

# **Mark Scheme for June 2013**

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This mark scheme is published as an aid to teachers and students, to indicate the requirements of the examination. It shows the basis on which marks were awarded by examiners. It does not indicate the details of the discussions which took place at an examiners' meeting before marking commenced.















All examiners are instructed that alternative correct answers and unexpected approaches in candidates' scripts must be given marks that fairly reflect the relevant knowledge and skills demonstrated.

Mark schemes should be read in conjunction with the published question papers and the report on the examination.

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## Annotations

Annotation	Meaning
	Correct point or answer given.
	Response is incorrect, no credit can be given.
	Benefit of doubt - credit given
	Benefit of doubt - credit <b>not</b> given
	'Repeat' Response repeats the same marking point.
	Not relevant or the response given is 'Unclear' to the marker. / to indicate all or part blank answer pages have been seen by the marker.
	Omission mark
	Level 1
	Level 2
	Level 3
	Expansion of a point
	Development of point
	Vague – credit cannot be given
	Not answered the question

Question		Answer	Marks	Guidance
1	(a)	<p>Candidates will identify up to <b>three</b> of the following:</p> <ul style="list-style-type: none"> <li>• Hours of work</li> <li>• Method of payment</li> <li>• Job title.</li> </ul>	3	<p><b>ASSESSMENT OBJECTIVE 1</b></p> <p>1 mark for each correct piece of information identified.</p> <p>(maximum 3 marks)</p>
	(b)	<p>Candidates will identify as follows:</p> <ul style="list-style-type: none"> <li>(i) Employed</li> <li>(ii) Self-employed</li> <li>(iii) Employed.</li> </ul>	3	<p><b>ASSESSMENT OBJECTIVE 2</b></p> <p>1 mark for each correct identification.</p> <p>(maximum 3 marks)</p>
2	(a)	<p>Candidates will identify as follows:</p> <ul style="list-style-type: none"> <li>(i) Summary</li> <li>(ii) Wrongful/unfair</li> <li>(iii) Constructive.</li> </ul>	3	<p><b>ASSESSMENT OBJECTIVE 1</b></p> <p>1 mark for each correct identification.</p> <p>(maximum 3 marks)</p>

Question		Answer	Marks	Guidance	
				Content	Levels of response
	(b)	<p>Candidates will explain the following:</p> <p>(i) Dismissal is likely to be fair</p> <p>(ii) Dismissal is likely to be unfair</p> <p>(iii) Dismissal is likely to be fair.</p>	9	<p>Michaela</p> <ul style="list-style-type: none"> <li>Michaela's employer has been helpful and supportive</li> <li>Michaela's dismissal can be justified as she is not capable of doing the job.</li> </ul> <p>Simon</p> <ul style="list-style-type: none"> <li>Paternity leave is a statutory or legal right or legal entitlement or in the contract of employment</li> <li>Simon can take his paternity leave. If Simon is dismissed he could receive compensation/ get his job back.</li> </ul> <p>Ratmir</p> <ul style="list-style-type: none"> <li>Ratmir's boss has provided extra training to help him</li> <li>As Ratmir is costing his employer a lot of money his dismissal is justifiable as he is not capable of doing his job.</li> </ul>	<p><b>ASSESSMENT OBJECTIVE 2</b></p> <p>For each of the three scenarios above give credit as follows:</p> <p><b>Level 3:</b> 3 marks for a number of points or good reasoning.</p> <p><b>Level 2:</b> 2 marks for identifying 2 basic points or adequate reasoning.</p> <p><b>Level 1:</b> 1 mark for identifying 1 basic point or limited reasoning.</p> <p>0 marks – no response or no response worthy of credit</p> <p>(maximum 9 marks)</p> <p>In relation to Simon do not credit reference to Employment Tribunal unless linked to remedy.</p> <p>In relation to Michaela credit dismissal as automatically unfair only if linked to disability discrimination. In these circumstances employer has to have medical evidence to support capability dismissal. The likely remedy would be compensation.</p>

