

CASE STUDY MATERIALS

June 2018
Level 6
THE PRACTICE OF EMPLOYMENT LAW
Subject Code L6-19



THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

UNIT 19 – THE PRACTICE OF EMPLOYMENT LAW*

CASE STUDY MATERIALS

Information for Candidates on Using the Case Study Materials

- This document contains the case study materials for your examination.
- In the examination, you will be presented with a set of questions which will relate to these case study materials. You will be required to answer **all** the questions on the examination paper.
- You should familiarise yourself with these case study materials prior to the examination, taking time to consider the themes raised in the materials.
- You should take the opportunity to discuss these materials with your tutor/s either face-to-face or electronically.
- It is recommended that you consider the way in which your knowledge and understanding relate to these case study materials.

Instructions to Candidates Before the Examination

- You will be provided with a clean copy of the case study materials in the examination.
- You are **NOT** permitted to take your own copy of the case study materials or any other materials including notes or textbooks except a Statute Book, where permitted, into the examination.
- In the examination, candidates must comply with the CILEx Examination Regulations.

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* 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**

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 Jatinder Singh.

You arrive at work and are given the following documentation to review and consider.

- Document 1** Memorandum dated 1 May 2018 from Jatinder Singh
- Document 2** Email from Pamela Clarke to Jatinder Singh
- Document 3** Email from Kiki Cole to Jatinder Singh
- Document 4** Memorandum dated 1 June 2018 from Jatinder Singh
- Document 5** Attendance note dated 30 April 2018 re Camilla Perez
- Document 6** Email from Leanna Armstrong to Jatinder Singh

DOCUMENT 1

MEMORANDUM

To: Trainee Lawyer
From: Jatinder Singh
Client: Chic Bakery Ltd/Pamela Clarke
File Ref: CB/Ltd/1290
Date: 1 May 2018

I am currently acting for Chic Bakery Ltd in relation to an issue concerning one of its existing employees, Colin Cartwright. Please see details below.

Colin Cartwright is 20 years old. He requested time off for paternity leave, as his partner is due to give birth in four months. One of the company's managers, Joseph Dennehy, told him to forget it, if he thought he was entitled to the same rights as a pregnant woman.

Apparently, Colin Cartwright's trade union representative has requested a meeting with the management concerning this.

I have now received another email (**Document 2**) from the owner and director of Chic Bakery Ltd, Pamela Clarke, regarding separate issues she is having with another two of her employees; please research the issues raised in this email.

Thanks

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DOCUMENT 2

EMAIL

From: Clarke, Pamela
Sent: 30 April 2018, 15:01
To: Singh, Jatinder
Subject: Problems with Employees No 2

Dear Jatinder

Further to our previous discussions regarding Chic Bakery Ltd, I now find myself having problems with another two of my employees, as explained below. Please do let me know the best course of action.

You may remember my mentioning an employee of mine, Sarah Smith, and what an asset she has been to me as a manager since joining us five years ago. Well, things have certainly changed with Sarah in the last two months. Firstly, she has legally changed her name to 'Saira'; an action she attributes to a change in religion, which requires her to have this new name. I, however, refuse to call her by this new name, as it is too difficult to pronounce. I also request that other members of staff continue to call her Sarah, as they also find the new name difficult to pronounce and tend to make a mockery of the name each time it is said; which has become a running office joke. There is just one employee, Emma Evans, who insists on calling her 'Saira'. I have reprimanded Emma for this and warned I may cut her hours, as I consider this behaviour to be disloyal and divisive.

Sarah also has very mild multiple sclerosis, which can affect her speech when she becomes nervous, including when she is required to speak during staff meetings. Some of Sarah's colleagues seem to find her speech impediment quite amusing and struggle to control their laughter during such incidents (this is not something I condone, but you know what people are like and I cannot control my employees' sense of humour). Again, Emma causes problems here, by accusing her colleagues of demeaning Sarah; this has resulted in Emma being excluded from the break room, which is understandable given her preachy nature.

I now feel that Sarah is no longer suited to the work environment and I will be dismissing her. Hopefully, Emma will fall into line once Sarah has gone, otherwise she'll be next to go. Can you please confirm that two weeks' notice is sufficient, given Sarah's five years at the company?

Thanks

Pamela

DOCUMENT 3

EMAIL

From: Cole, Kiki
Sent: 20 April 2018, 12:09
To: Singh, Jatinder
Subject: Employment Advice

Hi Jatinder

As you may recall, we met last week to discuss problems I have been experiencing with my employer, Eating Ltd, regarding my reluctance to accept its new working timetable.

