higher education & training

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

NATIONAL CERTIFICATE

LABOUR RELATIONS N5

(4110455)

28 September 2020 (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. Clearly cross out all work you do not want to be marked.

INSTRUCTIONS AND INFORMATION

1. This question paper consist 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 section on a new page.

7. Use only a black or blue pen.

8. Write neatly and legibly.

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SECTION A

Answer all the questions in SECTION A.

QUESTION 1

Various options are given as possible answers to the following questions. Choose the answer and write only the letter (A–D) next to the question number (1.1–1.6) in the ANSWER BOOK.

1.1 A/an … strike occurs when employees strike in sympathy to support employees in another place of employment.

A primary
B secondary
C economic
D recognition

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

A primary
B wildcat
C sympathy
D None of the above

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

A primary
B wildcat
C unprotected
D sympathy

1.4 Which ONE of the following is not a function of the police during a strike?

A Protects the public
B Protects the employer
C Prevents public disturbance
D Should choose sides

1.5 … 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

1.6 … is/are not a method of a trade union of achieving aims.

A Collective bargaining
B Media
C Lockouts
D Courts

(6 × 1) **[6]**

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QUESTION 2

Indicate whether the following statements are TRUE or FALSE by writing only 'True' or 'False' next to the question number (2.1–2.10) in the ANSWER BOOK.

2.1 Government is the decision makers ruling a country and its people.

2.2 The employer's duty is to ensure that a strike occurs.

2.3 Occupational health and safety is not part of the Labour Relations Act in RSA.

2.4 The employer should keep employees' records for one year.

2.5 A certificate of service is issued when a contract is terminated.

2.6 An employee can use the grievance procedure to bring his/her dissatisfaction with something in the workplace to the attention of management.

2.7 Capitalism is a free-market system in which a country's means of production is controlled.

2.8 Disciplinary procedure is a means by which management can address employee misconduct.

2.9 Skills development in South African is a way in which the workforce can be decreased.

2.10 A forum remains a medium for the exchange of views.

(10 × 1) **[10]**

QUESTION 3

Choose a description from COLUMN B that matches a word or term in COLUMN A. Write only the letter (A–P) next to the question number (3.1–3.15) in the ANSWER BOOK.

COLUMN A		COLUMN B	
3.1	Planning	A	society where mandatory and voluntary elements coexist
3.2	Organising	B	involves developing an organisational structure and allocation of human resources
3.3	Leading	C	the contract is determined through collective bargaining
3.4	Control	D	involves ensuring that a worker's performance does not deviate from the standards
3.5	Industrial relations	E	the content of the contract is determined by the employer and the employee
3.6	Management	F	refers to all legal rules not found in legislation
3.7	Labour	G	involves setting objectives and determining a course of action for achieving those objectives
3.8	Collective agreements	H	workers who fall under the supervisor, leadership and control of management
3.9	Individual agreements	I	involves the social and informal sources of influence that a person can use to inspire
3.10	Common law	J	trial period for new employees
3.11	Bill of rights	K	supersedes all other acts of the country
3.12	Service	L	study of relationships between people within a work situation
3.13	Closed-shop principles	M	represents the interests of the owner
3.14	Probation period	N	one party agrees to make his/her personal services available
3.15	Dual system	O	interference is extreme
		P	agreement where only members of a trade union may be developed in that industry

(15 × 1) **[15]**

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QUESTION 4

Complete the following contract of employment by filling in the missing word or words. Write only the answer next to the question number (4.1–4.5) in the ANSWER BOOK.

Dear Ms Mlambo

It gives us great pleasure to inform you that you have been appointed as a salesperson at GIGI Fashion World.

Please be so kind to sign the following contract of employment:

4.1 ……..…: You have been appointed as a salesperson.

4.2 ……..: Monday–Friday: 8:00 to 17:00
Every alternative Saturday and Sunday: 9:00 – 13:00

4.3 ……..: R22,00 per hour; No overtime allowance

4.4 Types of leave: Maternity
Annual
(4.4.1) ……
(4.4.2) ……

4.5 Meal intervals: ……..

(6 × 1) (6)

4.6 Name the THREE main components of the labour relations system. (3 × 1) (3)
[9]

TOTAL SECTION A: 40

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SECTION B

Answer any FOUR of the five questions in SECTION B.

QUESTION 5

5.1 Study the article below and answer the questions.

> KOKO'S JOB SAFE (FOR NOW) AS LABOUR COURT BLOCKS MOVE BY ESKOM TO FIRE HIM
>
> Money web reports that the Labour Court in Johannesburg issued an interim order on Friday, restraining Eskom from unlawfully terminating its head of generation Matshela Koko's contract of employment.
>
> The order was based on a breach of the terms of conditions of his employment and a directive issued to Eskom by government in a statement put out on 21 January 2018 stating: 'The board is directed to immediately remove all Eskom executives who are facing allegations of serious corruption and other acts of impropriety, including Mr. Matshela Koko …'. An ultimatum was put to Koko on 25 January to resign before 10:00 on the next day because he was seen as 'the face of corruption' at Eskom, or be dismissed.
>
> Koko then applied for an interdict to prevent Eskom from firing him. In an affidavit in support of his application, Koko pointed out that he had been found not guilty in an Eskom disciplinary process and was not facing any other charges. He also referred to three other managers at Eskom who were given similar ultimatums as his and who were subsequently fired on 24 January. The return date to court has been set for 6 February.

