higher education & training

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

MARKING GUIDELINE

NATIONAL CERTIFICATE

NOVEMBER EXAMINATION

LABOUR RELATIONS N5

30 NOVEMBER 2016

This marking guideline consists of 11 pages.

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SECTION A (COMPULSORY)

QUESTION 1

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

(10 × 1) **[10]**

QUESTION 2

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

(10 × 1) **[10]**

QUESTION 3

3.1 Mandatorism
3.2 State
3.3 Bargaining council
3.4 Advisor
3.5 Night work
3.6 Protected
3.7 Substantive
3.8 Productivity
3.9 Feedback
3.10 Process

(10 × 1) **[10]**

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QUESTION 4

4.1 Retrenchment

4.2 Strike

4.3 Agency Shop Agreement

4.4 Maternity/Accouchement

4.5 Entrepreneur/Employer/Owner

4.6 Contract of service

4.7 Police

4.8 Free-market system/Capitalism

4.9 Community of interests/Collectivism

4.10 Individualism

(10 × 1) **[10]**

TOTAL SECTION A: 40

SECTION B (Candidates must answer any FOUR questions)

QUESTION 5

5.1 Due to different viewpoints expressed in three different textbooks on this question, the answer is divided in THREE parts. Mark (Any 6 × 2) correct answers only from viewpoint 1 or viewpoint 2 or viewpoint 3.

Viewpoint 1

- It develops self-confidence and promotes self-image.
- The employee can take the initiative and make suggestions or contributions.
- It promotes the desire to co-operate and to 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 accidents and fewer defects in products and services.

(Any 6 × 2) (12)

OR

Viewpoint 2

- The employee will feel that he/she belongs and fits in.
- The employee will feel that he/she counts for something.
- They will feel more empowered to do the job.
- Their self-confidence will develop.
- They will come up with innovative ideas which will foster growth.
- He/She will develop more critical and imaginative thinking.
- The employee will grow and mature in his/her work.
- His/Her people skills and team-working skills will develop.
- He/She will enjoy his/her work.
- Their workplace morale will improve at large.
- Due to his/her high moral, they will be more productive.
- He/She will benefit the company in terms of profit making. (Any 6 × 2) (12)

OR

Viewpoint 3

- Trust, familiarity and empathy grow between manager, subordinate and co-worker.
- This ensures that people perform and feel safe within the work environment.
- Good working relationships ensure membership in a company.
- Within a healthy work environment positive change management can take place.
- The most important benefit of positive labour relationships is that this ensures continuity of production, which ensures success in the workplace.
- A healthy workplace nourishes intellectual properties that flow from inventive human creativity.
- The benefits of good relationships will likely reduce office politics and petty conflicts thus resulting in an improvement in workplace morale and a more positive work environment.
- Friendships and support networks contribute to a sense of self-worth and personal wellbeing.
- Positive relationships will therefore ensure a healthier and stress-free individual with higher productivity and safety-conscious focus.
- Absenteeism and turnover figures will drop.
- There will be a reduction in industrial disputes.
- Wastage of people, material and resources are reduced to a minimum.

(Any 6 × 2) (12)

5.2
- Power terms - to protect and support the individual.
- Economic regulation terms – to maximise wages.
- Job-regulation terms – to establish a joint rule-making system.
- Social change terms – to express social cohesion.
- Self-fulfilment terms – for members to develop outside the immediate confines of their jobs. (Any 4 × 2) (8)

5.3 Due to different viewpoints expressed in three different textbooks on this question, the answer is divided in THREE parts. Mark (any 5 × 2) correct answers only from viewpoint 1, or viewpoint 2, or viewpoint 3.

