higher education & training

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

N940**(E)**(J6)H
JUNE EXAMINATION

NATIONAL CERTIFICATE

LABOUR RELATIONS N6

(4110486)

6 June 2016 (X-Paper)
09:00–12:00

This question paper consists of 13 pages.

GENERAL STUDIES

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DEPARTMENT OF HIGHER EDUCATION AND TRAINING
REPUBLIC OF SOUTH AFRICA

NATIONAL CERTIFICATE
LABOUR RELATIONS N6
TIME: 3 HOURS
MARKS: 200

INSTRUCTIONS AND INFORMATION

1. This question paper consists of TWO sections:

   SECTION A : 40 marks
   SECTION B : 160 marks
   GRAND TOTAL : 200 marks

2. QUESTIONS 1–4 are COMPULSORY and must be answered by ALL candidates

3. Answer any FOUR of the other five questions (QUESTION 5–9)

4. Read ALL the questions carefully.

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

6. 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 (1.1–1.5) in the ANSWER BOOK.

1.1 … bargaining results in a win-lose situation.

A Distributive
B Attitudinal
C Integrative
D Intra-organisational

1.2 Environmental factors that have an influence on collective bargaining include …

A inter-union competition.
B union representation.
C economic forces.
D member preference.

1.3 Choose the INCORRECT one. A party present at a disciplinary hearing is the …

A employee.
B chairperson.
C immediate supervisor.
D secretary.

1.4 An arbitrator …

A makes a final and binding decision.
B is a dependent third party.
C puts possible solutions on the table.
D trains people in communication skills.

1.5 A procedural agreement can be reached on …

A wages.
B housing subsidies.
C union recognition.
D working conditions.

(5 × 2) **[10]**

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QUESTION 2

Choose a description from COLUMN B that matches a/an word/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	Dispute of interest	A	takes place when management and the union are in opposing positions
2.2	Adjudication	B	employer/entrepreneur drives the economy
2.3	Conciliation	C	takes place where a trade union negotiates with management at a specific plant for only the cleaners
2.4	Centralised bargaining	D	takes place where a group of employers and trade unions negotiate for all the employees in the retail industry
2.5	Substantive issue	E	unresolved matter is taken to labour court
2.6	Decentralised bargaining	F	trade union can declare this when there is no agreement on negotiations for higher wages
2.7	Socialistic system	G	an independent and state-funded body
2.8	CCMA	H	state is the driver of economic activities
2.9	Free-market system	I	a non-directive method to encourage parties to continue with negotiations
2.10	Distributive bargaining	J	wages and fringe benefits

(10 × 1) **[10]**

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QUESTION 3

Indicate whether the following statements are TRUE or FALSE. Choose the answer and write only 'true' or 'false' next to the question number (3.1–3.12) in the ANSWER BOOK.

3.1 The role of the police during a strike is to force the employees to go to work.

3.2 There is no appeal against an arbitrator's decision.

3.3 Negotiation and collective bargaining refer to the same thing.

3.4 Different route need to be followed for a dispute of interest and a dispute of right.

3.5 Conflict does not have to be negative.

3.6 Bargaining council agreements cannot be extended to non-parties.

3.7 An employee has no right to appeal against a sanction passed during a disciplinary hearing.

3.8 Collective bargaining takes place in a vacuum.

3.9 The bargaining relationship is usually union initiated, whereas the recognition of a trade union is at the discretion of management.

3.10 The HR manager may give the chairman of a disciplinary hearing advice when deciding on a sanction for dismissal, as previous transgressions may also be taken into account.

3.11 Employees may take disciplinary action against their employers.

3.12 Procedures are the 'how' of policy application.

(12 × 1) **[12]**

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QUESTION 4

Complete the following table with regard to the grievance procedure. Write only the answer next to the question number (4.1–4.8) in the ANSWER BOOK.