I am writing to inform you that Eating Ltd has now made me redundant.

I do not believe the redundancy is justified; rather, I suspect it is based on my refusal to accept its amended working hours.

The company has offered me a sum of money in exchange for taking the matter no further and not challenging the redundancy. I am writing to seek your advice as to the enforceability of this promise to pay me a sum of money, if I accept the redundancy without contest.

Please do let me know what you think.

Many thanks.

Kiki

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DOCUMENT 4

MEMORANDUM

To: Trainee Lawyer
From: Jatinder Singh
Client: Kiki Cole
Date: 1 June 2018

I am currently acting for Ms Kiki Cole in relation to employment issues (**Document 3**) that she is experiencing with one of her two employers, Eating Ltd (Ms Cole is employed by two different companies).

Ms Cole has informed me that she is now also experiencing difficulties with her second employer, KeyCutters. Please find details below.

Ms Cole has been working for KeyCutters for the past four years. The branch where she works has recently been taken over by a new owner, which intends to reduce her working hours from 35 hours to 25 hours per week. The new owner claims it cannot afford to maintain all staff at current rates of pay, so she can choose to either reduce her working hours or accept a decrease in pay for the same working hours. Ms Cole states she is not at all happy, as both these options leave her with significantly less income.

When she queried the change, Ms Cole was informed that the branch had to move to new, more expensive premises so as to compete in the current market. This meant that economies had to be made in the staffing budget.

Ms Cole does not believe this is the genuine reason for the proposed change in her contract.

Thank you.

DOCUMENT 5

ATTENDANCE NOTE

Client: Camilla Perez

Fee Earner: Jatinder Singh

Date: 30 April 2018

Time: 50 minutes

Camilla Perez came to Kempstons last week to consult on the matters below.

She has been a manager at an art restoration company, Priceless Art Ltd, for the past three years. She began experiencing problems around six months ago, when a new colleague joined her team, after working in another department of the company for the past six years. Camilla explained that the colleague in question, Terry Banner, refused to wear the uniform, as required of all employees in her team. After the first such incident, Camilla says she took Terry for a 'quiet coffee off the record' and explained to him that she would be requiring him to work overtime as a 'punishment', if he continued to refuse to wear the full uniform.

Additionally, Camilla explained that another long-standing employee with four years' service, Jolene Grundy, had complained that Terry had made inappropriate and lewd comments to her. Camilla said she took this complaint no further, as she believed Jolene had a personal dislike of Terry and was therefore making an issue 'out of nothing'.

Camilla explained that, a week later, she sent Jolene an email, stating that she was dismissed with immediate effect for failing to act in the best interests of the company, as she believes Jolene made a false complaint against Terry, although no investigation was conducted.

Camilla also decided to dismiss Terry for continuing to refuse to wear the full uniform; she sent him an email informing him that he was dismissed with immediate effect for failing to obey lawful orders.

Camilla is now concerned, as she has heard rumours that Jolene and Terry are considering bringing claims against the company.

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DOCUMENT 6

EMAIL

From: Armstrong, Leanna
Sent: 30 April 2018, 11:05
To: Singh, Jatinder
Subject: Follow-up on employee issues

Dear Jatinder

It was great meeting with you last week.

As requested, I am forwarding further details of my issues in the email below. I hope you will be able to assist me in these matters.

I have been successfully running my own IT company for the past six years. Last year, one of my most trusted employees left my company and managed to get away with taking several of my clients with him, causing my company significant economic loss. I am now, understandably, very wary of employees who appear to be demonstrating any indication of potential disloyalty.

This brings me to my current problem regarding an existing employee of two years' standing, Ian Corne. When Ian joined the team, I explained to him that I took company loyalty very seriously. He was initially an excellent worker, and I had no reason to doubt his commitment to the company. However, over the last three months, I have noticed his behaviour changing; he would set passwords on work documents and not share these passwords with other staff members, as required. When I prompted him to share this information, he would become evasive and only share the passwords after he had apparently accessed the documents in private. Furthermore, I noticed that Ian set up three separate meetings for 'drinks' with various company clients. When I questioned him about this, Ian told me he had become 'friends' with the clients and they did not discuss business during their meetings.

Last week, I called Ian into my office and shared my suspicions with him, hoping he would put my mind at ease and provide me with a more plausible explanation for his recent behaviour.

However, he got very upset and accused me of 'lacking the mental fortitude to comprehend his way of working'. Ian then stormed out of my office and physically pushed me out of the way to get to the door. I immediately called security, had Ian removed from the building, and issued an email terminating his employment with immediate effect.

Many thanks.

Leanna

End of Case Study Materials