

# **Mark Scheme for June 2010**

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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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PO Box 5050  
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Question	Expected Answer	Mark	Additional Guidance
1 (a)	<p>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.</p> <p>Identify <u>three</u> other pieces of information which <u>must</u> be in the contract to make it valid when Jason signs it.</p> <p><b>ASSESSMENT OBJECTIVE 1</b></p> <p>Candidates will identify any <u>three</u> of the following:</p> <ul style="list-style-type: none"> <li>• Scale of pay, method of calculating pay, pay period</li> <li>• Hours of work</li> <li>• Holiday, sickness and pension rights</li> <li>• Periods of notice on both sides</li> <li>• Job title or a brief job description</li> <li>• Period of employment if not permanent</li> <li>• Place or places of work</li> <li>• Details of collective agreements</li> <li>• Details of grievance/disciplinary procedures</li> <li>• Specific details of overseas work</li> </ul> <p>1 mark for each correct item identified (maximum 3 marks)</p>	[3]	

Question	Expected Answer	Mark	Additional Guidance																		
1 (b)	<p><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.</b></p> <p><b>In the chart below tick (✓) <u>three</u> boxes next to statements which indicate that Stefan is now an <u>independent contractor</u> rather than an employee.</b></p> <p><b>ASSESSMENT OBJECTIVE 2</b></p> <p>Candidates will tick boxes (i), (iv) and (vi) as follows:</p> <table border="0" data-bbox="369 638 1456 1085"> <tr> <td data-bbox="369 638 403 670">i</td> <td data-bbox="436 638 1411 670">Stefan no longer has set weekly hours of work</td> <td data-bbox="1422 638 1456 670">✓</td> </tr> <tr> <td data-bbox="369 702 403 734">ii</td> <td data-bbox="436 702 1411 734">Stefan drives a taxi owned by the company</td> <td data-bbox="1422 702 1456 734"></td> </tr> <tr> <td data-bbox="369 766 403 798">iii</td> <td data-bbox="436 766 1411 798">Stefan is not allowed to use the Acecars taxi for personal use</td> <td data-bbox="1422 766 1456 798"></td> </tr> <tr> <td data-bbox="369 829 403 861">iv</td> <td data-bbox="436 829 1411 861">Stefan is no longer paid weekly but receives a separate payment for each taxi journey he undertakes</td> <td data-bbox="1422 829 1456 861">✓</td> </tr> <tr> <td data-bbox="369 893 403 925">v</td> <td data-bbox="436 893 1411 925">Acecars deduct tax and insurance from the money that they pay Stefan</td> <td data-bbox="1422 893 1456 925"></td> </tr> <tr> <td data-bbox="369 957 403 989">vi</td> <td data-bbox="436 957 1411 989">Stefan now uses his own car when taxiing, and he cannot always take a taxi-fare for Acecars</td> <td data-bbox="1422 957 1456 989">✓</td> </tr> </table> <p>1 mark for each correct item identified (maximum 3 marks)</p>	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 that they pay Stefan		vi	Stefan now uses his own car when taxiing, and he cannot always take a taxi-fare for Acecars	✓	[3]	
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		<b>Total</b> [6]																			

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2	<p>Look at the pictures and read the text for each of the following three situations <b>(i)</b>, <b>(ii)</b> and <b>(iii)</b> and complete activity <b>(a)</b> and activity <b>(b)</b> which follow them.</p> <p><b>(i)</b> Here is a picture of a man and woman chefs. “My name is Angela. I am a chef, like Paul. I work the same hours as him and earn £500 a week.” The speech bubble for the man says, “My name is Paul. I am a chef, like Angela. I work the same hours as her and I earn £1000 a week.”</p> <p><b>(ii)</b> Here is a picture of a woman in a business suit. The speech bubble says, “My name is Claire. I just married my same-sex partner. My boss found out and he sacked me because he hates lesbians.”</p> <p><b>(iii)</b> Here is a picture of a man in overalls. The speech bubble says, “My name is Imran. I applied to be a supervisor on a building site. I did not get the job and I was told the builders would not listen to me because I am Asian.”</p>		
<b>(a)</b>	<p>Identify which area of discrimination law is involved in each situation.</p> <p><b>ASSESSMENT OBJECTIVE 1</b></p> <p>Candidates will identify as follows:</p> <p>Situation (i) Equal pay</p> <p>Situation (ii) Discrimination on sexual orientation</p> <p>Situation (iii) Racial discrimination</p> <p>1 mark for each correct type identified (maximum 3 marks)</p>	<b>[3]</b>	

