

INSTITUTE OF LEGAL EXECUTIVES
UNIT 13 – 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 the question paper fully.** However, you may make notes on the 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 ILEX 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 ball point 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 ILEX qualifications: **LEVEL 3 CERTIFICATE IN LAW AND**

Question 1

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

- (a) You have a work experience student with you at work for a week. Explain what non-contentious employment work is.

(2 marks)

- (b) Give examples of **two** types of contentious work you would carry out for a client who has a complaint against their employer.

(2 marks)

(Total: 4 marks)

Question 2

Reference: Question relates to **Documents 1, 2 and 3** of the case study materials.

- (a) Explain to Shane the type of clause his employer has inserted into his contract of employment and its effect.

(3 marks)

- (b) Explain how the court would assess the validity of the clause and if Shane is bound by it.

(8 marks)

- (c) Redraft the clause in a form that would be valid.

(5 marks)

(Total: 16 marks)

Question 3

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

Advise Peter in relation to the following:

- (a) Explain whether Peter has any claims for discrimination against his employer in relation to his interview and if so, on what basis.

(9 marks)

- (b) What time limit applies to his potential discrimination claims against his employer?

(2 marks)

- (c) Outline the remedies available to Peter if he is successful in his discrimination claims.

(4 marks)

- (d) Explain to Peter what the minimum wage is and whether his employer can insist he works for less than the minimum wage.

(4 marks)

(Total: 19 marks)

Question 4

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

- (a) What reassurance can you give Alicia concerning the content of a reference her employer may be asked to provide?
(5 marks)
- (b) If Alicia had not been made redundant, explain whether she would have been successful in her request for flexible working.
(4 marks)
- (c) Alicia believes her selection for redundancy followed her request for flexible working as she was made redundant the next day.

Explain whether Alicia's selection for redundancy was fair.

(5 marks)

(Total: 14 marks)

Question 5

Reference: Question relates to **Document 1** of the case study materials and **Document A** on page 4 of this examination paper.

- (a) Advise Kavita on the procedure her employer should have followed after the discovery of the theft.
(8 marks)
- (b) Explain whether Kavita has a claim for unfair dismissal.

(9 marks)

(Total: 17 marks)

DOCUMENT A

Memorandum

To: Trainee Legal Executive

From: A Jones

Date: [Yesterday]

Re: **Advice Clinic-Kavita Rai**

Kavita has just rung to say she has received a letter from her employer telling her that she has been dismissed for gross misconduct for the theft of the ink cartridges and memory sticks.

Her employers have decided not to involve the police but will not be paying Kavita any of the pay she is due for the two weeks she worked this month nor her holiday pay of two weeks.

Kavita is very upset. Please give her some more advice about the situation.

End of Examination Paper