higher education & training

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

N900(E)(J4)H
JUNE EXAMINATION

NATIONAL CERTIFICATE

LABOUR RELATIONS N5

(4110455)

4 June 2014 (Y-Paper)
13:00–16:00

This question paper consists of 8 pages.

BUSINESS STUDIES

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DEPARTMENT OF HIGHER EDUCATION AND TRAINING
REPUBLIC OF SOUTH AFRICA

NATIONAL CERTIFICATE
LABOUR RELATIONS N5
TIME: 3 HOURS
MARKS: 200

NOTE: If you answer more than the required number of questions only the required number of questions will be marked. All work you do not want to be marked must be clearly crossed out.

INSTRUCTIONS AND INFORMATION

1. This question paper consists of TWO sections:

   SECTION A: 40 marks
   SECTION B: 160 marks
   GRAND TOTAL: 200 marks

2. QUESTION 1 and 2 are COMPULSORY.

3. Answer any FOUR of the other five questions (QUESTION 3 to 7).

4. Read ALL the questions carefully.

5. Number the answers according to the numbering system used in this question paper.

6. Start each question on a NEW page.

7. Write neatly and legibly.

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SECTION A: COMPULSORY

QUESTION 1

Indicate whether the following statements are TRUE or FALSE. Choose the answer and write only 'true' or 'false' next to the question number (1.1–1.20) in the ANSWER BOOK.

1.1 If a company wants to be successful there must be harmony between the internal components of that company.

1.2 The term *industrial relations* derive from the time of the Industrial Revolution.

1.3 The roles of the three parties to the tripartite system differ at various times.

1.4 A labour relations system within a particular society is a product of that society.

1.5 A characteristic of the current South African economy is the oversupply of skilled workers.

1.6 The capitalistic system does not promote private initiative.

1.7 Trade union members as individuals have the same interests.

1.8 South Africa is a supporter of individualism and the free-market system.

1.9 The Basic Conditions of Employment Act (1998) is prescriptive and transgression of any provisions thereof is a criminal offence.

1.10 A collective agreement is normally concluded between an employer and a trade union (Act 66/1995).

1.11 Workplace forums represent all employees in the workplace (Act 66/1995).

1.12 The Labour Relations Act (Act 66/1995) does not allow the use of private dispute settlement procedures.

1.13 *Redundancy* is a term used to describe dismissal based on operational requirements (Act 66/1995).

1.14 An employee who unreasonably refuses alternative employment is also entitled to severance pay (Act 66/95).

1.15 The employer and employee are inherently in conflict due to their diverse interests.

1.16 The greater the dependency of the employee on the employer the greater is the employer's power base.

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1.17 It is necessary that the contract of employment is in writing and it may also be concluded verbally.

1.18 An employer must keep record of the time worked by each employee and his/her remuneration.

1.19 A labour inspector may enter private premises without notice or a warrant to conduct an inspection.

1.20 Membership of an employer organisation is compulsory.

(20 x 1) **[20]**

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QUESTION 2

Choose a description from COLUMN B that matches an item in COLUMN A. Write only the letter (A–J) next to the question number (2.1–2.10) in the ANSWER BOOK.

COLUMN A		COLUMN B	
2.1	Induction	A	association of workers who cooperate to improve their working lives
2.2	Workplace forum	B	unresolved issue between employers and employees
2.3	NEDLAC	C	established methods for dealing with workplace issues like grievances and discipline
2.4	Probation	D	fixed time during which an employee has to achieve a satisfactory work standard
2.5	Trade union	E	period of introducing new employees to the workplace and the job
2.6	Shop steward	F	consultative body at shop-floor level by means of which workers can communicate with management
2.7	ILO	G	elected trade union representative representing a group of trade union members in a section of the workplace
2.8	Procedures	H	method whereby employers can bargain directly with the employees, also called decentralised bargaining
2.9	Shop-floor bargaining	I	sets universal labour standards
2.10	Dispute	J	responsible for changes in labour laws

(10 x 2) **[20]**

TOTAL SECTION A: 40

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SECTION B

INSTRUCTIONS FOR QUESTIONS 3 TO 7

1 Answer any FOUR of the five questions (QUESTION 3–7).

2 Use headings to distinguish between sections.

3 Avoid repetition of facts.

4 Use clear, full sentences to show that you understand the question and its contents.

QUESTION 3

3.1 The history of South Africa's labour relations can be divided into different phases, each with its own characteristics.

