



**higher education  
& training**

Department:  
Higher Education and Training  
**REPUBLIC OF SOUTH AFRICA**

# **MARKING GUIDELINE**

**NATIONAL CERTIFICATE**

**LABOUR RELATIONS N5**

**28 NOVEMBER 2018**

**This marking guideline consists of 9 pages.**

**SECTION A****QUESTION 1**

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

(10 × 2) [20]

**QUESTION 2**

- 2.1 J
- 2.2 H
- 2.3 B
- 2.4 F
- 2.5 I
- 2.6 G
- 2.7 D
- 2.8 E
- 2.9 A
- 2.10 C

(10 × 1) [10]

**QUESTION 3**

- 3.1 D  
 3.2 C  
 3.3 B  
 3.4 B  
 3.5 A  
 3.6 D  
 3.7 B  
 3.8 A  
 3.9 C  
 3.10 B

(10 × 1) [10]

**TOTAL SECTION A: 40****SECTION B****QUESTION 4**

- 4.1 4.1.1 Family responsibility leave
- The employee works for at least four days a week
  - He/She has been in employment for longer than 4 months
  - Leave is granted when the employee's child is born, death of close family member (for example. child, spouse and parents et cetera.)
  - Leave is granted when the employee's child is sick
- Maternity leave
- A pregnant women is to 4 months' unpaid maternity leave
  - Maternity leave may begin up to 4 weeks before the expected date of birth
  - Maternity leave may be agreed otherwise if so on account of the health of the employee
- Sick leave
- The employee is entitled to 6 weeks paid leave for every 36 months of continuous employment
  - This refers to 3- year cycle
  - During the first 6 months of employment, an employee is entitled to only 1 day of paid sick leave for every 26 days worked
  - Where the employee is ill for 2 days or less, no medical certificate is required

## Annual leave

- Employees are entitled to 3 weeks' (21 consecutive days) fully paid leave after every 12 months of continuous employment
- This is also calculated a 1 day's leave for every 17 days of employment
- The employee may not pay an employee instead of granting annual leave- he or she must take leave
- The employee may not take leave during notice of termination of employment

(4 × 3) (12)

## 4.1.2 Employee's name and occupation

Time worked

Remuneration paid

Date of birth if under 18 years of age

(4)

## 4.2 4.2.1

- Per week – not more than 45 hours (maximum)
- Daily hours- if employees work 5 days or less in any week – 9 hours per day
- If employees work a 6- day working week: - 8 hours per day.

(3)

## 4.2.2

- May only be worked by agreement
- An employee may not work more than 12 hours per day
- (It means, therefore, that an employee cannot work more than 3 hours of overtime per day)
- Overtime may not be more than 10 hours per week
- Unless agreed by way of collective agreement
- The maximum is then 15 hours per week, but not for more than 2 months per year
- Repayment for overtime: 1,5 times the employee's normal wage, or a period of paid time off equivalent to the value of the overtime pay if agreed.

(5 × 1) (5)

## 4.2.3

- Employees must occasionally work on a Sunday
- They must receive double pay
- If employees normally work on Sundays, they get 1,5 times their normal pay
- If agreed, the employee can receive compensation by way of paid time off.

(4)

## 4.2.4

- The employee must have a meal interval at least 60 minutes (1 hour) after 5 hours
- This may be reduced to 30 minutes by agreement
- Where the employee works less than 6 hours per day, the meal interval may be left out

(Any 2 × 2) (4)

- 4.2.5
- The profession has fewer doctors in South Africa which result in them compromising their working hours to assist patients.
  - A failure on behalf of the government to take cognisance of the consequences related to medical doctors who work overtime.
  - They can't leave the injured and the sick without anybody taking care of them.
  - Lack of doctors in our country as they go abroad.
  - There is an argument that you choose medicine because you want to serve.
- (5)
- 4.2.6
- No, it's their career and the best way is to serve
  - They can negotiate with the department
  - Supervisors can arrange or schedule relevant working hours or shifts
- (Any other relevant answer 3 × 1) (3)
- [40]**

## QUESTION 5

- 5.1
- State is a policy performer
  - Government is the policy maker
- (2 × 2) (4)
- 5.2
- Blacks were excluded of the collective bargaining system before 1979
  - Since 1979 until today all employees enjoy the freedom of collective bargaining
  - However, the state system remains voluntary
  - The state protects the basic interest of both parties
  - The state creates mechanism to resolve disputes
  - Employees choose or prefer recognition at organisation level.
  - The result is a dual collective bargaining system
- (Any 6 × 2) (12)
- 5.3
- To provide in the basic needs of community (RDP) and to ensure reconstruction and development
  - To development the economy
  - To promote democracy in the workplace
  - To oppose social inequality
  - To develop competence or skills of workers
- (5 × 2) (10)
- 5.4
- An effective communicator
  - Able to make objective judgement
  - Able to make rapid/fast decision
  - Committed, diligent, fair-minded
  - Knowledgeable in trade union, employee and management affairs
  - Must have trust and respect to management, union and employees
- (7 × 2) (14)
- [40]**

