higher education & training

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

MARKING GUIDELINE

NATIONAL CERTIFICATE

LABOUR RELATIONS N6

31 May 2021

This marking guideline consists of 7 pages.

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SECTION A

QUESTION 1

1.1	1.1.1	True
	1.1.2	True
	1.1.3	False
	1.1.4	True
	1.1.5	True
	1.1.6	False
	1.1.7	True
	1.1.8	False
	1.1.9	True
	1.1.10	True

(10 × 2) (20)

1.2	1.2.1	A
	1.2.2	B
	1.2.3	C
	1.2.4	B
	1.2.5	D
	1.2.6	B
	1.2.7	C
	1.2.8	D
	1.2.9	D
	1.2.10	C

(10 × 2) (20)
[40]

TOTAL SECTION A: 40

SECTION B

QUESTION 2

2.1 Retrenchment occurs when the service of an employee is terminated due to market losses and other economic factors. Lay-off occurs when the service of an employee is terminated because there are no jobs available for a certain period of time. (Any 2 × 2) (4)

2.2
- Stop using contracting services
- Reducing or totally stopping shift work
- Laying off people temporarily
- Closing down some parts of the organisation temporarily
- Letting all employees take accumulated leave
- Stop taking on temporary staff
- Freezing vacant positions
- Working shorter hours (Any 5 × 2) (10)

2.3
- Everyone in the workplace can learn and know the rules.
- It sets workplace standards.
- Following rules makes the workplace a more efficient space.
- People must be aware of the sanctions when they break the rules.
- Employees must know which sanctions are linked to specific types of misconduct.
- Employees and employers must be treated fairly.
- Rules and sanctions are a logical and emotionless way of dealing with employee misconduct.
- Keeping emotions out of discipline is important because this reduces conflict in the workplace. (Any 5 × 2) (10)

2.4 **Negotiation (conciliation)**
- Two parties sit down and talk to work out a win-win agreement.
- There is no third-party involvement.

Mediation
- Negotiation has failed.
- Two parties cannot come to an agreement.
- Two disputing parties ask a third party for help in reaching an agreement.

Arbitration
- Mediation has failed.
- An arbitrator is called in and acts like a judge.
- The arbitrator must settle the dispute as a third party.
- The arbitrator asks for information and uses it to make a final decision. (10)

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2.5
- Be comprehensive and complete.
- List all types of misconduct and corresponding sanctions.
- Link misconduct to existing company rules.
- Be clear and accessible.
- Use simple language to make the process understandable to everyone involved.
- Make sure that the employees know all the steps in the process.
- Conform to the principles of natural justice. (Any 3 × 2) (6)

[40]

QUESTION 3

3.1 3.1.1 Employees demand better wages, hours and working conditions.

3.1.2 Employees try to force an employer to recognise and deal with unions.

3.1.3 Other unions strike in solidarity with initiating trade unions, customers and suppliers.

3.1.4 Employees stop working out of sympathy for one or more colleagues who have been treated unfairly.

3.1.5 Only a few employees in key positions or strategic sections strike.

3.1.6 A group of employees sit in at the workplace and refuse to work.
(6 × 2) (12)

3.2
- Working hours
- Overtime arrangements
- Different types of leave arrangements
- Performance management
- Outsourcing arrangement
- Employee behaviour
- Employer conduct
- Employee duties at work
- Employer duties in the workplace (Any 6 × 2) (12)

3.3
- To avoid the escalation (development) of conflict that can become disruptive
- To contain (prevent) issues in dispute at the earliest possible stage before third-party intervention is necessary
- To obtain maximum information about the issue in dispute
- To explore different options for handling
- To arrive at a solution that both parties can accept
- To avoid an outcome that results in win/lose situations (6 × 2) (12)

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3.4 Picketing is a peaceful method to publicise strikers' actions. It encourages others to join the strike action. Picketers occupy positions in front of or at the entrance to the workplace. (4)

[40]

