



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

- (a) Identify and explain the issues that arise with the content of the contract of employment of Mark Jacobs and any remedies available.

**(10 marks)**

- (b) Explain the purpose of a restrictive covenant.

**(4 marks)**

- (c) Draft an appropriate restrictive covenant to be included in the contract of employment of the new cycle guide.

**(6 marks)**

**(Total: 20 marks)**

### Question 2

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

- (a) In addition to the contract of employment identify **two** essential documents 'The Boris Boys' as Employers must have in place and explain why such documents are necessary.

**(4 marks)**

- (b) Explain to 'The Boris Boys' how they should comply with the Equality Act 2010 in their recruitment process for a new cycle guide.

**(10 marks)**

**(Total: 14 marks)**

### Question 3

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

- (a) Explain whether Santana meets the eligibility criteria for a claim of constructive unfair dismissal against 'The Boris Boys'.  
**(10 marks)**
- (b) Explain what form Santana would use to issue her claim and the relevant deadline for submission of her claim.  
**(3 marks)**

**(Total: 13 marks)**

### Question 4

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

- (a) Harvey Choo is 62 years old and earns £200 per week. Calculate the payments due to him upon his selection for redundancy. Explain your calculations.  
**(7 marks)**
- (b) What application could Tim make to change his working hours?  
**(2 marks)**

**(Total: 9 marks)**

### Question 5

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

- (a) Identify and explain whether Freya has a claim against her employers and how any such claim arises.  
**(8 marks)**
- (b) Identify and explain what, if any, impact Freya's claim will have upon the enforceability of any restriction in her contract of employment.  
**(6 marks)**

**(Total: 14 marks)**

**End of Examination Paper**

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