[Source: *http://www.salabournews.co.za*]

5.1 Discuss the automatically unfair dismissal according to Section 187. (6 × 2) (12)

5.2 Briefly discuss the meaning of dismissal according to Section 186. (5 × 2) (10)

5.3 Discuss the guidelines in cases of dismissal due to misconduct. (5 × 2) (10)

5.4 Define the following terms:

5.4.1 Reinstatement

5.4.2 Remedy

5.4.3 Incapacity

5.4.4 Procedural

(4 × 2) (8)

[40]

QUESTION 6

Read the scenario below and answer the questions.

Nehawu, Sol Plaatje University reach wage agreement ending three-week strike

SABC News reports that members of the National Education, Health and Allied Workers' Union (Nehawu) at Sol Plaatje University in Kimberley, have reached a settlement with the higher learning institution after being on strike for three weeks.
Union chairperson Keeme Mongale said they would be meeting with the university on Wednesday to sign the agreed settlement.

The members had been demanding a 10% salary hike, an annual 100% bonus and a 13th salary cheque. 'We agreed on a 13th salary cheque and a 100% bonus for the low earners, followed by 80% for those who earn from R470,000 and upwards. The bonus of two other salary groups remains on a 70% and 7% respectively. We managed to say, based on the sliding scale, let the low earners at least get an upward movement in terms of salary remuneration,' Mongale explained.

[Short report by Refilwe Gaeswe at ***SABC News***]

6.1	Discuss the main function of a labour inspector.	(5 × 2)	(10)
6.2	Explain the main functions of Nehawu at Sol Plaatje University.	(5 × 2)	(10)
6.3	Name FIVE collective agreements reached by Sol Plaatje University and Nehawu.	(5 × 2)	(10)
6.4	Discuss freedom of association of Sol Plaatje University employees and management.	(5 × 2)	(10)
			[40]

QUESTION 7

Mmatema Services
MIDDELBURG
1050
Tel: 013 243 2148
Fax: 013 243 441

Dear Ms A du Pérez

RE: APPOINTMENT TO POSITION OF SALES SUPERVISOR

We have the pleasure of offering you the abovementioned position at our Cape Town factory.

The commencing salary is R180 000 per annum. In addition, you will be paid a monthly car allowance and an annual bonus.

Membership of the company's pension fund and medical aid scheme is compulsory and deductions will be made from your salary.

The normal hours of work are from 7:00 to 17:00 from Monday to Friday. However, you will also be expected to work overtime when required.

You will be entitled to annual leave of 15 days and 24 days' sick leave in every cycle of 3 years.

Our company does not allow employees to join a trade union and, should you do so, you will be dismissed.

Please note that you will be expected to acquaint yourself with the company rules and to comply with these at all times.

We look forward to employing you.

Yours faithfully

V Mashele

V Mashele
Human Resources Manager

7.1	Discuss the requirements for a strike to be seen as a protected strike.	(4 × 2)	(8)
7.2	State FIVE functions of an employer's organisation.	(5 × 2)	(10)
7.3	Name the benefits that Ms du Pérez will receive upon accepting the above position.	(5 × 2)	(10)
7.4	State THREE possible causes of conflict in the workplace.	(3 × 2)	(6)

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7.5 Discuss the duty of the employee to obey reasonable orders. (2 × 2) (4)

7.6 What is the procedural issue that she might challenge when accepting the offer? (2 × 1) (2)

[40]

QUESTION 8

Study the passage below and answer the questions.

Fired Sunday Times deputy editor of politics to approach the CCMA

Axed Sunday Times deputy editor Jan-Jan Joubert is expected to take the publication to the Commission for Conciliation, Mediation and Arbitration (CCMA).
Sunday Times editor Bongani Siqoko told News24 on Wednesday that Joubert's employment was terminated on January 19.

'He submitted his leave for appeal on January 23. On February 9 the appeal was upheld and on the same day he informed us he has referred the matter to the CCMA (Commission for Conciliation, Mediation and Arbitration),' said Siqoko.

[Source: *https://mg.co.za/Mxolisi Mngadi*]

8.1 Define the following terms:

8.1.1 Grievance

8.1.2 Conflict of interest

8.1.3 Socialism

8.1.4 Community of interest

(4 × 4) (16)

8.2 Discuss the main functions of the CCMA. (6 × 2) (12)

8.3 Explain what is meant by *contract of service*. (6 × 2) (12)

[40]

QUESTION 9

Study the scenario below and answer the questions.



9.1 Name the legislation explained in each of the following questions:

9.1.1 Makes provision for training and skills development in the workplace.

9.1.2 Concerned with injuries and diseases that might result in the workplace.

9.1.3 Provides protection against unfair discrimination.

9.1.4 Compels employers to deduct a portion of an employee's wage each month and to pay this money to this fund.

9.1.5 Complements the Labour Relations Act, as both provide a mechanism for determining minimum wages and working conditions.

(5 × 2) (10)

9.2 Discuss the role of the arbitrator. (4 × 2) (8)

9.3 Draw a diagram of the subsystem of the economic system. (5 × 2) (10)

9.4 State FOUR aims of dispute resolutions. (4)

9.5 State FOUR functions of workplace forums . (4 × 2) (8)

[40]

TOTAL SECTION B: 160
GRAND TOTAL: 200

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