higher education & training

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

N950**(E)**(N28)H
NATIONAL CERTIFICATE

LABOUR RELATIONS N5

(4110455)

28 November 2018 (X-Paper)
09:00–12:00

This question paper consists of 11 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. 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. SECTION A is COMPULSORY.

3. Answer any FOUR of the r 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: COMPULSORY

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 Labour relations are a study of relationships between people within a work situation.

1.2 A code of conduct is a set of rules outlining the responsibilities of or proper practices for an individual party or organisation.

1.3 A shop steward is a trade union representative elected by state union members employed at the workplace.

1.4 An individual agreement is the content of the contract as determined by the employer and the employee.

1.5 The capitalistic system promotes private initiative.

1.6 Employees bring to the workplace perceptions established in their sub-societies.

1.7 Rules are policies, procedures, practices which regulate employment, often established through collective bargaining.

1.8 The Labour Relations Act provides more legal certainty and many procedures have been simplified.

1.9 Picketing is not a form of peaceful demonstration in support of a protected strike or lockout (Section 69).

1.10 The employer must disclose to the WPF all relevant information for effective consultation and joint decision making (Section 89).

1.11 The employer and employee are inherently in conflict due to their diverse interests.

1.12 Violation of any of these rights and disputes must be referred to DHET (Section 9).

1.13 Labour relationships are influenced by the socio-political ideology.

1.14 Societies with the same ideological view, does not agree to a legislative framework.

1.15 Monopoly capitalism began in the 21st century.

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1.16 A collective agreement binds every person who was a member at the time of it becoming binding (Section 23).

1.17 Bargaining Councils replaces industrial councils (Section 26).

1.18 Mass action is different from stay-aways (Section 77).

1.19 Claim is a term applied to the proposal put forward by the employees at the start of negotiations.

1.20 Lay-off is the permanent suspension of the contract of employment, usually because there is work available.

(20 × 1) **[20]**

QUESTION 2

Choose a description from COLUMN B that matches 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	Lock-out	A	the employer ends an employee's employment with an organisation
2.2	Federation	B	a social-political ideology that propagates individualism
2.3	Individualism	C	unresolved issues between employers and employees
2.4	Gross misconduct	D	a meeting arranged to provide professional advice
2.5	Flextime	E	an economic system in which the production and distribution of goods depend on invested private capital and profit making
2.6	Employer's organisation	F	action in breach of company rules which are considered to be so unreasonable that they can lead to summary dismissal
2.7	Consultation	G	an organisation of employers in the same industry who negotiate on behalf of the employers
2.8	Capitalism	H	an umbrella body for trade unions
2.9	Dismissal	I	an arrangement whereby employees can choose the times at which they start and finish work
2.10	Dispute	J	the exclusion of employees by their employer from their place of work until certain terms are agreed to

(10 × 1) **[10]**

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QUESTION 3

3.1 Various options are given as possible answers to the following statements. Choose the answer and write only the letter (A–D) next to the question number (3.1– 3.10) in the ANSWER BOOK.

3.1 Management has the right to …

A control.
B promote workers.
C supervise.
D All of the abovementioned

3.2 The aims of the trade union is to …

A differentiate the class system.
B draw up a contract.
C improve the physical working condition.
D introduce new employees.

3.3 Ground for summary dismissal is …

A fitness of the employee.
B carelessness.
C sober minded.
D punctuality.

3.4 The purpose of the Labour Relations Act is to:

A Provide employment
B Develop the economy
C Trade union activities
D Increase wages

3.5 The function and power of the bargaining council is:

A To make and enforce collective bargaining
B To join trade unions
C To support employees in another place of employment
D Substantiate issues which are usually renegotiated

3.6 There are numerous types of leave covered on BCEA, such as:

A Annual and family
B Sick or incapacity
C Maternity or paternity
D All of the abovementioned

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3.7 The fair procedure for dismissals should include the following:

A An employee being assisted by colleagues
B The language used must be easy and understandable
C The decision must not be communicated to the employee
D There is no need for the employee to state his case

3.8 The conversion process include the following:

A Structures
B Economic system
C State
D Conflict

3.9 In-house procedures in the industrial relations system consists of:

A Collective bargaining
B Mediation
C Disciplinary procedures
D Strikes

3.10 A characteristic of the South African economic system is …

A low foreign debt.
B a narrow wage gap.
C a strong economic infrastructure.
D a favourable exchange rate for South Africa.

