higher education & training

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

N960**(E)**(J11)H

NATIONAL CERTIFICATE

LABOUR RELATIONS N5

(4110455)

11 June 2019 (X-Paper)
09:00–12:00

This question paper consists of 10 pages.

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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 will be marked. Clearly cross out ALL work you do NOT want to be marked.

INSTRUCTIONS AND INFORMATION

1. This question paper consists of TWO sections:

   SECTION A: 40 marks

   SECTION B: 160 marks

   TOTAL: 200 marks

2. Answer ALL the questions in SECTION A.

3. Answer any FOUR questions in SECTION B.

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 the NEW page.

7. Write neatly and legibly.

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SECTION A

QUESTION 1

1.1 Choose a description from COLUMN B that matches a term in COLUMN A. Write only the letter (A–K) next to the question number (1.1.1–1.1.10) in the ANSWER BOOK.

COLUMN A		COLUMN B	
1.1.1	Bargaining council	A	means that the government takes absolute and maximum control of all aspects of the labour relationship
1.1.2	Picketing	B	provides a forum for collective bargaining by which a settlement can be reached on matters of a joint interest through negotiation
1.1.3	Certificate of service	C	a form of peaceful demonstration in support of any protected strike
1.1.4	Rights	D	a collective agreement that applies to all workers and aims to advance employment of workers
1.1.5	Obligation	E	when all the employees stand together and support one another
1.1.6	Mandatorism	F	a duty or commitment; an act or course of action to which a person is morally or legally bound
1.1.7	Capitalism	G	an economic and political system in which a country's trade and industry are controlled by private owners for profit, rather than by the state
1.1.8	Solidarity	H	a written document given to the employee who leaves his/her position or job for the last time
1.1.9	Incapacity	I	is a valid reason for the termination of a contract
1.1.10	Close-shop agreement	J	a moral or legal entitlement to have or to do something
		K	inability to do something

(10 × 1) (10)

1.2 Indicate whether the following statements are TRUE or FALSE. Choose the answer and write only 'True' or 'False' next to the question number (1.2.1–1.2.10) in the ANSWER BOOK.

1.2.1 A contract of service is always a fixed-term contract.

1.2.2 Management would rather pay fewer workers a higher salary.

1.2.3 Employees should be left alone without supervision in order to perform.

1.2.4 Procedures are not required for redundancy.

1.2.5 Job description is the same as job analysis.

1.2.6 Probation can be specified by an employer.

1.2.7 The right to transfer employees is a management right.

1.2.8 Management is made up of elected officials.

1.2.9 South African government is using mandatorism and voluntarism.

1.2.10 The Labour Relations department operates in a vacuum; it is not a product of its history and environment.

(10 × 1) (10)

1.3 Various options are given as possible answers to the following questions. Choose the answer and write only the letter (A–D) next to the question number (1.3.1–1.3.10) in the ANSWER BOOK.

1.3.1 The purpose of the … is to achieve equity in the workplace.

A Skills Development Act (97 of 1998)
B Labour Relations Act (66 of 1995)
C Basic Conditions of Employment Act (75 of 1998)
D Employment Equity Act (55 of 1998)

1.3.2 The purpose of the … is to provide regulation for the financing of skills development.

A Employment Equity Act
B New unemployment Act
C Skills Development Act
D Basic Conditions of Employment Act

1.3.3 … seeks consensus between workers, investors, the state and the community in terms of economic objectives and activities.

A CCMA
B ILO
C NEDLAC
D COSATU

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1.3.4 Which ONE of the following is NOT a role player during retrenchments (66/1995)?

A Workplace forum
B Registered trade union
C Unregistered trade union
D Employees affected

1.3.5 Which ONE of the following is NOT a method of a trade union to achieve aims?

A Collective bargaining
B Media
C Lockouts
D Courts

1.3.6 … are used to promote or defend the socioeconomic interests of the community.

A Protest actions
B Strikes
C Pickets
D Lockouts

1.3.7 Bringing democracy to the workplace is a/an … of trade unions.

A aim
B function
C development
D All the abovementioned

1.3.8 In South Africa, the state's function is to provide ... legal protection.

A minimum
B maximum
C no
D full

1.3.9 Which ONE of the following is NOT a function of the police during a strike?

A Protects the public
B Protects the employer
C Prevents public disturbance
D Not to choose sides

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1.3.10 A/An ... strike occurs when employees strike in sympathy with employees in another place of employment.

A primary
B secondary
C recognised
D economic

(10 × 2) (20)
[40]

TOTAL SECTION A: 40

SECTION B

QUESTION 2

2.1

TELKOM VICTORIOUS IN LABOUR COURT

31 AUGUST 2016, 08:24AM / IOL REPORTER

Johannesburg - Telkom on Wednesday said it was vindicated by a Labour Court ruling against the Communication Workers' Union over pending retrenchments.

The union and its Telkom had been at loggerheads for some time with CWU members embarking on strike action over their demands that Telkom implement an 11 percent across-the-board increase, a three-year moratorium on retrenchments and outsourcing and six months paid maternity leave.

In a statement, Telkom said the union had approached the court on 1 August to stop it from completing retrenchments as part of its restructuring. Telkom had been repositioning itself as a leaner company that can more easily adapt to the changing competitive environment.