Question	Expected Answer	Mark	Additional Guidance
2 (b)	<p><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.</b></p> <p><b>ASSESSMENT OBJECTIVE 2</b></p> <p>Candidates will discuss the following:</p> <p>Situation (i)</p> <ul style="list-style-type: none"> <li>• Angela and Paul are doing 'like work' – work that is the same or broadly similar</li> <li>• There is no apparent justification for the difference</li> <li>• Therefore Angela is being treated less favourably than Paul purely because she is a woman and should be able to claim equal pay with him</li> </ul> <p>Situation (ii)</p> <ul style="list-style-type: none"> <li>• Claire has been dismissed purely because of her sexual orientation which is now covered by discrimination law</li> <li>• It is obvious that her employer has dismissed against her because of her sexual orientation and this is direct discrimination</li> <li>• Therefore Claire is being treated less favourably than an employee with a different sexual orientation and she should be able to claim against the dismissal which is discriminatory and automatically unfair</li> </ul> <p>Situation (iii)</p> <ul style="list-style-type: none"> <li>• Imran has been refused a job because of his race</li> <li>• It is obvious his employer has discriminated against him because of his race and this is direct discrimination</li> <li>• Imran is being treated less favourably than an employee who is not Asian and he will be able to claim because this is discriminatory and automatically unfair.</li> </ul> <p>For each of the three scenarios above give credit as follows:</p> <ul style="list-style-type: none"> <li>• 0 marks for no response or no response worthy of credit</li> <li>• L1: 1 mark for identifying 1 basic point or limited reasoning</li> <li>• L2: 2 marks for identifying 2 basic points or adequate reasoning</li> <li>• L3: 3 marks for a number of points or good reasoning (maximum 9 marks)</li> </ul>	[9]	

Question	Expected Answer	Mark	Additional Guidance
2 (c)	<p><b>Without anti-discrimination laws in situation (i) Angela would be doing the same job as a man for half the pay, in situation (ii) Claire would lose her job just because she is a lesbian, and in situation (iii) Imran would not be able to get the job he wants just because of his race.</b></p> <p><b>Explain <u>three</u> other reasons why it is important to have laws preventing discrimination at work.</b></p> <p><b>ASSESSMENT OBJECTIVE 3</b></p> <p><b>Candidates will explain any of the following (credit should be given for both breadth and depth):</b></p> <ul style="list-style-type: none"> <li>• to ensure fairness and justice in the workplace</li> <li>• to preserve equality under the law</li> <li>• to avoid stereotyping and prejudice in the workplace from employers and fellow employees</li> <li>• to ensure people are appointed and promoted on merit</li> <li>• to avoid bullying and harassment in the workplace</li> <li>• to ensure a productive working environment</li> <li>• to ensure an employer has a good reputation</li> <li>• any other relevant comment</li> </ul> <p>L1: 1 mark for each point identified and L2: 2 marks for each point developed (maximum 6 marks)</p>	[6]	Using examples attracts some credit
		<b>Total</b> <b>[18]</b>	

Question	Expected Answer	Mark	Additional Guidance
3 (a)	<p>In 1993 the European Union made Regulations to keep workers healthy and safe. They are known as the 'Six Pack.' Identify any <u>three</u> specific duties from these Regulations.</p> <p><b>ASSESSMENT OBJECTIVE 1</b></p> <p>Candidates will identify any <u>three</u> duties from the following:</p> <ul style="list-style-type: none"> <li>• risk assessment</li> <li>• maintenance of efficient and clean premises</li> <li>• maintenance of plant and equipment</li> <li>• maintenance of personal protection equipment</li> <li>• reducing manual handling risks</li> <li>• safe use of VDU and work stations</li> </ul> <p>1 mark for each correct duty identified (maximum 3 marks)</p>	[3]	Reward category or specific example of duty



