

GENERAL CERTIFICATE OF SECONDARY EDUCATION

LAW

Employment Rights and Responsibilities

B143

**Friday 27 May 2011
Afternoon**

Duration: 1 hour

Candidates answer on the question paper.

OCR supplied materials:
None

Other materials required:
None



Candidate forename		Candidate surname	
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Centre number						Candidate number				
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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. Pencil may be used for graphs and diagrams only.
- 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).
- Answer **all** the questions.
- 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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PLEASE DO NOT WRITE ON THIS PAGE

- 1 (a) Matilda is a secretary in an office and is in a dispute with her boss. She knows that tests of employment status will be used to resolve her dispute and that one relates to mutuality (economic reality) of obligations.

Identify the **three** other tests of employment status which will help Matilda resolve her dispute.

Employment Test 1

Employment Test 2

Employment Test 3 [3]

- (b) Read the following passage.

Carl has worked as a self-employed artist for ten years. People are not buying his pictures and so he applies to be an Art teacher at Starville Sixth Form College. He goes for an interview, is the best candidate and gets the job.

In the chart below tick **three** boxes which indicate that Carl is now an **employee** rather than **self-employed**.

		Tick
(i)	The hours Carl must work will be clearly set out	
(ii)	Carl will be able to take a holiday in November as it is cheaper than	
(iii)	When Carl gets paid, his tax and national insurance will already have been deducted	
(iv)	When Carl has to take a week off work because he is sick he does not get paid	
(v)	If Carl feels he is being made to work too hard he is told to talk to his Head of Department	
(vi)	Carl did not sign a contract with Starville Sixth Form College	

[3]

[Total: 6]

2 (a) Read the text for each of the following three situations.

- (i) Tom is a professional golfer who wins a big golf competition three months before his 60th birthday. This entitles him to play in the same competition the next year but the organisers of the competition say no one aged 60 or over can play and they will not let Tom compete.
- (ii) Khalid is a surgeon who is interviewed for a job. He is very well qualified but the interviewers know that Khalid's wife is a Jehovah's Witness and they think it might affect the decisions Khalid makes. Khalid does not get the job.
- (iii) Svetlana and Nicholas are lawyers in line for promotion. The boss insists that Svetlana wears a short skirt whilst at work. Svetlana says she does not want to do this but her boss tells her that if she refuses Nicholas will get the promotion.

Identify which area of discrimination law is involved in each situation (i), (ii) and (iii).

Situation (i)

Situation (ii)

Situation (iii) [3]

(b) Discrimination can take different forms. Three different types of discrimination are direct, indirect and harassment. Explain which of these types of discrimination relates best to each of the individual situations (i), (ii) and (iii).

Situation (i) **Tom**

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Situation (ii) **Khalid**

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Situation (iii) **Svetlana**

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..... [9]

- 3 (a) When Parliament passed the **Health and Safety at Work Act 1974** their intention was to keep workers healthy and safe. There are certain duties on both employers and employees under the Act.

Identify any **three** of the duties of an **employer**.

Duty 1

Duty 2

Duty 3 [3]

- (b) The chart below gives six factual scenarios, marked A to F. For each scenario place a tick in the correct box to indicate whether there is a health and safety risk or whether the risk does not exist because the employer has done all that is reasonably practicable.

	SCENARIO	Health and safety risk	No health and safety risk
A	Adam is a postman. In the summer he has to drive a van which does not have air-conditioning and the windows will not open. Adam suffers from heatstroke as a result.		
B	Bertie works in a cheese making factory. He is given rubber boots to wear. The boots are too big and Bertie is hurt when he trips up and a lot of cheese falls on top of him.		
C	Candy is a veterinary nurse. She has been told not to unlock the cage which contains Buster the dog as he bites. Candy unlocks the cage to stroke Buster and he bites her.		
D	Dipak is a decorator. He is trying to paint the top of a wall but his workmate, Sanjay, is using the only ladder. Dipak stands on a coffee table to paint the wall but the coffee table topples over and Dipak suffers cuts and bruises.		
E	Evan is a delivery driver. He is told to carry only one box at a time and he is given a trolley to use for heavy boxes. Evan hurts his back when he carries three boxes at once and cannot be bothered to use the trolley.		
F	Freya is a writer who goes to her publishers for a meeting. She asks to go to the toilet. The light in the ladies' toilet is broken and Freya suffers burns as the water she uses to wash her hands is so hot.		

[6]

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

- 1993
- 1998
- Commission
- Executive
- three
- two

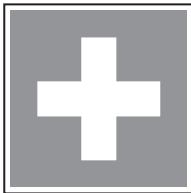
In the EU made Regulations called the Six Pack to create common health and safety standards in all member states. In the UK it is the Health and Safety which has to make sure that the law is enforced to give even more protection to workers. If an employer is in breach they are normally given at least weeks to put it right before any more serious action is taken. [3]

(d) Below are six common health and safety signs. Describe the purpose for which each of these signs might be used.



Sign 1

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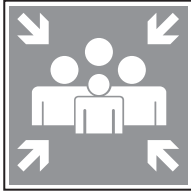
Sign 2

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Sign 3

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Sign 4

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Sign 5

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Sign 6

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[6]

[Total: 18]

- 4 (a) (i) Summary, or instant dismissal is usually used when an employee's behaviour is classed as gross misconduct.

Identify **three** examples of behaviour which would be gross misconduct.

Example 1

Example 2

Example 3 [3]

- (ii) Sonia works as a van delivery driver for a company called 'FastDrop'. Sonia's boss tells her she must join a trade union but Sonia refuses. Sonia often oversleeps and is late for work. Sonia's son is sick and she misses three days' work because her son has to have an emergency operation. Some of the other drivers do not like Sonia because they think she gets the easier jobs and Sonia is often rude to them. Sonia becomes pregnant and she tells her boss but says she is fine to drive the van. One day when Sonia turns up for work she is told that she no longer has a job.

Explain **three** reasons why Sonia's dismissal may have been unfair in this situation.

Reason 1

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Reason 2

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Reason 3

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- (b) (i) There may be occasions when an employer wants to make an employee redundant. The employee must be treated fairly which means that there must be a good reason for the redundancy and certain procedures must be followed.

Identify the **three** reasons or conditions which can give rise to redundancy by putting a tick in the right hand column.

Reasons or conditions	Tick
New machinery means less workers are needed	
Doing jury service	
Being on maternity leave	
Money needs to be saved if a business is to survive	
Workers are told they will lose their jobs immediately	
A business changes its product and so some specialised workers are no longer needed	

[3]

- (ii)* Discuss **three** reasons why the law on dismissal is important to both employers **and** employees.

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