



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 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 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 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 CILEX qualifications: **LEVEL 3 CERTIFICATE IN LAW AND PRACTICE** and **LEVEL 3 PROFESSIONAL DIPLOMA IN LAW AND PRACTICE**

Question 1

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

- (a) Identify and explain the issues that arise with Pamper Palace's plans for recruitment of new staff and the draft advertisement.
(9 marks)
 - (b) Re-draft the relevant parts of the advertisement (**Document 2**) which require amendment.
(5 marks)
 - (c) Identify and explain any issues that arise in relation to Stefan's rejection of the self-employed beautician who applied to work at Pamper Palace.
(8 marks)
- (Total: 22 marks)**

Question 2

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

- (a) Identify and explain three clauses which Pamper Palace may wish to include in the contract of employment for their new trainee chef.
(9 marks)
 - (b) Mary has indicated that she will be claiming unfair dismissal against Pamper Palace. Stefan wants to argue that Mary was made redundant.

Explain how Pamper Palace may argue redundancy or otherwise defend the claim.
(10 marks)
 - (c) Identify and explain Pamper Palace's duties in relation to Etsuko's return to work and the potential consequences if they fail to manage the situation properly.
(7 marks)
 - (d) List **two** particulars which must be contained in Olga's s.1 statement to comply with s.1 of the Employment Rights Act 1996.
(2 marks)
- (Total: 28 marks)**

Question 3

Reference: Question relates to **Documents 1, 3 and 4** of the case study materials.

- (a) Explain whether Lauren meets the eligibility criteria for a successful claim of unfair dismissal and how she would issue her claim against Pamper Palace.

(7 marks)

- (b) Identify and explain the arguments Pamper Palace may use to defend the claim of unfair dismissal made by Lauren.

(10 marks)

- (c) Pamper Palace agree to settle Lauren's claim.

Explain how Pamper Place can ensure that she cannot pursue her claim further.

(3 marks)

(Total: 20 marks)

End of Examination Paper

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