



higher education & training

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

MARKING GUIDELINE

NATIONAL CERTIFICATE

LABOUR RELATIONS N6

23 November 2023

This marking guideline consists of 10 pages.

SECTION A**QUESTION 1**

1.1	1.1.1	Disciplinary code		
	1.1.2	Retrenchment procedure		
	1.1.3	Go-slow		
	1.1.4	Informal bargaining		
	1.1.5	Solidarity		
	1.1.6	arbitration		
	1.1.7	Free market economy		
	1.1.8	adjudication		
	1.1.9	Substantive issue		
	1.1.10	personal		
			(10 × 2)	(20)
1.2	1.2.1	True		
	1.2.2	False		
	1.2.3	False		
	1.2.4	False		
	1.2.5	True		
	1.2.6	False		
	1.2.7	False		
	1.2.8	False		
	1.2.9	True		
	1.2.10	True		
			(10 × 2)	(20)
				[40]
TOTAL SECTION A:				40

SECTION B**QUESTION 2**

2.1	• Conciliate workplace disputes. • Arbitrate certain categories of disputes that remain unresolved after conciliation, establish picketing rules. • Facilitate the establishment of workplace forums and statutory councils. • Compile and publish information and statistics about CCMA activities. • Accredite and consider applications for subsidy by bargaining councils and private agencies. • Provide support for the Essential Services Committee.			(Any 4 × 2)	(8)
2.2	Commission for Conciliation Mediation and Arbitration (CCMA).				(2)

- 2.3
- Refusal by one union to work for its employer to pressure another (or the same) employer in its dealings with a second union.
 - Is a strike where other unions strike in support with the initiating trade union, customers, suppliers or close associates of the primary party. (2)
- 2.4
- The dispute must have been referred to a council or the CCMA in writing.
 - CCMA or Council must try to settle within 30 days.
 - If CCMA or Council fail to resolve, a certificate must be issued.
 - The union has to give at least 48 hours' notice to the employer (for a strike).
 - The union must give seven days' notice if the state is the employer. (Any 3 × 2) (6)
- 2.5
- Parties adopt opposing positions.
 - Items are seen as issues.
 - Issues are usually economic in nature. E.g. wages, annual leave.
 - This is a win-win situation.
 - Parties make use of power tactics.
 - Each party strives towards an outcome favourable to itself. (6 × 2) (12)
- 2.6
- Compromising: Lose-lose situation.✓ One seeks partial satisfaction for both parties (i.e. the middle ground position), which results in mutual sacrifice.✓
 - Collaborating: Win-win situation✓ – both parties win. An attempt is made to fully satisfy both parties concerns.✓
 - Avoiding: Lose-lose situation.✓ The conflict carries on and no party wins. One neglects both one's own and the others concerns by sidestepping or postponing the raising of conflict issues.✓
 - Accommodating: Lose-win situation.✓ The person satisfies the others' concerns at the neglect of his or her own concerns. You want the other to win.✓
 - Competing: Win-lose situation.✓ You win and the other loses. An attempt is made to satisfy one's own concerns at the other party's expense, usually through over empowerment. For example, by using one's authority, threats or physical force. You want to win at all costs.✓ (Any 3 × 2) (6)
- 2.7
- A disciplinary code should be compiled.
 - Performance standards and behaviour should be spelled out to enable employee to know what is expected of them.
 - Employee performance/behaviour should be measured according to established standards.
 - Deviations should be determined, and corrective action should take place.
 - Representatives of the workers must be consulted on the design of the disciplinary code and procedure.
 - The contents of the disciplinary procedure must be clear and practically feasible. (Any 4 × 1) (4)

QUESTION 3

- 3.1
- The employee can launch a grievance against the supervisor.
 - If the matter is not solved internally by management then Mr Mafuya can go the external route that is going to the CCMA. (2 × 2)
- (4)
- 3.2
- Briefing/information groups
 - Shop steward committees
 - Workplace forums
 - Health and safety committees
 - Other consultative committees, for example, social- responsibility committee etc.
- (5)
- 3.3
- To correct unacceptable behaviour.
 - To adjust unacceptable behaviour.
 - To assist the employee to understand the nature of acceptable and desirable behaviour.
 - To adjust training.
 - To make employees aware of rules and the consequences of transgressing.
- (5)
- 3.4
- Entails the suspension of normal work arrangements
 - Initiated voluntary
 - Is aimed at exercising pressure
 - Is conducted within the collective bargaining relationship
 - Any form of putting down the working tools
 - The withholding of working power by the employees
 - Discontinuity of doing the work of the employer (Any 2 × 1)
- (2)
- 3.5
- Personal conflict
- Differences between individuals or groups as a result of differences in culture, education, values, beliefs and ethics.
 - A conflict between two people, most often from a mutual dislike or personality clash.
 - Choosing not to participate in a group activity. (Any 2 × 1)
- Conflict at workplace
- Breaking the code of conduct.
 - Unhappiness about working conditions.
 - Dissatisfaction about payment and fringe benefits.
 - Poor treatment by supervisors and management.
 - Inconsistency.