Viewpoint 1

- Management members are either persons who were employed to manage or supervise.
- Or they were persons who had been promoted through the ranks to reach the level of management.
- The founders/employers form a primary party to the relationship.
- The owners are mostly shareholders who own the public/private companies.
- These shareholders are the ones who appoint the management team and expect them to represent them and their interests.
- This group has the vision for the existence of the organisation, establish the organisation, provide or borrow the capital to finance the organisation, et cetera.
- They direct the organisation to reach the goals by managing it.
- They take all the risks for the organisation and therefore have various rights in terms of their position. (Any 5 × 2) (10)

OR

Viewpoint 2

- In modern times, few undertakings are owned and managed by a single employer/owner.
- Generally they are either private or public companies (legal entities).
- They are owned by stakeholders, headed by a board of directors and run by a management team.
- The shareholders are the actual employers but since they take no active part in the day-to-day running, they are rarely seen as employer.
- Instead, the word 'management' is now used synonymously with 'employer'.
- Those in the position of authority in an undertaking are seen as representatives of the employer.
- Employees and their representative union will therefore direct their requests and actions against them. (Any 5 × 2) (10)

OR

Viewpoint 3

- When businesses such as a company are run by management, it is important that management is in the best interest of the employers.
- The employer can be a natural person or legal entity (a company or close corporation).
- For example, in the case of a company, directors will be appointed to manage the company.
- In the case of a close corporation, all members have the right to manage the enterprise.
- The day-to-day management of a company is done by elected/selected qualified people.
- An employer is no longer always one person, but rather a management team.
- The contract of employment will be between a natural person and the company, but management will act on behalf of the employer.

(Any 5 × 2) (10)

5.4
- Personal details
  - Name
  - ID number
  - Address
  - Phone numbers
  - Fact that applicant has a disability
  - Language proficiency
- Education
  - School attended
  - Tertiary education
  - Highest education institution
- Experience
  - Previous employers
  - Positions held
- References
- Position applied for
- Declaration that information is correct and true
- Signature and date

(Any 10 × 1) (10)
[40]

QUESTION 6

6.1

6.1.1	45 hours; 10 hours	(2)
6.1.2	1,5 times	(1)
6.1.3	60 minutes; 5 hours	(2)
6.1.4	12 hours; 36 hours	(2)
6.1.5	double pay; 1,5 times	(2)
6.1.6	3 weeks; 12 months	(2)
6.1.7	6 weeks; 36 months	(2)
6.1.8	4 months; 6 weeks	(2)
6.1.9	3 days; 1 year	(2)
6.1.10	18 years; 15 years	(2)
6.1.11	4 years	(1)

6.2

EMPLOYEE	EMPLOYER
Every employee has the right to: • participate in forming a trade union • join a trade union Every member of a trade union has the right to: • participate in trade union activities • participate in the election of its representatives • stand for election as an office-bearer or official • stand for election as trade union representative	Every employer has the right to: • participate in forming an employers' organisation (1) • join an employers' organisation Every member of an employers' organisation has the right to: • participate in the activities of the employers' organisation • participate in elections • stand for election as office-bearer or official • stand for election as a representative of an employers' organisation

(2 × 6) (12)

6.3
- To promote the interests of all employees
- To increase efficiency in the workplace
- To be consulted by the employer and reach consensus on matters
- To participate in joint decision-making about matters (4 × 2) (8)

[40]

QUESTION 7

7.1 Economic system
- Product market
- Labour market
- Money market
- Capital productivity
- Technological changes

Political system
- Legislative action
- New legislation
- Amendment of existing legislation

Legal system
- Statutory law
- Common law

Social system
- Goals and values
- Social structures
- Public opinion (Any 16 × 1) (16)

7.2
- Black people were excluded from the collective bargaining system before 1979.
- Today, all employees enjoy the freedom to bargain collectively.
- The system remains voluntary.
- The state protects the basic interests of both primary parties.
- The state creates mechanisms to resolve disputes.
- Collective bargaining in South Africa is a dual collective bargaining system.
- Certain employees choose to prefer collective bargaining at organisational (shop-floor level) (decentralised level).
- Collective bargaining is union initiated.
- Bargaining councils are forums where disputes can be resolved.

