higher education & training

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

MARKING GUIDELINE

NATIONAL CERTIFICATE

LABOUR RELATIONS N5

19 JUNE 2018

This marking guideline consists of 6 pages.

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SECTION A

QUESTION 1

1.1 True
1.2 True
1.3 True
1.4 False
1.5 True
1.6 True
1.7 False
1.8 True
1.9 False
1.10 False

(10 × 2) **[20]**

QUESTION 2

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

(10 × 2) **[20]**

TOTAL SECTION A: 40

SECTION B

QUESTION 3

3.1
- To protect and support individuals through collective strength
- To maximize wages and employment
- To establish a joint rule-making system
- To express social cohesion
- To develop individuals outside the limits of their jobs (5 × 2) (10)

3.2
- Have knowledge of TU and management affairs
- Have the respect and trust of the employees and management
- Be an effective communicator
- Be able to make objective judgements
- Be able to make quick decisions
- Be committed, diligent and fair (Any 5 × 2) (10)

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3.3
- The right to control
- The right to supervise
- The right to discipline
- The right to decision making
- The right to dismiss an employee
- The right to carry out strategic planning
- The right to close a plant
- The right to merger
- The right to promote
- The right to join an employer's organisation
- The right to lock-out (10 × 2) (20)

[40]

QUESTION 4

4.1
- Permission may not be unreasonably withheld.
- Parties may apply to the CCMA for assistance in securing an agreement on picketing rules during a strike or lock-out.
- It may take place at any place outside the premises of the employer or inside the premises with permission.
- A trade union may authorise a picket to demonstrate peacefully, as a show of support for or opposition to a strike or lock-out.
- Disputes about the rules of picketing must be referred to the CCMA for conciliation. (6 × 2) (12)

4.2
- Determination, by way of a collective agreement, of those matters that may not be an issue in dispute for purpose of a strike or lock-out
- Conclusion and enforcement of agreement
- Prevention or resolution of disputes
- Training
- Creation of pension, provident funds, medical aid, sick pay, holiday, unemployment and training funds and schemes
- Development of policies and legislation for the sector and area

(Any 5 × 2) (10)

4.3
- Collective agreement prohibits it
- Agreement requires that the dispute be resolved by arbitration
- Issue is one that a party can refer either to arbitration or the Labour Court
- Parties are part of essential services (4)

4.4
- Unpaid charitable works
- Members of the South African Secret Services
- Members of the National Intelligence Agency
- Defence Force (4)

4.5
- The dispute has been referred to a council or CCMA if it remained unresolved after 30 days
- The union must give 48 hours' notice to the private employer (strike)
- The employer gives 48 hours' notice to the employees (lock-out)
- The union gives seven days' notice if the state is the employer (5 × 2) (10)

[40]

QUESTION 5

5.1
- To resolve disputes through conciliation, mediation and arbitration
- To provide training in aspects such as the establishment of workplace forums, disputes and grievances, disciplinary procedures, dismissals and affirmative action
- To assist in the establishment of workplace forums
- To limit industrial action such as strikes
- To decided which services will be registered as essential
- To compile and publish information about its activities
- To do research into labour-related aspects (7 × 2) (14)

5.2
- Termination by agreement
- Termination on notice
- Effluxion of time
- Supervening impossibility
- Completion of the task
- Insolvency of the employer
- Retrenchment
- Summary of dismissal (Any 6 × 1) (6)

5.3

FIXED-TERM CONTRACT	INDEFINITE-TERM CONTRACT
• Written contract between the employer and the employee • Person is contracted for a fixed period, for example one year • Has a start and end date • Can be used when a business only requires employees for a certain period of time • Employees appointed in terms of this contract are referred to as contract workers • Basic conditions of employment provisions • Service of the employee is automatically terminated when the contract expires • No notice by either party is necessary	• Contract (which should be in writing) between the employer and the employee • Also known as a permanent contract • Has a start date, but no end date • Employee appointed in terms of such a contract usually receives benefits such as a medical and pension fund • Contract does not expire until notice is given by either party • Either the employer or the employee must give notice of termination

(10 × 2) (20)

[40]

QUESTION 6

6.1
- The employment contract between employers and employees forms the basis of their relationship.
- It is an official document and legally binding.
- The contract establishes the boundaries of the relationship between employers and employees and includes matters like working hours, duties, different types of leave and remuneration.
- It also lists the responsibilities of both parties.
- Without a contract, the terms of the relationship could be unclear.
- Without a contract there is no recourse for either party should things go wrong. (Any 5 × 1) (5)

6.2
- Time or hours of work
- Kind of work
- Remuneration or payment
- Supervision and control (4)

6.3
- As soon as people are employed the employer-employee relationship comes to being.
- The employer-employee relationship is complex, as it involves human beings with different objectives, values and norms.
- The relationship between employers and employees is similar in many respects to other relationships in that it embraces elements such as friendship, mutual support and communication.
- It is also influenced by the environment, namely the community, the social environment and the political environment.
- Individuals come from different cultures and backgrounds. Some values may be shared, but there will be different values and attitudes as well.
- The economic situation of employees will also differ, as some may come from a higher-income group while others come from a middle- or lower-income group. (Any 5 × 2) (10)

6.4
- It develops self-confidence and promotes self-image, since employees can take the initiative and make suggestions or contributions.
- It promotes the desire to cooperate and be part of problem solving and conflict management.
- It supports bilateral communication and understanding.
- It contributes to good interpersonal relationships and harmony in the workplace.
- It promotes good conduct, reducing the need for disciplinary action.
- Involvement and dedication can result in less absenteeism, lower staff turnover, fewer safety accidents and fewer defects in products and services. (8 × 2) (16)

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6.5 6.5.1 An employee may be defined as a person who puts his or her services at the disposal of the employer in turn for payment and who is under the supervision and control of the employer. (2)

6.5.2 An employer may be defined as a person or enterprise that employs people to produce goods or services in return for a salary or wages. (2)

6.5.3 The state is a system rendering services to the people of a country under the supervision of a government. (1)
[40]

QUESTION 7

7.1 7.1.1 International Labour Organisation
7.1.2 Labour Relations Act
7.1.3 Basic Conditions of Employment Act
(3 × 2) (6)

7.2
- Arbitration is a process that involves a third party.
- The parties will call in an arbitrator.
- The third party is an arbitrator.
- He/she has the power to decide on the best way to resolve the dispute.
- The parties to the dispute present their side of the story to the arbitrator.
- The arbitrator makes the final decision.
- The decision is final and binding. (7 × 2) (14)

7.3
- Low economic growth
- Rich in mineral wealth
- Huge foreign debt
- Unfavourable exchange rates
- Inability of the formal economy to provide sufficient job opportunities
- Huge shortage of skilled workers
- Narrowing of the wage gap and increasing salaries are not in relation to the increase in productivity
- Weak economic infrastructure
- Depopulation of rural areas
- Huge foreign debt
- High rate of unemployment
- Politically inspired strikes and community unrest, including intimidation and violet acts, resulting in lower productivity and retrenchments

(Any 10 × 2) (20)
[40]

TOTAL SECTION B: 160
GRAND TOTAL: 200

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