



**higher education
& training**

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

MARKING GUIDELINE

NATIONAL CERTIFICATE

LABOUR RELATIONS N6

15 November 2022

This marking guideline consists of 10 pages.

SECTION A**QUESTION 1**

1.1	1.1.1	True		
	1.1.2	False		
	1.1.3	True		
	1.1.4	True		
	1.1.5	False		
	1.1.6	True		
	1.1.7	True		
	1.1.8	True		
	1.1.9	False		
	1.1.10	False		
			(10 × 2)	(20)
1.2	1.2.1	E		
	1.2.2	A		
	1.2.3	F		
	1.2.4	G		
	1.2.5	B		
			(5 × 2)	(10)
1.3	1.3.1	Collective bargaining		
	1.3.2	Production attacks (Any other relevant answer as a result of industrial action can be marked)		
	1.3.3	Substantive fairness (Any other relevant answer of fair sanction can be marked)		
	1.3.4	Integrative structure		
	1.3.5	Respondent		
			(5 × 2)	(10)
				[40]
TOTAL SECTION A:				40

SECTION B**QUESTION 2**

2.1	Bargaining/statutory council	(2)
2.2	Arbitration	(2)
2.3	Adjudication (Labour court or Labour appeal court can also be marked)	(2)

- 2.4 Industrial action (strike or lockout can also be marked) (2)
- 2.5
- Conciliate workplace disputes.
 - Arbitrate certain categories of disputes that remain unresolved after conciliation.
 - Establish picketing rules in respect of protected strikes and lockouts.
 - Facilitate the establishment of the workplace forums and statutory councils.
 - Complete and publish information and statistics.
 - Consider accreditation and subsidy of bargaining councils and private agencies. (Any 5 × 2) (10)
- 2.6
- Different methods of pursuing the objectives or conflicting perceptions or opinions:✓ People may differ in the ways in which they pursue their own or the organisation's objectives.✓
 - Lack of commitment or lack of trust:✓ This will normally happen where there is a lack of a common goal.✓
 - Difference in attitudes or personality or style differences:✓ Where there is a difference in attitude, conflict may arise. This can be resolved by a positive attitude within the group.✓
 - Information differences or misunderstandings or poor understanding:✓ The way in which information is interpreted may cause conflict. The amount of information to groups at different levels may differ and this can cause conflict.✓
 - Semantic differences:✓ This is mainly due to cultural differences and not errors in translation as such.✓
 - Blocked communication or poor communication or lack of openness:✓ If employees do not have a channel by means of which to raise their grievances, or insufficient feedback is given, this can lead to conflict.✓
 - Divergent value structure:✓ These are moral and ethical values and are directly linked to the background of the individual, such as culture, education and religion.✓
 - Conflicting resources✓
 - Non-compliance with rules and policies✓
 - Competition✓
 - Poor leadership/managers failing to be open to their employees✓
 - Authority issues✓
 - Distribution of profits✓
 - Decision-making powers✓
 - Status✓
 - Accountability structures✓ (Any 5 × 2) (10)
- 2.7
- No wages are lost in case of a strike
 - It is more difficult for managers to take action against workers
 - Workers cannot be replaced by temporary workers (3 × 2) (6)

- 2.8
- A continuous disagreement between an employer and employees or their union
 - With regard to a matter of common interest
 - Or any work-related factor affecting their relationship (Any ONE) (2)
- 2.9
- Competing
 - Accommodating
 - Avoiding
 - Collaborating
 - Compromising (Any 4 × 1) (4)
- [40]**

QUESTION 3

- 3.1 Substantive agreements
- Wages
 - Working conditions
 - Fringe benefits
- Procedural agreements
- Trade union recognition
 - Disciplinary procedures and a disciplinary code
 - Grievance procedures
 - Dispute-resolution procedures
 - Retrenchment procedures (Any 4 × 1) (4)
- 3.2
- Briefing groups must take place face to face.
 - Briefing groups should be small groups, 3–23 individuals.
 - Briefings should be held during regular working hours or according to the needs of the company.
 - The information must be relevant to those who receive it.
 - Line management is responsible for communicating accurately and timeously.
 - Line managers must monitor the system to check that implementation is adequate.
 - It must be verbal so that employees can ask questions to clarify uncertainties.
 - Meetings must be 20–30 minutes long. (Any 6 × 1) (6)
- 3.3
- Allow unions to have access to the lists of people to be retrenched.
 - Management must retrench on the basis of skill, level of productivity and disciplinary record.
 - Retrenchment must be based on the principle of 'Last in, first out' (LIFO).
 - Retrenchment must be seen as fair by both unions and the employees.
 - According to die LRA prior to retrenchment, proper negotiation with an attempt to reach consensus on the 'how' and 'why' of the process should take place between the employer and employees. (5)