**QUESTION 6**

- 6.1
- Grievance procedure
  - Disciplinary procedure
  - Retrenchment procedure
  - Dispute procedure
  - Appeal procedure
- (5)
- 6.2
- Product market – production process, machines, labour, distribution, competition and advertisements.
  - Money market – availability of money, interest rates, internet payment.
  - Labour market – availability of skilled labour, willingness to be productive, knowledge of business, competition from other countries.
  - Capital productivity – availability of machines, cost of machines, infrastructure of the country.
  - Technological changes – availability of technology to do the job, effectiveness of the technology, how quickly new technology is available.
- (5 × 3) (15)
- 6.3 Procedural agreement
- Refer to agreements on procedures to be followed:
- Union recognition agreements can also be concluded.
  - Unresolved conflict can lead to a breakdown in relationship resulting in dismissal of workers and a loss of production.
  - Include rules for disciplinary, grievance, retrenchment and dismissal procedures.
  - It usually focuses on economic.
- (Any 2 × 2)
- Substantive agreements
- Refers to the bread and butter issue.
  - Include agreement on working conditions (conditions of service), wages and fringe benefits.
  - They are normally renegotiated every year or every three years.
  - Bonuses, holidays and productivity.
- (Any 2 × 2)  
(4 × 2) (8)
- 6.4
- A fair reason
  - Fair procedure
  - The dismissal penalty must be acceptable
  - The facts of the case must be strong
  - Capacity of the employee
  - Operational requirements of the employer's business
- (6 × 2) (12)  
**[40]**

**QUESTION 7**

7.1 7.1.1

<b>CAPITALIST</b>	<b>SOCIALISM</b>
<ul style="list-style-type: none"> <li>• Market-based economy</li> <li>• Promotes economic freedom</li> <li>• Private ownership</li> <li>• Goods and services are produced to make a profit</li> <li>• The drives incentives for producers to engage in economic activity</li> <li>• Profit is reinvested into the economy</li> <li>• Economic growth is stimulated</li> <li>• Conflict is accepted within the industrial relations system</li> <li>• Mechanism are provided for conflict resolution</li> <li>• A theory based on a free market system</li> <li>• Ownership is ascribed to be individual person</li> </ul> <p style="text-align: right;">(Any 6 × 1)</p>	<ul style="list-style-type: none"> <li>• Centrally controlled market</li> <li>• No economic freedom for individual</li> <li>• Public ownership</li> <li>• Individuals are compensated based on the principle of individual contribution</li> <li>• The state provides employment</li> <li>• Workers are unmotivated and unproductive.</li> <li>• Economic growth is not stimulated</li> <li>• No special provision is made to accommodate conflict</li> <li>• The symptoms of conflict are smothered as soon as possible</li> <li>• A theory based on the holding of most property in common</li> <li>• Actual ownership is ascribed to the workers (state)</li> </ul> <p style="text-align: right;">(Any 6 × 1)</p>

(12)

7.1.2

- Individual interests are subordinate to the interests of society.
- The government exercise control over the community.
- All parties have the same benefits and protection.
- Legislation: makes provision for all parties.
- Protects the society.
- Conflict is not tolerated.
- Community possession.

(7)

7.2

- Parties to the dispute should try to resolve it through conciliation and mediation before referring the matter for arbitration or adjudication.
- The CCMA is a neutral statutory body that assists parties to resolve disputes in the field of labour relations.
- The CCMA must appoint a commissioner to use conciliation to resolve the dispute.
- Parties may appear in person or may be represented. (NO legal representation)
- The commissioner determines the process used to resolve the dispute as mediation, fact finding and advisory award.

(5 × 2)

(10)

- 7.3 Employer
- Is a primary role player.
  - Controls and supervises the business and labour.
  - Can join the employer's organisation. (3)

Employee

- Is a primary role player.
- Puts his or her services at the disposal of the employer.
- Works under the supervision and control of the employer.
- Is employed to perform a specific task, and is paid for it.
- Can join the trade union. (Any 4 × 1) (4)

State

- The state is a secondary role player.
  - Is an outsider.
  - Acts as a servant by assisting the primary role player to function within a legal framework.
  - It acts as a master by providing the employer and employee with legal framework and ensuring the enforcement of laws. (4)
- [40]**

## QUESTION 8

- 8.1
- The organisation must be representative of the employer body in the region and in the number of employers.
  - However, the number of new registrations has declined lately because of lack of interest in central bargaining with unions.
  - They rather bargain individually with employees.
  - If it has adopted a name that meets the requirements of subsection 4.
  - If it is independent.
  - If it has adopted a constitution that meets the requirements of subsection 5 and subsection 6.
  - If it has an address in the Republic of South Africa. (Any relevant answer 4 × 1) (4)

- 8.2
- To enforce legislative and agreements.
  - To improve physical working and safety.
  - To ensure job security and income.
  - To resolve grievance.
  - To provide legal assistance regarding employment.
  - To fight racism and sexism.
  - To ensure democracy at workplace.
  - To establish CB mechanism.
  - To resist retrenchment.
  - To ensure economic and social justice.
  - To promote and further interest of members.
  - To unite and organise in various industries to one strong body.
  - To promote, support and unite Trade unions.
  - To ensure solidarity. (14)
- 8.3
- Collective bargaining.
  - Strike.
  - Court or legal again.
  - Collective action.
  - Closed shop principles or agreement.
  - Establishment of benefits funds.
  - Establishment of grievance, disciplinary and appeal procedures.
  - Media. (Any 5 × 1) (5)
- 8.4
- The conclusion d enforcement of agreements.
  - The prevention or resolution of disputes.
  - Training.
  - The creation of pension, provident, medical aid, sick pay and holiday, unemployment and training funds and schemes.
  - The development of policies and legislation for the sector.
  - The determination, by way of a collective agreement, of those matters that may not be an issue in dispute for the purpose of a strike or lockout. (6 × 2) (12)
- 8.5
- Sadtu
  - Naptosa/Nehawu
  - Denosa
  - Popcru
  - Numsa
  - Num (Any 5 × 1) (5)

**[40]**

**TOTAL SECTION B: 160**  
**GRAND TOTAL: 200**