

**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 2026**

**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, 32<sup>nd</sup> 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. 'The tests used to distinguish employees, workers and self-employed persons do not reflect modern working life and the gig economy.'

Critically assess the statement above.

**(25 marks)**

2. Despite the increase in atypical working patterns, the rights of such workers are not adequately protected by statute. Explain this statement in respect of the rights and remedies available to:

(a) agency workers in relation to 'difference in treatment';

**(15 marks)**

(b) fixed-term workers in relation to 'less favourable treatment'.

**(10 marks)**

**(Total: 25 marks)**

3. Critically analyse whether statute gives fathers and male caregivers adequate rights in relation to the right to paternity pay and paternity leave.

**(25 marks)**

4. Critically evaluate the factors that a court or tribunal will consider in 'achieving fairness in all the circumstances' in a claim for potentially unfair dismissal.

**(25 marks)**

## SECTION B

**Answer at least one question from this section.**

### Question 1

Fast Food 4U is a very busy and popular pizza restaurant. The restaurant's chefs are required to prepare food quickly and in large amounts to meet customer orders. Recently, Anoj, a chef at Fast Food 4U, suffered burns to his hands when the door of the pizza oven jammed as he was removing a pizza. Fast Food 4U admitted that the pizza oven was broken at the time of the incident but told Anoj that he was responsible for his own injury as he was not wearing the oven gloves provided to him by the restaurant at the time he was injured.

Brenda has worked as a server at Fast Food 4U for the past six months. Brenda follows a religion that requires her to refrain from wearing the colour white during a yearly two-week religious festival. Fast Food 4U requires that its servers wear a uniform, which includes a white tie. Brenda explained to her manager that she could not wear the white tie during the two-week religious festival but she was happy to wear a tie of another colour. Brenda's manager told her that she would still have to wear the white tie, as wearing a tie of a different colour would ruin the uniform and create difficulty for customers to identify her as a server in the busy restaurant.

Carly has worked as a restaurant manager at Fast Food 4U for the past two years, a role that requires her to stand during most of her shifts. Carly has multiple sclerosis (MS), and her symptoms had been well controlled with medication throughout her time working at Fast Food 4U. Recently, however, Carly's MS symptoms have worsened and she is now unable to stand for more than an hour at a time. Carly notified her manager of this and requested a chair to use when she needs to sit down during her shift. A chair was provided for Carly and she used it for two weeks. After this time, Carly stated that, while the chair was adequate, it was not her first choice and she would rather have an alternative, more fashionable chair, the cost of which was more than double of the chair provided. Carly's manager refused to provide this chair as it was beyond the financial resources of the business.

Advise Fast Food 4U if it has breached:

- the common law rights of Anoj;
- the statutory rights of Brenda and Carly.

**(Note to candidates: Do NOT consider remedies.)**

**(25 marks)**

***Turn over***

## Question 2

A transfer of a business recently took place between Free Designs Ltd and Kitties Ltd, which resulted in Kitties Ltd becoming the sole provider of cat toys to a local pet store. This transfer of services from Free Designs Ltd to Kitties Ltd also resulted in the latter having two new transferred employees. One of these transferred employees was Ellie.

Ellie had worked at Free Designs Ltd as an assembly technician for two years prior to being transferred to Kitties Ltd.

Kitties Ltd pays all its assembly technicians a rate of pay which was 5% less than Ellie was paid at Free Designs Ltd. Ellie was initially told by Kitties Ltd that her wages would not change on transfer. However, after working at Kitties Ltd for one month, Ellie received her wages and they were 5% lower than she received at Free Designs Ltd.

When she queried this with her manager, Ellie was told that while Kitties Ltd had initially agreed to maintain her wages, other assembly technicians had found out about this and complained. Kitties Ltd stated that it was now adjusting Ellie's wages so that they were in line with other employees doing the same job. This was necessary to sustain working relations with other employees and also to maintain company profits. Ellie refused to accept this and resigned.

With reference to TUPE 2006 and associated case law, advise Kitties Ltd if it has breached the rights of Ellie and, if so, the potential remedies available to her.

**(25 marks)**

### Question 3

Tariq is the owner of a language school called Read&Speak Ltd. The school experienced a decline in the number of students enrolling on its courses over the last three years. The 'Advanced Literature' department had the fewest student enrolments and there was no longer sufficient work to allocate to the existing team of four teachers. It was therefore decided that two teachers from the 'Advanced Literature' department would be made redundant. Tariq selected Lena and Roger to be made redundant.

Lena was selected for redundancy based on her poor attendance, having missed a total of 37 days of work over the last year. Lena claimed that she was absent from work due to medical issues relating to an allergy. Lena never provided the school with any medical notes in confirmation of this, despite this being repeatedly requested. Roger was also selected for redundancy. Tariq based this decision on the fact that Roger was the most recent employee to join Read&Speak Ltd, having worked for the company for just over six months.

Read&Speak Ltd also runs a Spanish language course. Jamilla has been employed at the school for the last four years as a full-time Spanish language teacher. In the last student registration, there were fewer students interested in studying Spanish at the school. Tariq therefore made the decision to cancel the summer Spanish-language sessions. This meant that Jamilla would not be required to work at the school for three months of that year. Jamilla would also not receive her wages during those three months.

Advise Tariq:

- (a) if the reasons for selecting Lena and Roger for redundancy are statutory fair reasons; **(10 marks)**
- (b) on the remedies available against Read&Speak Ltd if they have not followed proper redundancy procedure; **(7 marks)**
- (c) if Read&Speak Ltd has breached its common law duty to pay Jamilla's wages and to provide her with work. **(8 marks)**

**(Total: 25 marks)**

**Turn over**

#### Question 4

Jolene is the manager of a hiking tour company, GetOut Ltd. Vanessa works for GetOut Ltd as a tour guide. Vanessa had been late to work three times in one month; Jolene had not mentioned the first two incidents of lateness to Vanessa.

However, on the third occasion of lateness, Jolene reprimanded Vanessa for her lateness by telling her that she 'should be on time as it lets down the whole team when one person is late'. Jolene made this statement in front of several of Vanessa's co-workers. Vanessa resigned later the same day as she said she felt humiliated that Jolene had publicly reprimanded her for lateness and that consequently she no longer trusted Jolene as an employer.

Yin also works for GetOut Ltd as a tour guide. She has worked for the company for the last 18 months. One of the tour buses used by GetOut Ltd was recently involved in an accident, which was partly caused by driving during poor weather conditions and heavy rain. Despite this accident, GetOut Ltd continued to send its tour buses out during heavy rainfall. Yin told Jolene that she felt unsafe riding on the tour buses when the weather was bad as this was a contributing factor to the previous accident. Jolene told her that GetOut Ltd would continue to send its tour buses out in all weather conditions. Later that week, Yin made a post on her personal social media account, stating 'despite a previous accident caused by driving in heavy rain, my employer is still sending out its two-ton tour buses no matter how bad the weather gets... guess they don't care about safety... I'll need to write my will if I continue working there!'. When Jolene found out that Yin had made the post, she dismissed her for disloyalty to the company.

(a) Advise Vanessa on the legal grounds for constructive dismissal and whether, in the circumstances, she has been constructively dismissed.

**(14 marks)**

(b) Advise Yin if she has been unfairly dismissed.

**(11 marks)**

**(Note to candidates: Do NOT consider remedies.)**

**(Total: 25 marks)**

**End of the examination**

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