



CILEX Level 6 Single Subject Certificate/CILEX Level 6 Professional Higher Diploma in Law and Practice/CILEX Level 6 Graduate Fast-Track Diploma

Unit 19 – The Practice of Employment Law

Case study materials

June 2024

Information for candidates

- You should familiarise yourself with these case study materials before the examination, taking time to consider the themes raised in the materials.
- You should consider the way in which your knowledge and understanding relate to these materials.
- In the examination, you will be presented with a set of questions which will relate to these materials.
- You may discuss these materials with your tutor(s).

Instructions and information to candidates during the examination

- You are allowed to take your own clean/unannotated copy of this document into the examination. Alternatively, you can access the electronic version of this document in the examination.
- You are allowed to take your own unmarked copy of the following designated statute book into the examination – ***Blackstone's Statutes on Employment Law 2022- 2023, 32nd edition, Richard Kidner, Oxford University Press, 2023.***
- You must comply with the CILEX Exam Regulations – Online Exams at Accredited Centres/CILEX Exam Regulations – Online Exams with Remote Invigilation.

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CASE STUDY MATERIALS

ADVANCE INSTRUCTIONS TO CANDIDATES

You are a trainee lawyer in the firm of Kempstons, The Manor House, Bedford, MK42 7AB. Your supervising partner is Helena Harper. You arrive at work and are given the following documentation to review and consider.

DOCUMENT 1: Email from Alisha Batia to Helena Harper dated 9 May 2024

DOCUMENT 2: Email from Alisha Batia to Helena Harper dated 10 May 2024

DOCUMENT 3: Email from Lee Reid to Helena Harper dated 10 May 2024

DOCUMENT 4: Email from Egbert Franklyn to Helena Harper dated 11 May 2024

DOCUMENT 5: Memorandum from Helena Harper dated 18 May 2024

EMAIL

From: Alisha Batia

Sent: 9 May 2024, 11:00

To: Helena Harper

Subject: Workplace Relations

Dear Ms Harper

My name is Alisha Batia. I am employed by Cats Accountancy Ltd as a clerk. I have been employed by the company since I was 19 years old; I turned 23 years old last month.

Up until recently, I enjoyed a close friendship with my manager Evie Chung at Cats Accountancy Ltd. Despite a significant age difference between us (she is 39 years old) we quickly became friends on my joining the company and would take our lunch breaks together every day, during which we would often share details of our private and love lives. We also socialised outside of work, including visiting each other's homes. However, this situation has altered dramatically, for the worse, over the past few weeks.

I recently asked Evie, in her capacity as my manager, if I could have a pay review as I was still being paid the same wage as when I joined the company (the minimum wage allowed at that time). Evie told me that the company was not in a position to increase the pay of any employee; I accepted her response.

However, I did ask later for a meeting with more senior management, simply to confirm that I was on the right wages as they seemed quite low. The meeting took place, at which time it was decided that my wages would be increased to the current minimum wage.

When Evie found out that I had had this meeting and that it resulted in a pay increase, her attitude towards me changed drastically. She told me that she was upset that I "went over her head" and that we were no longer friends. When I tried to defend myself by explaining that I simply wanted to be paid the right wage, Evie called me a "silly little girl who played the race card to get more money". This comment really upset me and it was the first time she had ever brought up my age or my race (I am of British-Pakistani heritage). I found it particularly belittling and demeaning as she was my friend, not to mention my manager. I have avoided Evie since that comment was made and hoped the matter had blown over but I am now worried, as her attitude is making me feel uneasy and I have begun to dislike my job.

Can you please advise me of my rights in this situation?

Regards

Alisha Batia

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EMAIL

From: Alisha Batia

Sent: 10 May 2024, 12:02

To: Helena Harper

Subject: Update – Workplace Relations

Hi

Further to my email sent yesterday, I have today received an email from Cats Accountancy Ltd notifying me that I need to attend a meeting with the HR Manager, as Evie Chung has raised a complaint of harassment against me.

Evie claims that I made a joke about her sex life being “dead in the water” during a lunch break we took together and she found this comment “personal and embarrassing”.

I did make the comment. However, it was made prior to my requesting a pay review with senior management and Evie’s subsequent change in attitude towards me. The comment was made during one of many chats we had about our dating lives and I said it in response to an equally frank statement Evie made about my sex life being “in need of resuscitation”. We were both laughing during this exchange. I even attended a family barbeque at her home the weekend following the occasion where these comments were made!

