

27 January 2022
Level 3
THE PRACTICE OF EMPLOYMENT LAW
Subject Code L3-13

THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

UNIT 13 – THE PRACTICE OF EMPLOYMENT LAW

Time allowed: 1 hour and 30 minutes plus 15 minutes' reading time

Instructions to Candidates

- You have been provided with a clean copy of the case study materials for you to use in this examination.
- You have **FIFTEEN** minutes to read through this question paper and the case study materials before the start of the examination.
- **It is strongly recommended that you use the reading time to read this question paper fully.** However, you may make notes on this question paper or in your answer booklet during this time, if you wish.
- **All questions are compulsory. You must answer ALL the questions.**
- Write in full sentences – a yes or no answer will earn no marks.
- Candidates must comply with the CILEx Examination Regulations.
- Full reasoning must be shown in answers. Statutory authorities, decided cases and examples should be used where appropriate.

Information for Candidates

- The mark allocation for each question and part-question is given and you are advised to take this into account in planning your work.
- Write in blue or black ink or ballpoint pen.
- Attention should be paid to clear, neat handwriting and tidy alterations.
- Complete all rough work in your answer booklet. Cross through any work you do not want marked.

Do not turn over this page until instructed by the Invigilator.

Question 1

Reference: Question relates to **Documents 1 and 2** of the case study materials.

- (a) Explain the potential funding options available to Edward, should he be made redundant and wish to pursue the matter.

(5 marks)

- (b) Explain the steps that Corton Industry should have taken in respect of consultation and the provision of information.

(6 marks)

- (c) Calculate the redundancy payment Edward would receive, on the assumption that the redundancy is fair, indicating how the amount is achieved.

(6 marks)

(Total: 17 marks)

Question 2

Reference: Question relates to **Documents 1 and 3** of the case study materials.

- (a) Explain Phoebe's rights to maternity pay.

(4 marks)

- (b) Identify the relevant protected characteristic and explain how it applies in Phoebe's case.

(6 marks)

The matter proceeds to the Employment Tribunal. Due to the nature of the claim, there will be a preliminary hearing.

- (c) Explain what actions the Employment Tribunal can take at the preliminary hearing.

(6 marks)

Phoebe is successful in her claim.

- (d) Identify the potential remedies available to her against Time to Dine Ltd.

(4 marks)

(Total: 20 marks)

Question 3

Reference: Question relates to **Documents 1 and 4** of the case study materials.

(a) Explain whether Rodney satisfies the eligibility requirements to bring a claim for potentially unfair dismissal.

(6 marks)

(b) Explain the potentially fair reasons for dismissal, and identify which reason is relevant to Rodney's situation.

(4 marks)

(c) Explain the potential effect of Rodney's failure to attend the disciplinary meeting on his claim for unfair dismissal.

(4 marks)

(Total: 14 marks)

Question 4

Reference: Question relates to **Documents 1 and 5** of the case study materials.

(a) Explain whether Tina can insist that employees at Medshire Park work 60 hours per week.

(6 marks)

(b) Explain whether Tina is correct in assuming that she has the right to move employees working at Medshire Park to the one at Kempston.

(6 marks)

(c) Explain whether Tina has to provide a written contract of employment to the new employees at Kempston Park.

(4 marks)

(d) Describe what action, if any, an employee could take if information concerning the terms of their contract is not provided by Tina.

(3 marks)

(Total: 19 marks)

End of Examination Paper