

## Thursday 19 May 2016 – Afternoon

### GCSE LAW

#### B143/01 Employment Rights and Responsibilities

Candidates answer on the Question Paper.

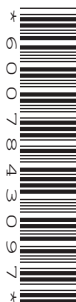
**OCR supplied materials:**

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. If additional space is required, you should use the lined page(s) at the end of this booklet. The question number(s) must be clearly shown.
- 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.

**Question 1 begins on page 3**

**PLEASE DO NOT WRITE ON THIS PAGE**

Answer **all** questions.

- 1 (a) Laws on health and safety at work have evolved in different ways.

Identify **three** sources of law on health and safety at work.

1 .....

2 .....

3 .....

[3]

- (b) The 'Six Pack' Regulations extend the ways in which people are kept safe at work.

In each of (i), (ii) and (iii), use the clues to work out which area of the 'Six Pack' is being breached.

- (i) Albert insists that workers in his office are at their computers from 9am until 5pm with only a 30-minute lunch break. When one of Albert's employees says he has to wear glasses because he spends so long at his computer Albert just laughs.

The area of the 'Six Pack' being breached is .....

..... [1]

- (ii) David works on a fishing boat and often has to land fish in rough seas. He asks his boss for a safety harness. Next time the sea is rough David puts on his safety harness. David breaks his leg because the harness straps do not fasten properly and it falls off when a wave hits the boat.

The area of the 'Six Pack' being breached is .....

..... [1]

- (iii) Elena runs a nail salon and employs two members of staff. The kettle in the staffroom has a plug which is not wired correctly. The only toilet in the salon does not flush for three days.

The area of the 'Six Pack' being breached is .....

..... [1]

4

- 2 (a) Selecting employees for redundancy requires the use of various criteria. One of these criteria is the use of disciplinary records.

State **two** other criteria **and** explain how each can be used so that redundancy is fair.

1 .....

.....

.....

.....

2 .....

.....

.....

.....

[4]

- (b) Dismissal can also take several forms. In each of the following scenarios identify the most appropriate type of dismissal **and** explain how it applies to Dolly, Guy and Vladimir.

- (i) Dolly works in an office. She has a grudge against Karina who works in the same office. Dolly sends Karina several offensive emails every day and deliberately knocks a cup of coffee over Karina's work. Karina tries to talk to Dolly but Dolly starts punching Karina and several other office workers have to pull them apart. The boss sends for Dolly and he tells her to leave the office and not return.

The most appropriate type of dismissal is

.....

This is because .....

.....

..... [2]

5

- (ii) Guy has worked as a newspaper journalist for a year. He feels that he is never given any good stories to cover and that he is being bullied by his editor. Guy asks for a meeting with his editor under the newspaper's disciplinary procedure. The meeting should take place within a week but nothing happens so Guy speaks to his union representative. The next day the editor of the newspaper sends for Guy and tells him that he is dismissed with 48 hours' notice.

The most appropriate type of dismissal is

.....

This is because .....

.....

..... [2]

- (iii) Vladimir has been working as a senior nurse in a hospital for six months and he only works a night shift once a month. Vladimir's boss tells him he is being moved to a new hospital 20 miles away as a junior nurse and doing eight night shifts per month. When Vladimir complains, his boss tells him this is the only job he can have so Vladimir hands in his notice.

The most appropriate type of dismissal is

.....

This is because .....

.....

..... [2]

- (c) Disputes about employment issues are normally dealt with by tribunals.

State **two** remedies tribunals usually use when they find in an employee's favour.

.....

..... [2]

6

(d) Discuss **two** situations when it is important that an employer can dismiss an employee fairly.

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..... [6]

- 3 (a) An employer must give an employee a 'written statement of employment particulars'.

State which Act sets out this condition **and** identify the time limit within which the written statement must be given to the employee.

.....  
..... [2]

- (b) There are several tests of employment status.

Explain how each test of employment listed below works, and use an example to illustrate your answer.

Economic reality .....  
.....  
.....  
..... [2]

Integration .....  
.....  
.....  
..... [2]

Control .....  
.....  
.....  
..... [2]

Mutuality of obligations .....  
.....  
.....  
..... [2]

8

- (c) The difference between being an employee and being self-employed is important as it affects the rights and duties that exist under a contract.

In the chart, tick (✓) the box against each statement as appropriate.

Statement	Employed	Self-employed
Income tax is deducted before payment.		
There is a right to statutory sick pay.		
There is no requirement to take holidays at a particular time.		
Rest breaks must be part of the working day.		
The individual must always provide their own personal protective equipment.		
There is a right to be protected from unlawful discrimination.		
The individual decides how much to charge for the work they do.		
There is a right to take maternity and paternity leave.		

[8]



4 (a) State the meaning of each of the following types of discrimination:

victimisation .....

.....

harassment .....

.....

indirect discrimination .....

.....

[3]

(b) Read the following passage and fill in the missing words or phrases from the list below:

- comparator
- comparison
- equal
- similar
- wages, salaries and pensions
- wages, tips and pensions.

The **Equal Pay Act 1970**, the **Sex Discrimination Act 1975** and the **Employment Act 2002** deal with the issue of equal pay. This covers situations when men and women do the same work or work which is of ..... value. These laws apply to all workers and cover ..... If a person wants to make a claim they must show that it appears they are being paid less than someone of the opposite gender who is doing the same work and this person is called a .....

[3]

10

- (c) Samir is a devout Muslim. He has a highly paid job as an accountant with several big clients who always ask to deal with him. Samir wants to take an extended period of leave so that he can make a pilgrimage to Mecca. The boss says that if Samir's clients ask for him while he is away they will be given to a new accountant permanently. Samir complains to his boss but is told that the business is in trouble and needs to make as much money as possible. Samir's boss tells him that he can take extended leave in six months' time but Samir goes to Mecca the following week and loses three big clients.

Explain which type of discrimination is most relevant **and** whether Samir will be able to show that he has been discriminated against in law, giving a reason for your answer.

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..... [3]