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3 (b)	<p>The chart below gives six factual scenarios, marked <b>A</b> to <b>F</b>. There are also six specific duties owed by an employer, numbered <b>1</b> to <b>6</b>.</p> <table border="1" data-bbox="342 339 1686 1249"> <thead> <tr> <th data-bbox="342 339 1014 395">Scenario</th> <th data-bbox="1025 339 1686 395">Duty</th> </tr> </thead> <tbody> <tr> <td data-bbox="342 403 1014 507"><b>A</b> Amy is a secretary who works at a computer for 37 hours each week over 5 days.</td> <td data-bbox="1025 403 1686 507"><b>1</b> An employer must provide adequate sanitary arrangements for all employees.</td> </tr> <tr> <td data-bbox="342 515 1014 683"><b>B</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.</td> <td data-bbox="1025 515 1686 683"><b>2</b> An employer must reduce any manual handling which creates risks and train employees on proper manual handling to avoid risk of injury.</td> </tr> <tr> <td data-bbox="342 691 1014 818"><b>C</b> 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.</td> <td data-bbox="1025 691 1686 818"><b>3</b> An employer should prevent access to dangerous machinery and have controls which stop the machine instantly if there is something wrong.</td> </tr> <tr> <td data-bbox="342 826 1014 954"><b>D</b> 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.</td> <td data-bbox="1025 826 1686 954"><b>4</b> An employer should provide free eye testing and regular breaks.</td> </tr> <tr> <td data-bbox="342 962 1014 1058"><b>E</b> Emily works in an office with more than 70 other men and women. There is only one toilet for all the office staff.</td> <td data-bbox="1025 962 1686 1058"><b>5</b> An employer must ensure that all personal safety equipment is kept in good repair.</td> </tr> <tr> <td data-bbox="342 1066 1014 1249"><b>F</b> 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.</td> <td data-bbox="1025 1066 1686 1249"><b>6</b> An employer must provide pure air, reasonable temperatures and adequate lighting in the workplace.</td> </tr> </tbody> </table>	Scenario	Duty	<b>A</b> Amy is a secretary who works at a computer for 37 hours each week over 5 days.	<b>1</b> An employer must provide adequate sanitary arrangements for all employees.	<b>B</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.	<b>2</b> An employer must reduce any manual handling which creates risks and train employees on proper manual handling to avoid risk of injury.	<b>C</b> 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.	<b>3</b> An employer should prevent access to dangerous machinery and have controls which stop the machine instantly if there is something wrong.	<b>D</b> 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.	<b>4</b> An employer should provide free eye testing and regular breaks.	<b>E</b> Emily works in an office with more than 70 other men and women. There is only one toilet for all the office staff.	<b>5</b> An employer must ensure that all personal safety equipment is kept in good repair.	<b>F</b> 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.	<b>6</b> An employer must provide pure air, reasonable temperatures and adequate lighting in the workplace.	[6]	
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3 (b) (continued)	<p>Identify the duty which is appropriate to each of the factual situations, <u>A-E</u>. Record your answers in the table below.</p> <p><b>ASSESSMENT OBJECTIVE 2</b></p> <p>Candidates will place numbers in the boxes as follows:</p> <table data-bbox="824 480 1070 711" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>Scenario</th> <th>Duty</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>4</td> </tr> <tr> <td>B</td> <td>3</td> </tr> <tr> <td>C</td> <td>6</td> </tr> <tr> <td>D</td> <td>2</td> </tr> <tr> <td>E</td> <td>1</td> </tr> <tr> <td>F</td> <td>5</td> </tr> </tbody> </table> <p>1 mark each for each correct answer (maximum 6 marks)</p>	Scenario	Duty	A	4	B	3	C	6	D	2	E	1	F	5		
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3 (c)	<p>Read the following passage and fill in the missing words from the list below.</p> <p><b>ASSESSMENT OBJECTIVE 2</b></p> <p>Candidates will insert from the list as follows:</p> <ul style="list-style-type: none"> <li>• duties</li> <li>• rights</li> <li>• psychiatric</li> <li>• physical</li> <li>• homes</li> <li>• premises</li> </ul> <p>As well as European Union law, the health and safety of employees is protected by judges when they decide cases. They place <u>DUTIES</u> on employers to provide safe workplaces and to protect workers against bodily and <u>PSYCHIATRIC</u> injury. Parliament has also passed the <u>Health and Safety at Work Act 1974</u>. This creates a Health and Safety Executive with officials who can enter <u>PREMISES</u> in order to investigate breaches of the law and then issue Improvement Notices so that the law is complied with.</p> <p>1 mark each for each correct answer (maximum 3 marks)</p>	[3]	

