



BUS.IN11 Employment Law and Health and Safety at Work

AQA 8132 · Calculators not allowed · about 40 minutes

Total Marks

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Name: _____ Date: ____ / ____ / ____

Answer ALL questions in the spaces provided. Short answers may be phrases; extended answers should use full sentences. Show any working for calculations.

- 1** Which one of the following is a protected characteristic under the Equality Act 2010 that an employer must not use when making recruitment decisions?

- ☐ A) Age
- ☐ B) Bank balance
- ☐ C) Favourite sport
- ☐ D) Shoe size

(Total for Question 1 is 1 mark)

- 2** Which one of the following duties is required of employers by the Health and Safety at Work Act 1974?

- ☐ A) Provide safe equipment and training
- ☐ B) Guarantee profits for employees
- ☐ C) Insure employees against unemployment
- ☐ D) Provide free meals every day

(Total for Question 2 is 1 mark)

- 3** A small cafe, Riverside Coffee Ltd, decides to advertise for baristas 'only applicants aged 21 to 30 need apply'. Identify the relevant law Riverside Coffee Ltd may be breaching. Name the law using its common title.

(Total for Question 3 is 2 marks)

- 4** A delivery firm, Eastway Couriers, employs a driver paid below the National Minimum Wage for his age. Identify the law or statutory entitlement Eastway Couriers is failing to meet.

(Total for Question 4 is 2 marks)

- 5** State two duties that an employer has under the Health and Safety at Work Act 1974, in the context of a small workshop employing five people.

(Total for Question 5 is 2 marks)

- 6** Explain why Dalton Hair, a local hair salon, must comply with the Equality Act 2010 when hiring stylists, referring to the business context.

(Total for Question 6 is 4 marks)

- 7** Sunbeam Manufacturing, a small workshop that makes metal parts, stores chemicals and uses machine tools. Explain why Sunbeam Manufacturing must comply with the Health and Safety at Work Act 1974 in this workplace context.

(Total for Question 7 is 4 marks)

- 8** Analyze the possible consequences for Brookside Nursery of failing to comply with the Equality Act 2010 when selecting applicants for nursery assistants. Consider the business context of a small, local nursery and give a balanced analysis.

(Total for Question 8 is 6 marks)

Mark scheme · BUS.IN11 Employment Law and Health and Safety at Work

Question 1

- **B1** A cao
- **Answer: A**

Question 2

- **B1** A cao
- **Answer: A**

Question 3

- **B1** identifies the Equality Act 2010
- **B1** links it to age discrimination in recruitment
- **Answer: The Equality Act 2010, because specifying age limits in recruitment is likely age discrimination.**

Question 4

- **B1** identifies the National Minimum Wage/National Living Wage legislation
- **B1** links it to minimum wage entitlement for the worker
- **Answer: The National Minimum Wage / National Living Wage rules, because workers must be paid at least the statutory minimum for their age or status.**

Question 5

- **B1** provide safe equipment or maintain equipment safely
- **B1** provide training and carry out risk assessments
- **Answer: Provide and maintain safe equipment; provide training for employees and carry out risk assessments.**

Question 6

- **B1** identifies that the Equality Act 2010 makes it illegal to discriminate on protected characteristics during recruitment
- **B1** applies to Dalton Hair as an employer hiring staff
- **B1** develops that non-compliance can lead to employment tribunal claims and compensation
- **B1** links to an outcome for the salon, e.g. financial cost and reputational damage
- **Answer: The Equality Act 2010 forbids discrimination on protected characteristics when recruiting. Dalton Hair, as an employer recruiting stylists, must follow this law. If it discriminates it could face employment tribunal claims and be ordered to pay compensation, and suffer reputational damage which could lose customers, so it must comply.**

Question 7

- **B1** identifies that the Health and Safety at Work Act 1974 requires employers to ensure health and safety of employees and others
- **B1** applies this duty to Sunbeam Manufacturing as an employer with hazardous operations and chemicals
- **B1** develops that compliance involves providing safe equipment, training and risk assessments specific to the machines and chemicals
- **B1** links to an outcome, e.g. preventing accidents, legal penalties and protecting the business reputation
- **Answer: The Health and Safety at Work Act 1974 requires employers to protect the health and safety of employees and others. Sunbeam Manufacturing must follow it because it operates machinery and stores chemicals that create real risks. Compliance means providing safe equipment, training staff and carrying out risk assessments tailored to those hazards, which prevents accidents, avoids legal penalties and helps protect the company's reputation.**

Question 8

- **Level 1** (1-3): Makes simple statements about possible consequences of non-compliance, with limited application to Brookside Nursery and little development.
- **Level 2** (4-6): Provides a developed analysis of several consequences, applying them to Brookside Nursery and explaining likely impacts on finances, staffing and reputation.
- **Indicative content:**
 - Legal consequences: employees or rejected applicants could bring employment tribunal claims for discrimination under the Equality Act 2010, which could lead to compensation awards and legal costs for Brookside Nursery.
 - Financial impact: compensation, legal fees and potential fines or settlements would be a direct cost to a small nursery with limited reserves and could harm cash flow.
 - Staffing and operations: a tribunal or a reputation for discrimination could make recruitment harder, increasing staff shortages or turnover in a sector where trusted staff are essential.
 - Reputational damage: parents and the local community may lose trust in a nursery seen to discriminate, reducing pupil numbers and therefore revenue.
 - Indirect consequences: increased regulatory scrutiny, time spent on investigations and management dealing with complaints distracts from day to day running and quality of care, potentially leading to longer term decline.