Question		Answer	Marks	Guidance	
				Content	Levels of response
	(c)	<p>Candidates will discuss any <b>two</b> of the following:</p> <ul style="list-style-type: none"> <li>• New technology or a new system makes a job unnecessary – an employer may need to change the way they run their business so they can remain competitive or to survive and so they may need to make workers redundant to maintain their business.</li> <li>• The job the employee was hired for no longer exists – the job may have been for a fixed-term and it would make running a business very difficult if an employer could not lose an employee at the end of a contract period. Changes to the business may also mean that no one is needed to do that type of job anymore.</li> <li>• The need to cut costs means staff numbers need to be reduced – if a business is to survive an employer needs to be able to make adjustments to deal with any financial crises and to make a profit so that other employees can be paid.</li> <li>• The need to follow correct procedures -selection/consultation/payments/notice/alternatives to redundancy. This ensures the employer avoids a claim from the employee.</li> <li>• Any other relevant comment.</li> </ul>	6	<p>Credit should be given for both breadth and depth.</p> <ul style="list-style-type: none"> <li>• Using examples attracts some credit.</li> </ul>	<p><b>ASSESSMENT OBJECTIVE 3</b></p> <p>Candidates will score as follows for each of the two situations:</p> <p><b>Level 3:</b> 3 marks – develops a discussion of a relevant issue.</p> <p><b>Level 2:</b> 2 marks – identifies a relevant issue with some elaboration.</p> <p><b>Level 1:</b> 1 mark – identifies a relevant issue or makes any valid point.</p> <p>0 marks – no response or nothing worthy of credit.</p> <p>(maximum 6 marks)</p>

Question		Answer	Marks	Guidance
3	(a)	<p>Candidates will insert the following <b>in this order</b>:</p> <ul style="list-style-type: none"> <li>• statement</li> <li>• hazards</li> <li>• practicable.</li> </ul>	3	<p><b>ASSESSMENT OBJECTIVE 1</b></p> <p>1 mark each for each correct word inserted.</p> <p>(maximum 3 marks)</p>
	(b)	<p>Candidates will match as follows:</p> <p>A     5  B     6  C     2  D     1  E     3  F     4</p>	6	<p><b>ASSESSMENT OBJECTIVE 2</b></p> <p>1 mark each for each correct answer.</p> <p>(maximum 6 marks)</p>
	(c)	<p>Candidates will identify up to <b>three</b> of the following:</p> <ul style="list-style-type: none"> <li>• Take reasonable care of their own health and safety</li> <li>• Take reasonable care of the health and safety of anyone who could be adversely affected by what they do or fail to do</li> <li>• Cooperate with their employer to meet legal requirements.</li> </ul>	3	<p><b>ASSESSMENT OBJECTIVE 1</b></p> <p>1 mark for each correct answer (accept summaries of these definitions).</p> <p>(maximum 3 marks)</p>

Question		Answer	Marks	Guidance	
				Content	Levels of response
	(d)	<p>Candidates will describe up to <b>three</b> of the following:</p> <ul style="list-style-type: none"> <li>• Safe plant and appliances</li> <li>• Competent fellow employees</li> <li>• Safe system of work.</li> </ul>	6	<ul style="list-style-type: none"> <li>• Using a ladder with broken rungs is not safe and the ladder should have been removed. Credit reference to safe equipment.</li> <li>• Someone driving a fork lift truck clearly drunk is not competent to be in charge of machinery.</li> <li>• Not being able to read instructions on how to lift things safely.</li> </ul>	<p><b>ASSESSMENT OBJECTIVE 3</b></p> <p>Candidates will score as follows for each of the three reasons:</p> <p><b>Level 2:</b> 2 marks – identifies the risk and explains how it occurs.</p> <p><b>Level 1:</b> 1 mark – identifies the risk or explains how it occurs.</p> <p>0 marks – no response or nothing worthy of credit.</p> <p>Credit safe equipment as alternative to safe plant and appliances.</p> <p>(maximum 6 marks)</p> <p>In relation to each:</p> <ul style="list-style-type: none"> <li>• 1 mark for describing the breach of each scenario</li> <li>• 1 mark for describing the common law duty.</li> </ul>



