



higher education & training

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

MARKING GUIDELINE

NATIONAL CERTIFICATE

LABOUR RELATIONS N5

7 June 2024

This marking guideline consists of 9 pages.

SECTION A

QUESTION 1

- 1.1 D
- 1.2 D
- 1.3 E
- 1.4 D
- 1.5 B
- 1.6 D
- 1.7 A
- 1.8 C
- 1.9 D
- 1.10 E

(10 × 1) [10]

QUESTION 2

- 2.1 False
- 2.2 False
- 2.3 True
- 2.4 True
- 2.5 True
- 2.6 True
- 2.7 True
- 2.8 False
- 2.9 True
- 2.10 True
- 2.11 True
- 2.12 False

(12 × 1) [12]

QUESTION 3

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

(10 × 1) [10]

QUESTION 4

- 4.1 low
- 4.2 high
- 4.3 depopulation
- 4.4 high
- 4.5 huge
- 4.6 unfavourable
- 4.7 weak economic
- 4.8 rich

(8 × 1) [8]

TOTAL SECTION A: 40

SECTION B

QUESTION 5

- 5.1
- Power✓ – trade unions protect and support individual workers✓
 - Economic regulations✓ – this has to do with wages✓
 - Job regulations✓ – this is when trade unions ensure there is worker participation in the business.✓
 - Social change✓ – trade unions are often called agents of transformation✓
 - Self-fulfilment✓ – trade unions want the employees they represent to have full and happy lives in and out of the workplace.✓
- (5 × 2) (10)
- 5.2
- Shop stewards must represent worker interests to management,✓✓ but must also explain the concerns of the management to the employees.✓✓ This creates a dualistic role where the shop steward has to care about the welfare of workers✓✓ as well as the health of the business.✓✓
- (4 × 2) (8)
- 5.3
- To control
 - Supervise
 - Discipline
 - Make decisions
 - Dismiss employees
 - Strategic planning
 - Close business
 - Merge
 - Transfer and promote employees
 - To join an employer's organisation and right to lock-out
- (10)
- 5.4
- The state is a system rendering services to the people of a country under the supervision of a government.
 - Government is the decision-makers ruling a country and its people. (2 × 2) (4)

- 5.5
- It is a peacemaker between the unions and management, e.g. CCMA.
 - The state may provide a process for conciliation and mediation through legislation.
 - The government may also, in certain instances, intervene in disputes itself.
 - The purpose is to ensure peace and stability. (Any 3 × 2) (6)
- 5.6
- To strengthen the bargaining power of employers
 - To supply expertise in handling unrest and disputes within the company
 - To negotiate collective agreements with labour unions
 - To assist members in dispute resolution
 - To handle disputes on national level
 - To help members in day-to-day industrial relations
 - To represent the industry's views to government or the public
 - To supply legal help and advice to companies
 - To facilitate training courses to members (Any 2 × 1) (2)
- [40]

QUESTION 6

- 6.1
- Must advise employees and employers of their rights and obligations in terms of labour law.
 - Must conduct inspections.
 - Must investigate complaints made to a labour inspector.
 - Can issue compliance orders, but are not obliged to do so.
 - Must perform any other prescribed function.
 - May not perform a function if there is a conflict of interest. (Any 5 × 2) (10)
- 6.2
- Every employer has the right:
- To participate in forming an employer's organisation or federation of employer's organisations
 - To an employers' organisation, subject to its constitution
- Every member of an employers' organisation has the right, subject to the constitution of the employer's organisation:
- To participate in its lawful activities
 - To participate in the election of any of its office-bearers or officials
 - As a natural person, to stand for election and be eligible for appointment as an office-bearer or official and, if elected or appointed, to hold office. (Any 2 × 4) (8)

6.3

CENTRALISED	DECENTRALISED
• Takes place on industrial level • Is referred to as 'formal bargaining' • Takes place through a bargaining council • A collective agreement reached binds the whole industry in a particular area • Takes place at centralised level	• Takes place in a business or organisation • Is referred to as 'informal bargaining' or 'shop-floor bargaining' • Can take place after a recognition agreement in which the employer recognises the trade union • A collective agreement reached binds only the specific trade union and business or organisation • Takes place at decentralised level

(5 × 2) (10)

6.4

- To develop the skills of the South African workforce
- To increase the levels of investment in education and training
- To encourage employers
- To encourage workers to participate in learning programmes
- To improve the employment prospects of persons previously disadvantaged
- To ensure the quality of learning in and for the workplace (Any 5 × 2)

(10)

6.5

- Legislation
- Common law
- Precedent system
- Customs and traditions
- Constitution

(Any 2 × 1) (2)
[40]

QUESTION 7

7.1

- To resolve disputes through conciliation, mediation and arbitration
- To provide training in aspects such as the establishment of workplace forums, disputes and grievances, disciplinary procedures, dismissals, and affirmative action
- To assist in the establishment of workplace forums
- To limit industrial action such as strikes
- To decide which services will be regarded as essential
- To compile and publish information about its activities
- To research into labour-related aspects (Any 5 × 2)

(10)

7.2

- Annual leave
- Sick leave
- Maternity leave
- Protection of employee before and after the birth of a child
- Family responsibility leave

(5)