Discuss what happened during the following phase and how it affected labour relations:

Agriculture-mining phase (1867 to 1920) (24 x 1) (24)

3.2 Conversion is a basic component of the labour relations system.

Discuss or illustrate the conversion of inputs into outputs. (16 x 1) (16)

[40]

QUESTION 4

4.1 Discuss the political nature of trade union decision making. (8 x 2) (16)

4.2 You are a labour relations specialist and received the following letter from Gerald.

Answer his questions in full.

'My girlfriend started to work for an investment company about eleven months ago. She works nine hours per day for six days a week. That adds up to 54 hours per week. Could you please answer the following questions?':

4.2.1 How many ordinary hours may she work per week? (3 x 1) (3)

4.2.2 Nine hours per day, for six days a week, that sounds a bit much.

What about overtime? (5 x 1) (5)

4.2.3 What about work on Sundays? (4 x 1) (4)

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4.2.4 For her lunch break she is only allowed 30 minutes. Sometimes only 15 minutes.

Is this correct? (4 x 1) (4)

4.2.5 Last month her uncle died. The company refused to give her family responsibility leave.

Why was the leave refused? (5 x 1) (5)

4.2.6 Do you think she should resign? (3 x 1) (3)
[40]

QUESTION 5

5.1 Discuss the labour relations in Germany. (11 x 1) (11)

5.2 Discuss fair or acceptable reasons for dismissal (Act 66/1995). (12 x 1) (12)

5.3 Discuss NEDLAC's specific objectives. (10 x 1) (10)

5.4 Discuss the qualities of a good shop steward. (7 x 1) (7)
[40]

QUESTION 6

6.1 Discuss the following factors influencing an industrial relations system:

6.1.1 Economic ideology (12 x 1) (12)

6.1.2 Socio-political forces (7 x 1) (7)

6.2 Discuss the resolution of disputes through CCMA conciliation (Act 66/1995). (5 x 2) (10)

6.3 Discuss social influences as a factor influencing the relationship between the employer, employee and the state. (11 x 1) (11)
[40]

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QUESTION 7

7.1 Harmony in the company can be achieved by involving employees in the activities of the company in various ways.

Discuss these ways. (14 x 1) (14)

7.2 Name FIVE types of information on an application form for work. (5 x 1) (5)

7.3 Name FIVE methods used by trade unions to achieve their goals. (5 x 1) (5)

7.4 List the requirements for registration of trade unions and employer organisations (Act 66/1995). (4 x 1) (4)

7.5 Discuss the powers and functions of bargaining councils (Act 66/1995). (6 x 2) (12)
[40]

TOTAL SECTION B: 160
GRAND TOTAL: 200

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Department:
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REPUBLIC OF SOUTH AFRICA

MARKING GUIDELINE

NATIONAL CERTIFICATE

JUNE EXAMINATION

LABOUR RELATIONS N5

4 JUNE 2014

This marking guideline consists of 10 pages.

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SECTION A

QUESTION 1

1.1 True
1.2 True
1.3 True
1.4 True
1.5 False
1.6 False
1.7 False
1.8 True
1.9 True
1.10 True
1.11 True
1.12 False
1.13 False
1.14 False
1.15 True
1.16 True
1.17 True
1.18 True
1.19 False
1.20 False

