



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

Unit 13 – The Practice of Employment Law

Question paper

January 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.
- You must answer **all** questions.
- 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 use your own printed copy of the pre-release case study materials, as long as the materials are not annotated in any way. Alternatively, you can access the electronic version of the pre-release case study materials available in the examination.
- 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

Answer ALL questions

Question 1

Reference: Question relates to **Documents 1** and **2** of the case study materials.

- (a) Explain whether Otilie Moulin has been dismissed.

(6 marks)

- (b) Explain whether Otilie Moulin satisfies the other eligibility requirements to bring a claim for unfair dismissal.

(6 marks)

Otilie Moulin makes an application to the Employment Tribunal. There is to be a preliminary hearing.

- (c) Explain what actions the Employment Tribunal can take at the preliminary hearing.

(6 marks)

(Total: 18 marks)

Question 2

Reference: Question relates to **Documents 1** and **3** of the case study materials.

- (a) Identify and explain **two** potential funding options available to Barbara, should she wish to pursue the matter.

(4 marks)

- (b) Define the protected characteristic that applies to Barbara.

(5 marks)

- (c) Explain what measures the employer should have put in place to ensure a fair recruitment process for Barbara.

(5 marks)

- (d) Identify the potential remedies available to Barbara should she be successful in her claim.

(3 marks)

(Total: 17 marks)

Question 3

Reference: Question relates to **Documents 1** and **4** of the case study materials.

a)

- (i) Explain the **three** situations in which World Wide Excursions Ltd can lawfully make its staff redundant.

(6 marks)

- (ii) Identify which situation is relevant in this case.

(1 mark)

- (b) Explain the legal issues which may arise if Tanya Barnes selects employees for redundancy using the criteria she suggests.

(4 marks)

- (c) Explain the steps World Wide Excursions Ltd should have taken in respect of consultation and the provision of information.

(5 marks)

(Total: 16 marks)

Question 4

Reference: Question relates to **Documents 1** and **5** of the case study materials.

- (a) Explain Jasmine's entitlement to maternity leave and maternity pay.

(5 marks)

- (b) Explain whether the clause in Yejide's contract of employment is likely to be enforceable by her employers.

(6 marks)

(c)

- (i) Identify and explain the legal issues which may arise from Ben working 15 hours a day.

(5 marks)

- (ii) Explain any statutory obligation Ben's employer may have in respect of his rate of pay.

(3 marks)

(Total: 19 marks)

End of the examination