higher education & training

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

MARKING GUIDELINE

NATIONAL CERTIFICATE

LABOUR RELATIONS N6

8 JUNE 2018

This marking guideline consists of 11 pages.

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INSTRUCTIONS AND INFORMATION

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

2. Students are expected to answer any four questions from SECTION B. Please note that if a student has answered more than four questions, only the FIRST FOUR will be marked.

NOTE: THE MEMORANDUM SERVES AS A GUIDELINE, BUT MARKERS MUST BE ABLE TO INTERPRET THE ANSWERS OF THE STUDENTS WHERE THEY PHRASE THE FACTS IN A DIFFERENT WAY.

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SECTION A

QUESTION 1

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

(10 × 1) **[10]**

QUESTION 2

2.1 D
2.2 D
2.3 C
2.4 D
2.5 C
2.6 D
2.7 C
2.8 C
2.9 A
2.10 A

(10 × 1) **[10]**

QUESTION 3

3.1 E
3.2 C
3.3 J
3.4 H
3.5 G
3.6 A
3.7 I
3.8 F
3.9 B
3.10 D

(10 × 1) **[10]**

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QUESTION 4

4.1 Economic system
4.2 Political system
4.3 Legal system
4.4 Social system
4.5 Dismissals
4.6 Output
4.7 Economic
4.8 Processes
4.9 Internal environmental subsystem
4.10 Conciliation boards

(10 × 1) **[10]**

TOTAL SECTION A: 40

SECTION B

QUESTION 5

5.1
- Is a voluntary process of talking to each, thus starting with negotiation
- Trade unions initiated
- It is dynamic in nature
- It involves two way process of pressure and counter pressure
- It's a method of reconciling conflicting interest of management and labour

(4 × 2) (8)

5.2
- If there is a collective agreement containing a dispute resolution, procedure, that procedure must be followed.
- If parties are members of a council, they must follow the council's constitution.
- If there is no agreed dispute resolution procedure, they must follow the following LRA procedure.
- Refer issue to CCMA in writing.
- CCMA must settle the dispute in 30 days.
- CCMA must issue a certificate.
- Employer must get at least 48 hours' notice in writing.
- If the State is the employer, they must get 7days' notice. (8 × 2) (16)

5.3
- It reduces misunderstanding
- It reduces the negative effects of a grapevine
- It maintains a balance perspective on information.
- It increases co-operation and employee commitment
- It strengthens departmental heads' position. (Any 3 × 2) (6)

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5.4
- Establishment of rules in the workplace
- Determining the form of compensation
- Establishment of standard compensation
- Determining priorities on each side
- Restructuring the arrangement of bargaining (5 × 2) (10)

[40]

QUESTION 6

6.1 Collective grievance:
- It is channelled through trade unions or other employee bodies
- Examples are wage and working conditions

Individual grievance:
- It is channelled through grievance procedure
- Examples are documents and interviews (2 × 2) (4)

6.2
- Poor communication
- Lack of openness
- Lack of trust between people
- Conflicting resources (competition for resources)
- Personality or style differences
- Conflicting perceptions or opinions
- Different personal values, goals and ideologies
- Non-compliance with rules and policies
- Misunderstandings/poor understanding
- Competition (e.g. between firms or between workers)
- Poor leadership/managers failing to be open to their employees
- Authority issues
- Distribution of profits
- Decision-making powers
- Status
- Accountability structures (Any 3 × 1) (3)

6.3
- Can be seen as the link or liaison between the outputs and inputs of Labour Relations System
- It assist in evaluating the outcomes and making changes
- It assist in making transformation components if needed (3)

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6.4 6.4.1
- Is the way of withholding labour.
- It affects the production without actually stopping the operations.
- It has the same effects as a strike.
- It brings the dissatisfaction of the work force to the eyes of management. (Any 3 × 1) (3)

6.4.2
- Employees do not lose their wages.
- It's difficult for managers to take action
- If production can be measured, then wages may be decrease for below average production
- They cannot be replaced by temporary workers (Any 3 × 2) (6)

6.5
- To avoid escalation of conflict.
- To contain or prevent issues in dispute at an early stage.
- To obtain maximum information.
- To explore different options for handling
- To arrive at a solution which both parties can accept.
- To avoid an outcome that results in a win/lose situation (Any 4 × 2) (8)

6.6
- Facilitate the negotiation process
- Between unified employees and employers
- On matters such as working conditions and wages (3)

6.7
- Employee verbally raises a complaint with the immediate supervisor
- Employee writes a formal grievance to the next level of management
- A written grievance together with a report is forwarded to the next level of management.
- A grievance is channelled to the next level of management and the worker's representative and the HR manager are invited to sit in discussions.
- Grievance is brought to the top management and if the employee is still not satisfied, employee can declare a dispute. (5 × 2) (10)

[40]

QUESTION 7

7.1
- To correct unacceptable behaviour
- To adjust behaviour
- To adjust training
- To indicate clearly what unacceptable behaviour means
- To help the employee to clearly understand what acceptable and desirable behaviour means. (Any 4 × 2) (8)

7.2 7.2.1
- Purpose is to stop the employer/employee relationship
- It indicates that no other disciplinary action could have been applied.
- Transgression is of a very serious nature (3)

