



higher education & training

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

MARKING GUIDELINE

NATIONAL CERTIFICATE

LABOUR RELATIONS N5

29 November 2024

This marking guideline consists of 8 pages.

SECTION A

QUESTION 1

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

(10 × 1) [10]

QUESTION 2

- 2.1 False
- 2.2 True
- 2.3 True
- 2.4 True
- 2.5 True

(5 × 1) [5]

QUESTION 3

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

(10 × 1) [10]

QUESTION 4

- 4.1 conciliation
- 4.2 arbitration
- 4.3 information
- 4.4 dispute prevention
- 4.5 workplace forums

(5 × 1)

QUESTION 5

- 5.1 Is the benefit that the damaged party gets from the party that caused the harm in any legal relationship in which there are at least two parties.
- 5.2 A person that works for the government to check whether an employer is acting in accordance with the major labour laws in South Africa.
- 5.3 Equal chances for all to be employed.
- 5.4 Entails employing more people from the designated groups to try to create equal representation of the whole population in the labour force of a specific country. In South Africa the designated groups are women, disabled persons and non-white South Africans.
- 5.5 A written rule that is made by the government, according to which all people in a country must do what it says, or they will face punishment.

(5 × 2) [10]

TOTAL SECTION A: 40

SECTION B

QUESTION 6

- 6.1
- Picketing is legal but must be a peaceful or non-violent demonstration.
 - All picketing events must obtain permission from the trade unions involved.
 - People may picket to support a protected strike.
 - People may picket to show that they do not support a lock-out.
 - People can picket inside an employer's place of business only if the employer has agreed to it.
 - People can picket outside of an employer's business only if those people who own that area have had a chance to talk to the CCMA about it.
 - The CCMA can decide that employees are allowed to picket on an employer's premises if the employer has unreasonably refused to allow employees to picket in the workplace.
 - The CCMA and the Labour Court can be asked to help if there are problems with picketing.
 - The CCMA can be asked to make rules about how and where picketing is supposed to happen. (Any 7 × 2) (14)
- 6.2
- To promote interests of all employees, whether or not they are trade unions members
 - To make the workplace as efficient as possible
 - To consult with employees
 - To take part in joint decision-making with employers (4 × 2) (8)
- 6.3
- A protected strike can never be a breach of contract.
 - Employees who take part in a protected strike cannot be dismissed for taking part in a strike.
 - Employers do not have to pay employees when they stop working in a protected strike.
 - Employers who provide a home for employees cannot make them leave this home when they embark on a protected strike. (4 × 2) (8)
- 6.4
- There is a binding collective agreement that is linked to the specific issue that people want to strike over.
 - There is a binding agreement that says a dispute about a specific issue should always be referred for arbitration in terms of the LRA or any other labour law.
 - There is a binding agreement that says the dispute about a particular issue can be referred to the Labour Court.
 - Employees who work in essential and maintenance services do not have the right to strike.
 - The BCEA states that you can strike only one year after a wage has been set. (5 × 2) (10)
- [40]

QUESTION 7

- 7.1
- Laws create the boundaries and limits of the employer-employee relationship.
 - Without laws we would have only the contract of employment to structure the primary labour relationship.
 - Laws set up fair labour practices.
 - Laws help us work out what is equitable.
 - Laws protect employees.
 - Laws allow for rights to be made real.
 - Laws set up collective bargaining and other forms of negotiation.
 - Laws define who can be an employer, employee, trade union, employer's organisation, and so on
 - Laws tell us what the minimum wages should be.
 - Laws ensure that the workplace remains a safe and healthy space.
 - Laws protect employers. (Any 10 × 2) (20)
- 7.2
- Economic development✓✓ – to grow the economy through developing businesses and industries.✓✓
 - Social justice✓✓ – equal treatment and opportunities for all.✓✓
 - Labour peace✓✓ – cooperative labour relations, handle conflict well.✓✓
 - Democratic workplace✓✓ – workers and employers both have rights, respect and freedom to be at work and do their jobs well.✓✓ (4 × 4) (16)
- 7.3
- To give effect to Constitutional labour rights
 - To meet the requirements of ILO
 - To create a framework for collective bargaining to take place
 - To promote collective bargaining
 - To create a framework where industrial policy can be worked out (Any 4 × 1) (4)
- [40]**

QUESTION 8

- 8.1
- 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 public
 - To supply legal help and advice to companies
 - To facilitate training courses to members
- (Any 4 × 2) (8)

