

Friday 25 May 2012 – 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 **16** pages. Any blank pages are indicated.

BLANK PAGE

PLEASE DO NOT WRITE ON THIS PAGE

- 1 (a) Simon is employed by Neil to work in Neil's business which makes road signs for motorways. As an employee Simon has a contract which sets out the terms and conditions of his employment as well as giving Simon certain rights and protections.

Identify **three** situations in law from which Simon has the right to be protected by his employment contract.

Situation 1

Situation 2

Situation 3 [3]

- (b) An employment contract contains terms. Some of these terms are expressly stated whilst others are implied and become part of the contract because of the way the employer and employee behave or through an accepted custom or practice over a period of time.

In the chart below tick against **three** scenarios which are **implied terms** in a contract.

Scenario		Tick
i	Pete works as an electrician and his workmates tell him that the boss does not mind if they stop work at lunchtime on New Year's Eve.	
ii	Julie works as a waitress and her contract states that the restaurant will give her a free lunch when she is at work.	
iii	Kevin is employed to drive a stretch limousine for parties. He sees other drivers drink opened bottles of champagne from their limousines at the end of a job and the boss laughs when he sees them.	
iv	Asif works as a security guard and the company he works for has to provide him with a uniform.	
v	Nancy works at a supermarket and it is her job to put food which is out of date in the bin so it cannot be sold. Nancy sees her manager take food out of the bin to use at home and so she takes food home too.	
vi	Tim works as a cleaner in a hospital and his boss says he will be given special boots to wear when he cleans the operating theatres.	

[3]

[Total: 6]

2 (a) The **Race Relations Act 1976** makes it unlawful for an employer to discriminate because of race. Read the text for each of the following three situations and complete the activity below.

- (i) Tristan works in an office where he is the only Englishman. His colleagues frequently make jokes about his accent and they try to get him to say words which amuse them.
- (ii) Rashid is a chef and practising Sikh who wears a turban. He is offered a job at a restaurant but is told that he must wear a chef's hat before he can start work in the kitchen.
- (iii) Marcia is a Jamaican tennis player who wants to join her local tennis club. She fills in an application form but she is not allowed to join. The club rules say that only 10% of members can be black and if they allow Marcia to join this proportion would be exceeded.

Identify which **type** of racial discrimination is involved in each situation.

Situation (i)

Situation (ii)

Situation (iii) [3]

(b) Explain which type of discrimination is most relevant in the following situations to Louise, Graham and Henrietta and whether they will each be able to show that they have been discriminated against in law.

- (i) Louise has worked in politics for several years and wants to be considered as a candidate for Parliament. Louise and seven other men and women apply to be the candidate. Louise is not selected. Four men are selected even though Louise has the most political experience.
- (ii) Graham is an accountant who has to use a wheelchair because he is paralysed. The company he works for has an office for all their accountants in an old building with a corridor which is too narrow for Graham's wheelchair and there are steps up to the building's front door. The company put a ramp up to the front door but they say Graham must work in the office with the other accountants so he has to spend £5,000 on a new slimmer wheelchair.
- (iii) Henrietta has been a Maths teacher for 30 years. She is very popular and all the students want to be in her GCSE class because she helps them get high grades. The headteacher has been told to cut the school budget and she wants to make Henrietta redundant so that a younger teacher can be employed on a lower salary.

Situation (i)

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

Situation (ii)

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

Situation (iii)

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

[9]

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

- Rules
- Instruments
- Management
- Organisation
- Prosecuted
- Manual
- Automatic

The Statutory known as the “six pack” came into force in 1993.

They implement EU law on workplace health and safety. Among several sets of rules they cover the of Health and Safety at Work Regulations, the Health and Safety (Display Screen Equipment) Regulations and the

Handling Operations Regulations.

[3]

- (b) Under the common law an employer has a duty to provide an employee with a safe place of work, a safe system of work, safe plant and appliances and competent fellow employees.

Place a tick next to each of the following scenarios to indicate whether the employer has met their common law duty or not.

	SCENARIO	DUTY MET	DUTY NOT MET
i	Colin drives a home shopping van for a supermarket. He reports that the van lights do not work properly. Colin's boss tells him he must do a delivery late at night. Colin's van is hit by a lorry and he suffers injuries.		
ii	Saratu works in a factory which is very noisy and she is given ear plugs to wear. Saratu chooses not to wear the ear plugs because she prefers to use her own headphones to listen to her music. When Saratu goes to the doctor because she has ringing in her ears the doctor says she will have this for the rest of her life.		
iii	Justin works in a steel factory. He has to move liquid steel from one vat to another. A nearby bin contains sawdust to put on the floor if any steel is spilt. Justin spills some steel but the sawdust bin is empty. Whilst Justin goes to find some sawdust another worker slips on the spilt steel and is badly hurt.		
iv	Robert runs a whisky bottling business and he tries to employ people who do not drink alcohol. Nicola is an alcoholic but when Robert asks her if she drinks she says that she never touches alcohol. Three days later Robert finds Nicola very drunk and threatening another worker with a broken whisky bottle.		
v	Suleiman is a new teacher and he is given the most difficult class to teach last lesson on a Friday afternoon. After two months Suleiman has a nervous breakdown and he is off work for six weeks. When Suleiman goes back to work he does not teach the difficult class but he is given so many other classes to teach that he has another nervous breakdown a year later.		
vi	Samantha is a model for a fashion house. She is due to wear some shoes with very high heels in a show but when she tries them on she cannot keep her balance. The designer says Samantha should not wear them but she ignores him. Samantha falls over on the catwalk, breaking her ankle, and the fashion house ends her contract.		

