

OCR

Oxford Cambridge and RSA

Thursday 17 May 2018 – 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**.
- 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.

BLANK PAGE

Question 1 begins on page 3

PLEASE DO NOT WRITE ON THIS PAGE

3

Answer **all** questions.

- 1 (a) The courts can use four main tests of employment status if a dispute arises over whether a person is employed or self-employed.

Identify any **three** of these tests.

1

2

3

[3]

- (b) Kristina works in a sandwich shop and has been given an employment contract.

In the chart below tick against the **three** statements which are express terms in her contract.

Statement	Tick
During a shift tea breaks are taken at irregular times.	
The pay date is the 15 th of the month.	
Any 'flexi-time' must be taken by the end of the month – but most staff take this up to three months later.	
Kristina must wear a uniform that is provided by her employer.	
If Kristina is ill she must ring her employer by 8:00am to notify them.	
During the football World Cup staff are allowed to wear football shirts while working.	

[3]

4

- 2 (a) The Equal Pay Act 1970 (now under the Equality Act 2010) states it is unlawful for an employer to pay a female less than a male in certain situations. One example is where they carry out work of 'equal value'.

Identify **three** other situations where females are entitled to the same pay as males.

1

.....

2

.....

3

.....

[3]

(b) Explain what is meant by the following three types of discrimination.

(i) **Harassment**

.....

.....

.....

.....

.....

.....

.....

.....

(ii) **Indirect discrimination**

.....

.....

.....

.....

.....

.....

.....

.....

(iii) **Direct Discrimination**

.....

.....

.....

.....

.....

.....

.....

.....

.....

[9]

(c) Discuss **two** reasons why protection from discrimination is important to employees.

[illegible][illegible]

[6]

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

- Accidents
- European
- Illnesses
- International
- Statutory
- Trade

An employer has a duty of care to avoid, as best as possible, any at work.

There are three main sources of health and safety law. There is the common law,

..... regulation and Union regulation. An example of health and safety law is the Health and Safety at Work Act 1974.

[3]

Question 3(b) begins on page 8

- (b) Under the Health and Safety at Work Act 1974 employers and employees have a general duty to protect themselves and others while 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?
Casper is a door supervisor in a large nightclub in a city centre. He is regularly left on his own at the front door while the other three door supervisors take a break. While on his own one night he is attacked by three men and seriously injured.		
Arthur works in a warehouse. He is provided with a ladder to reach items stored on high shelves. One morning Arthur decides to climb up some shelving to reach an item but slips and falls, breaking his ankle.		
Clarissa is a check-out assistant in a DIY superstore. As the fork-lift truck driver is off work due to illness, her supervisor asks Clarissa to use the fork-lift to empty a wagon although she has not used it before. She reverses it into another employee and kills him.		
Oleg works in a kitchen of a small restaurant. Sometimes it is difficult to find a parking space for his car. The owner of the restaurant has told Oleg to park behind the back-door, which is the only fire exit.		
Maureen is a mechanic at a car repair garage. The ladies' toilet has had no soap for two weeks. She has told her manager but he keeps forgetting to buy some.		
Pieter is the groundsman at a park. He is provided with a lockable shed to store his tools and lawn mower. Usually Pieter leaves his rake out of the shed so he can get at it quickly. In a rush to leave work one evening he steps on the rake. It hits him in the mouth knocking out one of his teeth.		

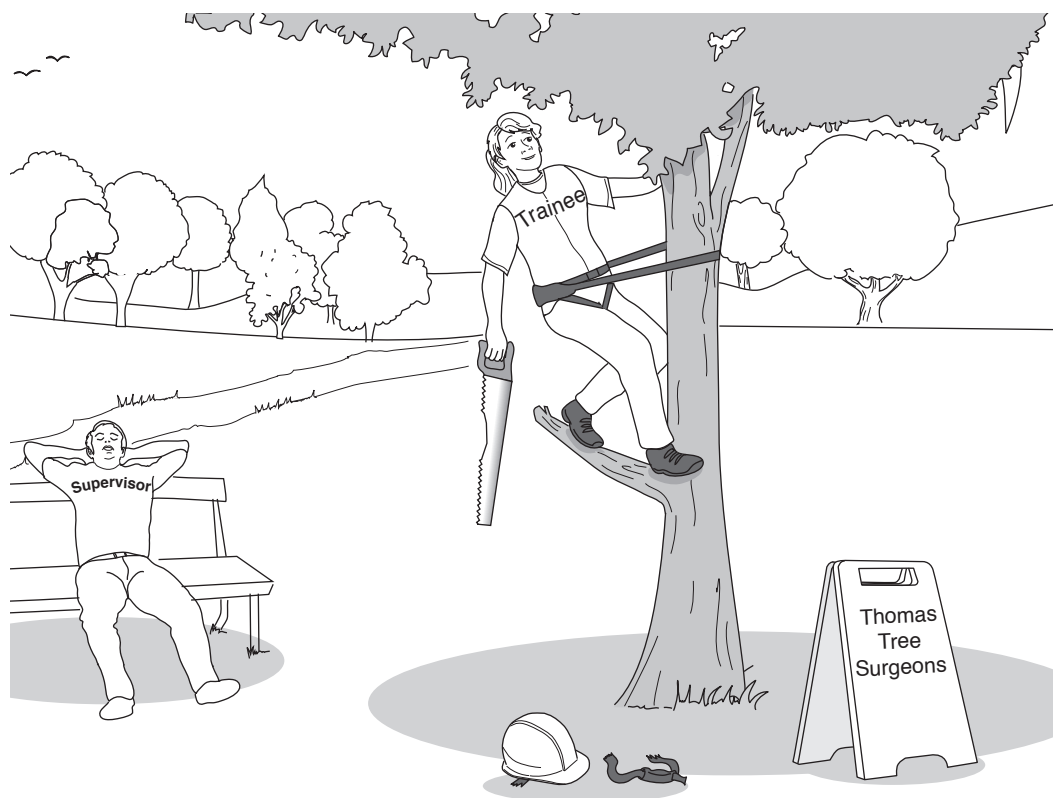
[6]

- (c) Identify any **three** duties under the common law an employer has in order to maintain their employees' health and safety.

- 1
- 2
- 3

[3]

- (d) Using the picture below describe how the employer may be in breach of three 'Six-Pack' Regulations.



Breach 1:

.....

.....

.....

.....

Breach 2:

.....

.....

.....

.....

Breach 3:

.....

.....

.....

.....

.....

[6]

- 4 (a) (i) Redundancy is one of the ways a contract of employment can be terminated.

Identify **three** justifiable reasons an employee can be made redundant.

1

2

3

[3]

- (ii) Mack works as a stunt-car driver for a major film company. On the set of a film, Mack is told to drive a stunt car during a dangerous high-speed chase. He inspects the car and finds that the brakes are faulty and refuses to continue with the stunt. When he tells the Director he shouts at Mack and says: "You are an idiot. If you don't do the stunt I'll make sure you'll never work in this industry again!" The next day he is told by his boss he is no longer needed to perform stunts. Mack is instead told to make sandwiches for the cast and crew of the film and that he will take a large pay-cut as a result.

Explain **three** reasons why Mack could argue constructive dismissal in this situation.

1

.....

2

.....

3

.....

[3]

- (b) Identify **three** situations which would be classed as examples of gross misconduct leading to summary dismissal.

1

2

3

[3]

- (c)* Discuss why it is fair for employers to be able to dismiss employees because of the following situations:

Their Conduct:

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

Their Capability:

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

Illegality:

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

[9]

END OF QUESTION PAPER