- 3.4
- It is a voluntary process.
 - It seeks to improve the problem-solving skills of opposing groups.
 - It establishes an integrative structure.
 - It's a continuation of negotiations between the two parties in which the conciliator assist. (Any 2 × 1) (2)
- 3.5
- Employer
 - Employee
 - State (3)
- 3.6
- Economic forces:✓ Parties need to be aware of the growth rate when negotiating.✓
 - Political influences:✓ Strong political divisions within society or among negotiating parties will be reflected in the issues raised at the bargaining table.✓
 - Social influences:✓ An employer should take up social responsibility towards the community.✓
 - Technological influences:✓ Technological development is a threat to the job security of employees.✓
 - Legal influences:✓ Statutory law does not remain stagnant and negotiating parties have to take into account legislation, amended legislation and new legislation.✓ (Any 4 × 2) (8)
- 3.7
- | | | |
|-------|-------------------------|--------------|
| 3.7.1 | Informal verbal warning | |
| 3.7.2 | Recorded verbal warning | |
| 3.7.3 | First written warning | |
| 3.7.4 | Final written warning | |
| 3.7.5 | Dismissal | |
| | | (5 × 2) (10) |
- 3.8
- A state where an employee is no longer needed by the employer due to the abolishment of his/her job. (2)
- [40]**

QUESTION 4

- 4.1
- Establishment of workplace rules
 - Determining compensation
 - Standardising compensation
 - Determining priorities
 - Ongoing reconsideration or restructuring of bargaining (5 × 2) (10)

4.2 Central bargaining.

- Also known as indirect/formal bargaining.
- Employees and trade union in the same industry in a specific area form bargaining council.
- Only registered employers and trade union form part of the bargaining council.
- Negotiate on aspects that have influence on the whole industry.
- Agreement reached binds all parties.
- Takes place at a central point.
- Disputes are referred to the bargaining council that has jurisdiction in that specific area.

Decentralised bargaining.

- Also known as direct/informal/plant level/shop floor bargaining.
- The trade union negotiates directly with employer.
- Trade union must first be recognised.
- Take place at the workplace.
- Agreement reached binds only the employer of a specific organisation.
- Disputes are dealt with through in-house procedure or referred to the CCMA.

(Any 6 × 2) (12)

4.3 • Sufficient representation

- Numbers
- Influence
- Organisation
- Registration

(5)

4.4 • To avoid escalation of conflict that can become disruptive

- To explore other dispute handling methods
- To arrive at a win-win solution
- To develop a culture of resolving disputes internally
- To contain dispute before third party intervention is necessary

(5)

4.5 • The employee must be given the opportunity to state his or her case

- Ask open-ended questions
- Be calm and realistic and avoid outbursts
- Ask the employee for suggestions as to possible solutions
- Discuss the pros and cons of all possible solutions
- Try to reach an agreement on a specific solution
- Set a date for a follow-up interview
- Promote the self-image of the employee
- Concentrate on facts not on personal opinions
- Evaluate the solution agreed upon

(Any 6 × 1) (6)

4.6 • An economic system

- Prices of goods/services are determined by unrestricted competition between private businesses.

(2)

[40]

QUESTION 5

- 5.1
- If there is a collective agreement containing a dispute resolution procedure, that procedure must be followed.
 - If parties are members of a council, the procedure of the council must be followed.
 - If there is no agreed dispute procedure, the procedures of the LRA must be followed, which is
 - refer the issue to the CCMA in writing.
 - If the CCMA fails to resolve the dispute, it should issue a certificate saying so.
 - Employer should be notified 48 hours before the commencement of a strike.
 - If the employer is the state, the notice must be 7 days before the commencement of a strike.
 - Employer must not commit misconduct during a protected strike.
- (Any 6 × 1) (6)
- 5.2
- Employees may not be dismissed for an ongoing strike.
 - Employers may not get a court interdict to stop the strike.
 - Employees do not commit a breach of contract.
 - Employers may not institute civil cases against employees.
 - Employers does not have to pay employees wage (No work, no pay).
 - Employers may not refuse housing or food that is part of the employees' wages (that can be claimed at a later stage).
- (6)
- 5.3
- It informs the public and the other unions that a labour dispute is in progress and discourages them from dealing with the employer.
 - It sometimes blocks the facility so that the plant/company cannot operate easily during the dispute.
- (2)
- 5.4
- Is a peaceful method of publicising strikers' actions
 - Is protected by the LRA.
 - Encourages others to join the strike action.
 - Takes place in front of, or at the entrance of, the workplace.
 - May occur in any place that the public has access to, but must be outside the premises of the employer.
 - Can be on the premises of the business if the employer has granted permission.
- (Any 3 × 1) (3)

