



higher education & training

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

MARKING GUIDELINE

NATIONAL CERTIFICATE

LABOUR RELATIONS N5

11 June 2025

This marking guideline consists of 8 pages.

SECTION A

QUESTION 1

- 1.1 True
- 1.2 False
- 1.3 False
- 1.4 True
- 1.5 True
- 1.6 True
- 1.7 False
- 1.8 True
- 1.9 False
- 1.10 False
- 1.11 False
- 1.12 True
- 1.13 True
- 1.14 True
- 1.15 False
- 1.16 True
- 1.17 True
- 1.18 False
- 1.19 False
- 1.20 False

(20 × 1) [20]

QUESTION 2

- 2.1 J
- 2.2 I
- 2.3 H
- 2.4 A
- 2.5 D
- 2.6 B
- 2.7 F
- 2.8 C
- 2.9 E
- 2.10 G
- 2.11 N
- 2.12 R
- 2.13 M
- 2.14 S
- 2.15 P
- 2.16 T
- 2.17 Q
- 2.18 L
- 2.19 O
- 2.20 K

(20 × 1) [20]

TOTAL SECTION A:

SECTION B

QUESTION 3

- 3.1
- To attempt to resolve any disputes referred to in terms of the Act through conciliation, mediation and arbitration
 - To limit/reduce industrial actions
 - To decide which services will be regarded as essential
 - To provide training in aspects such as disputes, grievances, disciplinary procedures, dismissals and affirmative actions
 - To assist in the establishment of a workplace forum (5 × 2) (10)
- 3.2
- The employer makes continued employment intolerable for the employee, which is called constructive dismissal.
 - The employer dismisses a number of employees but offers to re-employ some.
 - The employer refuses to allow the employee to resume work after maternity leave.
 - The employer terminates the contract of employment.
 - The employer renews the contract on less favourable terms or does not renew it at all. (5 × 2) (10)
- 3.3
- If the labour court or arbitration finds that a dismissal is unfair, it may:
- Reinstatement the employee from the date of dismissal✓✓
 - Re-employ the employee in the same category for other reasonably suitable work from the date of dismissal✓✓
 - Order the employer to pay compensation to the employee
- Reinstatement or re-employment must be ordered unless:
- The employee does not wish it✓✓
 - The employment relationship is intolerable✓✓
 - It is not practical for the employer✓✓
 - A fair procedure was not followed✓✓ (Any 6 × 2) (12)
- 3.4
- The reason for the dismissal
 - The alternatives that the employer considered before proposing the dismissal
 - The severance pay proposed
 - The proposed method for selecting which employees to dismiss
 - The time when, or the period during which, the dismissals are likely to take effect
 - The possibility of the future re-employment of the employees who are dismissed (Any 4 × 2) (8)

[40]

QUESTION 4

- 4.1 Substantive agreements
- Wages
 - Working conditions
 - Fringe benefits
- (Any relevant TWO examples) (4)
- Procedural agreements
- Union recognition
 - Dismissal
 - Discipline
 - Retrenchment
 - Health and safety committees
 - Appeal
 - Disputes
- (Any relevant TWO examples) (4)
- 4.2
- Collective bargaining in South Africa is in fact a dual collective bargaining system.
 - Today, all employees enjoy freedom to a bargaining council.
 - The system remains voluntary; individuals join unions free and are free to make use of procedures and structures provided by the state.
 - The state protects the basic interest of both primary parties.
 - Black people were excluded from the collective bargaining system before 1979.
 - The state creates a mechanism to resolve disputes. (6 × 2) (12)
- 4.3
- Capital productivity:✓ Availability of machines and cost, infrastructure of the country✓
 - Product market:✓ Production processes, machines, labour, distribution, competition and advertisements✓
 - Money market:✓ Availability of money, interest rates and internet payments✓
 - Labour market:✓ Availability of skilled labour willingness to be productive, knowledge of business, competition from other countries✓
 - Technological changes:✓ Availability of technology to do the job, effectiveness of technology, how quickly new technology is available✓
- (5 × 2) (10)
- 4.4
- Bargaining councils
 - Industrial councils
 - Shop steward committees
 - Conciliation boards
 - Workplace forums
 - Health and safety committees
 - Work councils
- (Any 6 × 1) (6)
- 4.5 The constitution,✓ legislation,✓ the precedent system,✓ customs and traditions,✓ common law✓
- (Any 4 × 1)

QUESTION 5

- 5.1
- To make and enforce collective agreements
 - To prevent and resolve labour disputes
 - To establish and manage a dispute resolution fund
 - To develop proposals for submissions to NEDLAC
 - To promote and establish training pension, provident, medical aid, sick pay, holiday, unemployment and training schemes
 - To perform dispute resolution functions
 - To establish and manage schemes to benefit its members
 - To determine by collective agreement the matters which may not be an issue in dispute
 - To conclude collective agreements
- (Any 5 × 2) (10)
- 5.2
- Collective bargaining, ✓ grievances, disciplinary and appeal procedures, ✓ benefit funds, ✓ strikes, ✓ media, ✓ collective actions, ✓ courts, ✓ closed shop principle, ✓ education and social programmes, ✓ affiliation and representation on national and international bodies ✓ (10 × 1) (10)
- 5.3
- That person is bound by an agreement that prohibits a strike in respect of the issue in dispute.
 - That person is bound by an agreement that requires the issue in dispute to be referred to arbitration.
 - The issue in dispute is one that a party has the right to refer to arbitration.
 - That person is engaged in an essential service.
 - A person is bound by any arbitration award, collective agreement, statutory council determination that regulates the issue in dispute.
- (5 × 2) (10)
- 5.4
- To maximise wages and the employment of members
 - To act as a pressure group against the employer
 - To establish a joint rule-making system
 - To develop individuals outside the immediate limits of their jobs
 - To let individuals take part in decision making
 - To protect and support individuals through collective strength
 - To express the social unity, aspirations, views or political ideology of their membership
- (Any 5 × 2) (10)
- [40]**