Step	Description	Most important role player	Days within which feedback must be given.
1	Employee raises complaint with immediate supervisor.	4.1	4.2
2	4.3	Representative	Two working days
3	Employee lodges a formal written grievance.	4.4	4.5
4	4.6	Grievance committee	Four working days
5	No solution; employee makes it known to management.	Two routes, namely: 4.7 4.8	Employee makes 'no solution' known to management within five working days.

(8 x 1) **[8]**

TOTAL SECTION A: 40

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SECTION B

1. Answer any FOUR of the five questions (QUESTIONS 5–9) in SECTION B.
2. Use headings to distinguish between sections.
3. Avoid repetition.
4. Use clear, full sentences and show the examiner that you understand the question and its content.

QUESTION 5

5.1 Read the paragraph below and answer the questions.

> The platinum mines have been struggling with labour unrest for many years. It seems as if the main reason for conflict is dissatisfaction about wages. This is further complicated by inter-union rivalry (competition) between trade unions.

5.1.1 Who are the THREE main role players in labour relations? (3 × 1) (3)

5.1.2 Explain what is meant by *conflict.* (4 × 2) (8)

5.1.3 'The industrial relations system can guide the role players in how to solve conflict.'

With reference to this statement, and taking into account the above scenario, discuss the possible ways in which this unhappiness about wages can be solved. Indicate clearly in your discussion the influence of the input, conversion and output elements of the industrial system. (6 × 2) (12)

5.2 'The main aim of collective bargaining is to set up an agreement on procedural as well as substantive issues and problems.'

Referring to this statement:

5.2.1 List FOUR substantive issues.

5.2.2 List FOUR procedural issues.

(2 × 4) (8)

5.3 'Downward and upward communication plays a very important role in good labour relations in an organisation'.

Answer the following question with regard to this statement.

5.3.1 List FOUR structures that will facilitate communication in a business. (4 × 1) (4)

5.3.2 List THREE procedures that will ensure downward and upward communication. (3 × 1) (3)

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5.4 Complete the following sentences by filling in the missing word. Write only the word next to the question number (5.4.1–5.4.2) in the ANSWER BOOK.

5.4.1 … is a state where an employee is no longer needed by the employer due to the abolishment of his/her job.

5.4.2 … is a temporary stoppage, without pay, of employment.

(2 × 1) (2)
[40]

AND/OR

QUESTION 6

Read the case study below and answer the questions.

LONMIN FIRES 235 WORKERS! DO YOU KNOW WHEN YOU CAN FIRE AN EMPLOYEE WHO'S BEEN ON STRIKE?

Lonmin fired 235 essential services employees on Monday. This is after they failed to report for duty.
Lonmin says while these workers weren't on strike, they've been absent ever since the Association of Mineworkers and Construction Union (AMCU) started its wage strike four months ago. The company says a recognition agreement signed with AMCU prevents essential services employees from striking.

While some workers say violence and intimidation is the reason for their absence, the company says that's not the case.

In a report, Lonmin's spokesman Happy Nkhoma says 'these are employees who have been absent since January 23, and the recent intimidation doesn't explain their absence'.

These mass dismissals have raised questions about when employers can legally fire an employee who's on strike.

Adapted from http://fspbusiness.co.za/articles/discipline-and-dismissal/lonmin-fires-235-workers-do-you-know-when-you-can-fire-an-employee-who-apstrphe-s-been-on-strike-4208.html, downloaded on 27 December 2014

[By *Simangele Mzizi, FSP Business*, 21 May 2014]

6.1 Would you say that it was fair of Lonmin to dismiss these employees? Motivate your answer. (2 × 2) (4)

6.2 What is meant by a *recognition agreement*? (2)

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6.3 'While some workers say violence and intimidation is the reason for their absence, the company says that's not the case.'

Would you say that the principle of freedom of association as determined by the LRA protects employees against violence and intimidation during a period of strikes? Motivate your answer. (2 × 2) (4)

6.4 'It would have been better for AMCU to follow the route of a protected strike.'

