

OXFORD CAMBRIDGE AND RSA EXAMINATIONS
GCSE
B143/01
LAW

**Employment Rights
and Responsibilities**

WEDNESDAY 22 MAY 2013: Morning

DURATION: 1 hour
plus your additional time allowance

MODIFIED ENLARGED

Candidate forename		Candidate surname	
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Centre number						Candidate number				
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Candidates answer on the Question Paper.

OCR SUPPLIED MATERIALS:

None

OTHER MATERIALS REQUIRED:

None

READ INSTRUCTIONS OVERLEAF

INSTRUCTIONS TO CANDIDATES

- **Write your name, centre number and candidate number in the boxes on the first page. Please write clearly and in capital letters.**
- **Use black ink. HB pencil may be used for graphs and diagrams only.**
- **Answer ALL the questions.**
- **Read each question carefully. Make sure you know what you have to do before starting your answer.**
- **Write your answer to each question in the space provided. Additional paper may be used if necessary but you must clearly show your candidate number, centre number and question number(s).**

INFORMATION FOR CANDIDATES

- **The number of marks is given in brackets [] at the end of each question or part question.**
- **The total number of marks for this paper is 60.**
- **Your quality of written communication is assessed on the question marked with an asterisk (*).**
- **Any blank pages are indicated.**

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- 1 (a) Under the **EMPLOYMENT RIGHTS ACT 1996** an employee must be given a written statement of employment particulars.

Identify **THREE** pieces of information from the list below which **MUST** be included in such a statement.

hours of work

clothing to be worn

method of payment

job title

information about childcare

information about training and promotion.

Piece of information 1: _____

Piece of information 2: _____

Piece of information 3: _____

[3]

(b) It is very important for a person to know whether they are EMPLOYED or SELF-EMPLOYED. In each of the following situations identify the more appropriate of these terms and use it to fill in the gap.

- (i) Dmitry works as a removal man. He is always upset when his monthly pay slip shows that he has paid a lot of money in income tax and national insurance contributions.**

This shows that Dmitry is

- (ii) Pablo is a guitarist who gives lessons to children in a number of different schools. Each year Pablo decides how much he will charge for lessons and he likes to take several weeks off in the summer term so that he can go on holiday.**

This shows that Pablo is

- (iii) Selena is a hairdresser and has just told her boss that she is pregnant. Selena has been sent a letter telling her about maternity leave and pay.**

This shows that Selena is

[3]

2 (a) Dismissal can occur in several different ways.

Identify the most appropriate type of dismissal in each of the following situations. [3]

- (i) Madina has fallen out with another worker, Carla, and posts unpleasant remarks about Carla on a social networking site she knows Carla uses. Madina's boss sees Madina posting another message about Carla and he tells her to pack her things and leave.**

Madina's case would be an example of

_____ dismissal.

- (ii) Akshay works as a school caretaker. The deputy headmaster comes to see Akshay on a Friday and tells him that because there have been several complaints Akshay no longer has a job from the next Monday. Akshay has not been told about any complaints.**

Akshay's case would be an example of

_____ dismissal.

- (iii) Carmella is a waitress. She has young children and works a shift which allows her to finish in time to collect them from school. Carmella's boss tells her that from next month she will have to work three evening shifts a week, finishing at 10 p.m. Carmella feels she has to leave her job and take another one with fewer hours of work and lower pay.**

Carmella's case would be an example of

_____ dismissal.

- (b) There are times when dismissal is fair but at other times it is unfair.**

In each of the following situations explain whether the dismissal is FAIR or UNFAIR giving a REASON and the likely REMEDY, if any. [9]

- (i) Michaela is a beauty consultant in a department store. She has suffered from cancer for a year which makes her very tired. She finds it hard to be on her feet for most of the day and to be cheerful when talking to customers. Her boss has given her lots of time off but now says that unless she can do her job he needs to replace her with another beauty consultant.**
- (ii) Simon is an accountant. His wife has just had a baby and Simon wants to take his full amount of paternity leave. His boss tells him it is a busy time of year and that he will not keep Simon on if he takes his paternity leave.**
- (iii) Ratmir works as a waiter in a restaurant. He finds it hard to understand some of the customers so a lot of his orders are wrong. Ratmir's boss has paid for him to have English lessons but Ratmir still makes lots of mistakes and his boss has told Ratmir that he no longer has a job as he is losing the restaurant money.**

Michaela: _____

Simon: _____

Ratmir: _____

(c) Discuss TWO situations when the law on redundancy is important for an EMPLOYER.

