



# higher education & training

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

## **MARKING GUIDELINE**

### **NATIONAL CERTIFICATE LABOUR RELATIONS N5**

**29 NOVEMBER 2019**

**This marking guideline consists of 7 pages.**

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

1.1	1.1.1	H		
	1.1.2	F		
	1.1.3	E		
	1.1.4	C		
	1.1.5	G		
	1.1.6	B		
	1.1.7	K		
	1.1.8	D		
	1.1.9	I		
	1.1.10	A		
			(10 × 1)	(10)
1.2	1.2.1	Meetings, outside	(2 × 1)	(2)
	1.2.2	Time, reasonable	(2 × 2)	(4)
	1.2.3	Subscriptions	(2 × 1)	(2)
	1.2.4	One (1) month	(2 × 1)	(2)
	1.2.5	Employer, period	(2 × 2)	(4)
1.3	1.3.1	Progressive		
	1.3.2	Formal		
	1.3.3	Dismissal		
	1.3.4	The specific situation		
	1.3.5	30		
	1.3.6	Provincial		
	1.3.7	Chairperson		
	1.3.8	Legal formalities		
	1.3.9	Public funds		
	1.3.10	NEDLAC		
			(10 × 1)	(10)
1.4	1.4.1	It is the representative of the employer and serves its interests and is involved in strategic planning and decision-making.		
	1.4.2	It is the representative of the employer.		
	1.4.3	It is an economic system whereby the state plans the whole economy.		
			(3 × 2)	(6)
				<b>[40]</b>
			<b>TOTAL SECTION A:</b>	<b>40</b>

**SECTION B****QUESTION 2**

- 2.1 It aims to provide for the health and safety of persons in connection with the activities of persons at work and to establish an advisory council for occupational health and safety. (2 × 2) (4)
- 2.2
- To promote the goals of social equality and involvement.
  - Seeks to reach consensus and accomplish agreements.
  - Considers all suggested labour legislation.
  - Tries to ensure democracy in the workplace.
  - Considers the important changes to economic and social policy.
  - Promotes and encourages the formulation of coordinated policy on economic and social issues. (6 × 2) (12)
- 2.3
- They decide cases concerning the following: unfair conduct of the employer
  - Unprotected strikes
  - Picketing rights
  - Freedom of association
  - A dismissal that is automatically unfair
  - Dismissal relating to operational requirements
  - Payment and use of an agency fee
  - Appeals against a refusal to be admitted to a bargaining council
  - Cases related to unfair discrimination (7 × 2) (14)
- 2.4
- Makes and enforces collective agreements.
  - Prevents and resolves labour disputes.
  - Establishes and manages a dispute resolution fund.
  - Promotes and establishes training and educational schemes.
  - Makes and submits proposals on policies and laws that affect a sector.
  - Establishes and manages schemes to benefit members. (5 × 2) (10)
- [40]**

**QUESTION 3**

- 3.1
- Economic function – establish reasonable wages.
  - Social function – establish industrial justice.
  - Political function – brings democracy into the workplace. (3 × 2) (6)
- 3.2
- Not to be unfairly treated.
  - To be provided with appropriate resources.
  - To receive the agreed payment on date and time.
  - To be treated with respect and dignity.
  - Not to be victimised and demanding that correct procedures be followed.
  - To join trade union of their choice. (2 × 2) (4)

- 3.3
- Low economic growth
  - Rich in minerals
  - High incidence of strikes
  - High rate unemployment
  - An unfavourable exchange rate
  - A huge shortage of skills
  - Depopulation of rural areas
  - A high inflation rate
  - Unskilled labour
  - Weak economic infrastructure
  - Political instability
  - Narrowing of the wage gap
- (12 × 2) (24)
- 3.4 Employees have the right to choose the union of their choice which will best suit their interests and represent them well or accordingly. They are allowed to choose without fear of being victimised.
- (2 × 1) (2)
- 3.5
- Organising and attending trade union meetings.
  - Recruitment of members.
  - Monitoring and ensuring that employers and employees comply with the LRA.
  - Assisting and representing members in disciplinary and grievance procedures.
  - Keeping trade union officials and members informed.
  - Consulting and negotiating with management.
  - Getting mandates from members during negotiations.
  - Organising strike ballots.
- (4 × 1) (4)
- [40]**