(20 x 1) **[20]**

QUESTION 2

2.1 E
2.2 F
2.3 J
2.4 D
2.5 A
2.6 G
2.7 I
2.8 C
2.9 H
2.10 B

(10 x 2) **[20]**

SECTION A: 40

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SECTION B

QUESTION 3

3.1

- This was brought about (1) by the start of the Industrial revolution (1)
- As well as the discovery (1) of gold and diamonds (1)
- Led to an increased demand (1) for trained employees (1)
- They recruited them from Britain (1)
- They brought varied skills (1) and also trade unions (1)
- In 1881 (1) the first trade union (1) was established in Cape Town (1)
- Trade unions slowly but surely became established (1) during the next two decades (1)
- During 1921 and 1922 (1) there was a significant increase in white leadership in trade unions (1)
- They excluded black workers (1) to:
- maintain work security (1), maintain a high standard of living (1)
- keep skilled labour scarce (1) to protect their positions (1)
- black labour was classified as unskilled, cheap labour (1)
- Trade union membership was kept low (1) and by doing this work standards were maintained (1) to prevent division of work taking place (1)
- Prevented black employees (1) from opportunities to gain relevant skills or to learn them (1)
- The most important strikes which took place (1) were the mining strikes (1) of 1907, 1913 and 1914 (1)
- On the Rand conflict started (1) when employers replaced strikers (1) with cheaper blacks (1)
- Many other strikes followed out of sympathy (1)
- The state intervened (1) in 1911 (1) with the "Nature Labour Relations Act" (1) to regulate black labour affairs (1)
- This act protected the interests of blacks on the mines (1) but it still regarded the rights of employers very highly (1)
- Black workers still did not have any provisions for collective bargaining (1)
- This was still paternalistic (1)
- Black labour was fragmented and limited (1)
- Blacks started to use politics (1) to display their militancy (1)
- In 1912 (1) the SANC (1) (South African National Congress) was founded (1)
- In 1923 (1) the name was changed to ANC (1) (African National Council) (1)
- Black workers followed the example of white workers (1) in respect of strikes (1) and between 1918 and 1922 (1) there were many strikes by policemen, municipal workers (1) as well as mine and dock workers (1)

(Any 24 x 1) (24)

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3.2 STRUCTURES (1)

- Industrial councils (1)
- Conciliation boards (1)
- Shop steward committees (1)
- Work councils (1)
- Safety committees (1)
- Workplace forum (1)
- Labour court (1)
- Bargaining council (1)

IN-COMPANY PROCEDURES (1)

- Disciplinary procedures (1)
- Grievance procedures (1)
- Retrenchment procedures (1)
- Dispute procedures (1)
- Appeal procedures (1)

PROCESSES (1)

- Collective bargaining (1)
- Mediation (1)
- Arbitration (1)
- Strike (1)
- Lock out (1)
- Work stoppages (1)
- Picketing (1)

(Any 16 x 1) (16)
[40]

QUESTION 4

4.1
- Trade union's conduct in collective bargaining is mainly controlled by political considerations (2)
- Workers have major differences with the employer and with each other (internal differences) (2)
- Trade union leaders must deal with these major differences between (2)
- young members who prefer higher salaries (2)
- as a result of pressure put on them to support a family (2)
- and older members who prefer fringe benefits (2)
- Male and female workers (2)
- Trained and untrained workers (2)
- Trade unions must resolve these conflicts or possible sources of dissatisfaction (2)
- If not, they could lose the next general election (2)
- Trade unions rather use political aspects than economic aspects (2)
- to establish a framework to resolve disputes (2)
- Economy and equality must sometimes take a back seat (2) (Any 8 x 2) (16)

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4.2 4.2.1
- per week = 45 hours (1)
- 5 day week = 9 hours (1)
- 6 day week = 8 hours (1)

(3 x 1) (3)

4.2.2
- Overtime can only be worked by agreement (1)
- Maximum per day is 3 hours (1)
- Or by agreement 12 hours on any day (1)
- Maximum per week is 10 hours (1)
- Collective agreement permits 15 hours per week (1)
- Payment for overtime is 1.5 times the normal pay (1)
- Or if agreed, paid time off (1)

(Any 5 x 1) (5)

4.2.3
- Work on Sundays can only be worked by agreement (1)
- For occasional work on Sunday = double pay (1)
- If Sunday is a normal working day = 1.5 times normal wage (1)
- Or by agreement paid time off (1)

(4 x 1) (4)

4.2.4
- After 5 hours of work (1)
- 60 minutes break (1)
- Or by agreement (1)
- 30 minutes break (1)

(4 x 1) (4)

4.2.5
- An employee is entitled to three days paid family responsibility leave (1)
- In a one year cycle (1)
- Family responsibility leave is only for immediate family (1)
- E.g. mother, father, grandparents and siblings (1)
- Uncle is not immediate family (1)

(5 x 1) (5)

4.2.6
- Positive or negative (YES or NO) (1)
- Motivation for positive or negative (2)

(3)
[40]

QUESTION 5

5.1
- The second World War defeat (1) brought about the disappearance of the class system (1)
- The state, employers and employees (1) agreed to form a new social system (1)
- Germans developed an economy of a social market (1) wherein private property, capital formation and operations of the free market are protected (1)
- The government provides
- social security (1)
- workplace security (1)
- economic security (1)
- German trade unions regard themselves as a co-operative undertaking(1)

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- to protect their members from economic and social inequality (1)

- by bargaining collectively (1)
- and take part in the decisions in the workplace (1)
- Germany is highly rated due to their labour relations system (1) which serves as a model for the rest of the world (1)

The reunification of the east and the west still strains the economy and adds to unemployment levels.

