



## 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.**

\* This unit is a component of the **CILEx LEVEL 3 PROFESSIONAL QUALIFICATIONS** and **LEVEL 3 LEGAL SERVICES KNOWLEDGE QUALIFICATIONS**

## **Question 1**

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

(a) Explain the potential funding options available to Jean, should he wish to pursue the matter.

**(5 marks)**

(b) Identify and explain which provisions in the Equality Act 2010 may have been breached by the decision not to employ Jean.

**(6 marks)**

(c) Identify the form which Jean must use to make a claim for discrimination to the employment tribunal.

**(1 mark)**

(d) If the case progresses to the Employment Tribunal, Jean is concerned that the resultant publicity may affect his ability to get a job in the future.

(i) Identify the Orders that the Employment Tribunal could make to stop information about the case being made public.

**(3 marks)**

(ii) Explain whether any such Orders are likely to be made.

**(2 marks)**

**(Total: 17 marks)**

## Question 2

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

- (a) Identify **two** policies or procedures that an employment lawyer could draft for an employer, not including a staff handbook.

**(2 marks)**

- (b) Explain:

- (i) the **three** situations in which Simply Chemicals Ltd can lawfully make its staff redundant;

**(6 marks)**

- (ii) which situation is relevant in this case.

**(1 mark)**

- (c) Identify **three** examples of objective criteria that Alicja could use in order to select employees for redundancy.

**(3 marks)**

- (d) Calculate the Basic Award for redundancy that Simply Chemicals Ltd is legally required to pay Delia.

**(5 marks)**

- (e) (i) Identify the type of clause that Alicja would like to be inserted into each employee's contract of employment.

**(1 mark)**

- (ii) Explain whether such a clause is likely to be enforceable in the future.

**(2 marks)**

**(Total: 20 marks)**

### Question 3

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

- (a) Explain the possible legal issues Hannah faces in respect of the reference she provided for Jemimah.

**(5 marks)**

Jemimah has resigned from her job with Hannah, because of the reference that Hannah supplied to her prospective employer. Hannah is concerned that Jemimah may bring a claim for unfair dismissal.

- (b) Explain:

- (i) whether Jemimah meets the eligibility criteria to bring a claim for unfair dismissal;

**(6 marks)**

- (ii) whether Jemimah has a potential claim for unfair dismissal.

**(5 marks)**

- (c) Explain whether a restrictive covenant, to the extent that Hannah suggested, would be enforceable in the circumstances.

**(4 marks)**

**(Total: 20 marks)**

### Question 4

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

- (a) Explain whether Horrace would have to use his holiday entitlement.

**(4 marks)**

- (b) Explain what Tracey may be entitled to, if her employer has acted in breach of contract.

**(4 marks)**

- (c) Explain whether Ai Zhang's employer can require her to work 65 hours per week.

**(5 marks)**

**(Total: 13 marks)**

**End of Examination Paper**