QUESTION 6

- 6.1
- To advise employees and employers of their rights and obligations
 - To conduct inspections
 - To investigate complaints made to a labour inspector
 - To ensure compliance with an employment law
 - To perform any other prescribed function
- (5 × 2) (10)
- 6.2
- 6.2.1 The Wage Act 1957 complements the Labour Relations Act 1995, as both provide machinery for determining minimum wages and working conditions.✓✓
- 6.2.2 The Occupational Health and Safety Act supersedes all agreements. No parties can agree that work will be conducted in unsafe conditions. It enforces strict health and safety conditions on employees and the state. If employers are careless, they could face heavy fines or prison sentences.✓✓
- 6.2.3 This fund administers a central fund, financed from compulsory contributions by employers, employees and the state. It ensures contributors against loss of earnings during a period of unemployment.✓✓
- 6.2.4 The purpose of the Act is to achieve equity and equality in the workplace. It promotes equal opportunity and fair treatment in employment through the elimination of unfair discrimination.✓✓
- 6.2.5 It is supported by the Skills Development Levies Act and attempts to co-ordinate industrial training in a more structured and purposeful manner. The Act encourages employers to develop persons who were previously disadvantaged.✓✓
- (5 × 2) (10)
- 6.3
- 6.3.1
- Members of the National Defence Force
 - National Intelligence Agency
 - Unpaid charities
- (3 × 1) (3)
- 6.3.2
- Overtime
 - Ordinary hours of work
 - Regulation of working time
 - Determination of hours of work by the Minister
 - Averaging of hours of work
- (5 × 1) (5)

- 6.3.3
- Annual leave
 - Sick leave
 - Maternity leave
 - Family responsibility leave
 - Study leave
- (5 × 1) (5)
- 6.3.4
- Parties wishing to terminate the employment contract must give written notice of not less than one week if the employee has been employed for six months or less, ✓✓ and two weeks if an employee has been employed for more than six months, but less than one year. Three weeks if an employee has been employed for more than a year. ✓✓
- (2 × 2) (4)
- 6.3.5
- The employer must give the employee written details of employment when the employee starts working there; ✓ keep a record of it for four years after the end of the contract of service, ✓ give the employee information about remuneration, deduction and time worked. ✓
- (3 × 1) (3)
- [40]**

QUESTION 7

- 7.1
- Capitalism supports private ownership and the free-market system where any individual is prepared to take the risk and start a business. ✓✓
- Socialism is an economic and political theory of social organisation which supports that the means of production, distribution and exchange should be owned or regulated by the community as a whole. ✓✓
- (2 × 2) (4)
- 7.2
- Changes in demand and supply, surplus of unskilled workers
 - Shortage of skilled workers
 - Rich mineral wealth
 - Distorted pattern of ownership and economic exclusion caused by apartheid
 - High levels of poverty
 - Low economic growth
 - Huge foreign debt
 - Unfavourable exchange rate
 - Fast rate of mechanisation due to persistent labour unrest
 - Narrowing of the wage gap
 - Weak economic infrastructure
 - High inflation rate
 - Uncertainty regarding casual labour and outsourcing
 - Demographics of employees
 - Inadequate education and training
 - Mobility of employees is limited
 - Requirement of experience for entry-level positions
 - HIV/AIDS, crime, high unemployment rate, absence of entrepreneurial skills, reputation for low productivity because of strikes
- (Any 14 × 1)

- 7.3 The type of feedback will determine the input for the future.✓✓ Positive feedback and success means that similar processes and procedures should be followed in the future.✓ Negative feedback means that a change should be made in the way a situation was dealt with.✓✓
For example: The miners' strike at Marikana in August 2012,✓ violent strikes and protests and poor state leadership✓
(Any relevant examples) (4 × 2) (8)

- 7.4
- Individual persons or groups of society are free to pursue their own goals and make their own choices. It refers to freedom of individuals and freedom of individual choice.✓✓
 - Communitarian believes that the individual's primary obligation is towards the society and personal interests should be secondary to those of a society as a whole.✓✓
- (4)

OR

INDIVIDUALISM	COMMUNITY POSSESSION
• Individual freedom • Free to make own choices • Recognition of minority representation • Conflict is accommodated • Individual ownership	• Individual interests subordinate to societal interests • Government controls society • All parties have the same benefits and protection • Conflict is not tolerated • Community possession

(Any TWO differences) (4)

- 7.5
- Is mainly manifested through the right to join a trade union, free debating or speech societies, political parties or any other association/club such as religious groups or sports clubs✓
 - About workers to join unions and employers to join their own employer organisations✓
- (2)

- 7.6
- To assist employees in disciplinary and grievance hearings
 - To monitor and report any of the employer's contraventions of the law to the appropriate authorities
 - To take reasonable time off with pay during working hours to perform these duties
 - To ensure workers receive negotiated benefits
- (4 × 2) (8)

[40]

TOTAL SECTION B: 160
GRAND TOTAL: 200