Discuss this statement by referring to the effect of a protected strike. (4 x 2) (8)

6.5 Compile a disciplinary notice to be given to the employees for staying away from work without a reason. (7 × 2) (14)

6.6 Strikes result in high costs for various parties.

What would be the cost for each of the following parties involved:

6.6.1 Lonmin (1)

6.6.2 AMCU (2 × 1) (2)

6.6.3 The employees (1)

6.7 Lonmin could also make use of a lockout as a form of industrial action.

Briefly discuss what is meant by this. (2 × 2) (4)
[40]

AND/OR

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QUESTION 7

Read the case study below and answer the questions.

CLOTHING UNION SETTLES WAGE NEGOTIATIONS



Johannesburg – The Southern African Clothing and Textile Workers' Union (Sactwu) has settled its wage negotiations in the non-woven textile sector, the union said on Wednesday.

'The settlement package is 7,75%, covering wages and an improvement on annual bonus, ' said Sactwu general secretary Andre Kriel.

The union's final package demand was eight percent. 'The agreement was reached under the auspices of the National Textile Bargaining Council, between Sactwu and the national textile manufacturers,' Kriel said.

About 1 000 workers in 15 factories, nationally, would benefit from the increase. The increase would be backdated to July 1.

[Adapted from Clothing union settles wage negotiations http://www.fin24.com/Economy/Labour/News/Clothing-union-settles-wage-negotiations-20140716-3, downloaded on 11 January 2015]

7.1 Did negotiation take place on a centralised or decentralised level? Motivate your answer. (2 × 2) (4)

7.2 List any FOUR environmental factors which the negotiating parties had to take into account when bargaining collectively. (4)

7.3 Define the term *negotiation.* (4 × 2) (8)

7.4 List any FOUR conflict indicators that any business should be aware of. (4 × 1) (4)

7.5 When there is conflict negotiating parties can make use of various styles to try and solve the conflict, namely collaborating, compromising, accommodating, controlling and avoiding. Indicate in each of the following cases which style would be the most appropriate to use:

7.5.1 Negotiating parties want to maintain an important relationship and strive for a win-win outcome.

7.5.2 The one negotiating party satisfies the other's concerns to the disadvantage of his/her own concerns. This results in a lose-win situation.

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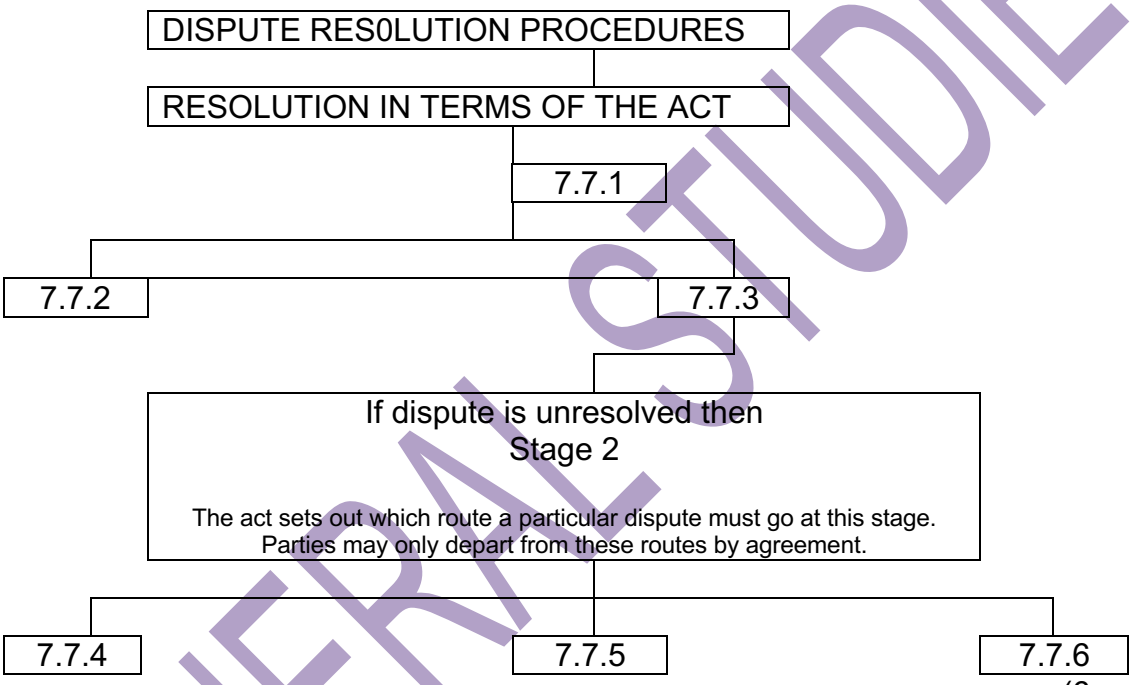
7.5.3 This style is used by negotiating parties to prevent a deadlock and satisfies both parties partially.

