higher education & training

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

NATIONAL CERTIFICATE

LABOUR RELATIONS N5

(4110455)

9 June 2021 (X-paper)
09:00–12:00

This question paper consists of 12 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
GRAND TOTAL:	200 marks

2. SECTION A (QUESTION 1 to QUESTION 4) is COMPULSORY.

3. Answer any FOUR of the other five questions (5–9) 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 section on a new page.

7. Use only a black or blue pen.

8. Write neatly and legibly.

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SECTION A

QUESTION 1

Various options are given as possible answers to the following questions. Choose the answer and write only the letter (A–E) next to the question number (1.1–1.20) in the ANSWER BOOK.

1.1 Which of the following is NOT a function of a bargaining council?

A Conclude collective agreements
B Enforce collective agreements
C Set wage rates
D Set taxation rates
E All of the above are functions of bargaining councils.

1.2 A … strike is another name for an unprotected strike.

A primary
B wildcat
C secondary
D sympathy
E None of the above

1.3 A … strike is another name for a secondary strike.

A primary
B wildcat
C unprotected
D sympathy
E None of the above

1.4 Which of the following is NOT an effect of a protected strike?

A Dismissal
B Non-payment of wages
C Housing remains in place
D All of the above are effects of a protected strike.
E None of the above are effects of a protected strike.

1.5 Which of the following is NOT a reason to apply statutory control in the workplace?

A Protection of employers
B Protection of employees
C Safe and healthy workplace
D Taxation
E All of the above are valid reasons.

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1.6 What does *freedom of association* mean?

A Employees can join employees' organisations
B Employers can join employers' organisations
C Employers' organisations can form federations
D A and B
E B and C

1.7 For which of the following does the right of access for trade unions allow?

A Meetings
B Recruiting members
C Elections
D All of the above
E None of the above

1.8 Which of the following options is NOT a direct advantage of employee involvement in the workplace?

A Job satisfaction
B Improved communication
C Better wages
D Higher productivity
E Faster productivity

1.9 An employee's right is to …

A strike.
B form a trade union.
C refuse instructions.
D A and B
E B and C

1.10 Which of the following is NOT a factor that influences the employer–employee relationship?

A Tripartite nature of the relationship
B Common law
C Conflict
D Custom and tradition
E All of the above are influential factors.

1.11 Every employer must …

A ensure safe workplace systems.
B take precautionary measures.
C inform all employees of the dangers involved.
D see that the committee performs its functions.
E All of the above form part of employers' duties.

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1.12 How is equity achieved?

A Promotion of equality
B Unfair discrimination
C Fewer employment opportunities
D Workshops
E Unfair treatment

1.13 To which one of the following holidays is the employee entitled?

A Mother's day
B Women's day
C Good Friday
D Valentine's Day
E All of the abovementioned days

1.14 The economic ideology of South Africa is built on …

A capitalism.
B socialism.
C communism.
D collective possession.
E neutralisation.

1.15 Internal inputs of the industrial relations system consist of …

A the economic system.
B substantive agreements.
C structures and procedures.
D the values and power of the role players.
E ethnicity and morals.

1.16 In-house procedures in the industrial relations system consist of …

A collective bargaining.
B mediation.
C disciplinary procedures.
D strikes.
E the economic system.

1.17 The BCEA deals with matters such as …

A payment of overtime.
B the role of inspectors.
C contract termination.
D minimum working time.
E All of the above

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1.18 The state plays its role as a/an …

A insider.
B outsider.
C policymaker.
D primary role player.
E secondary role player.

1.19 The Labour Relations Act (No. 66 of 1995) regulates …

A hours of work.
B the employment contract.
C the number of safety representatives.
D workplace forums.
E shop stewards.

1.20 A closed-shop agreement means …

A everyone must join the union.
B anyone can join the union.
C the union agrees to close up shop and leave.
D union membership is closed for new employees.
E police officers are allowed to get involved.

(20 × 1) **[20]**

QUESTION 2

Indicate whether the following statements are TRUE or FALSE by writing only 'True' or 'False' next to the question number (2.1–2.5) in the ANSWER BOOK.