Situation 1: _____

Situation 2: _____

[6]

- 3 (a) Read the following passage and fill in the missing words from the list below. [3]**

problems

practicable

statement

hazards

possible

notice

The HEALTH AND SAFETY AT WORK ACT

1974 extends the duty an employer owes to

an employee under common law. An employer

must have and keep up to date a policy

_____ on safety and make

sure that the policy is carried out. The employer

must also make sure that other people such as

visitors and contractors are kept safe and the

employer must give these people information

about potential _____ .

However, the duty of an employer does have

**limits and they need only do what is ‘reasonably
_____’ as it may cost too much
to do more and they can expect employees to
behave in a reasonable way.**

- (b) The EU passed health and safety regulations known as the ‘Six Pack’ in 1993.

Refer to the table opposite. Match the scenario with the most appropriate category of the ‘Six Pack’ and place the correct number in the table below. [6]

Scenario	‘Six pack’ category
A	
B	
C	
D	
E	
F	

	Scenario		'Six pack' category
A	Alphonse runs a motorcycle pizza delivery business and he employs lots of teenagers with provisional driving licences. Alphonse sends new employees out on a test run with a manager and makes them take a road safety test.	1	Workplace (Health, Safety and Welfare) Regulation
B	Bingshi starts work in a factory which makes jam. She has to fill jars with hot jam. On her first day she is given a sheet of instructions telling her how to fill the jars so that she will not touch the hot jars.	2	Display Screen Equipment Regulations
C	Chris is a journalist who spends most of his day working at a computer. When he goes for an eye test the optician tells him he should take regular breaks. Chris says he did not know about this.	3	Provision and Use of Work Equipment Regulations
D	Derek works in an office and when he goes to the next office he has to use a door which has no window. Derek's nose is broken by the door when it is opened from the other side by another worker.	4	Personal Protective Equipment Regulations
E	Erica works as a tree surgeon. She takes a harness from the work storeroom but does not realise that a strap is frayed. The strap breaks and Erica is injured when she falls to the ground from high up in a tree.	5	Management of Health and Safety at Work Regulations
F	Frank works at a zoo and it is his job to feed the polar bears. He is given protective clothes and boots. The clothes are very heavy and the boots are too big. Frank is attacked by the polar bear and he cannot run away.	6	Manual Handling Operations Regulations

(c) Identify THREE duties an EMPLOYEE has to meet under the HEALTH AND SAFETY AT WORK ACT 1974.