- Legislation allows for autonomous collective bargaining.
- The government established the framework for collective bargaining but has a policy of minimal interference.
- Government has a mixture of voluntarism and mandatorism.
- Management style is constitutionalism, modern paternalism and sophisticated consultative style.
- Centralisation of trade union movement.
- Worker participation
- Collective bargaining at centralised level.
- Bargaining takes place at national and regional level. (Any 11 x 1) (11)

5.2 A dismissal is fair when there is:

- A fair reason (1)
- A fair procedure or steps (1)
- Fairness of the reason is determined by (1)
- The dismissal penalty must be appropriate (1)
- The facts of the case must be strong (1)
- Three grounds for dismissal are recognised (1)
- Misconduct of the employee (1)
- Incapacity of the employee (1)
- Operational requirements of the business (1)
- Dismissal is automatically unfair in the following cases (1)
- Infringement of fundamental rights (1)
- A reason related to section 187 (1)
- The employer must show that the dismissal is not unfair (1) (Any 12 x 1) (12)

5.3

- To ensure reconstruction and development (1) i.e. to provide for the basic needs of the community (1)
- To develop the economy (1) and thereby create more job opportunities (1)
- To promote democracy in the workplace (1) by giving employees a say in the organisation's affairs (1)
- To oppose social inequality (1) to narrow wage gaps (1)
- To develop competence and human resources via training (1) to have as a result a hardworking and productive workers corps (1)
- Strive to promote the goals of economic growth (provide in the needs of communities) (1) participation in economic decision-making and social equity (1)
- Seek to reach consensus and conclude agreements pertaining to social and economic policy (1)
- Consider all proposed labour legislation relating to labour-market policy before it is introduced in Parliament (1) ensure democracy in the workplace (1)
- Consider all significant changes to social and economic policy before it is

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implemented or introduced in Parliament (1)
- Encourage and promote the formulation of co-ordinated policy on social and economic matters (1)

(Any 10 x 1) (10)

5.4 He must:
- have the respect and trust (1) of the union, employees and management
- be an effective communicator (1)
- be able to make independent (1) and objective judgements (1)
- able to make good, rapid/fast decisions (1)
- be committed (1) diligent (1) hard working (1) fair minded (1)
- be knowledgeable in trade union and management affairs (1)

(Any 7 x 1) (7)
[40]

QUESTION 6

6.1 6.1.1 Economic ideology

- Individualism (Capitalism) and collectivity (1) can divide economic
- systems between poles (1)
- Individualism or Capitalism (1)
- Private ownership (1)
- Free market system (1)
- Free and open competition (1)
- Accept conflict in the industrial relations system (1)
- Provides/has mechanisms to settle conflict (1)
- Collectivity or Communism (1)
- Support collective possession (1)
- Support a centrally controlled market system (1)
- Does not make special provision to accommodate conflict (1)
- Does not accommodate conflict (1)
- The symptoms of conflict are smothered (1)
- The economic philosophy of a country (1)
- whether it is a free, capitalistic or a socialistic economy will determine the type of labour relationship and the role of collective bargaining in the system (1)
- The fiscal and monetary policies of a country could shape the economy of the country either positively or negatively (1)

(Any 12 x 1) (12)

6.1.2 Socio-political forces

- A system normally designed (1) so that the majority who uses the system (1) is happy with it (1)
- However, the minority groups (1) e.g. Trade unions and employer organisations (1) can influence the industrial relations system (1) by forming radical pressure groups (1)
- Most systems are democratic (1)
- A system will reflect the power balance between employer and employee (1)

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- Individual employers as well as minority groups could form pressure groups and exert pressure on a system (1)
- This could influence the processes and subsequently the employment practices in an industry (1)
- A democratic government will have to take the interests of all its citizens into consideration, irrespective of its own
- ideologies (1)
- Most democratic governments will balance conflicting interests so not to antagonise any minority or majority groups (1)

(Any 7 x 1) (7)