- 7.3
- Have the respect and trust of the union, employees and management
 - Be an effective communicator
 - Be able to make objective judgements
 - Be able to make quick decisions
 - Be committed, diligent and fair-minded
 - Have knowledge of trade union and management affairs (Any 6 × 2) (12)

- 7.4
- Acts of God
 - Redundancy and retrenchment
 - Effluxion of time
 - Termination on Notice
 - Summary termination
 - Insolvency of the employer
 - Completion of task
 - Termination by agreement (Any 3 × 1) (3)

7.5

FIXED-TERM CONTRACT	INDEFINITE CONTRACT
• A written contract between the employer and employee • The person is contracted for a fixed period, for example one year • Has a start and an end date • Can be used when a business only requires employees for a certain period of time • Employees appointed in terms of this contract are referred to as 'contract workers' • Basic conditions of employment provisions laid down by the BCEA apply	• A contract between the employer and employee • Is also known as a 'permanent contract' • Has a start date, but no end date • An employee appointed in terms of such a contract usually receives benefits such as medical and pension fund benefits • The contract does not expire until notice is given by either party • Either the employer or the employee must give notice of termination

(Any 5 × 2) (10)
[40]

QUESTION 8

- 8.1
- To promote the interest of all employees
 - To increase efficiency in the workplace
 - To be consulted by the employer and to reach consensus on the matters in 84, including aspects such as:
 - Restructuring the workplace
 - Partial or total plant closure
 - Mergers and transfers of ownership in so far as they have an impact on employees
 - Education and training

- 8.2
- The tasks that are linked to a specific job
 - The amount of respect given to a specific job
 - Who makes the decisions
 - Who is responsible for a task or mistake
 - The employee wants a flexible job, and the employer wants too much control
 - The employee wants more direction but the employer wants the employee to think independently
 - The personal beliefs clash with organisational goals
 - Either the employee or the employer has too much power over the other
- (Any 7 × 2) (14)
- 8.3
- The parties must have a contractual capacity
 - The contract must be legal
 - The parties must have reached consensus
 - The agreement must not be vague
 - The parties must communicate their intentions
 - Performance must be possible
 - The parties must have the serious intention to be contractually bound
 - Formalities
- (8)
- 8.4
- Medical aid
 - Housing and car allowance
 - 13th cheque
 - Educational bursary
 - Provident fund
 - Pension fund
 - Canteen services
 - Parking
 - Business phone
 - Business computer/laptop
 - Accommodation
 - Loans
- (Any 4 × 2) (8)
- 8.5
- The class system
 - Divorce of from owners
 - Conditions of the working class
 - Poor working conditions and wages
 - Mass production and division of labour
 - Independent of discipline
 - Economic insecurity and dependence
- (Any 2 × 1) (2)
- [40]**

QUESTION 9

- 9.1 9.1.1 Is a system of ideas and ideals forming the basis of an economic theory, such as a free-market or communist system
- 9.1.2 The right to belong to a trade union or employers' organisation
- 9.1.3 Is a set of principles according to which an organisation's activities are carried out.
- 9.1.4 Is a council made up of representatives of employers and trade unions in which the parties bargain collectively for the whole industry
- 9.1.5 Is a consensus-based procedure whereby a third party provides assistance to parties in the course of negotiation
- (5 × 2) (10)
- 9.2 9.2.1
 - A trade union and employer may conclude an agreement that requires all employees covered by the agreement to be members of that specific trade union.
 - A closed-shop agreement is binding if:
 - A ballot has been held among all the employees
 - Two-thirds of employees vote in favour of the closed-shop agreement
 - The subscription fees are not used for politics or the advancement of any other needs except the socio-economic needs of the employees.
 - It is not unfair to dismiss an employee:
 - For refusing to join a trade union at the same time the closed-shop agreement takes effect.
 - For refusing to join the trade union on the grounds of conscientious objection.
 - Employees may not be dismissed
 - For refusing to join the trade union at the time the closed-shop agreement takes effect.
 - For refusing to join the trade union on the grounds of conscientious objection.
 - The agreement may be terminated if one-third of the employees covered by the agreement vote for its termination and three years have elapsed since the agreement commenced.
- (12)

- 9.2.2
- A trade union and employer may enter into an agreement whereby the employer may deduct a fee from the wages of its employees who are not members of the trade union.
 - The fee must be equivalent to, or less than:
 - The subscription fee for the trade union
 - The percentage of an employee's salary paid in the form of a subscription to the trade union
 - The highest subscription fee, if more than one trade union belongs to the collective agreement.
 - No deducted fees may be used for:
 - Expenditure that does not advance or protect the socio-economic interests of the employees.
 - Expenses related to politics

(8)

- 9.3
- Collective bargaining – this is the primary function of any union
 - Benefit funds – funds are established by unions to assist members
 - Collective action – this can include strikes, go-slows and boycotting.
 - Affiliation to, and representation on, national and international bodies
 - Closed shop agreement – is an agreement where only members of a specific trade union may be employed in the particular industry.
 - Grievance, disciplinary and appeal procedures – trade unions can bargain on procedural issues.
 - Strikes – these form part of the industrial action undertaken by trade unions.
 - The international and national media are used to gain empathy and sympathy.
 - The courts – trade unions can take matters to adjudication.
 - Education and social programmes – trade unions are involved in developing the individual through educational and social programmes.

(10)

[40]

TOTAL SECTION B: 160
GRAND TOTAL: 200