higher education & training

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

MARKING GUIDELINE

NATIONAL CERTIFICATE

LABOUR RELATIONS N6

31 MAY 2019

This marking guideline consists of 7 pages.

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QUESTION1

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

(10 × 2) **[20]**

QUESTION2

2.1 I
2.2 C
2.3 H
2.4 E
2.5 G
2.6 J
2.7 D
2.8 C
2.9 B
2.10 A

(10 × 2) **[20]**

TOTAL SECTION A: 40

SECTION B

QUESTION 3

3.1
- Product market
- Labour market
- Capital productivity
- Money market
- Technological change (5 × 2) (10)

3.2
- Concerns resolving disputes.
- Establishes a legal relationship between parties.
- Prevents misinterpretation of issues agreed upon.
- Sets guidelines for all those bound by the agreement.
- Establishes terms and conditions of relationship.
- Ensures stability of the working relationship by means of collective agreements. (6 × 2) (12)

3.3
- Examples are rivalries, jealousies, role definitions, and struggles for power and favour, mutual dislike or personality clashes
- Caused by actual or perceived opposition of needs, values and interests between people
- Happens when one party purposefully uses his/her power in an effort to eliminate, defeat, neutralise or change the other party
- Comes about when aspirations/goals/needs cannot be achieved simultaneously, or a difference of opinion exists
- Results in avoidance of other people/individuals, denial and slander, gossip and other socially disruptive tactics (5 × 2) (10)

3.4
- Situational use
- Party involvement
- Power balance
- Level of conflict (4 × 2) (8)

[40]

QUESTION 4

4.1 Unprotected strike:
- Employees are not protected by law.
- Employees may be dismissed.
- Civil sanctions may be imposed.

Protected strike:
- Employees are protected by law.
- Employees may not be dismissed.
- Employees may not have sanctions imposed on them. (6 × 2) (12)

4.2
- A person who takes part in a picket is protected in terms of the Labour Relations Act.
- This means that the employer may not sue a person or union for damages caused by picketing.
- The employer may not take disciplinary action against an employee for participating in a lawful picket.
- Where the employee's conduct during a picket constitutes misconduct the employer may take displinary action in accordance with the provisions of the Labour Relations Act. (4 × 2) (8)

4.3
- Plant-level committee structure distributes information.
- Plant-level committees provide an opportunity for face-to-face vertical communication between management and employees.
- Downward communication ensures information flow and explanations in the format and language that employees can understand.
- Upward communication ensures that questions and explanations can be formatted in language that employees can understand.
- Employees can participate and contribute by being involved.
- Industrial democracy is ensured.
- Employees feel part of the organisation. (20)

[40]

QUESTION 5

5.1
- Upward communication
- Positive communication
- Proper attention to employee unhappiness
- Understanding of employees' problems and interpretation of situations.
- Preventing disputes from developing into serious industrial action, for example strikes
- Emphasising management's concern for the well-being of employees

(5 × 2) (10)

5.2
- Step 1
  An employee or group of employees verbally raises a complaint with the immediate superior.
- Step 2
  If the solution from the superior is unacceptable the employee or group of employees approaches the same superior with the trade union representative and verbally demand an answer.
- Step 3
  If the solution is still unacceptable the employee or group of employees hands in a written grievance letter. The superior hands the representative a standard form which has previously been drawn up by management after participation by the employees and unions.

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- Step 4
  If the answer is still unacceptable copies of all documentation are handed to the general management/HR manager.
- Step 5
  The answer is still unacceptable so within five working days the representative writes a formal letter to management stating this and informs them that a dispute is to be lodged. (5 × 4) (20)

5.3
- It is internationally accepted and prescribed by the ILO.
- Long-serving employees are not in jeopardy.
- It is a logical, objective and unemotional criterion.
- Union membership is not punished.
- Democratic principles are upheld. (5 × 2) (10)

[40]

QUESTION 6

6.1
- Reasons for proposed dismissals
- Alternatives considered before proposing dismissals and reasons for rejecting those alternatives
- Number of employees likely to be affected and job categories in which they are employed
- Proposed method for selecting employees to be dismissed
- Time when, or period during which dismissals are likely to take effect
- Severance pay proposed
- Any assistance employer proposes to offer employees likely to be dismissed (Any 6 × 2) (12)

6.2
- Always ask open-ended questions.
- Concentrate on facts and not on personal opinions.
- Ask the employee for his/her suggestion to solutions and alternatives.
- Further the self-image of the employee by concentrating on the positive.
- The proceedings must be substantively fair.
- The proceedings must be procedurally fair. (6 × 2) (12)

6.3
- Labour Relations Act, 2000
- Basic Condition of Employment Act, 1997
- Employment Equity Act, 1998
- Skills Development Act, 1998
- Pension Funds Act, 1956 (5 × 2) (10)

6.4 The employee is given a chance to prove his innocence on the case brought against him. He is allowed witnesses and a union representative during this corrective measure. The employee should be given notice of this interview.
(6 × 1) (6)

[40]

QUESTION 7

7.1

SUBSTANTIVE	PROCEDURAL AGREEMENTS
• Also referred to as agreements covering bread and butter issues • Examples include agreements on the following: - Wages - Working conditions - Fringe benefits	• Examples include agreements on the following: - Trade union recognition - Disciplinary procedures and a disciplinary code - Grievance procedures - Dispute resolution procedures - Retrenchment procedures

(6 × 1) (6)

7.2 Basic Conditions of Employment Act (2 × 1) (2)

7.3

EXTERNAL ENVIRONMENTAL	EXPLANATION FACTOR
Economic forces	• Economic growth rate of country effective indicator of the success of economy • Inflation rate also taken into account as cost of living has increased
Political influences	• Strong political divisions within society or among negotiating parties determine the attitude of bargaining partners to one another • Bargaining partners having different political views
Social influences	• Social class divisions between employer and the employee causing tensions. People coming from different communities and cultures • Problems within particular communities, such as insufficient housing, inadequate childcare facilities • Employer has social responsibility towards community

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Technological influences	• Development a threat to job security of employees • Technology may be introduced by employer to diminish trade union power • TU to be consulted on introduction of new technology • They also want to be assured of compensation of employees
Legal influences	• Negotiating parties to take into account legislation and new legislation

7.4 7.4.1 Systematic, face-to-face communication channel along line of command by means of which group of employees is informed on aspects in work environment affecting them

7.4.2 Structure prescribed by Labour Relations Act to voluntary facilitate communication and decision making in workplace

(2 × 2) (4)
[40]

TOTAL SECTION B: 160
GRAND TOTAL: 200

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