6.2
- The CCMA must appoint a commissioner to use conciliation to resolve the dispute (2)
- The commissioner must attempt to resolve the dispute within 30 days of referral or the parties can agree to extend the period (2)
- The commissioner determines the process used to resolve the dispute (e.g. mediation, fact finding, advisory award, etc.) (2)
- Parties may appear in person or be represented (no legal representative) (2)
- At the end of the n30 day period, the commissioner must issue a certificate stating if the dispute is resolved or not (2)

(5 x 2) (10)

6.3
- No relationship functions in a vacuum (1)
- Industrial relations are submissive to the following social influences (1):
- Influence of the wider community in which it exists (1)
- The political system which determines the balance of power (1) i.e. capitalism, races, classes (1)
- Social problems/issues at micro level (1) e.g. housing, facilities, transport, education (1)
- Economic situation will influence labour relations (1) low economic growth, unemployment, inflation (1)
- Public policy (1) Apartheid led to unequal bargaining power (1) and division within trade unions (1)
- All employees are members of different social groups (1)
- Individual employees will bring to the labour relationship their own religious, cultural, ethical, etc. values (1)
- These will be reflected and incorporated into the labour relationship (1)
- The conflict and problems within the working relationship will be similarly transferred to the individuals social environment (1)
- and subsequently influence the labour relationship (1)
- A simple example is a person who has many economic responsibilities in his private life (1)
- These will be transferred into the demands that he makes from the employer (1)
- If these demands are not met, the frustrations will be transferred back into the private sphere (1)

(Any 11 x 1) (11)

[40]

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QUESTION 7

7.1
- Develops self-confidence (1)
- and feels free to display initiative (1)
- Makes suggestions (1)
- Gives opinions to participate (1)
- and make contributions (1)
- Feels that he is promoting his self-image (1)
- To attain maturity as an employee (1)
- To desire co-operation (1)
- Problem solving (1)
- and conflict management (1)
- To support bi-lateral communication (1)
- and understanding for each other (1)
- To contribute to sound interpersonal relationships (1)
- To contribute to peace in the organisation (1)
- To desire acceptable behaviour (1)
- and sound relationships which negates the need for discipline (1)
- Show interest in employees (1)
- Employees need to be treated as individuals (1)
- Managers need to respect difference of opinion with employees (1)
- Be fair to all employees (1)
- keeping the job interesting, it keeps employees challenged (1)
- Giving more responsibility (1)
- Communicating with employees (1)
- Showing appreciation for a job well done (1)
- Saying thank you costs nothing when the job is done (1)
- Employee issues can be tough to deal with (1)
- Interpersonal communications is the foundation for all actions in the workplace (1)
- Have the respect of employees (1)
- Positive and uplifting conflict management (1)
- Listening skills are the foundation to managing conflict (1)
- Express strong feelings appropriately (1)
- Remain rational and calm (1)
- Remember the Hippocratic Oath: "Do no harm." (1)
- Give full explanations for decisions made and for instructions given (1)

(Any 14 x 1) (14)

7.2
- Position applied for (1)
- Personal details (1)
- Education (1)
- Experience (1)
- Interview evaluation and rating (1)
- Qualifications (1)
- References (1)

(Any 5 x 1) (5)

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7.3
- Collective bargaining (1)
- Benefit fund (1)
- Collective action (1)
- Affiliation and representation on national and international bodies (1)
- Closed shop principle or agreement (1)
- Grievance, disciplinary and appeal procedures (1)
- Strikes (1)
- Media (1)
- Courts (1)
- Education, training and social programmes (1)
- Power dynamics (1)
- Representation at plant level (1)
- Representation on local and national bodies (1)
- Representations to government (1)
- Representations to employer organisations (1)
- Political involvement (1)
- Liaison with national and international media (1)
- Using the labour procedures within the organisation (1)
- Using the labour institutions (1) (Any 5 x 1) (5)

7.4
- Adopt a name (1)
- Adopt a constitution (1)
- Has an address in the Republic (1)
- it is independent (1) (4 x 1) (4)

7.5
- Conclusion and enforcements of agreements (2)
- Prevention and resolution of disputes (2)
- Training (2)
- Provide pension, provident, medical aid, sick pay, holiday, unemployment (any two of these) and training funds and schemes (2)
- Developing policies and legislation for the sector and area (2)
- Determine matters which may not be an issue in dispute for the purpose of a strike or lockout (2) (6 x 2) (12)

[40]

TOTAL SECTION B: 160
GRAND TOTAL: 200

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