



**CILEX Level 6 Single Subject Certificate/CILEX Level 6 Professional Higher Diploma in Law and Practice/CILEX Level 6 Graduate Fast-Track Diploma**

**Unit 4 – Employment Law**

**Question paper**

**January 2025**

**Time allowed: 3 hours and 15 minutes (includes 15 minutes reading time)**

**Instructions and information**

- It is recommended that you take **fifteen** minutes to read through this question paper before you start answering the questions. However, if you wish to, you may start answering the questions immediately.
- There are **two** sections in this question paper — Section A and Section B. Each section has four questions.
- You must answer **four** of the eight questions — at least **one** question must be from **Section A** and at least **one** question must be from **Section B**.
- This question paper is out of 100 marks.
- The marks for each question are shown — use this as a guide as to how much time to spend on each question.
- Write in full sentences — a yes or no answer will earn no marks.
- Full reasoning must be shown in your answers.
- Statutory authorities, decided cases and examples should be used where appropriate.
- You are allowed to make notes on your scrap paper during the examination.
- A basic calculator is provided should you require the use of one.
- You can use your own unmarked copy of the following designated statute book – ***Blackstone's Statutes on Employment Law, 32nd edition, Richard Kidner, Oxford University Press, 2023.***
- You must comply with the CILEX Exam Regulations – Online Exams at Accredited Centres/CILEX Exam Regulations – Online Exams with Remote Invigilation.

**Turn over**

## SECTION A

Answer at least one question from this section.

1. Critically evaluate the protection offered to an employee under the employer's implied duties to provide work, provide references and ensure a safe working environment. **(25 marks)**

2. 'Disability takes many forms. Therefore, the legal definition of a disability, as well as the support offered to those who are disabled, should also include a broad and varied number of conditions and accommodations.'

Critically assess the statement above in relation to the protection given to disabled persons under both the Equality Act 2010 and case law in relation to:

- the definition of disability;
- what constitutes making reasonable adjustments for a disabled person.

**(25 marks)**

3. (a) Explain the nature and purpose of the requirement on private companies to report gender pay gaps. **(9 marks)**

- (b) Critically assess the protection given to 'mothers' under shared parental leave legislation. **(16 marks)**

**(Total: 25 marks)**

4. Critically analyse the importance of an employer's duty to show substantive and procedural fairness when dismissing an employee for a statutory reason. **(25 marks)**

## SECTION B

Answer at least one question from this section.

### Question 1

Coats and Jackets Ltd is a clothing company. Amita has been working at Coats and Jackets Ltd as a sales assistant for a year. Last month, Amita asked her manager if she could change her working hours for the winter months so that she could get home before it gets dark; it was her first such request. Amita put her request in writing and asked to alter her working hours from 9 am to 6 pm, to 7 am to 4 pm instead. The request was rejected by Coats and Jackets Ltd on the basis of 'staff shortages'.

Irene also works at Coats and Jackets Ltd. She has been employed by the company for the past two months as a junior assistant. During this time, Irene had been trained by Carl, a more senior member of staff. One afternoon during her training Carl told Irene that he finds her 'very attractive'. Irene responded by asking Carl not to make such comments as they made her feel uncomfortable. Carl replied stating, 'You hysterical women are so touchy these days, you can't even take a compliment'.

Irene made a complaint to her line manager about the way Carl had spoken to her. In response to her complaint, Irene was told that as it was a one-off incident no action would be taken against Carl. However, the line manager told Irene that to avoid any further disturbance, Irene would be moved to another department and trained by a different member of staff. This meant that Irene would no longer work at the office to which she had become accustomed and that her training period would have to start over again, effectively rendering her previous two months of training valueless.

Advise Coats and Jackets Ltd:

- (a) whether Amita's request for flexible working was valid and whether Coats and Jackets Ltd had a statutory reason to deny the request;

**(8 marks)**

- (b) whether Irene's rights under the Equality Act 2010 have been breached and if so the potential remedies available to her.