- Insufficient dealing with grievances.
- Unfair dismissals.

(Any 2 × 1)

(2 × 2)

(4)

3.6

- Different methods of pursuing the objective.
- Lack of commitment.
- Difference in attitudes or conflicting perceptions or opinions.
- Information differences.
- Semantic differences.
- Blocked communication channels.
- Divergent value structures.
- Poor communication.
- Lack of openness.
- Lack of trust between people.
- Conflicting resources (competition for resources).
- Personality or style differences.
- Different personal values, goals and ideologies.
- Non-compliance with rules and policies.
- Misunderstandings/poor understanding.
- Competition (e.g. between firms or between workers).
- Poor leadership/managers failing to be open to their employees.
- Authority issues.
- Distribution of profits.
- Decision making powers.
- Status.
- Accountability structures.

(Any 5 × 1)

(5)

3.7

- Is action aimed at consumers.
- Tries to convince the consumer not to buy a product or service provided by the employer in order to decrease income/profit.
- Is normally an action of last resort due to its potential for large scale and long term harm to the enterprise.
- Is intended either to punish the employer or to force the employer into a specific situation.
- Entails pressure being put on the employer without direct action being taken by the employees.
- Must be made known to the public in order to persuade the consumer to stop having a product or service.
- Requires a well-designed marketing strategy on the part of the trade union if it is to be successful.

(Any 5 × 1)

(5)

3.8

Substantive issue

(2)

3.9

- It creates an opportunity for upward communication for employees.
- It prevents grievances to develop in other more serious actions e.g.

(8)

strikes.

- It ensures that complaints are effectively dealt with by management.
- It is an effective method/communication channel to voice a complaint or grievance.
- It develops a culture to solve problems internally. (Any 4 × 2)

[40]

QUESTION 4

- 4.1
- Sufficient representation✓ – when a trade union is a threat to the operations of an employer, it has enough strength to harm the employer and is therefore sufficiently representative of a specific group of employees✓
 - Numbers✓ – trade unions with bigger numbers are usually more powerful, but this is not always the case. Majority trade unions indicate that 50% +1 of the employee have joined a specific union. In such a case, this union will be able to demand statutory rights with regard to an agency- shop agreement, a closed shop agreement, and workplace forum arrangements.✓
 - Influence✓ – the leaders of the trade union must be active and be able to mobilise their members in order to create solidarity among members to the point that the employers output will be adversely affected by a strike.✓
 - Organisation✓ – the trade union should have the ability to organise itself by way of well-planned meetings.✓
 - Registration✓ – a registered trade union should also adhere to the requirements of the LRA in order to obtain registration. This indicates that the trade union is well organised.✓ (5 × 2) (10)
- 4.2
- Voluntary process.
 - Trade union initiated.
 - Dynamic in nature.
 - Involves a two-way process of pressure and counter pressure.
 - A method of reconciling.
 - A tool that is used with the objective of reaching an agreement.
 - A mechanism to improve wages and working conditions. (Any 5 × 1) (5)
- 4.3
- Facilitates discussions
 - Is a neutral person who assist the parties to get rid of tension
 - Induces progress towards a settlement
 - Has a broader knowledge set and brings a broader perspective to the discussions
 - Intervenes more actively
 - Offers advice/recommendations/suggestions
 - Tries to establish the point of resistance
 - Discovers the areas of compromise
 - Encourages proposals and counter proposals (Any 3 × 2) (6)

