higher education & training

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

NATIONAL CERTIFICATE

LABOUR RELATIONS N5

(4110455)

29 November 2019 (X-Paper)
09:00–12:00

This question paper consists of 8 pages.

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. QUESTION 1 in SECTION A is COMPULSORY and must be answered by ALL candidates.

3. Answer any FOUR of the other five questions in SECTION B.

4. Read ALL the questions carefully.

5. Start each question on a NEW page.

6. Number the answers according to the numbering system used in this question paper.

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	Medical certificate	A	fulfils its role of policymaker
1.1.2	Sick leave	B	the employer must pay as per mutual agreement
1.1.3	Code of conduct	C	specified trial period for the employee
1.1.4	Probation	D	it is important for both employer and trade union to have a good relationship
1.1.5	Induction	E	a written agreement between an employee and employer, stipulating the terms and conditions of the employment
1.1.6	Remuneration	F	an employee is entitled to 3 weeks fully paid days after every 12 months
1.1.7	Picketing	G	the introduction of new employees and preparing them for their new roles
1.1.8	Closed-shop agreement	H	in most cases, this is required as proof that the employee stayed away from work because of a health issue
1.1.9	Demotion	I	lowering in an employee's status or rank
1.1.10	State	J	a phase of labour disputes in which management refuses work
		K	to demonstrate peacefully in support of a strike

(10 × 1) (10)

1.2 Fill in the missing words:

1.2.1 A representative trade union is entitled to hold … with employees … their working hours at the employer's premises.

(2 × 1) (2)

1.2.2 The rights conferred by this section are subject to any conditions as to … and place that are … and necessary to safeguard life or property or to prevent the undue disruption of work. (2 × 2) (4)

1.2.3 Any employee who is a member of a representative trade union may authorise the employer in writing to deduct … or levies payable to that trade union from the employee's wages. (2 × 1) (2)

1.2.4 An employee may revoke an authorisation by giving the employer and the representative trade union … month's written notice or, if the employee works in the public service, three months' written notice. (2 × 1) (2)

1.2.5 With each monthly remittance, the … must give the representative trade union details of the amounts deducted and remitted and the … to which the deductions relate. (2 × 2) (4)

1.3 Choose the correct word or words from those given in brackets. Write only the word or words next to the question number (1.3.1–1.3.10) in the ANSWER BOOK.

1.3.1 The idea of (rigid/progressive) discipline is endorsed by the courts.

1.3.2 A more (informal/formal) approach to discipline will be adopted by smaller business.

1.3.3 (Dismissal/retrenchment) should be the option to consider when the conduct of an employee is not favourable and continuous offences are occurring.

1.3.4 When serious misconduct occurs, each situation should be judged based on (the fixed regulations/the specific situation).

1.3.5 The commissioner should try to resolve the dispute through conciliation within (20/30) days of it being referred to the CCMA, but the parties may agree to an extension of time.

1.3.6 Each (provincial/regional) office has full-time commissioners assisted by part-time commissioners.

1.3.7 The CCMA's (director/chairperson) is part of the governing body but may not vote.

1.3.8 The commissioner may conduct the arbitration in a way he/she considers to be appropriate and should try to minimise the (legal formalities/conciliation).

1.3.9 The CCMA is funded by (private/public funds), interest earned on money invested as well as donations and grants from estates.

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1.3.10 The governing body is nominated by (CCMA/NEDLAC) and appointed by the Minister for three years. (10 × 1) (10)

1.4 Define the following words or terms. Write only the answer next to the question number (1.4.1–1.4.3) in the ANSWER BOOK.

1.4.1 Management

1.4.2 Employer's organisation

1.4.3 Socialism

(3 × 2) (6)
[40]

TOTAL SECTION A: 40

SECTION B

QUESTION 2

Lead by example on climate change, says Fedusa

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The Federation of Unions of South Africa (Fedusa) says it is highly disappointed with government's no-show at the National Economic Development and Labour Council (Nedlac) meeting on Monday morning, held to address problems caused by acid mine drainage.

'Representatives from government departments were scheduled to meet with organised business and organised labour—namely Fedusa and the Congress of South African trade unions [Cosatu].'

