



GENERAL CERTIFICATE OF SECONDARY EDUCATION

LAW

Employment Rights and Responsibilities

B143

Candidates answer on the Question Paper

OCR Supplied Materials:
None

Other Materials Required:
None

Friday 28 May 2010
Afternoon

Duration: 1 hour



Candidate Forename		Candidate Surname	
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Centre Number						Candidate Number				
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INSTRUCTIONS TO CANDIDATES

- Write your name clearly in capital letters, your Centre Number and Candidate Number in the boxes above.
- Use black ink. Pencil may be used for graphs and diagrams only.
- Read each question carefully and make sure that you know what you have to do before starting your answer.
- Answer **all** the questions.
- Do **not** write in the bar codes.
- Write your answer to each question in the space provided. Additional paper may be used if necessary but you must clearly show your Centre Number, Candidate Number and question number(s).

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.

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- 1 (a) Jason has just left school and started his first job. He has been given a contract by his employer and asked to sign it. The contract names Jason and his employer as well as the date on which Jason starts work.

Identify **three** other pieces of information which **must** be in the contract to make it valid when Jason signs it.

Piece of information 1

.....

Piece of information 2

.....

Piece of information 3

..... [3]

- (b) Stefan has worked as a taxi driver for Acecars, a local taxi company, for ten years. Stefan used to be paid weekly and drove an Acecars taxi for forty hours a week. Two years ago another taxi company started to compete with Acecars. Acecars asked Stefan to work under more flexible arrangements which he has done ever since.

In the chart below tick (✓) **three** boxes next to statements which indicate that Stefan is now an **independent contractor** rather than an employee.

		Tick
i	Stefan no longer has set weekly hours of work	
ii	Stefan drives a taxi owned by the company	
iii	Stefan is not allowed to use the Acecars taxi for personal use	
iv	Stefan is no longer paid weekly but receives a separate payment for each taxi journey he undertakes	
v	Acecars deduct tax and insurance from the money which they pay Stefan	
vi	Stefan now uses his own car when taxiing, and he cannot always take a taxi-fare for Acecars	

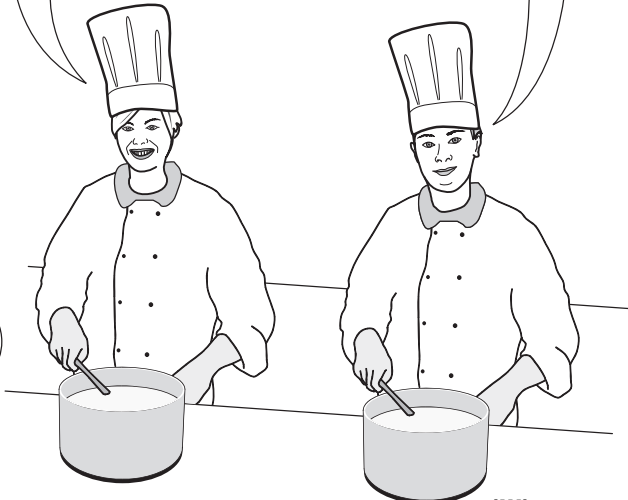
[3]

[Total: 6]

2 Look at the pictures and read the text for each of the following three situations (i), (ii) and (iii) and complete activity (a) and activity (b) which follow them.

(i) My name is Angela. I am a chef, like Paul. I work the same hours as him and earn £500 a week.

My name is Paul. I am a chef, like Angela. I work the same hours as her and I earn £1000 a week.



(ii) My name is Claire. I just married my same-sex partner. My boss found out and he sacked me because he hates lesbians.



(iii) My name is Imran. I applied to be a supervisor on a building site. I did not get the job and was told the builders would not listen because I am Asian.



(a) Identify which area of discrimination law is involved in each situation.

Situation (i)

.....

Situation (ii)

.....

Situation (iii)

..... [3]

(b) Give reasons why the party in each situation (i), (ii) and (iii) will be able to show that they have been discriminated against in law.

Situation (i)
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Situation (ii)
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Situation (iii)
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[9]

3 (a) In 1993 the European Union made Regulations to keep workers healthy and safe. They are known as the 'Six Pack'. Identify any **three** specific duties from these Regulations.

Duty 1

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Duty 2

.....

Duty 3

..... [3]

(b) The chart below gives six factual scenarios, marked **A** to **F**. There are also six specific duties owed by an employer, numbered **1** to **6**.

	Scenario
A	Amy is a secretary who works at a computer for 37 hours each week over 5 days.
B	Barry operates a machine which prints newspapers. Sometimes the machine jams and to save time Bill reaches into the machine and frees the paper while the machine is running.
C	Candice works in a carpet factory. It is always hot and noisy. Sometimes there is so much dust in the air it is hard for Candice to see what she is doing.
D	Damien regularly has to lift sacks of potatoes because his fork lift truck keeps breaking down as it is not serviced properly. As a result he has a bad back.
E	Emily works in an office with more than 70 other men and women. There is only one toilet for all the office staff.
F	Fabio works in a chemical laboratory and has to wear a face mask. Each mask lasts four weeks but Fabio is only given one mask every six months to save money. Fabio develops a severe allergic condition.