2.1.1 Name FOUR types of leave which Telkom has besides maternity leave. (4 × 2) (8)

2.1.2 Name SIX methods in which the state can interfere. (12)

2.1.3 State FIVE characteristics of the South African Economy which may influence Telkom not to agree to an 11 per cent increase. (5 × 2) (10)

2.1.4 Name TWO methods which were used by the Communication Workers' Union. (2)

2.2 Define the following terms:

2.2.1 Employer

2.2.2 Employee

2.2.3 Shop steward

2.2.4 State

(4 × 2) (8)
[40]

QUESTION 3

3.1 State EIGHT advantages of employee involvement in the activities of the organisation. (8)

3.2 Briefly explain the basic principles of a probation period. (5)

3.3 You want to apply for a new vacancy, but you cannot find your identity document. (5)

3.3.1 Will this be a problem? Give a reason for your answer. (1)

3.3.2 What other documents and information will you need for the application? (4)

3.4 State the details that should appear in a contract of employment taking into account the determinations of the Basic Conditions of Employment Act. (6)

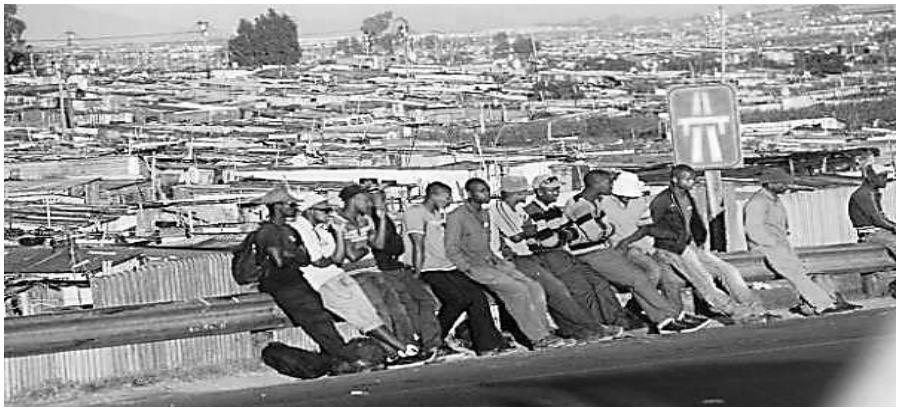
3.5 State the various sources of law which helped to develop a contract. (4 × 2) (8)

3.6 State the essential elements of a contract. (4 × 2) (8)
[40]

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QUESTION 4

INSPECTORS ENFORCE LABOUR LAW WITH VIM



The legislation has been tightened to address high unemployment rates in South Africa.

Cape Town - A crackdown on companies employing more than 40% foreign labourers is being vigorously pursued by the new minister of Home Affairs. Home Affairs inspectors have begun a 'mass inspection' of businesses countrywide.

Minister Hlengiwe Mkhize said on Wednesday her department's inspectorate unit was continuing with inspections 'at various places of employment to ensure compliance to this requirement, in terms of the Immigration Act'.

She said that Homes Affairs had partnered with the SA Police Service as well as the Labour Department.

NEWS / 4 MAY 2017, 2:06PM / SIYABONGA SESANT

4.1 Discuss the main functions of the labour inspector. (5 × 2) (10)

4.2 Name FOUR purposes and primary objectives of Labour Relations Act 66 of 1995. (4 × 2) (8)

4.3 Briefly discuss collective bargaining as applicable in South Africa. (5 × 2) (10)

4.4 State the differences between *individualism* and *community of interest* by giving the answer in table form. (6 × 2) (12)

[40]

QUESTION 5

5.1 Name FOUR subsystems of the economic system that has an influence on labour relations. (4 × 2) (8)

5.2 Name SIX procedural agreements that can be concluded. (6)

5.3 Briefly discuss centralised bargaining. (5 × 2) (10)

5.4 Pro-Mxo Investment is in the process of retrenching 50% of its staff due to the financial difficulties it is experiencing as a result of South Africa's economic 'junk status'. You are the Human Resources manager who has to oversee the entire retrenchment process.

5.4.1 Define what is meant by *retrenchment.* (3)

5.4.2 Define what is meant by *redundancy.* (1)

5.5 Write each of the following abbreviations in full:

5.5.1 CCMA

5.5.2 BCEA

5.5.3 COSATU

5.5.4 NEDLAC

(4 × 2) (8)

5.6 What is the difference between a *strike* and a *lockout*? (2 × 2) (4)

[40]

QUESTION 6

MOTAUNG'S HOME HELPER CLAIMS UNFAIR LABOUR

Kaizer Chiefs' marketing director Jessica Motaung and a man named Bobo are accused of failing to pay their helper R6 000 ordered by the CCMA after finding them guilty of unfair labour practice.

The case was heard at the Johannesburg CCMA in early July. Motaung's helper Thenjiwe said she was fired working at their up-market Bryanston house for almost a year.

During the time she worked there as a sleep-in helper, Thenjiwe said she was ordered to work on public holidays and Sundays.

Accessed on http//www.sundayword.co.za /news/2017/08/06

6.1	State SIX fair or acceptable reasons for dismissal.	(6 × 2)	(12)
6.2	State the main functions of the CCMA.	(7 × 2)	(14)
6.3	Discuss the general functions of a workplace forum.	(4 × 2)	(8)
6.4	State THREE rights of an employer's organisation.	(3 × 2)	(6)
			[40]

QUESTION 7

7.1	Discuss *meal intervals* as a condition according to the BCEA.	(3 × 2)	(6)
7.2	Name the employers or employees not covered by BCEA.		(4)
7.3	Name SEVEN other factors that can cause conflict in the workplace.		(7)
7.4	Name the THREE parties to the tripartite labour relationship.		(3)
7.5	Distinguish the difference between *capitalism* and *socialism.*		(12)
7.6	Discuss the qualities of a shop steward.		(8)
			[40]

TOTAL SECTION B: 160
GRAND TOTAL: 200

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