- 8.2
- The rights to control,✓ to supervise,✓ discipline,✓ decision-making,✓ dismiss employees,✓ strategic planning,✓ close a business,✓ merging,✓ transfer and promote employees,✓ join an employer's organisation✓ and to a lock-out.✓ (10)

- 8.3
- | DUTIES OF A SHOP STEWARD | RIGHTS OF A SHOP STEWARD |
|---|---|
| • To represent and help employees during grievance and disciplinary procedures | • To take time off work to represent employees |
| • To check whether the employer is acting according to the law and according to collective agreements | • To access information about the business that can have an effect on the employees |
| • To report unfair or illegal behaviour of the employer | • To report employee behaviour to the union |
| • To advise employees and keep them informed of union plans | • To be protected from victimisation by the employer |
| • To inform trade unions about problems in the workplace | • To perform union-related tasks and be part of union activities |
| • To act as a delegate to the national union congress | |
- (Any 5 × 2) (10)

- 8.4
- A union member
 - An employee
 - Good at conflict management
 - Patient and honest
 - Educated in labour law and policy
 - Educated in company health and safety regulations
 - Knowledgeable about company health and safety regulations
 - Good at multitasking
 - Open-minded
 - Able to balance many different views
- (10)

- 8.5
- Appointed or elected union officer who represents fellow workers in discussions with management,✓ and tries to resolve work-related problems in their early stages.✓

QUESTION 9

- 9.1
- Conversion is the process inside a specific structure that changes an input into an output.✓✓
 - Conversion in the labour relations system is made up of:
Structures:✓ Courts, councils and in-company workplace forums✓
Procedures:✓ Labour laws and workplace regulations, in-company procedures can include disciplinary hearings and grievance procedures.✓
Processes:✓ Arbitration, bargaining, court judgments. In-company procedures can include work participation.✓
- (4 × 2) (8)
- 9.2
- Substantive agreements:
- Rights
 - Duties
 - Wages
 - Working conditions
 - Fringe benefits
- (Any 3 × 1)
- Procedural agreements:
- Union recognition
 - Discipline
 - Retrenchment
 - Safety committees
 - Safety procedures
- (Any 3 × 1)
(3 × 2) (6)
- 9.3
- Economic:✓ A successful economy provides jobs to workers.✓
 - Political:✓ State's involvement can create laws to protect workers and policies to create jobs. ✓
 - Outputs:✓ The outputs are usually agreements that aim to avoid and resolve conflicts.✓
 - Feedback: Feedback occurs and there will be new inputs in the form of new laws and procedures.
- (Any 4 × 2) (8)
- 9.4
- Pay employees their wages
 - Provide equipment needed to perform work
 - Create a safe and secure working environment
 - Receive employees into service
- (Any 3 × 2) (6)
- 9.5
- Fair labour practices
 - Good treatment
 - Payment
 - Safe and secure working conditions
 - Equipment to do the job
- (Any 3 × 2) (6)
- 9.6
- Proper grounds for termination
 - A notice of termination
 - A notice period
 - Certificate of service given to the employee
- (Any 3 × 2) (6)

QUESTION 10

- 10.1
- The employer must carry out an investigation.
 - The employer must let the employee know what he or she is being accused of.
 - The employee must be allowed to tell their side of the story, and be given time to do this along with the help of trade union representative.
 - Once the whole investigation is over, the employer must tell the employee what decision has been made.
 - The employer cannot take any disciplinary action against a trade union representative or official without first talking to the trade union.
 - When an employee is dismissed, a reason for the dismissal must be given by the employer.
 - The employee must also be reminded that they have rights and can take the dismissal matter to the bargaining council the employee falls under, or the CCMA. (7 × 2) (14)
- 10.2
- The workplace rule is a reasonable one.
 - The employee definitely knew or really should have known about this rule.
 - The rule is always meant to be followed and the employer always asks employees to follow it.
 - Dismissal is a suitable punishment for breaking this rule. (4 × 2) (8)
- 10.3
- Lower costs
 - Better communication
 - Higher levels of production
 - A better-quality product is produced.
 - Fewer managers are needed.
 - Job satisfaction for workers
 - Improved decision-making at work
 - Employees are treated with dignity and respect. (Any 8 × 2) (16)
- 10.4
- Communication is good.
 - They are clear labour laws.
 - Agreements are reached between employers and employees, and both are happy.
 - Workers and employers can join organisations that represent their interests.
 - Workers are involved in the activities of the organisation.
 - Everyone agrees about wages and the payment of workers is fair.
 - People can solve problems in Labour Courts if they need to. (Any 2 × 1) (2)
- [40]

TOTAL SECTION B: 160
GRAND TOTAL: 200