



Monday 19 May 2014 – Morning

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



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|-----------------------|--|----------------------|--|
| 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. 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 **12** pages. Any blank pages are indicated.

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Question 1 begins on page 3

PLEASE DO NOT WRITE ON THIS PAGE

Answer **all** questions.

- 1 (a) Bernard is a doctor and he employs Patricia as his nurse. The written employment contract Patricia signs creates rights and duties and it also contains terms to make the contract certain.

Identify the **three** aims the terms in an employment contract try to achieve.

1

2

3

[3]

- (b) Some of the terms in Patricia’s contract are expressly set out, whilst others are implied and become part of the contract because of the way Bernard and Patricia behave or through an accepted custom or practice established over a period of time.

In each of the following situations identify whether the term is **express** or **implied**. Write the word express or implied in the gaps below.

- (i) Bernard tells Patricia that pay day is the 26th of every month.

This term is [1]

- (ii) Every year when 31st December falls on a working day Patricia sees her work mates leave work after lunch. They go early to get ready for the annual party Bernard gives his employees, so Patricia does the same thing.

This term is [1]

- (iii) Patricia is told she must buy a blue dress and white shoes for work and that Bernard will pay for them.

This term is [1]

- 2 (a) There are several ways in which discrimination can occur.

Identify the **way** in which discrimination occurs from the definitions below.

- (i) An employee is treated less favourably because of their gender.

This is [1]

- (ii) An employee is subjected to practical jokes which are intended to humiliate them.

This is [1]

- (iii) An employee is treated less well because they made a complaint.

This is [1]

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

Claire sees an advert to be a residential tutor at a boarding school for children aged 11–18. The advert says the applicant must be under 40 years of age, as the hours are long and the tutor must be able to relate to young people. Claire is 45 years of age but has lots of experience and feels young for her age. Claire does not get the job.

Dmitry is training to be a nurse. His tutor tells him that he can only examine female patients when a female nurse is present. Maria is in the same class as Dmitry and the tutor says she can examine both male and female patients alone. Dmitry feels he is not being trusted and so he stops training as he feels there is no point in being a nurse.

Mike is employed to sell carpets and he drives all over the country. He shows customers samples on his laptop. Mike is diagnosed with a disease that means he cannot sit for long periods or carry heavy things. He explains this to his boss, who says that Mike can visit local customers. However, he must now show them samples that are in heavy books. Mike cannot lift the sample books and has to give up his job.

[9]

Claire

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Mike

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Question 2(c) begins on page 6

(c) Discuss **one** reason why protection from discrimination is important to **employers** and **one** reason why protection from discrimination is also important to **employees**.

Employers

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Employees

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[6]

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

- Commission
- Committee
- Judges
- Lawyers
- Prescription
- Prohibition

The common law is a good way to protect health and safety as decisions are made by who work in this area all the time. Since 1974 there has also been a Health and Safety which has a chairman and six to nine members. Inspectors who work for this body can issue a Notice which takes immediate effect if there is a risk of serious personal injury in a business. [3]

(b) The **Health and Safety at Work Act 1974** creates duties for both employers **and** employees.

Explain why there is a breach of duty under the Act in each of the following situations.

(i) Akbar works in a fish-packing factory. He is given wellington boots to wear as the floor can get very wet and slippery. Akbar does not like wearing the wellington boots because they do not look fashionable. He wears his own designer shoes and slips on the wet floor, hurting his back.

This is a breach of duty because

.....

..... [1]

(ii) Christine runs a business which makes crackers. Boxes of crackers are stacked in the storeroom and at busy times of year they block an emergency exit. A week before Christmas there is a fire and two of Christine’s employees are hurt because the emergency exit is blocked.

This is a breach of duty because

.....

..... [1]

(iii) David works in a chemical laboratory. David has to use acid which he stores in a lockable cupboard. David tells his boss that the lock has stuck and he cannot open the cupboard. The boss says David should store the acid on a shelf in the laboratory until the cupboard is fixed. A week later David knocks over the acid on the shelf and is badly burnt.

This is a breach of duty because

.....

..... [1]

- (iv) Jim works at a dog rescue centre. One dog, Buster, is known to be aggressive and Jim is told to lock Buster's cage every time he feeds him. Buster has never been aggressive with Jim. Jim thinks Buster is asleep when he feeds him and decides to go back later to lock the cage. Buster escapes and bites another worker.

This is a breach of duty because

.....

..... [1]

- (v) Sophie works in an office of forty people. The company is trying to save money so they close ten toilets, leaving only two for all the workers to share. There is no soap and only cold water in the taps. They also stop the contract with the firm who provided a drinking water fountain.

This is a breach of duty because

.....

..... [1]

- (vi) Magda gets a job in a factory which makes soup. On her first day the boss points to a mixing machine and tells Magda to read the instructions and make soup. There are no instructions on the machine. Magda turns the machine on and hot soup flies into her face. Some goes into her eye and she is off work for six weeks.

This is a breach of duty because

.....

..... [1]

- (c) Under the common law duty of care an employer has to provide a safe system of work and safe plant and appliances.

- (i) Identify **two** other provisions an employer must meet.

1

2

[2]

- (ii) Identify what limit is placed on an employer when fulfilling their duty.

.....

..... [1]

(d) Each of the pictures below shows a breach by an employer of the EU Regulations known as the 'Six Pack'.

For each picture name the regulation **and** give the part of the regulation being breached.

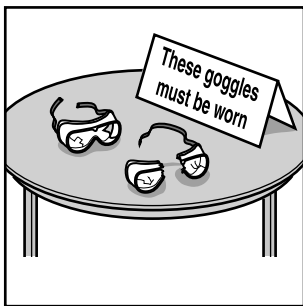


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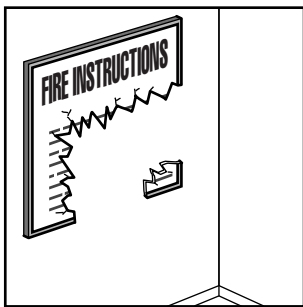


2

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3

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[6]

- 4 (a) When an employer uses summary dismissal it is because an employee has behaved so badly that they do not need to be given notice.

Identify **three** things the employer must be able to show which led to their decision.

- 1
- 2
- 3

[3]

- (b) Wrongful dismissal is based on contract law and compensation is available.

Identify **three** places in which claims for wrongful dismissal can be heard.

- 1
- 2
- 3

[3]

- (c) Sometimes an employer may need to make an employee redundant under the **Employment Rights Act 1996**. Usually an employee is entitled to a redundancy payment but this does not cover everyone.

Identify **three** types of employee who have **no** right to a redundancy payment.

- 1
- 2
- 3

[3]

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