



THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

UNIT 6 – EMPLOYMENT LAW*

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

Instructions to Candidates

- You have **FIFTEEN** minutes to read through this question paper 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.
- **This question paper is divided into TWO sections. You must answer ALL the questions from Section A. There are three scenarios in Section B. You must answer the questions relating to ONE of the scenarios from Section B ONLY.**
- 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**

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SECTION A

(Answer ALL questions in Section A)

1. Identify **three** statutory rights that employees have. **(3 marks)**

2. State the current statutory national minimum or the national living wage for an adult aged 18–20 and an adult aged 25 and over. **(2 marks)**

3. Identify the grounds on which a wrongful dismissal claim can be brought. **(3 marks)**

4. Define victimisation. **(2 marks)**

5. Explain **two** implied common law duties that an employee owes to their employer. **(4 marks)**

6. Identify the statutory notice periods owed to an employee under the Employment Rights Act 1996. **(4 marks)**

7. Explain the criteria for a claim of indirect discrimination under the Equality Act 2010. **(4 marks)**

8. Identify **two** classes of employees who are not eligible to claim unfair dismissal. **(2 marks)**

9. Identify **three** ways in which an employment contract may be terminated. **(3 marks)**

10. Identify **three** particulars that must be included within the written statement under s.1 Employment Rights Act 1996. **(3 marks)**

(Total Marks for Section A: 30 marks)

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SECTION B

(There are three scenarios in Section B. Answer the questions relating to ONE of the scenarios ONLY)

Scenario 1

Lizzie is the head teacher of Rushmill Academy.

Matt is a teacher who has worked at the academy for two years. On Saturday night, Matt went out to celebrate his birthday with some friends. On Monday morning, Lizzie received a phone call from one of the parents of a child in Matt's class. The parent complained that Matt had posted, on a social media site, inappropriate photos of himself and his friends, partying and drinking. Lizzie went straight to Matt's class and told him to leave and not to come back. Matt was shocked and said that he had done nothing wrong. Lizzie informed him that it was inappropriate to post pictures of himself drinking, as he is responsible for children. Three days later, Matt received a letter in the post saying he had been dismissed for gross misconduct and that the decision was final.

Pierre is employed by the academy to do the washing up after the children have eaten their school dinners. Pierre has developed a permanent skin condition on his hands, caused by the washing-up liquid he is required to use in his job.

Pierre asked Lizzie if the academy could provide him with a different brand of washing-up liquid or latex gloves. Lizzie told Pierre that the academy could not afford to change suppliers, and if he wanted a different brand of washing-up liquid or latex gloves, he would have to buy them himself.

Scenario 1 Questions

1. (a) Explain the eligibility requirements to bring a claim for unfair dismissal.

(6 marks)

(b) Explain whether Matt would be successful in a claim for unfair dismissal against Rushmill Academy.

(10 marks)

(Total: 16 marks)
2. Explain the procedural steps that Lizzie should have taken when disciplining Matt.

(9 marks)
3. Identify the remedies available for a claim of unfair dismissal.

(3 marks)
4. (a) Define disability under the Equality Act 2010.

(3 marks)

(b) Explain whether Pierre would be eligible to make a claim for disability discrimination under the Equality Act 2010.

(6 marks)

(c) Explain whether Rushmill Academy has a duty to make reasonable adjustments in relation to Pierre.

(3 marks)

(Total: 12 marks)

(Total Marks for Scenario 1: 40 marks)

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Scenario 2

Nahid owns 'Speedy Racers', a go-kart stadium where the public can hire and race go-karts.

Conroy, who is 63, has worked at 'Speedy Racers' for four years. One of his duties is returning the go-karts to the storage sheds at the end of the evening. Conroy has always done a good job and is very popular with the customers. At his recent appraisal, Nahid complimented him on his event planning skills.

Two weeks ago, Conroy was driving a go-kart towards the storage sheds when he misjudged the bend, sped off the track and crashed through the safety barrier into Nahid's car. The collision caused £800 worth of damage. Nahid was very angry and called Conroy the worst driver ever. Nahid told Conroy to report to the office immediately.

While in the office, and with the door still open, so that everyone could hear, Nahid yelled at Conroy, saying 'You are too old to drive' and that he was going to deduct the £800 from his wages. Nahid also shouted 'I don't need idiots working for me'. Conroy was so upset by the whole experience that he ran out of the office and never returned.

Conroy has now got a new job and has asked Nahid for a reference.

Scenario 2 Questions

1. Explain:
 - (a) what is meant by constructive dismissal;
(4 marks)
 - (b) what is meant by summary dismissal.
(4 marks)**(Total: 8 marks)**

2. (a) Explain the basis on which Conroy may bring a claim for constructive dismissal and whether it is likely to be successful.
(8 marks)

(b) Identify and explain what claim Conroy may have in relation to the statement 'You are too old to drive'.
(9 marks)

(c) State what remedies Conroy would be entitled to if his claim(s) were successful.
(5 marks)
(Total: 22 marks)

3. Explain whether Nahid is entitled to deduct any money from Conroy's wages.
(6 marks)

4. Explain the duty governing the content of references and whether Nahid will have to provide Conroy with a reference.
(4 marks)

(Total Marks for Scenario 2: 40 marks)

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Scenario 3

Adam owns a performing arts academy for children.

Evie, a singing coach, started working for Adam on a casual basis three years ago, when the academy first opened. Evie submits invoices monthly, is paid gross and is responsible for paying her own tax and national insurance. Evie has bought the academy uniform of a t-shirt and red trousers. Adam has told Evie that the cost of the uniform can be deducted from her tax.

Evie was supposed to work on Saturday night, but she sent her brother Frank to cover her classes. Evie, instead, attended an audition for a popular television show. Adam was unhappy about this and refused to let Frank work. He subsequently gave Evie a written warning for missing her shift.

Harry has worked for Adam for two years as a minibus driver and prop maker. Harry was recently banned from driving, after being convicted of driving with excess alcohol. Adam dismissed Harry because of the driving ban.

Six months ago, Adam employed Jason as a drum teacher. Last week, Jason married his long-term partner Simon. When the staff found out, they complained to Adam that it 'is not right' to employ 'people like Jason'. One member of staff told Jason to his face that she did not like 'his sort' and it is 'wrong' that he is working with children. When Jason told Adam that these comments were making him feel anxious, Adam suggested it might be best for everyone if he left, and Adam gave Jason one month's pay in lieu of notice.

Scenario 3 Questions

1. Explain:
 - (a) whether Evie is likely to be an employee of the academy;
(7 marks)
 - (b) whether Evie is likely to be self-employed.
(7 marks)**(Total: 14 marks)**

2. (a) Identify **two** potential fair reasons for dismissal.
(2 marks)

(b) Explain whether Adam has any potentially fair reasons to dismiss Harry.
(10 marks)
(Total: 12 marks)

3. (a) Advise Adam of any potential claim(s) that Jason may bring against the academy.
(10 marks)

(b) Explain the burden of proof in a discrimination claim.
(4 marks)
(Total: 14 marks)

(Total Marks for Scenario 3: 40 marks)

End of Examination Paper

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