



**CILEX Level 3 Certificate in Law and Practice/  
CILEX Level 3 Professional Diploma in Law and Practice**

**Unit 6 – Employment Law**

**Question paper**

**June 2023**

**Time allowed: 1 hour and 45 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.
- You must answer **all** questions from Section A.
- There are three scenarios in Section B — you must choose **one** scenario and answer **all** questions relating to that scenario.
- This question paper is out of 70 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.
- You are **not** allowed access to any statute books.
- 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 all questions.

1. Identify **two** employment rights employees have under statute or regulation. **(2 marks)**
2. Identify **two** optional terms an employer may include in a contract of employment. **(2 marks)**
3. Explain victimisation under the Equality Act 2010. **(5 marks)**
4. Identify the grounds on which a wrongful dismissal claim can be brought. **(3 marks)**
5. Identify **two** classes of employees who are not eligible to claim unfair dismissal. **(2 marks)**
6. Explain what is meant by the term 'mutuality of obligations.' **(3 marks)**
7. Explain the statutory minimum notice period an employer must give to an employee after two years of service. **(3 marks)**
8. Explain the 'band of reasonable responses' test applied in a claim for unfair dismissal. **(5 marks)**
9. State the national living wage for employees aged 23 and over. **(1 mark)**
10. Identify and explain **two** implied common law duties of an employer. **(4 marks)**

**(Total Marks for Section A: 30 marks)**

## SECTION B

**There are three scenarios — you must choose one scenario and answer all questions relating to that scenario.**

### **Scenario 1**

Zelma is the manager of Treasure Hunters, a small United Kingdom based company that salvages sunken ships around the world.

Andrew is a specialist diver who has worked for Zelma for four years and is paid in British pounds. Due to the nature of the job, Andrew spends most of his time away from home, living and working in the Caribbean. Andrew has just returned to work after four months' sick leave following an accident that left him unable to work.

On the latest salvage expedition, Andrew was getting ready to dive when he noticed that some of the equipment was unsafe to use. He told Zelma the unsafe equipment would have to be replaced before he could dive. Zelma told him to get on with it. When Andrew refused, Zelma told him she had had enough of him and if he didn't like it then he could look for another job. Two days later, Andrew received a letter from Zelma stating that he had been dismissed and he was not to return.

Bella also works for Zelma at Treasure Hunters. Bella is 19 years old and came to the UK as a Somali refugee when she was four years old. Bella is now a British citizen. Recently, Bella asked Zelma for some additional holiday, as she thinks she is entitled to more than the 15 days she is given each year. Zelma told Bella: "Check your contract, as 15 days holiday is all foreigners are entitled to". The six other staff members all receive more than the statutory minimum holiday requirement. Bella has complained that she has not received any contractual documents to check since starting work.

***Turn over***

### **Scenario 1 Questions**

1. (a) Explain whether Andrew is eligible to claim unfair dismissal.  
*(10 marks)*  
  
(b) Explain whether Zelma had a potentially fair reason to dismiss Andrew.  
*(9 marks)*

*(Total: 19 marks)*

2. Explain what contractual documentation Bella is entitled to and the consequences for Zelma of not providing it.  
*(7 marks)*
3. Explain Bella's holiday entitlement.  
*(6 marks)*
4. Explain what type of claim Bella may make because of the reason Zelma has given for having less holiday entitlement than other employees.  
*(8 marks)*

*(Total Marks for Scenario 1: 40 marks)*

## Scenario 2

Jonah owns Kempston Boat Hire, which hires out boats on Kempston Lake.

Jonah has employed Kevin for four months. Kevin's job is to maintain the boats and keep them in good condition. Despite several warnings from Jonah that his work is not up to standard, Kevin fails to maintain the boats properly. Jonah gives Kevin three days' notice of dismissal and tells Kevin he has to go because he is not doing his job properly. This makes Kevin angry, and he deliberately drills a hole in one of the boats.

