



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, 2 and 3** of the case study materials.

- (a) Define the protected characteristic that applies to Sonia Terrence.

(4 marks)

- (b) Explain whether Daina Jansons has acted in a discriminatory way towards Sonia Terrence.

(5 marks)

- (c) Explain whether any measures should have been put in place to ensure a fair recruitment process for Sonia Terrence.

(3 marks)

- (d) Explain to Daina Jansons the redundancy procedure that she should follow, if she wishes to close the shops.

(8 marks)

(Total: 20 marks)

Question 2

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

- (a) Explain the amount of notice that Kerry Maidestone will be entitled to.

(3 marks)

- (b) Explain what the clause found at 4.1 in Kerry Maidestone's contract of employment is, and identify the likely consequences of a breach.

(5 marks)

- (c) Explain whether clause 4.2 of the employment contract is enforceable against Kerry Maidestone.

(7 marks)

(Total: 15 marks)

Question 3

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

- (a) Explain to Geoffrey Mint whether Brondon Bros Engineering could have required him to work 60 hours per week.
(5 marks)
- (b) Identify which form Geoffrey Mint should use, in order to bring a claim for unfair dismissal.
(1 mark)
- (c) Explain the effect on the claim for unfair dismissal, if any, that the failure of the employer to provide a section 1 statement would have.
(3 marks)

The claim for unfair dismissal progresses, and Geoffrey Mint is nervous about the final hearing.

- (d) Explain to Geoffrey Mint how the final hearing is usually conducted.
(6 marks)
- (Total: 15 marks)**

Question 4

Reference: Question relates to **Documents 1 and 6** of the case study materials.

- (a) Explain to Fiona Holmes the potential funding options that she has, if she wishes to pursue a claim for unfair dismissal.
(5 marks)
- (b) On the assumption that Fiona Holmes wishes to pursue the matter, advise her whether she is eligible to make a claim for unfair dismissal.
(5 marks)
- (c) Advise Fiona Holmes whether she has been unfairly dismissed.
(7 marks)
- (d) Advise Jasmine Lu whether she has any rights to attend antenatal appointments.
(3 marks)
- (Total: 20 marks)**

End of Examination Paper

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