- 4.4
- Economic consideration.
 - Increased competition.
 - Relocation of the enterprise.
 - Technological development and mechanisation.
 - Takeover and mergers.
- (5)
- 4.5
- Intervention by the state in the economy differs from country to country.
 - Labour relations consists of relationships involving the employer, the employee and the state and none these parties function in isolation. (2 × 2)
- (4)
- 4.6
- 4.6.1
- Wages
 - Working conditions
 - Overtime
 - Health and safety
- (Any ONE)
- 4.6.2
- Trade union recognition
 - Disciplinary procedure and disciplinary code
 - Dispute resolution procedure
 - Retrenchment procedures
- (Any ONE)
(2 × 1)
- (2)
- 4.7
- To conclude collective agreements
 - To enforce collective agreements
 - To prevent and resolve labour disputes
 - To promote and establish educational schemes
 - To establish and administer pension, provident and unemployment funds
 - Can, by means of a collective agreement, decide what is or not an issue in dispute for the purposes of strikes and lockouts
 - Can assign workplace forums additional matters for consultation. (4 × 2)
- (8)
[40]

QUESTION 5

- 5.1 Protected strike:
- Employees are protected by law because it complies with Labour Relations Act.
 - Employees may not be dismissed because they are protected by LRA.
 - Employees may not have sanctions imposed on them and they have rights of engaging on strike.
 - It is a legal strike.
 - Certain procedures, specified in LRA are followed.
- (Any 3 × 1)

Unprotected strike:

- Employees are not protected by law because it does not comply with Labour Relations Act.
- Employees may be dismissed because they are not protected by LRA
- Employees may have sanctions imposed on them.
- It is an illegal strike because they are not protected by LRA.
- If the law is broken, unions and members can face possible arrest and prosecution by the authorities because they are not protected by LRA.

(Any 3 × 1)

(2 × 3)

(6)

5.2

- Private procedure
- Independent mediation service of south Africa (IMSSA)
- Bargaining councils
- CCMA
- Labour Court
- Labour appeal court

(4 × 2)

(8)

5.3

- Parties have the same problem. They are willing to cooperate.
- Problems include aspects like job security, procedures, housing, and education.
- Items are seen as problems.
- This is a win-win situation.
- Parties search for alternative solutions.
- Bargaining takes place in a climate of trust and support.

(Any 5 × 2)

(10)

5.4

PURPOSE		SANCTION
5.4.1	To rectify a minor transgression	a) formal verbal warning
5.4.2	Used as an alternative to dismissal	b) demotion in seniority
5.4.3	To prevent certain action from becoming a transgression	c) reprimand/informal verbal warning
5.4.4	Given for more serious transgressions	d) written warning
5.4.5	Dismissal for very serious transgressions	e) termination of service
5.4.6	Can be given after a second warning	f) final written warning
5.4.7	To give management an opportunity to investigate the pending hearing	g) suspension with pay
5.4.8	To give management an opportunity to investigate the pending hearing, but	h) suspension without pay

	this sanction must be well communicated	
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(8 × 2)

(16)

[40]**QUESTION 6**

- 6.1
- Workers and manager develop healthy relationship.
 - Workers and managers cooperating to solve conflict and strengthen the employment relationship.
 - Workers and trade unions are not alienated from each other.
 - Production will continue smoothly.
 - Information travels easily and correctly through the organisation.
 - Good communication happens when information distortion is avoided.
 - To avoid hostile environment.
 - To ensure productivity.
 - To avoid negative emotions.
 - To avoid people looking for another job (avoid high turnover).
 - To avoid disruption of sales.
 - To avoid losing business.
 - To keep communication channels open.
 - To avoid grapevine or rumours.
 - To enhance group performance.
 - To ensure high morale.
 - It builds co-operation among people.
 - It helps people develop understanding and skills.
 - It helps people to learn how to recognise and benefit from their differences.
 - It helps to raise and solve problems. (Any 5 × 2) (10)
- 6.2
- It strengthens the position of the manager/supervisor, as managements decisions are communicated to workers. (8)
 - It leads to manager/supervisor being perceived positively by his or her subordinates.
 - It reduces the negative effects of grapevine communication.
 - It reduces misunderstanding between management and employees.
 - The system allows for feedback.
 - It maintains an objective (balanced) perspective on information communicated by co-worker or committee representatives.
 - It increases co-operation and employee commitment.

- It strengthens departmental heads' position (they have to communicate important information to their work groups). (Any 4 × 2)

6.3

- Working hours.
- Overtime arrangements.
- Different types of leave arrangements.
- Performance management.
- Outsourcing arrangements.
- Employee behaviour.
- Employee conduct.
- Employees' duties at work.

(Any 6 × 2)

(12)

- 6.4
- It is internationally accepted and prescribed by the ILO.
 - Long serving employees are not in jeopardy.
 - It is a logical, objective, and unemotional criterion.
 - Union membership is not punished.
 - Democratic principles are upheld.
- (5 × 2) (10)
[40]
- TOTAL SECTION B: 160**
GRAND TOTAL: 200