2.1 The tripartite labour relations refers to the relationship between workers, managers and unions.

2.2 The state can affect labour relations through legislation.

2.3 A contract of service must indicate an employer's address.

2.4 Employees must be told about disciplinary codes when they sign a contract.

2.5 Parties do not have to reach perfect agreement when they sign a contract.

(5 × 1) **[5]**

QUESTION 3

Choose a term/description from COLUMN B that matches an item in COLUMN A. Write only the letter (A–K) next to the question number (3.1–3.10) in the ANSWER BOOK.

COLUMN A		COLUMN B	
3.1	The state	A	state involvement
3.2	Medical aid	B	trade union representative
3.3	Mandatorism	C	maximise wages
3.4	Strategic planning right	D	profit and comparison
3.5	Certificate of service	E	legislator
3.6	Affirmative action	F	worker participation
3.7	Economic regulation terms	G	fringe benefit
3.8	Efficiency	H	sources of law
3.9	Employment involvement	I	management
3.10	Constitution	J	termination of contract
		K	conflict

(10 × 1) **[10]**

QUESTION 4

Complete the following sentences by writing only the missing word or words next to the question number (4.1–4.5) in the ANSWER BOOK.

4.1 … law refers to all legal rules not found in legislation.

4.2 The … supersedes all other acts of the country.

4.3 A … system refers to one's judgement of what is important in life.

4.4 A … system is an economic system in which the production and distribution of goods depend on invested private capital and profit making.

4.5 Individuals' interests are subordinate to the interests of …

(5 × 1) **[5]**

[40]

TOTAL SECTION A: 40

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SECTION B

Answer FOUR questions in this section.

QUESTION 5

5.1 Study the picture and answer the questions.



5.1.1 Briefly discuss the procedure for a protected strike of bus drivers. (5 × 2) (10)

5.1.2 What caused the strike of bus drivers in South Africa that left commuters stranded for almost a month? (3)

5.1.3 In South Africa, there is a rule called 'no work, no pay'. Discuss the issue of compensation during a protest. (2 × 2) (2)

5.1.4 What are the effects of a protected strike (Section 67)? (4 × 2) (8)

5.1.5 Name THREE steps of dispute resolution. (3 × 1) (3)

5.1.6 List and briefly describe reasons for the establishment of trade unions. (7 × 2) (14)

[40]

QUESTION 6

Read the scenario below and answer the questions.

DUT lectures start on Tuesday despite wage strike

The Mercury reports that the Durban University of Technology (DUT) strike has entered its fifth week, after wage talks deadlocked and mediation failed.

University management met with the National Education, Health and Allied Workers' Union (Nehawu) at the CCMA for mediation, but the parties failed to reach an agreement. Milton Estrice, spokesperson for the Crisis Committee appointed to facilitate talks between the parties, said the university was not budging on the offer it had been presenting to the workers for the last three weeks. “Management keeps coming with a fixed offer and telling us it’s their final offer, meaning there is no room for negotiation, whereas the staff has been willing to negotiate.

Talks collapsed because of this lack of cooperation from the side of DUT,” Estrice stated. In anticipation of a repeat of clashes that occurred last week, there was a heavy police presence outside the university on Monday. However, staff marched from campus to campus peacefully. Meantime, DUT management was adamant that the university’s academic year would start on Tuesday, despite the wage dispute not having been resolved.

[Adapted from: *The Mercury*, 13 February 2018]

6.1	Briefly explain the functions of Nehawu in DUT.	(5 × 2)	(10)
6.2	What is the purpose of the Labour Relations Act (1995, amended 2014)?	(4 × 2)	(8)
6.3	Nehawu has specific objectives in terms of the Labour Relations Act (1995, amended 2014). List FIVE.	(5 × 2)	(10)
6.4	Explain what an *automatically unfair dismissal* is.	(2 × 1)	(2)
6.5	Discuss the difference between a *dismissal based on operational requirements* and a *dismissal based on misconduct*.	(5 × 2)	(10)
			[40]

QUESTION 7

Eskom slaps whistle-blower Suzanne Daniels with fresh charges

Eskom blocked whistle-blower Suzanne Daniels's return to work on Monday, and slapped her with fresh charges of 'serious misconduct'. The decision came after the Commission for Conciliation, Mediation and Arbitration (CCMA) declared her previous suspension as 'unfair'. The power utility said the new charges stem from a 2017 matter, which were not covered in the recent CCMA ruling.
Daniels is accused of "distributing confidential information, settlement of the McKinsey-Trillian matter and payments made to McKinsey and Trillian, as well as her involvement in the Optimum and Tegeta prepayments and guarantee issued by Eskom," the company said in a statement.

Eskom said "it would not be correct for Daniels to return to Eskom at this stage".
Daniels has been asked to give reasons why she should not be suspended.
"She has made representations and Eskom is considering these and will make a decision on whether or not to suspend her in the next couple of days," the utility said.
Approached for reaction to her latest tussle with Eskom, Daniels told *Fin24* she would not be commenting at this stage.

The CCMA awarded her five months' pay as compensation and ordered that she be allowed to return to work on Monday.

[Source: *https//www.mgs.co.za*]

7.1 List the rights of Eskom management in terms of its employees. (6 × 2) (12)

7.2 Compile a disciplinary code for Eskom and indicate the sanctions should an employee infringe a specific rule. (5 × 2) (10)

7.3 Explain the reasons for interference by the CCMA in the Eskom–Daniels relationship. (4 × 2) (8)

7.4 Briefly explain Eskom's fair reasons to suspend Ms Daniels. (3 × 2) (6)

7.5 List guidelines a company can follow in cases of dismissal for misconduct. (4 × 1) (4)

[40]

QUESTION 8

Study the pictures below and answer the questions.







[Source: *https://www.bing.com/images/*]

8.1 Define the following terms and explain each one's purpose:

8.1.1 Lockout

8.1.2 Secondary strike

8.1.3 Picketing

8.1.4 Strike

(4 × 4) (16)

8.2 What are the main powers and functions of a bargaining council? (6 × 2) (12)

8.3 What is the meaning and aim of a *closed-shop agreement*? (4 × 1) (4)

8.4 List negative effects of labour challenges/unrest on South Africa's economy. (4 × 2) (8)

[40]

QUESTION 9

Study the scenario below and answer the questions.

Three shop stewards who protested racism at Gupta wedding fail to get jobs back

WEDNESDAY, 14 FEBRUARY 2018 07:51

Timeslive reports that three shop stewards who were fired after going on strike over allegations of racism at the Gupta family's controversial wedding at Sun City in 2013 have lost their appeal to get their jobs back.

Sam Botlhale, Clifford Ramontle and Koki Khojane went to the Labour Court after their dismissal for going on an unprotected strike. The three were among a group of workers from the South African Commercial, Catering and Allied Workers Union (Saccawu) who went on strike on 11 May 2013, despite being interdicted from doing so. The strike came after the trio said they believed that Sun City had failed to deal with the alleged racist conduct at the Gupta wedding.

The trio pleaded before the Labour Court that, although the strike was unprotected, their dismissal was undeserved because the protest was in response to unjustified conduct by Sun City. But in October last year the court upheld their dismissals. The three workers then lodged an application for leave to appeal against the decision. Noting that the applicants' submissions were a repetition of the evidence and arguments at trial, the appeal judge indicated: "The grounds for leave to appeal as set out by the applicants have no merit and I see no reason why the Labour Appeal Court should be burdened with this appeal."

[Source: *Timeslive*]

9.1 You want to run to replace the dismissed shop steward in election.

What is the procedure you should follow? (6)

9.2 List the qualities Sam Botlhale, Clifford Ramontle and Koki Khojane probably have. (10 × 1) (10)

9.3 List aims wished to be achieved by Saccawu with its unprotected strike. (6 × 2) (12)

9.4 What were possible reasons for the establishment of Saccawu? (6 × 2) (12)
[40]

TOTAL SECTION B: 160
GRAND TOTAL: 200

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