[6]

- (c) Under the **Health and Safety at Work Act 1974** the Health and Safety Executive uses inspectors to enforce the law and they can issue an Improvement Notice.

- (i) Identify **two** pieces of information the Improvement Notice must contain.

Piece of information 1

Piece of information 2 [2]

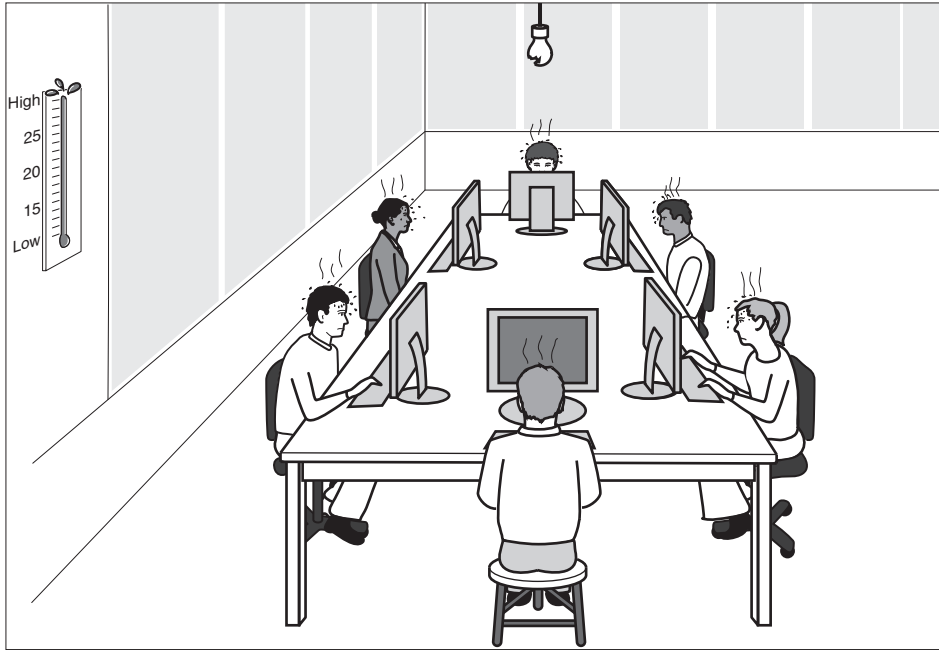
(ii) Identify what an employer can do if an Improvement Notice is issued.

.....

.....

..... [1]

(d) Explain **three** ways in which the employer is in breach of the Workplace (Health, Safety and Welfare) Regulations in the picture below.



Breach 1

.....
.....
.....
.....
.....

Breach 2

.....
.....
.....
.....
.....

Breach 3

.....
.....
.....
.....
.....

[6]

[Total: 18]

- 4 (a) (i) If an employee is going to be made redundant then the steps found in the **Employment Rights Act 1996** must be followed and some employees are entitled to redundancy pay.

Identify **three** groups of people who are **not** entitled to redundancy pay.

Group 1

Group 2

Group 3 [3]

- (ii) Rebecca runs a successful wedding planning business with 50 employees. Rebecca employed William very recently as a waiter. Emma has worked for Rebecca as a photographer for five years but recently she has been late for weddings and Rebecca has given her two formal written warnings. Joseph has been employed to drive the wedding car for 30 years but his wife is very sick and he has repeatedly asked Rebecca to give him time off to look after her. The economic recession has meant that couples are spending less on their weddings and Rebecca is forced to make half of her staff redundant.

Identify the reasons for redundancy Rebecca might give William, Emma and Joseph which will be accepted as fair in law.

William

.....

.....

Emma

.....

.....

Joseph

.....

..... [3]

- (b) (i) Sometimes an employer may need to dismiss an employee. Certain procedural steps must be followed if the employer wants to avoid the dismissal being automatically unfair.

Identify the **three** steps which will allow an employer to avoid a dismissal being automatically unfair.

	Steps	Tick
i	Send the employee a written statement to explain why dismissal is necessary	
ii	Hold a meeting with the employee to discuss the dismissal	
iii	Send the employee a letter dismissing them without conducting an investigation	
iv	Send the employee a letter dismissing them without allowing them to use the statutory minimum dismissal procedure	
v	Hold an appeal meeting with the employee if they ask for one	
vi	Send the employee a letter telling them the final decision but not telling them about any notice period	

[3]

(ii)* Discuss **three** ways in which employees are protected from unfair dismissal.

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

[9]

[Total: 18]

14
BLANK PAGE

PLEASE DO NOT WRITE ON THIS PAGE

15
BLANK PAGE

PLEASE DO NOT WRITE ON THIS PAGE

PLEASE DO NOT WRITE ON THIS PAGE



Copyright Information

OCR is committed to seeking permission to reproduce all third-party content that it uses in its assessment materials. OCR has attempted to identify and contact all copyright holders whose work is used in this paper. To avoid the issue of disclosure of answer-related information to candidates, all copyright acknowledgements are reproduced in the OCR Copyright Acknowledgements Booklet. This is produced for each series of examinations and is freely available to download from our public website (www.ocr.org.uk) after the live examination series.

If OCR has unwittingly failed to correctly acknowledge or clear any third-party content in this assessment material, OCR will be happy to correct its mistake at the earliest possible opportunity.

For queries or further information please contact the Copyright Team, First Floor, 9 Hills Road, Cambridge CB2 1GE.

OCR is part of the Cambridge Assessment Group; Cambridge Assessment is the brand name of University of Cambridge Local Examinations Syndicate (UCLES), which is itself a department of the University of Cambridge.