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Oxford Cambridge and RSA

Thursday 14 May 2015 – Afternoon**GCSE LAW****B143/01** Employment Rights and Responsibilities

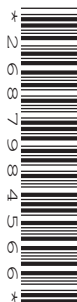
Candidates answer on the Question Paper.

OCR supplied materials:

None

Other materials required:

None

Duration: 1 hour

Candidate forename		Candidate surname	
Centre number		Candidate number	

INSTRUCTIONS TO CANDIDATES

- Write your name, centre number and candidate number in the boxes above. 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).
- Do **not** write in the bar codes.

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 (*).
- This document consists of **12** pages. Any blank pages are indicated.

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Question 1 begins on page 3

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3

Answer **all** questions.

- 1 (a) Workers who are self-employed do not have a contract of employment.

Identify **three other** elements that indicate a worker is self-employed.

1

2

3

[3]

- (b) If there is a dispute, the courts use tests of employment status which look at all the circumstances of the case to reach a fair result. One such test is mutuality of obligations.

In each of (i), (ii) and (iii) select the most appropriate test of employment status using the clues below.

- (i) Albert is a builder and he is given tools and safety equipment by his employer. He is provided with enough materials to do each job and if he needs more his employer will pay for them.

The most appropriate test of employment status is

.....

- (ii) Carrie is a nurse in a private hospital. She is given a checklist of tasks to complete on each shift and clear instructions how to do some of her tasks. She only works on Monday to Friday, starting at 9am and finishing at 5pm.

The most appropriate test of employment status is

.....

- (iii) Harriet is employed as an office manager in a busy solicitor's firm. She has six weeks paid holiday and she is subject to the firm's grievance and disciplinary procedures.

The most appropriate test of employment status is

.....

[3]

- 2 (a) EU Regulations known as the 'Six Pack' came into effect in 1993 to extend the ways in which people are kept safe at work.

Identify **two other** sources of law to keep people safe at work.

1

2 [2]

- (b) One example of a 'Six Pack' Regulation relates to Manual Handling Operations. This means that an employer must avoid risks to employees when they are doing their job or reduce the risks as much as possible.

Select the most appropriate of the 'Six Pack' Regulations based on the clues below.

- (i) An employer must do a risk assessment and then provide well-fitting and ergonomic clothing to keep workers safe. It must be cleaned and repaired as needed and replaced when necessary.

The most appropriate 'Six Pack' Regulation is

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- (ii) An employer must make sure that workers have enough toilet facilities which are kept clean and have hot and cold water. There must be somewhere for workers to eat their lunch and have access to drinking water.

The most appropriate 'Six Pack' Regulation is

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.....

- (iii) An employer must allow workers who use computers to have rest breaks and pay for any special equipment needed to do the job. They must do risk assessments to reduce risks as much as possible and provide training to help workers manage any risks.

The most appropriate 'Six Pack' Regulation is

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.....

- (iv) An employer must make sure that the controls on machines are clearly identified and that the power can be cut off easily. A worker using a machine with moving parts must be trained and the moving parts must be as hard to reach as possible.

The most appropriate 'Six Pack' Regulation is

.....

..... [4]

- (c) The **Health and Safety at Work Act 1974** set up the Health and Safety Commission and an inspectorate called the Health and Safety Executive (HSE). The HSE and local authorities appoint inspectors and they can issue Improvement and Prohibition Notices to enforce the law.

Explain when each type of Notice is issued and how it operates.

Improvement Notice

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..... [3]

Prohibition Notice

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..... [3]

6

- (d) Health and safety at work is a complex and important area of law. There are a lot of duties for an employer and often they only have to do what is reasonable.

Explain **one** reason why it is important that an employer fulfils their duties under health and safety law and **one** reason why they need only do what is reasonable.

Importance of duties

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..... [3]

Reasonableness

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..... [3]

- 3 (a) There are many types of discrimination. One relates to equal pay and the law is found in the **Equal Pay Act 1970**, the **Sex Discrimination Act 1975**, the **Employment Act 2002** and the **Equality Act 2010**. As a result of this legislation, men and women are entitled to equal pay when they do the same work.

(i) Identify **three other** situations in which men and women are entitled to equal pay.

1

2

3 [3]

(ii) Equal pay claims are dealt with by employment tribunals.

State the time limit that exists for a claim to be made.

..... [1]

Question 3(b) begins on page 8

- (b) Read the text for each of the following situations and answer the questions that follow.

Munir is the most successful junior accountant in the firm where he works. There is a vacancy for a promotion and Munir applies. Munir's boss tells him he must go on a number of nights out with the other candidates although the boss knows that Munir's faith means he does not drink alcohol. On these nights out, everyone drinks a lot and they play silly games but Munir does not join in. Munir does not get the promotion.

Jill, aged 45 years and in a civil partnership with Maria, applies for a job at a girls' school which says it is proud of its 'family atmosphere'. Jill is invited to an interview. The other candidates, who have less qualifications and experience than Jill, are all married women with young children. Jill's interview goes very well but she does not get the job.

Pauline works for the local council and ever since she was a child she has known that she is not meant to be a woman. Pauline wants to have an operation to become a man but she will need two months off work. Pauline is entitled to four weeks holiday each year; she asks her boss for the extra time off and offers to take no holiday in the next year. Pauline's boss refuses and she resigns as she wants to have the operation.

- (i) Identify which area of discrimination is most relevant in relation to Munir, Jill and Pauline.

Munir

Jill

Pauline [3]

- (ii) State whether Munir, Jill and Pauline have been discriminated against giving a reason for your answer.

Munir

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..... [2]

Jill

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..... [2]

Pauline

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..... [2]

- (c) Positive action is sometimes used to support a racial group in the work place.

In the table below, tick **two** statements which are true in relation to positive action.

Statement	True
Positive action can be used when a particular racial group is under-represented in the workplace.	
People from a particular racial group cannot be encouraged to apply for a job.	
People from a particular racial group can be selected for a job above better qualified applicants.	
Special training can be provided for people of a particular racial group.	

[2]

- 4 (a) Read the following passage and fill in the missing words from the list below.

- basic
- constructive
- courts
- employment tribunals
- fundamental
- summary

When an employee feels forced to leave a job because of the employer's conduct, this is dismissal. It is a breach of the contract of employment. The reasons for leaving must be very serious and deal with claims resulting from such a dismissal.

[3]

- (b) Employers need to follow certain steps if they want to dismiss an employee. One of these is to follow the statutory minimum dismissal process.

Identify **three** other procedural steps that employers must follow if they want to dismiss an employee.

1

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2

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[3]

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

In each of the following situations state whether the dismissal is **fair or unfair** giving a **reason** for your answer.

- (i) Terry works as a barman in a pub. On a busy Saturday night Terry is collecting glasses when a customer, Kevin, swears at him because Terry pushed past him carrying a lot of glasses. Terry puts the glasses down and shoves Kevin. They start to fight and Terry knocks Kevin to the floor. Terry is dismissed.

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..... [2]

- (ii) Rebecca runs a cake-making business with three members of staff. One of these, Julie, belongs to a trade union. Rebecca takes delivery of a new machine which means she only needs two members of staff. Rebecca selects Julie for dismissal because Julie's union has demanded a pay rise for her.

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..... [2]

- (iii) Doctor Jones works as a heart surgeon. He is very upset when his wife tells him she is leaving him. He drinks a bottle of whisky and two hours later does a heart operation. A nurse reports that Doctor Jones smells of whisky. Doctor Jones is dismissed.

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..... [2]

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