



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 2016-2017, 26th edition, Richard Kidner, Oxford University Press, 2016.**
- 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**

Question 1

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

- (a) Draft an email to Marie Anne Hawn, advising her (including any legal authority) on the dismissal of Zain and any legal consequences of doing so.

(20 marks)

- (b) Advise your supervisor, Anushka Patel, of relevant policies that Marie Anne Hawn should have at work, to deal with conduct issues in the workplace.

(5 marks)

(Total: 25 marks)

Question 2

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

- (a) Advise Westvey Ltd as to the nature of the the ACAS Early Conciliation scheme and the benefits of the Early Conciliation scheme.

(5 marks)

- (b) Advise Westvey Ltd of the implications of not submitting an ET3 response and grounds of resistance to the ET1 Claim, and advise them of any relevant applications that can be made to the Employment Tribunal at this stage.

(12 marks)

- (c) Draft Westvey Ltd's grounds of defence to Ian Stanmore's Claim.

(13 marks)

(Total: 30 marks)

Question 3

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

- (a) Draft a policy outlining maternity rights for DC Hammer and Chisel Ltd.

Note: Please write your answer to this question in your answer booklet.

(7 marks)

- (b) Advise Daniel Chen, who is proposing to sell his business to Big DIY Ltd, whether the staff at DC Hammer and Chisel Ltd would automatically be transferred to Big DIY Ltd.

(13 marks)

(Total: 20 marks)

Question 4

Reference: Question relates to **Documents 5 and 6** of the case study materials.

- (a) Advise Carolina Baranowski on the potential claim under the Equality Act 2010 that she can bring and the potential remedies available.

(13 marks)

- (b) Identify the type of restrictive covenant clauses at 25.1.1 and 25.1.2, and assess their validity, with supporting case law.

(7 marks)

Carolina has now resigned, as Tongar UK Ltd failed to do anything to address her grievance. Assume that Tongar UK Ltd has breached trust and confidence. Carolina wants to take a job working at another local call centre; which is a competitor of Tongar UK Ltd.

- (c) Advise Tongar UK Ltd whether it is able to rely on the restrictive covenants in Carolina's contract to preclude her from working at a competitor's business, including any legal authority.

(5 marks)

(Total: 25 marks)

End of Examination Paper

BLANK PAGE