**(17 marks)**

**(Total: 25 marks)**

**Turn over**

## Question 2

Dolly is the owner of a company called Egg23 Ltd, a company that specialises in building bicycles. The company suffered losses in the last two financial years and Dolly decided that cuts needed to be made to save the company. It was decided that the design department of Egg23 Ltd would be reduced in number as there was no longer sufficient work to justify a team of six bicycle designers so certain employees in the department would be made redundant.

Dolly decided on two employees to be made redundant. She chose to make Henry redundant as he had been late to work several times, blaming public transport each time. Henry had received a verbal warning and a written warning about his lateness. The other employee selected for redundancy was Kelly, who was selected on the basis of being the newest employee to join Egg23 Ltd, having worked for the company for just over two years.

Dolly also considered making Leonardo redundant but ultimately decided to offer him a different job instead. Leonardo had worked as a 'senior design technician' at Egg23 Ltd for four years and was offered the job of 'design technician' with the same salary but at a different location, one mile from his previous working location. Leonardo rejected the offer of the alternative job as he did not accept the changes to his title or working location.

Advise Dolly:

- (a) if the reasons for selecting Henry and Kelly for redundancy are statutory fair reasons;  
**(10 marks)**
  
- (b) on the remedies available against Egg23 Ltd if they have not followed proper redundancy procedure;  
**(7 marks)**
  
- (c) if Leonardo had a legally valid reason to reject the offer of alternative work.  
**(8 marks)**

**(Total: 25 marks)**

### Question 3

Tania is 22 years old and holds an advanced qualification in security management. Tania has worked as a security guard for BeansNBakes Ltd for the past four years. Tania is paid the statutory minimum wage by BeansNBakes Ltd.

Owing to recent burglaries in the local area, BeansNBakes Ltd decides to hire additional security guards. Kelvin, the store manager, hired Ibrahim to work as a security guard alongside Tania. Ibrahim is 22 years old, holds a basic security qualification and has two years' experience in the security industry. Ibrahim joined BeansNBakes Ltd on a wage that is 15% higher than Tania's wage.

Last month, Tania's two-year-old son was involved in a road traffic accident and sadly passed away. Tania asked her manager, Kelvin, if she could have some time off from work to grieve. Kelvin told Tania that because of the recent burglaries in the local area he could not allow her time off until they found an agency worker to cover her shifts, after which she would be allowed one week of unpaid leave. The following month, Kelvin asked an employment agency, TimetoWork, to send one individual to work as a security guard.

TimetoWork sent Michael to work at BeansNBakes Ltd as a security guard. Michael is 38 years old and is paid the same wage as Tania. Michael is told that while he is allowed to use the staff room, the tea and coffee provided in the staff room are only for the benefit of permanent staff. Michael is told he will need to purchase his own beverages from the vending machine, which he does daily. Michael works for BeansNBakes for a total of six months.

Advise BeansNBakes Ltd if it has breached the rights of:

- Tania;
- Michael.

**(Do not consider remedies)**

**(25 marks)**

**Turn over**

#### **Question 4**

Giorgio had been employed by XYZ Retail Ltd as a facilities co-ordinator. His manager, Jackie, regularly asked Giorgio to work more than 55 hours a week. Giorgio agreed to this as Jackie asked him repeatedly and he wanted to make a good impression, having worked at the company for only two months at that time.

During one of his shifts Giorgio broke an expensive iron lock on a door as he was closing up. The following month, XYZ Retail Ltd took the costs of buying and fitting a new lock from Giorgio's wages.

After this incident, Jackie would make 'jokes' to other colleagues about Giorgio being 'slow witted and incapable of turning a key in a lock'. Giorgio would ignore these comments as he wanted to settle into the workplace and keep his new job. However, the comments continued and Giorgio found that his co-workers also began to make such comments about him being 'slow and incapable', and started to isolate him in the workplace.

After four months of employment, Giorgio felt that he could no longer continue working at XYZ Retail Ltd because of the continued comments being made by both Jackie and his co-workers. Giorgio began looking for alternative employment. It took him a further two months to find a new job, at which time he resigned from XYZ Retail.

Advise Giorgio if his rights have been breached by XYZ Retail Ltd.

**(Do not consider remedies)**

**(25 marks)**

**End of the examination**