higher education & training

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

MARKING GUIDELINE

NATIONAL CERTIFICATE

LABOUR RELATIONS N6

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This marking guideline consists of 8 pages.

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SECTION A

QUESTION 1

1.1
1.1.1 Conflict
1.1.2 Collective bargaining
1.1.3 Dispute
1.1.4 CCMA
1.1.5 Unprotected strike
1.1.6 Discipline
1.1.7 Retrenchment
1.1.8 Appeal
1.1.9 Picketing
1.1.10 Strike

(10 × 2) (20)

1.2
1.2.1 False
1.2.2 True
1.2.3 True
1.2.4 True
1.2.5 False
1.2.6 True
1.2.7 False
1.2.8 False
1.2.9 False
1.2.10 False

(10 × 2) (20)

TOTAL SECTION A: 40

SECTION B

QUESTION 2

2.1
- Conflict behaviour can have many negative results, and it is therefore important to solve conflict in the workplace.
- Time and energy are diverted from the main issue, namely work.
- Decisions may be delayed while engaging in conflict.
- Deadlocks are created during decision-making when conflict is present.
- Violence takes place during conflict.
- Litigation follows conflict.
- Termination of relations is often the result of conflict. (Any 5 × 2) (10)

2.2
- Scarce or limited resource within an organisation.
- Employer and employees have different needs, goals, attitudes and interests.
- Employer and employees have different attitudes to work.
- Individuals have different styles.
- Different leadership styles.
- Individuals have different values and perceptions.
- Role conflict between employer and employees. (Any 4 × 2) (8)

2.3
- Personnel conflict entails conflict between two or more people, mostly due to a mutual dislike or personality clash.
- Workplace conflict is disagreement or opposition among teams or departments in the organisation. (2 × 2) (4)

2.4
- The arbitrator actively intervenes in the dispute.
- He/she takes over the role of decision-maker.
- He/she listens to and investigates the demands and counter-demands on both sides.
- He/she decides on final settlement.
- Whatever settlement he/she imposes, will become binding on all parties concerned.

(5 × 2) (10)

2.5
- It is a complaint other than demands from trade unions.
- It is formulated by a collective body.
- It is related to the employee's treatment.
- It warrants (justifies) formal attention of management, because it may result in a dispute.
- It could be indicated by a high absentee rate, high labour turnover.

(Any 4 × 2) (8)

[40]

QUESTION 3

3.1
- The right of management to ensure productivity and profits of the organisation.
- The duty of the line manager to implement and apply it.
- The right of the employee to be part of drawing up of the policy and procedure.
- The right of the employee to be given a fair hearing.
- The right of the employee to appeal against the eventual sanction.
- The right of the employee to have representation during the process.
- The right to have a translator.
- The right of the employee to be protected against a partial dismissal.

(Any 7 × 2) (14)

3.2
- It must be in writing.
- Charges must be detailed.
- Notice of meeting must be given at least 24 hours before the actual meeting.
- The date must be specified.
- The time must be specified.
- The language of the proceedings must be specified.
- The right to witnesses must be specified.
- The right to a representative must be specified.
- The right to a translator must be specified. (Any 8 × 2) (16)

3.3
- 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 5 × 2) (10)

[40]

QUESTION 4

4.1
- It is illegal.
- It does not comply with the Labour Relations Act.
- Employees do not receive protection from the LRA.
- Procedures specified in the LRA are not followed.
- If the law is broken, unions and members can face possible arrest and prosecution by the authorities. (5 × 2) (10)

4.2
- Notice of procedure should be in writing.
- Time limits for replying to allegations or claims.
- Arrangements for initial meeting.
- Time limits for actual negotiation.
- Stipulation of other methods. (4)

4.3
- A presence record of all people requested to be present.
- Read charges or complaints to employee.
- Explain the hearing procedure.
- The employer states his/her case.
- The employee states his/her case.
- Summary.
- Decide on finding of guilty.
- Make finding know.
- Appeal for mitigating.
- Decide on a type of sanction.
- Announce the sanction.
- Inform employee about his/her right to appeal.
- Finalise documentation. (13 × 2) (26)

[40]

QUESTION 5

5.1
- All interaction in the organisation takes place within the organisation.
- Effective and peaceful labour relations are the result of positive, continuous communication.
- Positive human relationships are the result of communication.
- Communication is the key to understanding another's point of view.
- Barriers in the interaction process can be identified through healthy communication and eliminated, allowing free flowing of messages.
- Communication assists in solving problems and finding solutions to difficult situations. (6 × 2) (12)

5.2
- Upward communication.
- Positive communication.
- Proper attention to employee unhappiness.
- Understanding of employee's problems and interpretation of situations.
- Prevents disputes from taking hold and developing into serious industrial action.
- It emphasises management's concern for the wellbeing of employees.

(Any 5 × 2) (10)

5.3
- The economy
- Politics
- Technological innovations
- Social influences
- Legal environment (5 × 2) (10)

5.4
- Failure of one party to abide by a contract of employment.
- Failure to implement legally determined conditions and procedures.
- Failure to implement terms of a legally enforceable agreement.
- Non-implementation of an arbitration award or wage determination.
- Transgression of a legal determination.
- Transgression of common law. (Any 4 × 2) (8)

[40]

QUESTION 6

6.1 6.1.1 It is the active intervention of a third party for the purpose of inducing a settlement.

6.1.2 A continuous disagreement between employer, employees and their unions regarding any matter of common interest.

6.1.3 It is a process of negotiations between employers and employees who are members of a trade union.

6.1.4 Takes place at plant or local level.

6.1.5 A condition that exists any time two or more people disagree over an issue or situation.

6.1.6 The Commission for Conciliation, Mediation and Arbitration (CCMA) is a dispute resolution body established in terms of the Labour Relations Act 66 of 1995.

6.1.7 It is a complaint other than demands from trade unions.

6.1.8 The services of an employee are terminated due to restructuring.

6.1.9 The services of an employee are terminated because no jobs are available.

6.1.10 An action or behaviour from the authority in a social system aimed at stopping a member's behaviour.

(10 × 2) (20)

6.2
- A disciplinary code is an official set of standards, rules, and regulations.
- Fair.
- Reasonable.
- Logical.
- Easily understood.
- Acceptable to all. (Any 5 × 2) (10)

6.3
- Distributive bargaining.
- Integrative bargaining.
- Intra-organisational bargaining.
- Attitudinal structuring.
- Centralised bargaining. (5 × 2) (10)

TOTAL SECTION B: 160
GRAND TOTAL: 200

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