QUESTION 4

4.1
- To control the standard of employee behaviour within a company
- To correct unacceptable behaviour
- To adopt a progressive approach to workplace discipline
- To create certainty and consistency in the application of discipline (4 × 2) (8)

4.2
- Gather all the facts linked to the transgressions.
- Make sure that the truth of the matter comes out.
- Determine whether the employee knew about it.
- Use these facts to decide on the type of sanction needed.
- Use these facts to decide whether to call the employee to a disciplinary hearing or not.
- Ensure that the disciplinary procedure and sanctions are fair.
- Learn all the facts so that the employer can see whether or not dismissal is an option.
- Give the employee a chance to tell his/her side of the story. (Any 6 × 2) (12)

4.3
- Keep a presence record with the names of all the people requested to be present.
- Read the charges or complaints to the employee.
- Explain the hearing procedure.
- The employer states his/her case.
- The employee states his/her case.
- Summarise the cases.
- Decide who is guilty or not guilty.
- Make the finding known.
- Appeal for mitigation.
- Decide on the type of sanction.
- Announce the sanction.
- Inform the employee about his/her right to appeal.
- Finalise documentation. (Any 10 × 2) (20)

[40]

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QUESTION 5

5.1

CENTRALISED	DECENTRALISED
A recognition agreement must be in place.	A recognition agreement is not a requirement but is strongly advised.
Collective bargaining takes place, meaning that unions will bargain on behalf of groups of individuals.	Collective bargaining normally takes place, but individual bargaining is not excluded.
Collective bargaining is with the top management of one or more organisations.	Union members have more input and are more personally involved.
Collective bargaining must be recorded.	It is advised that collective bargaining always be recorded, but it may also include verbal agreements.
Collective bargaining is formal.	Collective bargaining may be formal or informal.

(5 + 5) (10)

5.2
- Distributive bargaining
- Integrative bargaining
- Attitudinal structuring
- Intra-organisational bargaining

(4 × 2) (8)

5.3
- Affirmative action
- Cultural differences
- Racial differences
- New management techniques
- Misuse of power
- Shortage of effective personnel
- Lack of physical resources
- New technology
- Dismissals
- Scope and content of work

(Any 8 × 1) (8)

5.4
- Employees may not be dismissed for going on strike.
- Employers may not get a court interdict to stop a strike, but the employer could apply for an interdict to prevent unlawful action.
- Employees do not commit a breach of contract by going on strike.
- The employer may not institute civil cases against employees on strike.
- The employer does not have to pay an employee on strike.
- The employer may not refuse housing or food if that is part of the employees' wages.

(6 × 2) (12)

5.5 The labour appeal court hears appeals resulting from findings of the labour court. (2)

[40]

QUESTION 6

6.1

CONFLICT INDICATOR	DEFINITION	SYMPTOMS
Alienation	Distance between worker and his/her work, fellow workers, management or trade union	Employee turnover, absenteeism, poor timekeeping
Production attacks	Interruption or sabotage of production	Sabotage, go-slow, strike
Deteriorating working relationships	Breakdown in employment relationship	Poor communication, information not shared effectively, alienation or production attacks can result
Distortion of information	Information in message communicated changed to mean something else or become incorrect	Power controls, access to information, grapevine

(18)

6.2 A recognition agreement is a collective agreement that aims to provide a framework in which various parties operate to keep contact with one another and to preserve industrial peace in an organisation. (5 × 2) (10)

6.3

SUBSTANTIVE	PROCEDURAL
• Wage agreement • Leave agreement • Overtime agreement • Workplace health and safety agreement	• Termination of contract procedure • Dismissal procedure • Strike procedure • Lockout procedure • Dispute-resolution procedure

(4 + any 4) (8)

6.4 Discipline is an action or behaviour from the authority in a social system aimed at stopping a member's behaviour where such behaviour threatens to disrupt the functioning of the system. (4)

[40]

TOTAL SECTION B: 160
GRAND TOTAL: 200

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