Lana, the supervisor, has been employed by Jonah for eight years. On Kevin's last day, Lana pushes Kevin into the lake 'for a laugh'. Jonah screams at Lana that he has had enough of her 'playing the fool' and tells her to leave and not to come back.

Morris and Nicola work in Kempston Boat Hire's office. Morris is annoyed that Jonah has dismissed Lana, so he uses Nicola's computer to edit the photo of Jonah on the company website to make Jonah look like a clown. Jonah sees this photo, and his computer expert establishes that the photo was edited on Nicola's computer. Jonah calls Nicola into an immediate disciplinary meeting in his office. Nicola denies all knowledge of the photo and points out that anyone could have used her computer. Jonah immediately dismisses her.

***Turn over***

## Scenario 2 Questions

1.     (a) Explain what claim, if any, Kevin may have against Kempston Boat Hire.  
**(10 marks)**  
  
       (b) Identify the possible venues where Kevin's claim may be brought.  
**(2 marks)**  
  
**(Total: 12 marks)**
  
2.     (a) Explain the requirements to be eligible to bring a claim for unfair dismissal.  
**(6 marks)**  
  
       (b) Explain whether Lana has a claim for unfair dismissal against Kempston Boat Hire.  
**(10 marks)**  
  
**(Total: 16 marks)**
  
3.     Explain the procedural steps that Jonah should have taken when disciplining Nicola.  
**(9 marks)**
  
4.     Identify the remedies available to Nicola if she succeeds in an unfair dismissal claim.  
**(3 marks)**  
  
**(Total Marks for Scenario 2: 40 marks)**

### **Scenario 3**

Ashar is the manager of Kempston Today, a local radio station in Kempston.

Lance is 25-years-old and has worked for Ashar for 19 months as the station weather presenter. He is responsible for delivering the weather updates throughout the day. He is late for work almost every day and he also visits the smoking area for a cigarette every few hours.

Celia has worked at 'Kempston Today' as a reporter for six months. It is her job to go out into the community to interview people and to report on local events. Celia has recently been convicted of assault, after she got into a fight while reporting on a demonstration in Kempston. When Ashar found out about this, he dismissed her immediately. Celia's contract states that she is entitled to three months' notice. Celia was paid £300 per week and, in addition, she was entitled to private healthcare, subsidised gym membership and £20 per week for meal vouchers.

Mikhail is 30 years old and is in charge of the advertising department. He has a strongly held belief about climate change and the environment. He tries to encourage everyone in the office to recycle and to use mugs instead of disposable coffee cups. On Monday, Mikhail put up a poster in the office supporting a 5p tax on disposable cups. Sandy, a co-worker, often goes to the local coffee shop to collect the staff coffee order. On Tuesday, when Mikhail went to give Sandy his order and reusable mug, Sandy pointed at Mikhail and said: "People like you with your stupid beliefs can get your own coffee". Sandy has also started calling Mikhail a 'tree-hugger' and 'Greeny'. Mikhail tells Ashar that he finds this very upsetting, but Ashar tells him it's just a bit of office fun and to get over it.

***Turn over***

### Scenario 3 Questions

1. Explain the procedure that Ashar should follow if he decides to discipline Lance.  
*(7 marks)*
2. (a) Explain what claim, if any, Celia may have against Ashar.  
*(10 marks)*  
  
(b) Explain what Celia would be entitled to if she were successful in her claim.  
*(8 marks)*  
  
*(Total: 18 marks)*
3. (a) Describe what is meant by 'religion or belief' under the Equality Act 2010.  
*(3 marks)*  
  
(b) Explain which **two** claims Mikhail could bring under the Equality Act 2010.  
*(10 marks)*  
  
*(Total: 13 marks)*
4. Describe the burden of proof in discriminations claims.  
*(2 marks)*  
  
*(Total Marks for Scenario 3: 40 marks)*

**End of the examination**

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