

EXAMINATION FOR INTERNAL STUDENTS

For The Following Qualification:-

LL.B.

LL.B. Part II: Employment Law

COURSE CODE : LAWSII31

DATE : 12-MAY-03

TIME : 10.00

TIME ALLOWED : 3 Hours 15 Minutes

EMPLOYMENT LAW

Answer **FOUR** questions

1. "The law governing which category of worker is entitled to which employment rights is badly in need of reform. But the challenge this presents is formidable."

Discuss.

2. "Contract law is unable appropriately to accommodate the complexity of employment relationships."

Critically evaluate this statement with reference to the development of common law implied terms.

3. "The National Minimum Wage Act 1998 is likely to be of more lasting significance than the Working Time Regulations 1998."

Discuss.

4. "The legacy of the decision of the House of Lords in *Johnson v Unisys* has been to make the law on wrongful dismissal entirely unprincipled."

Critically evaluate this statement.

5. "New categories of automatic unfairness are the answer to criticisms of the law on unfair dismissal."

Discuss.

6. What is the significance of the decision in *Wilson v UK* for legal protection of the right to freedom of association?

7. "The statutory recognition procedure should have been called the statutory consultation procedure."

Explain and evaluate this statement.

8. In what respects, if any, does the UK law on consultation and information embody a commitment to collective bargaining?

TURN OVER

9. Hal has been employed as a football player with Smarts for 6 months. He was unpopular with his team-mates from the first day. As a consequence he was ostracised and subjected to a series of humiliating practical jokes. When Hal complained to his employer, he was told that he should see the behaviour as part of locker room humour. He was advised to relax and to see the funny side of what was being done to him.

Hal became increasingly stressed and miserable. Before training one day he opened his locker to find a dead rat. His team-mates and the manager burst into laughter when they saw his look of horror. Hal immediately left work feeling very upset and has not yet felt able to return.

Advise Hal about a possible claim based on his contract of employment.

10. Cordelia has been employed for 15 years as a private detective for an agency called Bernies. The agency is divided into three departments. Cordelia now works in a department that specializes in recovering lost pets, but previously spent time in a department dealing with missing persons. The third department in the agency specializes in solving burglaries. Owing to financial difficulties management have decided that the agency must scale down its activities. The agency's annual accounts show that the number of missing pet jobs has diminished in the previous five years, while the other areas of the business are growing. It is decided to retrench by closing the missing pets department.

Cordelia receives a letter, without warning, telling her of the decision to shut down her department. The letter also gives Cordelia notice of the termination of her employment by reason of redundancy. The letter explains that Cordelia will receive a statutory redundancy payment.

Advise Cordelia about a possible claim for unfair dismissal.

END OF PAPER