**QUESTION 4**

- 4.1
- Right to control
  - Right to supervise
  - Right to discipline
  - Right to decision-making
  - Right to dismiss employees
  - Right to carry out planning
  - Right to close a plant
  - Right to merge
  - Right to transfer and promote employees
  - Right to join an employer's organisation
  - Right to lock out
- (6 × 2) (12)
- 4.2
- Appeal procedure
  - Grievance procedure
  - Retrenchment procedure
  - Disciplinary procedure
  - Dispute resolution
- (4 × 2) (8)

## 4.3 Fixed-term contract

- A written contract between the employer and the employee.
- The person is contracted for a fixed period, for example one year.
- It has a start and an end date.
- Can be used when a business only requires employees for a certain period of time.
- Employees appointed in terms of this contract are referred to as contract workers.
- BCEA provisions apply, for instance leave days.
- The services of the employee are automatically terminated when the contract expires.
- No notice by either party is necessary.

## Indefinite-term contract

- A contract between the employer and the employee.
- Is also known as a 'permanent contract'
- Has a start date, but no end date
- An employee appointed in terms of such a contract has benefits such as medical and pension fund.
- The contract does not expire until notice is given by either party.
- Either the employer or the employee must give notice of termination.

(5 + 5) (10)

4.4 4.4.1 The state may appoint itself as an advisor in labour relations. As such, the state will develop different bodies to monitor progress in labour relations, produce guidelines on the conduct of the labour relationship and propose innovations to the parties, if they do fulfil this role. A government can indirectly impact the development of labour relations in a specific society. (4 × 2) (8)

4.4.2 If the state wants to regulate labour relations, it will be compelled to intervene more directly in the labour relationship, and specifically in collective bargaining. The most common type of regulation is the development of an income policy or a total freeze on prices and wages. The state also regulates the labour relationship when it provides for compulsory acknowledgement and bargaining. It also demands employee's involvement and participation at factory or workshop level. (2 × 1) (2)

**[40]**

**QUESTION 5**

- 5.1
- Giving legal aid and advice
  - Negotiating collective agreements
  - Assisting members in industrial relations
  - Providing training for members
  - Assisting members in dispute resolutions
- (5 × 2)      (10)
- 5.2
- Termination by agreement
  - Termination on notice
  - Supervening impossibility
  - Insolvency of the employer
  - Redundancy or retrenchment
  - Summary termination
  - Effluxion of time
  - Completion of work
- (8 × 2)      (16)
- 5.3
- To resolve disputes through CCMA
  - To assist in establishment of workplace forums
  - To limit industrial action such as strikes
  - To decide which services will be regarded as essential
  - To compile and publish information about its activities
  - To establish grievance and disciplinary procedures
  - To provide training for employees and employers
- (7 × 2)      (14)  
**[40]**

**QUESTION 6**

- 6.1
- Group insurance
  - Housing assistance
  - Paid maternity leave
  - Medical aid
  - Educational bursary
  - Transport allowance
  - Pension fund
- (5 × 2)      (10)
- 6.2
- To promote the interests of all workers
  - Enhance workplace efficiency
  - Consult with the employer
  - Take part in decision-making
- (4 × 2)      (8)

6.3	6.3.1	Structures		
	6.3.2	Procedures		
	6.3.3	Processes		
	6.3.4	State		
	6.3.5	Employer		
	6.3.6	Employee		
	6.3.7	Wages		
	6.3.8	Working conditions		
	6.3.9	Fringe benefits		
	6.3.10	Legislative action	(10 × 1)	(10)
6.4		<ul style="list-style-type: none"> <li>• It sets up fair labour practices.</li> <li>• It maintains order.</li> <li>• It establishes parameters for conducting the labour relationship.</li> <li>• It lays down minimum conditions with regard to substantive conditions.</li> <li>• It ensures the protection of both employer and employee.</li> <li>• Contract of employment and common law are not sufficient.</li> <li>• It promotes health and safety in the workplace.</li> </ul>	(6 × 2)	(12)
				<b>[40]</b>
			<b>TOTAL SECTION B:</b>	<b>160</b>
			<b>GRAND TOTAL:</b>	<b>200</b>