higher education & training

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

N840(E)(N27)H
NOVEMBER EXAMINATION

NATIONAL CERTIFICATE

LABOUR RELATIONS N5

(4110455)

27 November 2014 (X-Paper)
09:00–12:00

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. Answer ALL the questions in SECTION A.
3. Answer any FOUR of the five 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 a NEW page.
7. Write neatly and legibly.

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SECTION A

Answer ALL the questions in SECTION A.

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 Industrial relations are dynamic and based on status, needs and attitudes.

1.2 If labour relations are negative the economic growth will be negative.

1.3 Because of the differences in societies, industrial relations will differ from country to country.

1.4 Labour can be viewed in the same light as a commodity, which can be exchanged for money in an open competitive market.

1.5 Amalgamation of big corporations started because of decreased competition between businesses.

1.6 Every employer and employee has the same objectives, expectations and aspirations.

1.7 In South Africa the economic system is characterised by an abundance of skilled labour.

1.8 Conflict between the employer and employee is a break in their relationship.

1.9 Trade unions are dynamic, just as labour relations are dynamic.

1.10 Unions will be more active in collective action if the organisation is an industrial giant.

1.11 The Labour Court is the final court of appeal in respect of all judgments (66/1995).

1.12 The Radical Perspective implies an inevitable compromise in all cases.

1.13 Conflict is undesirable as it leads to stagnation.

1.14 Establishing a workplace forum is an employer's decision (66/1995).

1.15 A 'representative trade union' means a registered trade union that is sufficiently representative of the employees employed by an employer in the workplace (66/1995).

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1.16 In any proceedings concerning any dismissal, the employee must establish the existence of the dismissal (66/1995).

1.17 No person may take part in a strike if a collective agreement prohibits it (66/1995).

1.18 NEDLAC assists in the establishment of workplace forums (66/1995).

1.19 The unitary perspective has its origin in the Marxist philosophy.

1.20 COSATU is a trade union.

(20 × 1) **[20]**

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QUESTION 2

Choose a description from COLUMN B to match 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	Industrial relations	A	an organisation is viewed as a team with one single, common aim
2.2	Freedom of association	B	every employee has the right to join a trade union of his/her choice
2.3	Accreditation	C	must appoint a commissioner to use conciliation to resolve the dispute
2.4	Mandate	D	state interference is extreme and there is maximum state control
2.5	Tripartite	E	a process initiated by trade unions to improve the economic position of its members
2.6	Radical perspective	F	the total spectrum of role players, processes, actions and rules involved in labour relations
2.7	Unitary perspective	G	balance of power is not possible in a capitalistic system
2.8	Bargaining council	H	a structure, which develops policies and legislation for a sector and area for a specific industry, for example the mining industry
2.9	Collective bargaining	I	a council or private agency applies with the CCMA to resolve and arbitrate disputes
2.10	CCMA	J	the labour relations system has three role players

(10 × 2) **[20]**

TOTAL SECTION A: 40

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SECTION B

1. Answer any FOUR of the five questions in SECTION B.
2. Avoid repetition of facts.
3. Use clear, full sentences and show that you understand the questions and their contents.

QUESTION 3

3.1 'History influences the labour relations of a country.'

With reference to this statement, discuss the following history period in South Africa's labour relations:

Labour Relations from 1979 to 1990 (24 × 1) (24)

3.2 Discuss the influence of the following forces on a country's labour relations system:

3.2.1 Historical forces (6 × 1) (6)

3.2.2 Democratisation of political and economic systems (10 × 1) (10)

[40]

QUESTION 4

4.1 What would happen if the labour relations are:

4.1.1 Positive (2)

4.1.2 Negative (4 × 2) (8)

4.2 'The closed-shop agreement is perceived as unconstitutional.'

State FIVE rights of the employee that are being infringed by the closed-shop agreement. (5 × 2) (10)

4.3 Discuss the traditional attitudes of employees towards work. (10 × 2) (20)

[40]

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QUESTION 5

5.1 Discuss the *labour relations system* in Japan. (16 × 1) (16)

5.2 Discuss the *legal effect of collective agreements* (66/1995). (13 × 1) (13)

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

Discuss these various ways. (11 × 1) (11)
[40]

QUESTION 6

6.1 Discuss the statement:

'The working of a trade union comes down to political democracy.' (6 × 2) (12)

6.2 Write the correct option between brackets (number of hours, weeks, months, years, payment) and write the missing word(s) in the following sentences next to the question number (6.2.1–6.2.10) in the ANSWER BOOK.