(10 × 1) **[10]**

TOTAL SECTION A: 40

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SECTION B

INSTRUCTIONS

1 Answer any FOUR of the five questions.

2 Use headings to distinguish between sections.

3 Avoid repetition of facts.

4 Use clear, full sentences to show that you understand the question and its contents.

QUESTION 4

SA junior doctors call for new regulations on working hours

Monday 25 July 2016 – 9:00 am



Cape Town, 25 July 2016 - Overworked South African junior doctors are calling for new regulations on working hours. This follows the death of a young intern who allegedly fell asleep behind the wheel after working a very long shift. Photo: eNCA

4.1 4.1.1 Name and describe FOUR types of leave according to BCEA. (4 × 3) (12)

4.1.2 List FOUR particulars of employment that must be kept in a record. (4)

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4.2 You are a labour relations specialist and hear the news concerning the doctors indicated above. Answer the following questions.

4.2.1	How many ordinary hours may the young docters work per week?		(3)
4.2.2	What about overtime?		(5)
4.2.3	What about work on Sundays?		(4)
4.2.4	Discuss meal intervals.	(2 × 2)	(4)
4.2.5	Why do South African young doctors work around 30 hours?		(5)
4.2.6	Do you think (they) young doctors should resign?		(3)

[40]

QUESTION 5

Deputy President Cyril Ramaphosa hails progress at NEDLAC on Labour Relations and National Minimum Wage

By Foreign Affairs Publisher /October 25, 2016

Source: Republic of South Africa – Press Release/Statement:

Headline: Deputy president Cyril Ramaphosa hails progress at NEDLAC on labour relations and national minimum wage.

Deputy President Cyril Ramaphosa said he was pleased with the progress that is being made by the National Economic Development and Labour Council (NEDLAC) Task teams on labour relations and the work of the advisory panel established to advise on the level at which the national minimum wage should be set.

'Substantial progress is being made by NEDLAC social partners in the negotiations on labour relations with particular reference to labour market stability and the national minimum wage process on which the panel on national minimum wage is scheduled to table a report to the Committee of Principals (COP) by the end of November 2016. The social partners unanimously confirmed their belief that inclusive negotiations are the best way to solve problems,' said deputy president Ramaphosa.

5.1	Distinguish between the state and the government.	(2 × 2)	(4)
5.2	Discuss collective bargaining as applicable to South Africa.	(6 × 2)	(12)
5.3	Discuss NEDLAC's specific objectives.	(5 x 2)	(10)
5.4	Discuss the qualities of a good shop steward.	(7 × 2)	(14)

[40]

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QUESTION 6

WHY TBO-TOUCH GOT SACKED

According to reports by **Sunday World**, DJ Tbo Touch was sacked from Metro FM after costing the SABC a loss of R15m in revenue because he allegedly refused to air a Hyundai advert.

The publication further claims that the controversial radio DJ was also involved in a 'physical confrontation' with a producer, ignored instructions by his boss Sibongile Mtyali and allegedly violated the station's play list policy.

Tbo Touch refused to comment on the claims and referred all media requests to Kaiser Kganyago, SABC spokesperson.

DRUM magazine reported last week that Tbo's radio silence was due to the fact that his *Monday Replenishment* gospel segment on *Touchdown* was cut down to just 20 minutes instead of an hour.

However Kaiser Kganyago denied the claims at the time saying there was no feud between Tbo's and Sibongile.

The radio station gig wasn't Tbo's only income. The local business mogul has his own range of lifestyle products which include fragrances, wine and condoms.

TheJuice

Accessed on 02/01/2017 http://www.channel24.co.za

6.1 Name any FIVE in-house procedures. (5)

6.2 Name FIVE of the subsystems of the economic system that have an influence on labour relations and provide an example of each. (5 × 3) (15)

6.3 Name any FOUR substantive and any procedural outcomes that can be reached. (4 × 2) (8)

6.4 Discuss fair or acceptable reasons for dismissal. (Act 66/1995). (12)
[40]

QUESTION 7

7.1 Discuss the following factors:

7.1.1 Capitalism versus socialism. (6 × 2) (12)

7.1.3 Briefly define and explain *community of interest*. (7)

7.2 Discuss the resolution of disputes through CCMA conciliation. (Act 66/1995). (10)

7.3 Discuss social influences as a factor influencing the relationship between the employer, employee and the state. (11)

[40]

QUESTION 8

Types of unions:

Trade unions in South Africa form a patchwork of different types of unions, grouped into two major umbrella bodies – the giant Congress of South African Trade Unions (COSATU) and the smaller National Council of Trade Unions (NACTU). Smaller groupings include the Federation of Salaried Employees (FEDSAL) and the Mynwerkersunie (MWU).***Bregman Moodley Attorneys Inc***

8.1 What are the requirements for registration of trade unions and employer organisations (Act 66/1995)? (4)

Name the objectives and goals of trade unions. (14)

8.3 Name FIVE methods used by trade unions to achieve their goals. (5)

8.4 Discuss the powers and functions of bargaining councils (Act 66/1995). (6 × 2) (12)

8.5 Name FIVE types of unions from different industries. (5)

[40]

TOTAL SECTION B: 160
GRAND TOTAL: 200

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