(3 × 2) (6)

7.6 After mediation there was still a deadlock between Sactwu and the employers, so they agreed to call in an arbitrator to decide on a solution to the dispute.

Discuss the role of the arbitrator in this regard. (3 × 2) (6)

7.7 Complete the following diagram of dispute resolution according to the Labour Relations Act. Write only the answer next to the question number (7.7.1–7.7.6) in the ANSWER BOOK



(6 × 1) (6)

7.8 Are parties compelled to follow dispute resolution as laid down by the LRA? Motivate your answer. (2 × 1) (2)

[40]

AND/OR

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QUESTION 8

Read the case study below and answer the questions.

The CEO of 'Shoes for All' needs to do a survey amongst all employees to determine whether they are satisfied with the policies of the business. There will be some generic information applicable to all divisions of the business, but some information needs to be communicated separately to the specific departments.

8.1 The CEO decided to make use of briefing. With reference to this, answer the following questions:

8.1.1	Define a *briefing group.*	(3 × 2)	(6)
8.1.2	Discuss any FIVE principles of briefing groups.	(5 × 2)	(10)

8.2 Discuss a *dispute of right* with reference to the following:

8.2.1	Definition		(2)
8.2.2	TWO examples of such a dispute	(2 × 1)	(2)
8.2.3	TWO methods to resolve this type of dispute	(2 × 1)	(2)

8.3	Discuss any FOUR types of strikes.	(4 × 2)	(8)
8.4	Discuss the main functions of collective bargaining.	(5 × 2)	(10)
			[40]

AND/OR

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QUESTION 9

9.1 Read the paragraph below and answer the questions.

> Every organisation should have a disciplinary code. Employees should be fully aware of what is expected of them. They should realise that a definite disciplinary procedure will be followed should they not obey the rules and regulations at the workplace. Included in a disciplinary code can be a list of possible transgressions and the sanctions should an employee be found guilty of these transgressions.

9.1.1 Discuss the aim of a disciplinary procedure. (5 × 2) (10)

9.1.2 List FOUR reasons (importance) why a business should have a disciplinary code. (4 × 1) (4)

9.1.3 Which sanction would you suggest in each of the following cases:

(a) An employee arrives at work three minutes late for the first time.

(b) An employee stays away from work without a valid reason.

(c) An employee is found guilty of theft.

(d) A senior manager is found guilty of a serious offence, but as he is an expert the company does not want to lose his services.

(4 × 2) (8)

9.2 'Dissatisfied employees should also be given the opportunity for upward communication.'

With reference to this statement discuss the objectives of a grievance procedure. (5 × 2) (10)

9.3 Discuss attitudinal structuring as a type of collective bargaining. (4 × 2) (8)

[40]

TOTAL SECTION B: 160
GRAND TOTAL: 200

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