Question	Expected Answer	Mark	Additional Guidance
3 (d)	<p><b>Identify <u>six</u> potential health and safety hazards which you can find in this illustration.</b></p> <div style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p>The view is of a staff room in a school. At the far end there is a desk against the wall. A computer is on the desk and a cable runs from the computer across the floor to a socket on the right hand side of the room. The plug socket is hanging off the wall. The desk is full of books. Also on the desk is a coffee maker with a jug full of coffee perched on the very edge of the desk. On the left hand side of the room are three chairs. The middle one has a broken leg which is held in place by a pile of books. Next to the chair there is a toaster on the floor. In the middle of the room is a rug with a curled up edge. On the right hand side of the room and on the floor is a fridge where teachers store milk and other food. The fridge is old and the door does not close properly. There is a sink next to the fridge for washing up. Unwashed crockery is piled up in the sink and the tea-towel is very dirty. Scattered on the floor in any available space are hockey sticks and rugby balls.</p> </div> <p><b>ASSESSMENT OBJECTIVE 3</b></p> <p>Candidates will identify any <u>six</u> hazards from the following:</p> <ol style="list-style-type: none"> <li>1 someone may trip on the wire from the computer</li> <li>2 the plug is not safe if it is hanging off the wall</li> <li>3 the jug of coffee could spill and burn someone</li> <li>4 the chair could collapse if someone sits on it</li> <li>5 the toaster on the floor could cause a fire</li> <li>6 someone could trip on the corner of the rug</li> <li>7 someone could become ill if food in the fridge is not stored at the correct temperature</li> <li>8 someone could become ill from germs as the crockery and tea-towel are dirty</li> <li>9 someone could trip on a hockey stick or a rugby ball</li> <li>10 someone could trip over the books</li> </ol> <p>1 mark for each hazard identified (maximum 6 marks)</p>		
		<b>Total [18]</b>	

Question	Expected Answer	Mark	Additional Guidance
4 (a)	<p>There are different types of dismissal:</p> <ul style="list-style-type: none"> <li>• summary dismissal</li> <li>• wrongful dismissal</li> <li>• unfair dismissal</li> <li>• constructive dismissal</li> </ul>		
(i)	<p>Explain the ways in which <u>summary</u> dismissal is different to the other types of dismissal.</p> <p><b>ASSESSMENT OBJECTIVE 1</b></p> <p>Candidates will explain the following differences:</p> <ul style="list-style-type: none"> <li>• the employee can be dismissed immediately</li> <li>• the employee does not receive pay in lieu of notice</li> <li>• there must be gross misconduct by the employee</li> </ul> <p>1 mark for each way explained (maximum 3 marks)</p>	[3]	
(ii)	<p><b>Ahmed works for a bank. The bank writes to tell Ahmed that his department is being ‘re-organised’ and moved to a town 100 miles away. Ahmed is told if he does not move he will be given a less important job and will be paid less money. Ahmed does not want to move. His boss starts to criticise his work and this upsets Ahmed so much he has to leave his job because of stress.</b></p> <p><b>Explain <u>three</u> reasons why constructive dismissal may have been appropriate in this situation.</b></p> <p><b>ASSESSMENT OBJECTIVE 2</b></p> <p>Candidates will explain any <u>three</u> of the following reasons:</p> <ul style="list-style-type: none"> <li>• telling Ahmed his department is being moved to a town 100 miles away may be unreasonable</li> <li>• the offer of a lesser job at lower pay is unreasonable</li> <li>• criticising Ahmed’s work upsets him</li> <li>• although Ahmed has not actually been dismissed, creating a situation in which he is ill and feels forced to resign can be constructive dismissal</li> </ul> <p>1 mark for each reason explained (maximum 3 marks)</p>	[3]	