(Any 7 × 2) (14)

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7.3

Three Parties✓

The State✓
(the secondary party)✓

Goals✓

Conflict✓

Power✓

Employers✓ (Primary parties)✓ Employees✓
(Employer's organisation)✓
(Trade union)✓

Each have their own goals, objectives and power✓

(Any 10 × 1) (10)
[40]

QUESTION 8

8.1
- Collective bargaining
- Benefit funds
- Collective action
- Affiliation and representation on national and international bodies
- Closed-shop principle
- Grievance, disciplinary and appeal procedures
- Strikes
- Media
- Courts
- Education and social programmes (10 × 1) (10)

8.2
- A trade union and an employer may conclude an agreement that requires all employees covered by the agreement to be members of that specific trade union.
- A closed-shop agreement is binding if:
  - A ballot has been held among all the employees
  - Two-thirds of the employees vote in favour of the closed-shop agreement
  - The subscription fees are not used for politics or the advancement of any other needs except the socio-economic needs of the employee.
- It is not unfair to dismiss an employee:
  - For refusing to join a trade union party to a closed-shop agreement
  - Who is refused membership or is expelled from the trade union.
- Employees may not be dismissed:
  - For refusing to join a trade union at the time the closed-shop agreement takes effect
  - For refusing to join the trade union on the grounds of conscientious objection.

- The agreement may be terminated if one-third of the employees covered by the agreement vote for its termination and three years have elapsed since the agreement commenced. (Any 10 × 2) (20)

8.3

CENTRALISED BARGAINING	DECENTRALISED BARGAINING
• Bargaining takes place at a centralised level • Bargaining takes place on industry level • Referred to as formal bargaining • Takes place through a bargaining council • A collective agreement reached binds the whole industry in a particular area • Many industries prefer this type of bargaining • The aim is to bargain for an agreement on substantive issues	• Bargaining takes place at a decentralised level • Bargaining takes place on shop floor level/in a business • Referred to as informal bargaining • Can take place after a recognition agreement where the employer recognises the trade union/Takes place directly with the specific employer • A collective agreement reached binds only the specific trade union and business or organisation • Many black trade unions prefer this type of bargaining • The aim is to reach an agreement on procedural issues

(Any 2 x 5) (10)
[40]

QUESTION 9

9.1 9.1.1 Has to intervene more directly in labour relationships if it wishes to regulate (control) the conduct of industrial relations. (2)

9.1.2
- Does research.
- Establishes various watchdog bodies like NEDLAC.
- Establishes various watchdog bodies like the Policy Coordination and Advisory Services.
- Evaluates and monitors the interpretation of policies and implementation of programmes.
- Aims to monitor developments in industrial relations.
- Suggests innovations for all three parties by making use of the advice given by watchdog bodies.
- Produces guidelines on the conduct of the labour relationships.

(Any 4 × 2) (8)

9.2 An office bearer or official may enter premises to
- recruit members
- communicate with them
- serve their interests.
- Trade unions may hold meetings with employees on the premises, outside working hours.
- Trade unions can have an election on the employer's premises.
- Trade unions must safeguard life or property and prevent the disruption of work. (8 × 1) (8)

9.3 If the Labour Court or arbitrator finds that a dismissal is unfair it may
- reinstate the employee from the date of dismissal
- re-employ the employee in the same category or for other reasonably suitable work from the date of dismissal
- order the employer to pay compensation to the employee.

Reinstatement or re-employment must be ordered unless
- the employee does not wish it
- the employment relationship is intolerable
- it is not practical for the employer. (8 × 1) (8)

9.4
- Where an employee has been dismissed as a result of operational requirements, he or she must receive one week's pay for each completed year of continuous service with the employer.
- An employee who unreasonable refuses alternative employment with the employer or alternative employer is not entitled to severance pay. (2 × 2) (4)

9.5 9.5.1
- Bargaining councils
- CCMA
- Statutory councils
- Shop steward committees
- Health and safety committees
- Labour courts
- Work council
- Conciliation boards
- Industrial councils (Any 6 × 1) (6)

9.5.2
- Collective bargaining
- Mediation
- Arbitration
- Strikes
- Lockouts
- Work stoppages
- Industrial action (Any 4 × 1) (4)

[40]

TOTAL SECTION B: 160
GRAND TOTAL: 200

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