

OCR

Oxford Cambridge and RSA

Thursday 18 May 2017 – Afternoon**GCSE LAW****B143/01** Employment Rights and Responsibilities

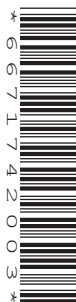
Candidates answer on the Question Paper.

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 barcodes.

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**.
- The quality of written communication is assessed in 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

3

Answer **all** the questions.

- 1 (a) Identify **three** characteristics of a self-employed worker.

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[3]

- (b) Cheryl has just been employed in a sandwich shop and must be given a 'written statement of employment particulars'.

In the chart below tick against the **three** particulars which must be included in this document.

Statement		Tick
i	The employer's name.	
ii	The year the sandwich shop first opened.	
iii	The name of the sandwich which makes the most profit for the shop.	
iv	The rate of pay and how payment will be made.	
v	The names of the sandwich shop's solicitor and accountant.	
vi	The job title or a brief job description.	

[3]

- (c) Explain how the following **three** tests are used to decide employment status.

Control Test

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Integration Test

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Economic Reality Test

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[9]

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- 2 (a) There are different ways that unlawful discrimination can happen, for example, through direct discrimination.

Identify **three** other **ways** of unlawful discrimination.

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[3]

- (b) In each of the following situations discuss why **John**, **Ryan** and **Klaus** may have been discriminated against.
- (i) John and Jill are students at university. They work part-time at the same supermarket. Both started at the same time, carry out the same jobs and work the same number of hours. Jill gets paid twice as much as John.
 - (ii) Ryan and Arthur are both interviewed for a job working on the reception desk at a company supplying tools and other equipment to the construction industry. Ryan is 17 years old while Arthur is 60 years old. Ryan is told at the interview they will only employ people for this position if they are over 55 years old. Arthur gets the job with the company.
 - (iii) Klaus is a solicitor and has been disciplined by his firm. He was given a written warning because he has taken time off from work as a result of him suffering from depression. He had asked to work flexi-time to allow for hospital appointments for his depression but his boss at the firm refused.

Situation (i)

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Situation (ii)

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Situation (iii)

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[6]

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

- common
- employees
- employers
- Government
- Judge
- statute

Health and safety at work law comes from a variety of sources. One of the sources is the law. This is made law that has evolved through cases. One example is that businesses must provide competent fellow

[3]

- (b) Under the **Health and Safety at Work Act 1974** employers have a general duty to protect their employees while they are at work.

Place a **tick** next to each of the following scenarios to indicate whether the **employer** has breached their duty under the Act or not.

	Scenario	Breach of duty?	No breach of duty?
i	Alain works for a motorcycle courier company. The brake on his motorcycle's front wheel does not work. His boss has told him to ride the motorcycle to a garage two miles away for repair. On the way to the garage Alain has to brake suddenly when a child runs into the road in front of him. He is thrown over the handlebars and sprains his ankle.		
ii	Bernadette works on a building site as a carpenter. She is provided with a safety helmet and is told she must wear it at all times when on site. One summer afternoon she decides not to wear her safety helmet because it is too hot. Later on she is hit on the head by a hammer which has fallen from scaffolding above her fracturing her skull.		
iii	Mia is a duty manager in a supermarket. One of her jobs before the supermarket opens is to unlock the fire exit doors. One morning Mia is unable to open one of the fire exit doors because she cannot find the key for that lock. She tells the store manager who decides to leave the fire exit locked.		
iv	Clara has started a new job at an engineering firm. She is given an instruction manual on how to use a laser cutter. However, the last page of the manual is missing. This last page contains some vital information about where the emergency cut-off switch is located.		
v	Dipak works for a cleaning company. One evening while at work he pours some floor cleaner into an empty soft drink bottle to take home with him. However, he forgets to take the bottle home and leaves it on the bench at work. The next morning one of the other staff takes a drink from the bottle, burning their mouth.		
vi	Some of the workers at a call-centre think it would be funny to turn off the lights in the toilets when someone is inside. Later that day when William is using the toilet the workers turn off the lights. William falls and hits his head on a sink, knocking himself unconscious.		

[6]

(c) Identify any **three** health and safety signs in the warehouse of a factory.

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(d) Using the picture below describe **three** ways in which the employer may be in breach of the **Workplace (Health, Safety and Welfare) Regulations**.



Breach 1:

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Breach 2:

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Breach 3:

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[6]

- 4 (a) (i) Constructive dismissal is when an employee feels they are forced to quit their job due to the unreasonable behaviour of their employer.

Identify **three** examples of an employer's unreasonable behaviour which could amount to constructive dismissal.

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[3]

- (ii) Chris is the Head Teacher at a school. One lunchtime he is seen by several members of staff taking some money from a teacher's purse when she is not around. When Patrick, one of the staff, asks him what he is doing, Chris grabs him by the neck and says. "Get lost or I'll smash your face in!" After hearing what has happened, the Deputy Head, Joanne, finds Chris in his office sitting in front of his computer. When Joanne approaches him she can see that he is looking at naked pictures of women on the internet.

Explain **three** reasons why Chris could be given a summary dismissal.

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[3]

- (b) When dismissing an employee there are certain steps an employer must follow. For example, the employer must show a valid reason for dismissal.

Identify **three** other steps which could be taken to ensure that the correct dismissal procedure was followed.

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[3]

(c)* Discuss **two** reasons why it would be fair to terminate an employee's contract on the grounds of redundancy.

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[6]

(d)* Discuss what is meant by the term collective redundancy.

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END OF QUESTION PAPER

