ . of being an executive these days.
8. Getting this contract will make or _____ us as a major player in the marketplace.

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Pronunciation : ate

(a) Which of the following words are *nouns*, which are *verbs* and which are *adjectives*? Which can be two of these?

estimate
appropriate
certificate

compensate
associate

(b) Is *ate* pronounced /eit/ (like in *gate*) in nouns, verbs or adjectives? Or is it pronounced /it/ (as in *it*) in nouns, verbs or adjectives?

1. Our Mexican contact would like another **estimate**.
2. We **estimate** it will take another 6 months to implement the new terms and conditions.
3. It was our fault. According to clause 12.3 we will have to **compensate** them.
4. Are you sure that's the most **appropriate** solution?
5. The only thing I'm worried about is that the government might **appropriate** our assets.
6. It has been a successful campaign. The public really **associate** our product with a positive image.
7. Mrs Wells, I'd like to introduce my **associate**, Miguel Jimenez.
8. We cannot sign unless they have enclosed the insurance **certificate**?

(c) Which of the following are pronounced /eit/ and which are pronounced /it/?

negotiate	aggregate	consulate	adequate
consolidate	terminate	corporate	arbitrate

A famous case

On November 13 1891 an advertisement was placed in the *Illustrated London News* as follows:



£100 reward will be paid by the Smoke Ball Company to any person who catches the increasing epidemic *influenza*, colds or any disease caused by taking cold after having used the carbolic smoke ball according to the printed directions supplied with each ball.

£1,000 is deposited with the Alliance Bank, Regent Street, showing our sincerity in the matter.

Someone called Mrs. Carlill used the smoke balls, caught influenza and claimed the £100. The company refused to pay, and said that the advertisement was not a contract.

You don't have to be a lawyer to answer these questions! In your opinion:

1. Did the advertisement constitute a valid contract?
2. Was the promise null and void or was it binding?
3. Was there an acceptance of the promise in writing? Does it matter?
4. Was there a breach of contract?
5. Could she sue for damages?
6. What would be your judgement of the case?

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The actual verdict will be in the key.

Learning vocabulary

A famous technique for remembering words is used by people who appear on stage and remember words given to them by the audience. These people often picture in their minds a journey and place new words along the route. For example, to remember idiomatic expressions with *and* you could imagine your journey home from work or college.

You're thinking of the **pros and cons** of buying a new High Definition Television. You notice in a shop that prices have been reduced because of changes in **supply and demand**, so you go in and purchase a model with a two-year guarantee for **parts and labour**. But when you read the **terms and conditions** of the guarantee you realise etc.