Duty 1: _____

Duty 2: _____

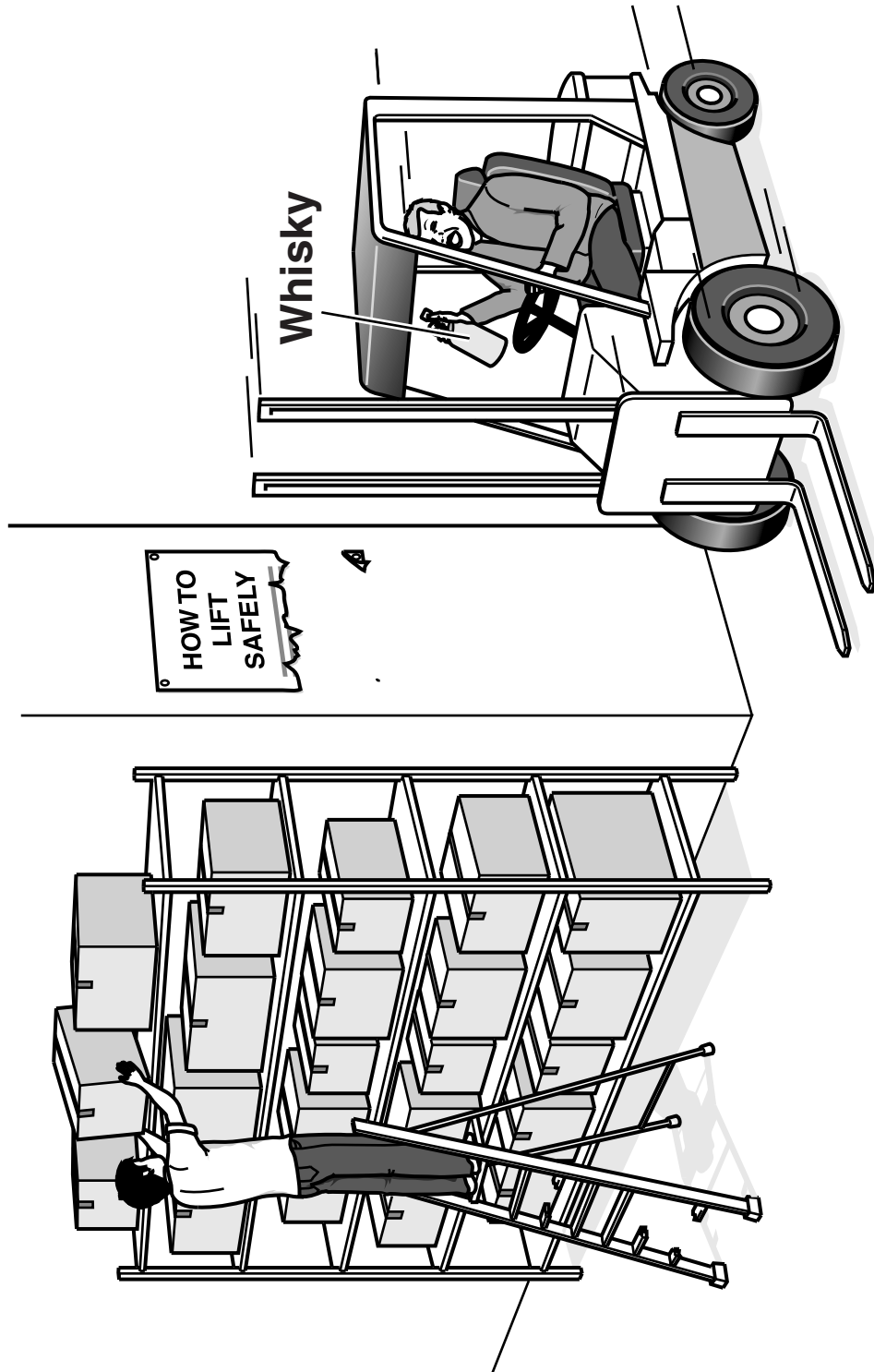
Duty 3: _____

[3]

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QUESTION 3 (d) BEGINS ON PAGE 18

(d) Using the picture below describe how the employer is in breach of **THREE** common law duties of care. [6]



Breach 1: _____

Breach 2: _____

Breach 3: _____

- 4 (a) Harassment is one way in which unlawful discrimination can occur.**

Identify THREE other ways in which unlawful discrimination can occur.

Way 1: _____

Way 2: _____

Way 3: _____

[3]

- (b) Identify which type of discrimination is being shown in the following situations to Sergio, Wendy and Patrick. [3]**

- (i) Sergio has been in a relationship with David for ten years and they work together in the same office. Some of the other workers tell homophobic jokes when they are with Sergio and David.**

Type of discrimination:

- (ii) Wendy is a nurse who works in the operating theatre of her local hospital and she earns £400 per week. She does exactly the same job as Marek but she hears him telling a friend that he is being paid £500 per week.**

Type of discrimination:

- (iii) Patrick has been working as a crane operator with the same group of men for five years. One day he tells his colleagues that he intends to become a woman and starts to come to work in make-up and women's clothes. Now Patrick regularly finds at the end of his shift that his make-up has been thrown in the bin.**

Type of discrimination:

(c) Explain whether the RACE RELATIONS ACT 1976 will protect Melanie, Farouk and Tony in the following situations. [3]

- (i) Melanie is from the Caribbean and works in an office. Every day when she arrives at work a man at a nearby desk starts to sing a reggae song which makes the rest of the office laugh. Melanie finds this embarrassing and tells her boss but he laughs too.**
- (ii) Farouk is from Africa and he applies for a job as a taxi driver. He is given an interview and is told that he will not get the job because drivers from Africa are more accident-prone.**

- (iii) Tony has applied for a job at a hostel for Polish workers. He has been told that he will not get the job because it involves helping workers who have only just arrived in the UK and speak very little English. Tony can speak no Polish but he has been to Poland for a weekend and liked the country.

Melanie: _____

Farouk: _____

Tony: _____

[illegible]

END OF QUESTION PAPER

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