6.2.1 Payment for overtime is (1,5/1,75) times the normal pay. (1)

6.2.2 Meal intervals may be reduced to (40/30) minutes by … (2)

6.2.3 Every employee must have a daily rest period of at least (15/12) hours and each week at least (24/36) hours. (2)

6.2.4 Employees are entitled to (4/3) weeks fully paid leave after every (12/24) months of continuous employment. (2)

6.2.5 A pregnant woman is entitled to (4/6) months maternity leave and may return to work (6/8) weeks after the birth of the child. (2)

6.2.6 Family responsibility leave is only applicable when the employee's … family dies and the employer needs … of the death. (2)

6.2.7 Children under (16/18) years may not be employed to do work unsuitable for their age and no person may employ a child under (15/16) years. (2)

6.2.8 A … inspector may enter any workplace without … of a warrant. (2)

6.2.9 An employer must give the employee … particulars of employment. (1)

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6.2.10 The Basic Conditions of Employment Act (1998) is not applicable to the National … force and National … Agency. (2)

6.3 State 10 acts by the employee that could be regarded as grounds for summary dismissal by the employer. (10 × 1) (10)
[40]

QUESTION 7

7.1 Name FOUR substantive issues/agreements for the employee. (4 × 2) (8)

7.2 Name the powers and functions of statutory councils (66/1995). (4 × 2) (8)

7.3 Discuss the *limitations on the right* to strike or lockout (66/1995). (4 × 2) (8)

7.4 Explain the term *Agency Shop Agreement* (66/1995). (3 × 1) (3)

7.5 Name the SIX types of trade unions. (6 × 1) (6)

7.6 Discuss the freedom of the individual versus the collective. (7 × 1) (7)
[40]

TOTAL SECTION B: 160
GRAND TOTAL: 200

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Department:
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MARKING GUIDELINE

NATIONAL CERTIFICATE

NOVEMBER EXAMINATION

LABOUR RELATIONS N5

27 NOVEMBER 2014

This marking guideline consists of 12 pages.

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SECTION A

Answer ALL the questions in SECTION A.

QUESTION 1

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

(10 × 2) **[20]**

QUESTION 2

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

(10 × 2) **[20]**

TOTAL SECTION A: 40

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SECTION B

Answer any FOUR of the five questions in SECTION B.

QUESTION 3

3.1 Labour Relations from 1979 to 1990

- In 1977 the Wiehahn Commission was appointed
- to investigate problems in the labour field
- One labour relations system was suggested for all
- and blacks could then take part in collective bargaining
- It lead to increased membership
- of black trade unions
- in 1986
- The Industrial Conciliation Amendment Act
- of 1979–1982
- made provision for the findings of the Wiehahn Commission
- In 1979 the government
- adopted a principle of non-interference in labour relations
- Early eighties there were many changes in the apartheid system
- decrease in sport apartheid
- removed restrictions on black entrepreneurship
- realised that influx control was ineffective
- recognise permanency of urban blacks
- However blacks were still unhappy
- many strikes
- in 1987
- International opposition against NP
- became more intense
- Characteristics of this period:
- social violence
- government oppression
- militarism
- launching of ANC's campaign for peoples war
- in 1984
- It led to:
- boycotts by black students
- stayaway actions
- consumer boycotts
- public violence
- strikes
- Popular uprisings in Black and Coloured townships
- helped the NP to see the need for change
- In 1984
- the State declared a state of emergency
- 2 February 1990
- president De Klerk

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- announced a new dispensation
- Priority would be given to negotiation
- for a fair dispensation
- South Africa had to undergo social
- political
- and economic transformation
- This would also affect the workplace
- 2 February 1990
- the ANC, PAC and SACP were unbanned
- and Nelson Mandela was released (Any 24 × 1) (24)

3.2 3.2.1

- A community is the product of its history
- As a result of our history, various pieces of legislation were promulgated e.g. the Equity act, etc.
- The origin and development of trade unions
- And employer organisations
- their primary objectives
- their organisational methods
- their place in the community
- are factors which assist in the design
- and development of an industrial relations system (Any 6 × 1) (6)

3.2.2

- In Western communities
- employers prefer individual freedom
- and prefer it above a political and economic system
- Employees prefer a collective-based political system
- Power is based on numbers and votes
- There is a movement
- towards a mixed socio-political and economic system
- which can be beneficial to both parties
- Mix employer's economic power
- and the employees' power in numbers and votes
- Democratisation in the workplace can be difficult
- Whereas employees find safety in collective activities
- The world trend for organisations is to move to a mixture
- of team activities and individual development (Any 10 × 1) (10)