Question		Answer	Marks	Guidance
4	(a)	<p>Candidates will identify up to <b>three</b> of the following <b>in this order</b>:</p> <ul style="list-style-type: none"> <li>• Direct</li> <li>• Indirect</li> <li>• Victimisation.</li> </ul>	3	<p><b>ASSESSMENT OBJECTIVE 1</b></p> <p>1 mark for each way correctly identified.</p> <p>(maximum 3 marks)</p>
	(b)	<p>Candidates will identify the following:</p> <p>(i) Sergio – sexual orientation  (ii) Wendy – equal pay/sex discrimination  (iii) Patrick – transsexuals/gender re-assignment.</p>	3	<p><b>ASSESSMENT OBJECTIVE 1</b></p> <p>1 mark for each correct identification.</p> <p>(maximum 3 marks)</p> <p>For Wendy credit sexism as a BOD.</p>
	(c)	<p>Candidates will explain the following:</p> <p><b>Melanie</b> – the Act will protect Melanie as making racist jokes at work which offend her and make her embarrassed is unlawful discrimination.</p> <p><b>Farouk</b> – the Act will protect Farouk as he cannot be excluded from employment just because the employer perceives drivers from Africa are more accident-prone.</p> <p><b>Tony</b> – the Act will not protect Tony as it could be a genuine occupational requirement that he should be able to speak Polish.</p>	3	<p><b>ASSESSMENT OBJECTIVE 2</b></p> <p>1 mark for each correct explanation.</p> <p>(maximum 3 marks)</p> <p>To attract a mark for each scenario there must be a decision and explanation.</p>

Question		Answer	Marks	Content	Guidance
	(d)*	<p>Candidates will discuss any <b>three</b> of the following:</p> <ul style="list-style-type: none"> <li>• The law allows an employer to be seen as having fairness and justice in their workplace. This will make it a good place to work and help the employer attract good workers which will improve their business</li> <li>• The law means that an employer must treat everyone equally in their workplace. This means that all applicants have an equal chance of getting a job and of then earning promotion based only on how well they work</li> <li>• The law prevents stereotyping or prejudice so that an employer cannot make decisions based on what they think they know about a particular group of people and the employer can also make sure that other employees do not follow the same stereotypes or prejudices</li> <li>• The law means that an employer must protect against bullying and harassment which can make workers very unhappy and it could cost an employer if there is a tribunal as well as being bad for the reputation of the business</li> <li>• The law makes the employer's business more profitable as employees want to work hard because they feel supported and no money is spent fighting discrimination cases so the employer could even pay existing employees more.</li> <li>• Any other relevant comment.</li> </ul>	9	<p>Credit should be given for both breadth and depth.</p> <p>Using examples attracts some credit.</p>	<p><b>ASSESSMENT OBJECTIVE 3</b></p> <p>Candidates will score as follows:</p> <p><b>Level 3:</b> 7–9 marks – points explained with good reasoning and with effective communication through discussion. The response is well organised, structured, with few errors in grammar, punctuation and spelling.</p> <p>To get into Level 3 overall at least two of the reasons discussed must each be in Level 3.</p> <p><b>Level 2:</b> 4–6 marks – points made with some elaboration and adequate communication. The response is adequately organised, structured and with some errors of spelling, punctuation and grammar.</p> <p><b>Level 1:</b> 1–3 marks – basic points made with basic communication. The response lacks organisation, structure and accuracy of spelling, punctuation and grammar.</p> <p>If only one reason is discussed than maximum top Level 1.</p> <p>0 marks – no response or no response worthy of credit.</p> <p><b>(maximum 9 marks)</b></p> <p>Different reasons to be identified rather than 3 different types of discrimination.</p>

**OCR (Oxford Cambridge and RSA Examinations)**  
**1 Hills Road**  
**Cambridge**  
**CB1 2EU**

**OCR Customer Contact Centre**

**Education and Learning**

Telephone: 01223 553998

Facsimile: 01223 552627

Email: [general.qualifications@ocr.org.uk](mailto:general.qualifications@ocr.org.uk)

**[www.ocr.org.uk](http://www.ocr.org.uk)**

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**OCR (Oxford Cambridge and RSA Examinations)**  
**Head office**  
**Telephone: 01223 552552**  
**Facsimile: 01223 552553**

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