7.2.2
- Purpose is to place an employee's service elsewhere
- This may be because of personality clashes
- There could be bigger problem if the personality clashes are not sorted with action of transfer (3)

7.2.3
- This is used as an alternative for dismissal
- This indicates a serious misconduct from a trusted employee with a long service record
- If the employee is against this action, an immediate dismissal can follow. (3)

7.2.4
- The aim is to prevent the employee from trespassing on property
- This can be during an investigation or hearing
- The maximum days must be stipulated in the service contract or disciplinary code. (3)

7.3
- Verbal warning: for a slight transgression
- Written warning: for more serious transgression
- Final written warning: for more serious transgressions (or repeated one)
- Dismissal: if the final written warning failed (4 × 2) (8)

7.4
- It takes place at centralised level.
- Bargaining happens at industry level
- It is a formal bargaining
- It take place through a bargaining council between the employer and TU
- Relationship is regulated by recognition agreement which is a collective agreement.
- Recognition agreement spells out rules and regulations for bargaining process.
- It is aiming at substantive issues.
- Minimum standards are set for all employers. (Any 3 × 1) (3)

- It takes place at decentralised level
- Bargaining happens at Sop floor level
- It is an informal bargaining
- Bargaining takes place directly between a specific employer and the Employer Organisation or Trade Union.
- Relationship is regulated or arranged by a recognition agreement known as collective bargaining
- Recognition agreement spells out rules and regulations for bargaining process.
- It is aiming at procedural issues.
- Minimum standards are set for an employer (Any 3 × 1) (3)

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7.5
- Negotiations
- Mediation
- Arbitration
- Conciliation
- Adjudication (Any 3 × 2) (6)

[40]

QUESTION 8

8.1 8.1.1
- Is a continuous disagreement between employer, employee and Trade Unions
- Regarding any matter of common interest or any work related factor
- Affecting their relationship (3)

8.1.2
- Is a temporary, collective withholding of labour
- This could be partial or complete
- The objective is to stop continuation of business and force the employer to take note of employees' demands (3)

8.2 This is because she was a permanent employee. All permanent employees according to LRA are subjected to maternity leave of three months. (2 × 2) (4)

8.3
- Good open communication
- Joint decision making
- Shared identity
- Common goals and objectives (Any 3 × 1) (3)

8.4 **Employees:**
- Loss of wages
- Loss of goodwill
- Low morale
- Low productivity
- Resist to change (Any TWO)

Union
- Drain financial losses
- Lose members
- Public image suffer (Any TWO)

Employer
- Lose profits in short term
- Lose market position in larger/longer term
- Damage to plant and equipment due to standstill/sabotage (Any TWO)

Negotiators:
- Lose credibility with top management

(4 × 2) (8)

8.5 **Protected strike:**

- It's a legal strike
- It complies with the LRA
- Employees receive protection from LRA
- Certain procedures specified in LRA are followed
- Employees may not be arrested because they have a right to strike.

(Any 3 × 1)

Unprotected strike:

- It's an illegal strike
- It does not comply with LRA
- Employees do not receive protection from LRA
- Procedures specified in LRA are not followed
- Employees may be arrested (Any 3 × 1)

(3 × 2) (6)

8.6

- Economic consideration
- Factors beyond control
- Relocation of the enterprise
- Technological development and mechanization
- Mergers and take overs (5 × 2) (10)

8.7

- Stop sub-contracts
- Reduce number of shifts
- Temporary lay-offs (temporary suspension without pay)
- Forcing employees to take all accumulated leave
- Temporarily closing down certain sections of the enterprise
- Refraining from making use of temporary workers
- Retaining workers to fill gaps in the workforce
- Requesting older workers to take an early retirement
- Freezing recruitment of new workers
- Cutting costs by working short time, cutting overtime and work sharing as well as transfer of workers. (Any 3 × 1) (3)

[40]

QUESTION 9

9.1 9.1.1

- Is a complaint other than a demand
- Which is related to the employee's treatment
- That warranties the formal attention of management. (3)

9.1.2

- Is disagreement or opposition
- Between or among individuals, teams or departments in the organisation. (2)

9.2 9.2.1
- Rights and duties
- Wages
- Allowances
- Bonuses
- Working conditions
- Fringe benefits
- Hours of work
- Holidays
- Productivity
- Housing (Any 3 × 1) (3)

9.2.2
- Union recognition
- Health and safety procedures
- Health and safety committees
- Discipline
- Retrenchment (Any 2 × 1) (2)

9.3
- Alienation
- Production attacks
- Deterioration of work relations
- Distortion of information (4 × 2) (8)

9.4
- CCMA
- Labour Court
- Accredited Bargaining Councils and Private Agencies
- Labour Appeal Court (4)

9.5
- To promote the interest of all employees
- To enhance efficiency in the workplace
- To be consulted by the employer to reach consensus in the organisation's functioning
- To participate in joint decision-making. (4 × 2) (8)

9.6
- Act as a mouthpiece for general complaints
- Deals with day-to-day issues
- Ensures that arrangements between management and unions are implemented and followed.
- Provides upward communication
- Provides downward communication (5 × 2) (10)

[40]

TOTAL SECTION B: 160
GRAND TOTAL: 200

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