Extracted from Mail & Guardian, Janice Roberts, 12 September 2011, 18:33

2.1 Briefly discuss the purpose of the Occupational Health and Safety Act No. 85 of 1993. (2 × 2) (4)

2.2 Discuss SIX functions of Nedlac. (6 × 2) (12)

2.3 Discuss the powers and functions of Labour Courts. (7 × 2) (14)

2.4 List FIVE main powers and functions of a bargaining council. (5 × 2) (10)
[40]

QUESTION 3

Why strikes are good for South Africa's economy
Mail & Guardian / **Maya Fisher-French, 17 June 2009, 15:12**

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While Trevor Manuel may think South African businesses are cowards by not standing up to the unions, I suspect CEOs are rubbing their hands in glee – because strikes are an ingenious way to deal with overcapacity.

Right now, British Airways could do with a strike. It has asked employees to either work for free for a month or take a month of unpaid leave (I know which option I would choose). In South Africa that sort of request would be met with, surprise, surprise, a strike – which would effectively be the same thing.

A series of strikes during a recession is, in fact, such a brilliant concept; it has possibly been conjured up by Nedlac itself. Maybe the negotiations at Nedlac have actually born out a recession strategy which creates a win-win scenario for unions and businesses alike.

With manufacturing figures collapsing, there must be a lot of unwanted working hours to pay for. But companies don't want to retrench because it is expensive, and they will just have to re-hire the workers when the economy recovers. Strikes, which operate on a no work, no pay basis, reduce the salary bill for companies while the unions get to look like they are flexing some muscle and remain the working person's hero.

3.1	Name THREE functions of collective bargaining.	(3 × 2)	(6)
3.2	Define *collective bargaining*.	(2 × 2)	(4)
3.3	State several characteristics of the South African economy.	(12 × 2)	(24)
3.4	Discuss the employee's right to freedom of association.	(1 × 2)	(2)
3.5	Discuss the FOUR duties of a shop steward.	(4 × 1)	(4)
			[40]

QUESTION 4

4.1	Briefly state SIX management prerogatives or rights.	(6 × 2)	(12)
4.2	List FOUR in-house procedures in the labour relations system.	(4 × 2)	(8)
4.3	Distinguish between a *permanent* and *non-permanent* contract.	(5 + 5)	(10)

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4.4 Discuss the following methods of state intervention:

4.4.1	The state as an advisor	(4 × 2)	(8)
4.4.2	The state as a regulator	(2 × 1)	(2)

[40]

QUESTION 5

Labour unions to fight ArcelorMittal SA's retrenchments

Business Report writes that angry labour unions are planning to oppose job cuts at ArcelorMittal SA (Amsa).

The steel producer announced on Tuesday that it planned to retrench more than 50 employees as low demand, rising costs, a strong rand and SA's sluggish economy necessitated further cost-cutting measures. The company cannot yet say exactly how many people or which operations will be affected, as the consultation process with employees and unions must first be concluded and all avoidance measures fully explored. Trade union Solidarity said it would hold serious talks with Amsa to discuss alternatives so that retrenchments would be considered as a last resort.

HTTP://WWW.SALABOURNEWS.CO.ZA, THURSDAY, 17 AUGUST 2017, 09:23

5.1	State FIVE functions of an employer's organisation.	(5 × 2)	(10)
5.2	List EIGHT reasons for the termination of a contract.	(8 × 2)	(16)
5.3	State SEVEN functions of the CCMA.	(7 × 2)	(14)

[40]

QUESTION 6

6.1	List SEVEN fringe benefits that employees can receive.	(5 × 2)	(10)
6.2	Mention FOUR functions of a workplace forum.	(4 × 2)	(8)

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6.3 Complete the table below on industrial relations in South Africa.

INPUT (EXTERNAL)	INPUT (INTERNAL)	CONVERSATION	OUTPUT	FEEDBACK
COLUMN 1	**COLUMN 2**	**COLUMN 3**	**COLUMN 4**	**COLUMN 5**
External environmental influences 1 Economic system 2 Political system 3 Subtopic 6.3.10 …	Internal environmental influences Three parties (role players) 6.3.4 … 6.3.5 … 6.3.6 …	6.3.1 …, 6.3.2 … and 6.3.3 …for conflict resolution - Bargaining councils - CCMA - Labour Courts	Agreements Substantive agreement 6.3.7 … 6.3.8 … 6.3.9 …	Feedback serves as new input

(10 × 1) (10)

6.4 State SIX reasons for statutory control of labour relations in the workplace.

(6 × 2) (12)
[40]

TOTAL SECTION B: 160
GRAND TOTAL: 200

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