I am due to attend the meeting with the HR manager next week and I would appreciate any advice you could give me ahead of this.

Thank you.

Regards

Alisha Batia

EMAIL

From: Lee Reid

Sent: 10 May 2024, 16:50

To: Helena Harper

Subject: Can you help?

Hi

I hope you can help me.

I had been working for Dog Treats as a delivery driver and I was fired this week. When I asked my manager why I was fired, he said it was because I had been late too many times.

I had been late to work a few times over the last couple of months but I didn't think I could get fired for something so small. This doesn't seem right.

I have no idea how the legal system works but I feel like this isn't fair and there should be some way I can complain about Dog Treats and maybe get some money to make up for how I've been treated. I can't afford to pay any costs if I lose a case though.

Please can you let me know what my options are?

Thanks.

Lee Reid

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EMAIL

From: Egbert Franklyn

Sent: 11 May 2024, 11:00

To: Helena Harper

Subject: Employee Disputes

Dear Ms Harper

My name is Egbert Franklyn. I am the owner of a business advisory company, Muse Ltd.

We have recently had a few issues with employees. I am hoping you will be able to clarify my legal rights, and the validity of my actions, in relation to the two issues/employees noted below.

Firstly, George Garrett was employed by Muse Ltd as a business adviser for three years. Mr Garrett was found to have been accessing pornographic material on his work laptop during his lunch hour, and he was immediately dismissed from his employment for this reason. Mr Garrett claims he was unfairly dismissed as he was on his "personal time" when he accessed the material, and the company "does not explicitly preclude" private use of the internet during an employee's lunch hour.

Secondly, Marisa Tolken was employed by Muse Ltd as a business manager for two years. Ms Tolken took ordinary maternity leave following the birth of her child. During this leave, Muse Ltd terminated her contract of employment on the basis of redundancy. Ms Tolken has threatened to sue Muse Ltd for unfair dismissal and the company wishes to avoid the negative publicity involved with such a case. Muse Ltd has offered Marisa Tolken a sum of money in exchange for a written agreement of "full and final settlement" of all issues relating to her dismissal. Ms Tolken has agreed to this stipulation. I seek your representation in drafting this agreement.

Many thanks and look forward to hearing from you.

Egbert Franklyn

MEMORANDUM

To: Trainee Lawyer

From: Helena Harper

Client: Various

Date: 18 May 2024

Hi

I have included below the key points taken from three client meetings conducted earlier this week. All clients seek clarification of their rights. Please review and prepare to assist me with these cases.

Thanks.

H. Harper

Client One: Tamisha Jones, employed by Inclusive 222 Ltd for six years as a sales executive. Ms Jones recently resigned from this employment and gave the required four weeks' notice. Clause 8.8 within Ms Jones's contract of employment stated that she agrees not to come to work during her notice period and not to begin any new employment until her notice period is over. Ms Jones did not have access to confidential information within her employment at Inclusive 222 Ltd but did have access to company clients.

Client Two: Yusuf Khan, employed by CFC Bank Ltd for six weeks as a branch manager. Mr Khan's 14-year-old son passed away last month and CFC Bank Ltd offered him one week of unpaid leave on hearing of his son's death. Mr Khan did not take this leave as it was unpaid leave only and he stated he could not afford to lose one week's pay.

Client Three: Sumita Syed, owner of BookBees Ltd. BookBees Ltd recently took on three new members of staff in a transfer of service provision from another local bookstore, Ulysses Reads. One of these transferred employees was Jackie Neate. The transfer is recognised under TUPE. Two months after this transfer, BookBees Ltd lost a large stock of valuable books in a warehouse fire; the items destroyed were not insured. This affected the company's ability to meet customer orders, resulting in significant financial losses over the last two months. BookBees Ltd decided to dismiss one of the employees transferred from Ulysses Reads as it could not afford to retain all three members of staff transferred. Sumita Syed decided to dismiss Jackie Neate as she had less experience, having been employed by Ulysses Reads for a little over two years prior to the transfer of service. The other two transferred employees had six years' and nine years' duration of employment, respectively. Jackie Neate has challenged the dismissal and states she was "not given time nor opportunity to understand her dismissal and argue why she should keep her job".

End of the case study materials

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