Question	Expected Answer	Mark	Additional Guidance												
4 (b) (i)	<p>In any claim for dismissal some types of dismissal are automatically <u>unfair</u> and some are potentially <u>fair</u>. No claim is possible if it is carried out fairly.</p> <p>In the following chart identify the <u>three</u> situations which are potentially <u>fair</u> dismissals. Show your answers with a tick (✓) next to the appropriate situations.</p> <p><b>ASSESSMENT OBJECTIVE 1</b></p> <p>Candidates will tick the boxes as follows:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 80%;">A genuine redundancy</td> <td style="text-align: right;">Tick ✓</td> </tr> <tr> <td>Dismissal of a pregnant employee purely because she is pregnant</td> <td></td> </tr> <tr> <td>Dismissal of a person who has stolen from his employer</td> <td style="text-align: right;">✓</td> </tr> <tr> <td>Dismissal of a person who is too ill ever to return to work</td> <td style="text-align: right;">✓</td> </tr> <tr> <td>Dismissal of a person working on a building site who insisted on being given a hard hat</td> <td></td> </tr> <tr> <td>Dismissal of an employee because he joined a trade union</td> <td></td> </tr> </table> <p>1 mark for each correct tick (maximum 3 marks)</p>	A genuine redundancy	Tick ✓	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]	
A genuine redundancy	Tick ✓														
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<p><b>4</b> <b>(b)(ii)*</b></p>	<p><b>Discuss reasons why it is important for employers to be able to dismiss employees.</b></p> <p><b>ASSESSMENT OBJECTIVE 3</b></p> <p>Candidates will discuss any of the following (credit should be given for both breadth and/or depth of discussion):</p> <ul style="list-style-type: none"> <li>• the employee may have lied about their qualification to get the job</li> <li>• the employee may be incapable of doing the job even after being trained</li> <li>• the employee may be incapable of work because of permanent illness making it unfair for the employer to have to pay him indefinitely</li> <li>• the employee may have a history of insubordination and not responding to warnings</li> <li>• the employee may be violent</li> <li>• the employee may engage in unsafe practices despite warnings from the employer</li> <li>• the employee may be dishonest</li> <li>• the employee may not work hard enough</li> <li>• the employee may have extreme views</li> <li>• the employee may have exhausted the discipline process following repeated misconduct</li> <li>• the employer's business may be reducing because he has less orders, etc, or the employer may have gone out of business</li> <li>• the employer may have to dismiss certain staff because of regulations imposed by the government</li> <li>• a fixed term contract may have come to an end and there is no further requirement for the employee's services</li> <li>• there may be a genuine need for reorganisation of the business</li> </ul> <p>Candidates will score as follows:</p> <p>0 marks no response or no response worthy of credit</p> <p>L1: 1-3 marks basic points made with basic communication. The response lacks organisation, structure and accuracy of spelling, punctuation and grammar.</p> <p>L2: 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>L3: 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><b>[9]</b></p>	<p>Using examples attracts some credit.</p> <p>If only one reason is discussed then maximum top L1.</p> <p>To get into L3 overall at least two of the reasons discussed must each be in L3.</p>
		<p><b>Total</b> <b>[18]</b></p>	

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

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