



## 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 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 may use in the examination their own unmarked copy of the designated statute book: Blackstone's Statutes on Employment Law 2012-2013, 22nd edition, Richard Kidner, Oxford University Press, 2012**
- 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 6 CERTIFICATE IN LAW, LEVEL 6 PROFESSIONAL HIGHER DIPLOMA IN LAW AND PRACTICE and the LEVEL 6 DIPLOMA IN LEGAL**

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## Question 1

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

- (a) The sale of Maxime Pyro Products Ltd to Simply Bang Fireworks Ltd has been agreed in outline. Simon Jaggard does not intend to tell Simply Bang Fireworks Ltd about the difficulties he has had with certain employees, including Agnieszka Wirkus. Explain the requirement of employee liability information.

**(8 marks)**

- (b) If the matter concerning Agnieszka Wirkus is to be dealt with before the transfer, the most appropriate way of doing so would be through what measure? What preamble would be employed and why?

**(6 marks)**

- (c) In the alternative, Simply Bang Fireworks Ltd requires a third of the workforce to be dismissed, not just Agnieszka Wirkus. Explain how such an action may be possible.

**(5 marks)**

- (d) How would the situation differ if Maxime Pyro Products Ltd was going into liquidation?

**(4 marks)**

**(Total: 23 marks)**

## Question 2

Reference: Question relates to Advance Instructions to Candidates  
**Document 2** of the case study materials.

- (a) The letter received from Maria Johnson states that there are terms in Saanvi Chander's contract which she must abide by once the contract is terminated. Explain what types of clause these are likely to be in her case and what they are designed to achieve.  
**(8 marks)**
- (b) What rules are employed by the courts to ensure the validity of such clauses?  
**(7 marks)**
- (c) Saanvi Chander has been dismissed. Explain the effect this will have, if any, on the validity of such clauses and what claims she may be able to bring.  
**(6 marks)**
- (d) If the employers had been aware of the pregnancy then it is highly unlikely that they would have dismissed Saanvi. Explain what maternity leave and pay she would have been entitled to under the statutory scheme.  
**(6 marks)**

**(Total: 27 marks)**

### Question 3

Reference: Question relates to Advance Instructions to Candidates  
**Documents 3** and **4** of the case study materials.

- (a) To what extent does the holiday entitlement clause in the draft contract reflect the statutory entitlement?  
**(5 marks)**
- (b) Both Grievance and Disciplinary policies are required. Consider what should be taken into account when drafting them.  
**(6 marks)**
- (c) Explain the importance of detailed policies and procedures.  
**(6 marks)**
- (d) Gary Montgomery is 60 years old and he is currently employed as a taxi driver by Lotus Taxi Services Ltd. He applied for an internal post as office manager but was turned down because it was felt he would not be able to cope with the much younger office staff.

Advise Lotus Taxi Services Ltd. about any claims Gary Montgomery may have against them and the potential costs in compensation should he be successful in a claim.

**(5 marks)**

**(Total: 22 marks)**

#### Question 4

Reference: Question relates to Advance Instructions to Candidates  
**Document 5** of the case study materials.

- (a) Both warnings given to Kate Peterson related to her child. In such circumstances was it acceptable for the employer to give such warnings and what effect, if any, will they have?  
**(7 marks)**
- (b) Will Kate Peterson qualify to bring a claim for unfair dismissal?  
**(8 marks)**
- (c) The Tribunal has made a decision in favour of Kate Peterson based upon unfair dismissal. She will be entitled to a basic and compensatory award. How will her entitlement to the basic award be calculated and consider what matters would be taken into account in respect of the compensatory award.  
**(6 marks)**
- (d) Explain how the matter will be dealt with if, subsequently after the decision of the Tribunal, further evidence becomes available to you which shows that the decision of the employer was based on discrimination.  
**(7 marks)**

**(Total: 28 marks)**

**End of Examination Paper**

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