



higher education & training

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

MARKING GUIDELINE

NATIONAL CERTIFICATE

LABOUR RELATIONS N6

20 November 2024

This marking guideline consists of 8 pages.

SECTION A

QUESTION 1

1.1	1.1.1	True	(10 × 2)	(20)
	1.1.2	False		
	1.1.3	False		
	1.1.4	True		
	1.1.5	True		
	1.1.6	True		
	1.1.7	True		
	1.1.8	False		
	1.1.9	False		
	1.1.10	False		
1.2	1.2.1	D	(5 × 2)	1(0)
	1.2.2	A		
	1.2.3	A		
	1.2.4	C		
	1.2.5	B		
1.3	1.3.1	Autocratic	(5 × 2)	(10) [40]
	1.3.2	Lay-off		
	1.3.3	Disciplinary code		
	1.3.4	Final written warning		
	1.3.5	Incapacity		
TOTAL SECTION A:				40

SECTION B

QUESTION 2

- 2.1
- Rights & duties
 - Wages
 - Allowances
 - Bonuses
 - Working conditions
 - Hours of work
 - Holidays
 - Productivity
 - Housing
- (Any 4 × 2) (8)
- 2.2
- Employee and employer(s)
 - negotiating with each other
 - about terms and conditions of employment
 - to reach a collective agreement
 - two-way process
 - necessitated by conflict of needs, interests, goals, values, perception and ideologies
 - resting on a basic interdependency and commonality of interests
 - through which management representatives and trade union representatives make collective agreements. (Any relevant answers 4 × 1)
- (4)
- 2.3
- Establish forum in which parties can come together and attempt to settle their differences.
 - Coordinate and lead the negotiation team.
 - Get both parties to resolve differences and reach agreement. (2 × 3)
- (6)
- 2.4
- Good open communication
 - Joint decision-making
 - Shared identity
 - Common goals and objectives (Any relevant answers 4 × 2)
- (8)
- 2.5
- A complaint other than a demand from trade union
 - formulated by a collective body
 - related to the employee's treatment or position within his/her daily working routine
 - warranting formal attention of management because it may result in dispute
 - Could be indicated by high absence rate, high labour turnover, strike
- (Any relevant answers 4 × 1) (4)

- 2.6
- Poor communication
 - Lack of openness
 - Lack of trust between people
 - Conflicting resources (competition for resources)
 - Personality or style differences
 - Conflicting perceptions or opinions
 - 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 relevant answers 5 × 2) (10)
[40]

QUESTION 3

- 3.1 3.1.1
 - It is the termination of the employee's service due to market losses and other economic factors
 - It forces the employer to reduce the labour force
 - The main aim is to cut labour costs to save or protect the organisation
 - Re-employment is a possibility once the company has recovered.

(Any 3 × 1) (3)
- 3.1.2
 - Economic considerations
 - Factors beyond control
 - Relocation of the enterprise
 - Technological development and mechanization
 - Mergers and take-overs

(5 × 2) (10)
- 3.1.3
 - Stop sub-contracts
 - Reduce number of shifts
 - Temporary lay-offs (temporary suspension without pay)
 - Forcing employees to take all accumulated leave
 - Temporarily closing down certain sections of the enterprise
 - Refraining from making use of temporary workers
 - Retaining workers to fill gaps in the workforce
 - Cutting costs by working short time, cutting overtime, work-sharing & transfer of workers
 - Requesting older workers to take an early retirement
 - Freezing recruitment of new workers

(Any 3 × 2) (6)

- 3.2
- Negotiation
 - Mediation
 - Arbitration
- (3)

- 3.3
- Discipline
 - Grievance
 - Retrenchments
 - Disputes
 - Appeal
- (5)

3.4

PROTECTED STRIKE	UNPROTECTED STRIKE
• A legal strike • It complies with the Labour Relations Act • Employees receive protection from the LRA • Certain procedures, specified in the LRA are followed. • Protected strikes are legal and employees may not be arrested. (Any 4 × 1)	• An illegal strike • It does not comply with the Labour Relations Act • Employees do not receive protection from the LRA • Procedures, specified in the LRA are not followed. • If the law is broken, unions and members can face possible arrest and prosecution by the authorities. (Any 4 × 1)

(8)

- 3.5
- Establishment of rules in the workplace
 - Determining the form of compensation
 - Establishment of standard compensation
 - Determining priorities on each side
 - Restructuring the arrangement of bargaining
- (5)

[40]

QUESTION 4

- 4.1
- Is a temporary, collective withholding of labour
 - Refusal to work which is partial or complete
 - The aim is to stop or delay the continuation of business
 - Forcing the employer to take note of the demand of the employee
- (4)

- 4.2
- Alienation
 - Production attacks
 - Deterioration of work relations
 - Distortion of information
- (4 × 2) (8)