[40]

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QUESTION 4

4.1 4.1.1

- Objectives and goals can be achieved
- High morals
- Higher productivity
- More profits
- Less labour conflict
- Less strikes
- Trust and empathy grow between the parties
- People feel safe within the work environment
- There is a willingness to lend a hand
- Absenteeism and turnover figures will drop
- Reduced wastage (Any 1 × 2) (2)

4.1.2

- There will be conflict
- There will be strikes
- Negative action will break down normality
- There will be no products or services
- Economic growth will be negative
- Morals will be low
- Productivity will drop
- Companies' profit will drop
- Employees' job security and salaries will be insecure (Any 4 × 2) (8)

4.2

- The right to work
- The right to freedom of association
- The right to belong to a trade union of your choice
- The right not to be discriminated against
- The right not to be advantaged in exchange for the employee not to seek his rights
- The right to earn a living
- The right to improve his/her living standard (Any 5 × 2) (10)

4.3

- Traditional attitudes towards work remain generally negative
- The individual insists on certain basic conditions, individual rights
- fair treatment, growth, worker satisfaction
- However positive attitudes and changes have taken place
- Improved education and training
- Employees take part in decision-making
- Decentralisation of decision-making
- Parties are trying to get rid of differences between employers and employees
- Emphasis is now on teamwork
- The value of human resources is gaining wider recognition
- Tendency is towards decentralisation of the organisation (Any 10 × 2) (20)

[40]

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QUESTION 5

5.1

- Industrial relations in Japan
- developed after the Second World War
- most of the strongest industries were in the possession of a few powerful firms
- Integration of employees and management
- in organisation started
- They now share information
- and decision making
- Reasons for Japan to share information and decision making with workers
- Life-long employment
- ensures better cooperation
- higher interest
- and enthusiasm by the employee
- zealous interest
- Consultation is very effective because of cultural homogeneity
- and high level of training
- Better unity exists which makes it easier for workers to participate
- Most of the top managers
- rose from the rank of workers
- and were firstly production workers and trade union members
- Workers are not seen as opponents
- but as junior members of the organisation
- Since the First World War
- Western mass manufacturing equipment in Japan
- demanded different skills from workers
- Skilled workers feared that their livelihood would be threatened
- They demanded increased employment security
- in the form of lifetime employment
- and payment based on number of years of service to ensure their standard of living
- This was in line with social arrangements in Japan before industrialisation
- The social arrangements of the extended family system in early Japanese factories
- offered welfare facilities
- dormitories to accommodate labourers from outlying rural areas
- and long-term employment relationships
- Negative industrial relations did not exist
- and few trade unions were formed
- After the Second World War the labour movement exerted a strong voice in industrial matters
- Today there is a very small difference
- between blue- and white-collar workers
- Unionism also operates at a national level
- with federations of enterprise unions
- generally organised by industry

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- These federations organise and co-ordinate the activities of enterprise unions
- as well as lobbying on issues of general interest to all industry members
- The principle centre of labour movement power in Japan
- is at the level of the enterprise
- The lack of opposition and disputes between labour and management
- may be the most important feature in modern Japan (Any 16 × 1) (16)

5.2
- A collective agreement binds
- the parties to the collective agreement
- members of the parties to the agreement
- members of the trade union or employers' organisation
- members that are party to the collective agreement
- employees who are not members of the trade union
- but are identified in the agreement
- the agreement binds the employee or the majority of employees in the workplace
- who are members of the trade union that is party to the agreement
- The collective agreement binds every person
- who was a member at the time of it becoming binding
- A collective agreement can vary in any contract of employment
- A party to an agreement for an indefinite period
- may terminate the collective agreement by giving reasonable notice

(Any 13 × 1) (13)

5.3
- Develops self-confidence
- and feels free to display initiative
- make suggestions
- give opinions to participate
- and make contributions
- feels that he/she is promoting his/her self-image
- to attain maturity as an employee
- to desire co-operation
- problem solving
- and conflict management
- to support bilateral communication
- and understanding for each other
- to contribute to sound interpersonal relationships
- to contribute to peace in the organisation
- to desire acceptable behaviour
- and sound relationships which makes the need for discipline unnecessary
- show interest in employees
- employees need to be treated as individuals
- managers need to respect differences of opinion with employees
- be fair to all employees
- keeping the job interesting, keeps employees challenged

