



THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

UNIT 19 – THE PRACTICE OF EMPLOYMENT LAW*

Time allowed: 3 hours 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 may use in the examination their own unmarked copy of the designated statute book: **Blackstone's Statutes on Employment Law 2017-2018, 27th edition, Richard Kidner, Oxford University Press, 2017.**
- 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 following CILEX qualifications: **LEVEL 6 CERTIFICATE IN LAW, LEVEL 6 PROFESSIONAL HIGHER DIPLOMA IN LAW AND PRACTICE** and the **LEVEL 6 DIPLOMA IN LEGAL PRACTICE**

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Question 1

Reference: Question relates to **Document 1** of the case study materials.

- (a) Advise Shrewsbury Micro Technologies Ltd of the implied protections afforded to it by legal obligations arising out of the relationship of employer and employee, with supporting legal authorities.

(8 marks)

- (b) Advise Shrewsbury Micro Technologies Ltd on the types of post-termination restrictive covenants that would protect the business and the extent to which they are likely to be valid.

(9 marks)

- (c) Draft appropriate restrictive covenants for Shrewsbury Micro Technologies Ltd in respect of its software engineers.

(10 marks)

(Total: 27 marks)

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Question 2

Reference: Question relates to **Documents 2 and 3** of the case study materials.

Later on 15 January, Nathan Legar sends a further email, in which he explains that he was visiting the branch where Richard Evans works, and Richard Evans told him that he had reported to HMRC the fact that he was not being paid the national living wage. Nathan Legar summarily dismissed Richard Evans for 'bringing the company into disrepute'.

- (a) Draft the text of an email advising Nathan Legar what statutory claim(s) Richard Evans could bring against Latte King Ltd ('Latte King'), with supporting legal authorities. (**Do not** discuss remedies.)

(8 marks)

A few days later, Latte King informs you that an ACAS conciliator has contacted the company, with a view to engaging in early conciliation in relation to Richard Evans.

- (b) Advise Latte King on the early conciliation process and (explaining any legal requirements) how the employment dispute could be resolved before the matter progresses to an Employment Tribunal hearing.

(9 marks)

Mohammed Rashid, the managing director of Latte King, has contacted Kempstons, because he is concerned that Latte King does not have formal disciplinary and grievance policies.

- (c) Explain to Latte King the importance of having a disciplinary and grievance policy and set out the details that should be included in such policies.

(10 marks)

(Total: 27 marks)

Question 3

Reference: Question relates to **Document 4** of the case study materials.

- (a) Advise Erin Cairns of any potential claims she could bring against Sensi Knowledge Laboratory Ltd and the respective remedies that would be available to her if she were successful.

(9 marks)

- (b) Draft the statement of the background and details of the claim to be inserted in section 8 of the ET1 form.

(14 marks)

(Total: 23 marks)

Question 4

Reference: Question relates to **Document 5** of the case study materials.

The transaction is scheduled to be completed in three weeks' time but, despite requests, Zenith Logistics plc has not provided any employee liability information.

- (a) Draft the text of an email to Joanne Klein explaining:

- (i) the legal obligations on the transferor and transferee to consult with affected employees prior to the transfer, and the consequences of failing to meet these requirements;

(6 marks)

- (ii) the significance of employee liability information and the remedies if it is not provided.

(6 marks)

- (b) Advise Angus Trucking Ltd whether Tom Cox can lawfully be dismissed either before or after the transfer, on the grounds that his services are unnecessary.

(6 marks)

- (c) Advise Angus Trucking Ltd whether, and if so in what circumstances, the terms and conditions of the transferring employees can be harmonised with those of its existing employees.

(5 marks)

(Total: 23 marks)

End of Examination Paper

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