	Duty
1	An employer must provide adequate sanitary arrangements for all employees.
2	An employer must reduce any manual handling which creates risks and train employees on proper manual handling to avoid risk of injury.
3	An employer should prevent access to dangerous machinery and have controls which stop the machine instantly if there is something wrong.
4	An employer should provide free eye testing and regular breaks.
5	An employer must ensure that all personal safety equipment is kept in good repair.
6	An employer must provide pure air, reasonable temperatures and adequate lighting in the workplace.

Identify the duty which is appropriate to each of the factual situations, **A–F**. Record your answers in the table below.

Scenario	Duty
A	
B	
C	
D	
E	
F	

[6]

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

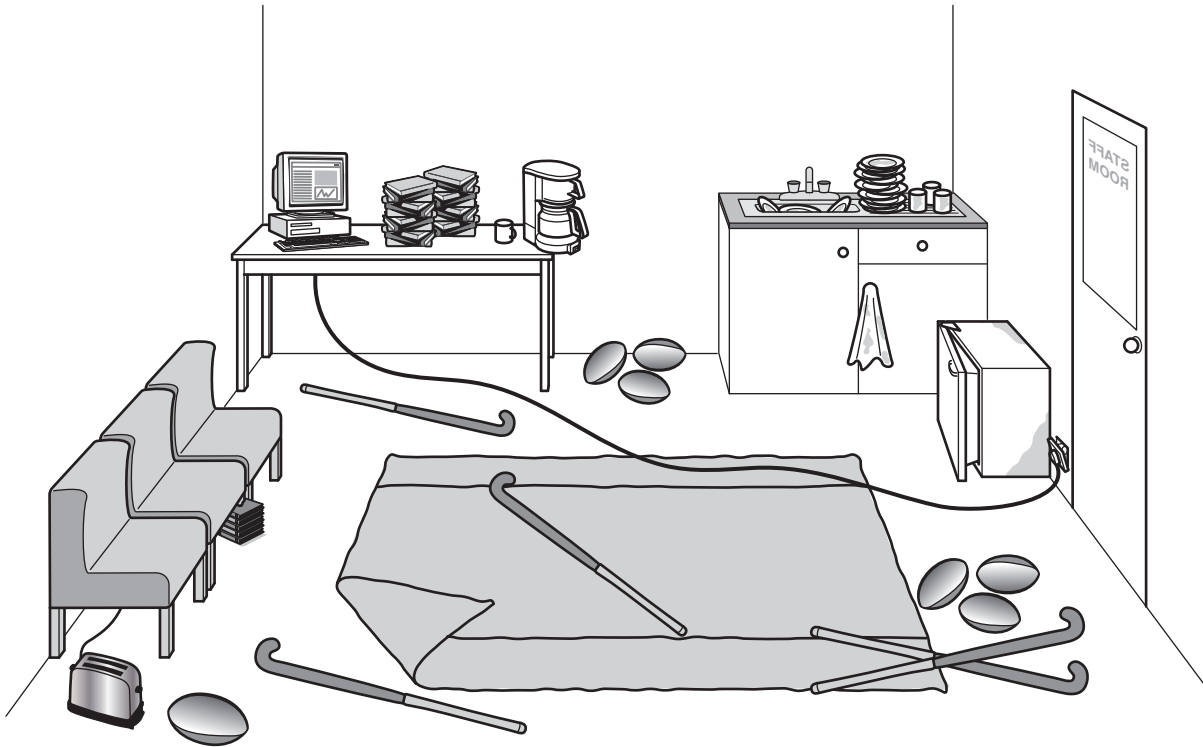
- duties
- rights
- psychiatric
- physical
- homes
- premises

As well as European Union law, the health and safety of employees is protected by judges when they decide cases. They place on employers to provide safe workplaces and to protect workers against bodily and injury.

Parliament has also passed the **Health and Safety at Work Act 1974**. This creates a Health and Safety Executive with officials who can enter in order to investigate breaches of the law and then issue Improvement Notices so that the law is complied with.

[3]

(d) Identify **six** potential health and safety hazards which you can find in this illustration.



Hazard 1

.....

Hazard 2

.....

Hazard 3

.....

Hazard 4

.....

Hazard 5

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Hazard 6

..... [6]

[Total: 18]

- (b) (i) In any claim for dismissal some types of dismissal are automatically **unfair** and some are potentially **fair**. No claim is possible if it is carried out fairly.

In the following chart identify the **three** situations which are potentially **fair** dismissals. Show your answer with a tick (✓) next to the appropriate situations.

	Tick
A genuine redundancy	
Dismissal of a pregnant employee purely because she is pregnant	
Dismissal of a person who has stolen from his employer	
Dismissal of a person who is too ill ever to return to work	
Dismissal of a person working on a building site who insisted on being given a hard hat	
Dismissal of an employee because he joined a trade union	

[3]

- *(ii) Discuss reasons why it is important for employers to be able to dismiss employees.

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