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- giving more responsibility
- communicating with employees
- showing appreciation for a job well done
- to show appreciation when the job is done costs nothing
- employee issues can be tough to deal with
- interpersonal communication is the foundation for all actions in the workplace
- have the respect of employees
- positive and uplifting conflict management
- listening skills are the foundation to managing conflict
- express strong feelings appropriately
- remain rational and calm
- remember the Hippocratic oath: 'Do no harm.'
- give full explanations for decisions made and for instructions given

(Any 11 × 1) (11)
[40]

QUESTION 6

6.1
- Here political democracy also exists
- Each trade union member elects his/her own leaders via a ballot system
- and to support proposals by electing for it
- In a representative democracy rules are laid down for representatives by a ballot and not by the individuals
- Individuals are limited to vote for representatives and thus only
- indirectly involved in laying down the rules
- Individuals and bodies such as trade unions have certain rights and responsibilities
- Individuals may take part in decisions affecting their work environment
- This is also known as industrial democracy (Any 6 × 2) (12)

6.2

6.2.1 1,5

6.2.2 30
Agreement

6.2.3 12
36

6.2.4 3
12

6.2.5 4
6

6.2.6 Immediate
Proof

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6.2.7 18
15

6.2.8 Labour
Proof

6.2.9 Written

6.2.10 Defence
Intelligence

(18 × 1) (18)

6.3
- Failure or refusal to work
- Deliberate absenteeism
- Gross negligence
- Serious incompetence
- Refusal to carry our orders
- Incapacity of the employee
- Dishonesty inside or outside the sphere of employment
- Disloyalty to the employer
- Drunkenness
- Assault
- Gross insubordination or insolence
- Intimidation
- Fraud
- Forgery
- Unauthorised carrying of dangerous weapons

(Any 10 × 1) (10)
[40]

QUESTION 7

7.1
- Wages
- Bonuses
- Allowances
- Leave
- Holidays
- Fringe benefits
- Pensions
- Rights and duties
- Working conditions
- Working hours
- Occupational safety and health
- Protection against dismissal

(Any 4 × 2) (8)

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7.2
- Dispute resolution
- Education and training
- Administer funds and schemes
- Conclusion of collective agreements (4 × 2) (8)

7.3
- A collective agreement prohibits it
- The agreement requires that the dispute be resolved by arbitration
- The issue is one that a party can refer to arbitration or the labour court
- Parties are part of an essential service (4 × 2) (8)

7.4
- When a trade union and employer agree
- That the employer may deduct a fee from an employee's wage
- Who is not a member of the trade union (3 × 1) (3)

7.5
- Occupational trade unions
- Promotion trade unions
- General trade unions
- Industrial trade unions
- White collar trade unions
- Public sector trade unions (6 × 1) (6)

7.6
- Nowadays the employer wants teamwork
- Most labour is based on a collective or group basis
- People are not regarded as individuals but members of a group
- Employees need each other against the power of the employer
- The employee also wants to be treated as an individual
- which could lead to tension
- The employee needs both personal recognition
- as well as to be part of a group
- This leads to tension between employers and the trade union
- Employers choose to treat employees as individuals
- Trade unions treat employees collectively
- The function of labour relations
- is to deal with both individual and collective interactions
- The employee is loyal to both the employer and the union
- Care must be exercised to ensure that the claims or demands of the one
- do not encroach upon those of the other
- Most organisations operate with collective groups
- Departments, sections, work groups, etc. operate and fulfil functions
- Very few tasks require individually specialised skills that cannot be combined within a group
- Organisations therefore treat employees as collective groups and not as individuals
- For employees, it makes actual work and workplace experiences easier to be part of collectives

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- Colleagues assist in work, groups work on projects and goals together
- Employees have inner conflict due to the fact that all people want to be treated as individuals
- want personal recognition, advancement and work satisfaction and want to express individuality in their lives
- This inner conflict has to be balanced with the need to address problems and issues
- The reality is that individuals do not make a difference in the decision-making of an organisation, but groups can
- Unions want employees treated as a group
- The employer has success both in treating employees as individuals and in groups
- There are advantages and disadvantages to both approaches
- Employees are also torn between their loyalty towards the employer and the union
- No party should encroach on the duties and the obligations of any other party (Any 7 × 1) (7)

[40]

TOTAL SECTION B: 160
GRAND TOTAL: 200

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