- 5.5
- Is an action aimed at consumers.
 - Tries to convince consumers not to buy a product/service in order to decrease production/profit.
 - It has a potential for large-scale and long-term harm to the enterprise.
 - It is intended to force the employer into a specific situation.
 - Pressure is put to the employer without direct action.
 - Must be known to the public in order to persuade the consumer.
 - Requires a well-designed marketing strategy.
 - Protects the employees in that pressure is put on the employer without direct action on the part of the employees.
 - It is normally an action of last resort.
 - Normally other industrial action has failed. (Any 8 × 1) (8)
- 5.6
- Bargaining councils
 - CCMA
 - Statutory councils
 - Shop steward committees
 - Health and safety committees
 - Labour courts (Any 5 × 1) (5)
- 5.7
- Disputes of right:
- The party is entitled to the right by law, contract, agreement.
 - Rights are ensured by common law, statutory legislation, the contract of employment.
 - Involves a right of the employee that has been interfered with or that had been ignored.
 - Can only settled by adjudication or arbitration.
 - Can be settled by negotiation.
- Dispute of interest
- The party is not entitled to something, but would like to be entitled to it.
 - Interests are subject to a process of negotiation.
 - Once an interest has been agreed on the party has a right to it, and refusal to abide by the agreement concerning such right would create a dispute of right.
 - In a matter causing conflict between employer and employee and not regulated by law, agreement can give rise to a dispute of interest.
 - Dynamic in nature and requires the establishment of procedures outside the normal legal machinery. (5 × 2) (10)
- [40]**

QUESTION 6

- 6.1 6.1.1 Either a disciplinary interview or a disciplinary hearing
 6.1.2 Sanctions like warnings or dismissal
(2 × 2) (4)
- 6.2
 - Agreements form part of the output.
 - Agreements can be reached on substantive issues.
 - Procedural agreements, for example, union recognition agreements, can also be reached. E.g. rules of discipline, retrenchment procedure, dismissal procedure, etc.
 - Unresolved conflicts can break down relationships, resulting in the dismissal of workers and loss of production.
 - All of the output now serves as the new input of the labour relations system.
 - A recognition agreement (output) now has to be implemented by the employer and the trade union. This implementation now constitutes a new internal input.
 - If there is a disagreement as to the interpretation of a particular clause in the recognition agreement, we have a conflict situation (an internal input).
 - This conflict now has to be resolved by converting the internal and external inputs into the new output.(Any 6 × 1) (6)
- 6.3
 - Alienation:✓ Poor timekeeping, increased absenteeism and a high labour turnover are indicators of the employees' desire to distance themselves from the work.✓
 - Production attacks:✓ Go-slows, stay-aways, strikes and sabotage are forms of conduct directed against the employer with the intention of reducing production.✓
 - Information distortion:✓ Rumours are a workplace phenomenon and almost always signify a negative emotion or perception regarding the subject of the rumour, which, in turn, implies the potential for conflict.✓
 - Deterioration of work relations:✓ The frequency and intensity of disciplinary action and employee grievances, and whether or not a resolution is achieved, act as an indicator of the nature of relations and underlying conflict.✓(4 × 2) (8)
- 6.4
 - Economic
 - Recognition
 - Sympathy/secondary
 - Solidarity
 - Rotating
 - Sit-in
 - Expected
 - Wildcat
 - Strategic
 - General(Any 6 × 1) (6)

- 6.5
- Sound human relations and communication are inseparable. Without good communication there cannot be healthy labour relations.
 - Labour relations and the communication process are interwoven.
 - Lack of open communication channels results in distrust, grapevine communication and distortion of information.
 - Communication should be a two-way process.
 - It reduces the possibility of conflict and labour unrest within an institution.
 - It provides a sound labour environment. (Any 4 × 2) (8)
- 6.6
- Product market
 - Labour market
 - Money market
 - Capital productivity
 - Technological changes (Any 5 × 1) (5)
- 6.7
- It is an interaction between two or more persons or groups.
 - It is dynamic.
 - It has a competitive, negative element.
 - It reflects negative emotional characteristics.
 - It compromises interaction that can be either verbal or non-verbal or both. (Any 3 × 1) (3)
- [40]**

TOTAL SECTION B: 160
GRAND TOTAL: 200