- 4.3
- STEP 1: Verbal complaint to immediate supervisor
 - STEP 2: Formal written grievance (supervisor or section head)
 - STEP 3: Grievance and reports submitted to factory manager
 - STEP 4: Grievance form and reports submitted to production manager
 - STEP 5: Top management (division manager) investigates and discusses

- 4.4
- Matter must be referred to CCMA in writing
 - CCMA must settle the matter within 30 days
 - If that fails, CCMA must issue a certificate of the unresolved matter
 - The employer must be given 48 hours' notice
 - If the employer is the State, 7 days' notice must be give (5 × 2) (10)

4.5

CENTRALISED BARGAINING	DECENTRALISED BARGAINING
• It takes place at centralised level • It happens at industry level • It is a formal bargaining • It takes place through bargaining councils and between the employer and trade union representatives • Relationship is regulated by a recognition agreement known as collective agreement • Recognition agreement spells out the rules and regulations for the bargaining process • The aim is to bargain for substantive agreements • Minimum standards are set for all employers in the industry (Any 4 × 1)	• It takes place at decentralised level • It happens at shop floor level • It is an informal bargaining • It takes place directly between the specific employer and the employer organisation or trade union • Relationship is regulated by a recognition agreement known as collective agreement. • Recognition agreement spells out the rules and regulations for the bargaining process. • The aim is to bargain for procedural agreements • Minimum standards are set for an employer. (Any 4 × 1)

(8)
[40]

QUESTION 5

- 5.1
- To correct unacceptable behaviour
 - To adjust behaviour
 - To adjust training
 - To indicate clearly what unacceptable behaviour means
 - To help the employee to clearly understand what acceptable and desirable behaviour means. (5 × 2) (10)

- 5.2
- To ensure productivity
 - To avoid negative emotions
 - To avoid a hostile environment
 - 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 the 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 6 × 1) (6)
- 5.3
- Give an employee the opportunity to state his case
 - Ask open-ended questions
 - Concentrate on facts (not personal opinions)
 - Be calm, realistic and avoid an outburst
 - Ask the employee for suggestions for possible solutions
 - Discuss pros and cons of all possible solutions or alternatives
 - Try to reach an agreement with a specific solution
 - Set a date for a future follow-up interview
 - Further the self-image of the employee
 - Evaluate the solution agreed upon. (10)
- 5.4
- CCMA
 - The Labour Court
 - The Labour Appeals Court
 - Accredited Bargaining Councils and Private Agencies (4)
- 5.5
- To be represented
 - To have an interpreter
 - To give evidence
 - To call witnesses
 - To cross-question any witness called by the employer (5 × 2) (10)
- [40]**

QUESTION 6

6.1	PERSONAL CONFLICT	WORKPLACE CONFLICT
	This is a conflict between two people, most often from mutual dislike or personality clash. (2)	This is a conflict which is a disagreement or opposition between/among individuals, teams or departments in the organisation. (2)

- 6.2 6.2.1 • This is the right that has been interfered with or ignored by the employer
 • it can only be settled by legal decision and arbitration but not by negotiation
 • it is ensured by Common Law, Statutory law, contract of employment and customary practices. (3)
- 6.2.2 • Common Law
 • Statutory Labour Laws
 • Contract of employment
 • Legally enforceable agreements
 • Customary practices (5)
- 6.3 • Employees may not be dismissed
 • Employees may not get a court interdict
 • Employees do not commit a breach of contract
 • Employer may not institute civil cases
 • Employer does not have to pay employees (No work no pay)
 • Employer may not refuse housing or food to the employees. (6 × 2) (12)
- 6.4 • Economic strike: it demands better wages and good working conditions
 • Recognition strike: try to force employer to recognize and deal with union.
 • Sympathy/secondary strike: it supports initiating trade unions or customers
 • Solidarity strike: workers stop work out of sympathy for one or more colleagues
 • Strategic strike: only few employees in key positions or strategic sections strike
 • Rotating strike: it occurs in one or in a certain section at a given time and then moves on to another section.
 • Sit-in strikes: a group of employees "sit-in" at the work place and they refuse to work.
 • Expected strike: strike is not a surprise but an expected one.
 • Wildcat strike: it is triggered by an incident on the shop floor.
 • General strike: it is a general protest by employees against certain working conditions. (Any 4 × 2) (8)
- 6.5 • Economic system: this may be influenced by product market, labour market, capital productivity, money market and technological change.
 • Political system: the state may take certain actions, such as new legislation or amend existing legislation to protect the community.
 • Legal system: the legal system of a country affects the inputs and outputs of the industrial relations systems by statutory legislation and common law.
 • Social system: there is continual interaction between social relationships and labour relationships. The different objectives and goals, values, perceptions and social structures could lead to tension in the workplace. (4 × 2) (8)

[40]

TOTAL SECTION B: 160
GRAND TOTAL: