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**UNIVERSITY OF JOHANNESBURG**

**FACULTY OF MANAGEMENT**

**DEPARTMENT OF INDUSTRIAL PSYCHOLOGY AND PEOPLE  
MANAGEMENT**

**JUNE EXAMINATION PAPER (SUPPLEMENTARY)**

**SUBJECT:** Human Resource Management 3A  
**COURSE CODE:** MHB3A01/ HRM13A3  
**DATE:** June 2016  
**DURATION:** 3 Hours  
**WEIGHT:** 50 Semester Mark / 50 Examination Mark  
**TOTAL MARKS:** 100  
**EXAMINER:** Mr AJ Shongwe  
Mr. I. Meyer  
**MODERATOR:** Prof SA Coetzee  
**NUMBER OF PAGES:** 4 (Four) pages (including this page)

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**INSTRUCTIONS TO CANDIDATES:**

- Question papers must be handed in.
- This is a closed book assessment.
- Read the questions carefully and answer only what is asked.
- Number your answers clearly.
- Write neatly and legibly.
- Structure your answers by using appropriate headings and sub-headings.
- Answer all the questions.
- University of Johannesburg policies, procedures and rules pertaining to written assessments apply to this assessment.

### Question 1

Discuss the role of each party to the pentagonal relationship.

[10]

### Question 2

Explain how the CCMA resolves disputes.

[15]

### Question 3

*Read the following case study and complete the questions that follow.*

#### **Hostile relations at Home-from-Home Family Resort and Conference Centre**

Home-from-Home Family Resort and Conference Centre is situated only 20 minutes south of Durban. It is well known for its excellent accommodation, wonderful food, friendly hospitality and first-class service. Situated between the lagoon and the beach at Illovo, it also boasts an award-winning caravan park. Sporting and recreational activities and nearby facilities include golf, squash and swimming. The hotel also has the latest in conferencing equipment and can accommodate up to 150 delegates.

The hotel employs 280 employees ranging from cleaners, gardeners and catering personnel, to receptionists and administrative staff. The employees have always enjoyed an amicable relationship with management, but lately there have been some disruptive incidents, including arguments between the gardeners and their supervisor. At one stage the kitchen staff also refused to work, claiming that their hours of work were unrealistic and that they should be better compensated. Management suspected that the hostility was fuelled by the gardeners who were all members of the Hotel, Liquor, Catering, Commercial and Allied Workers Union of South Africa (HOTELICCA) and in particular, Peter Mohale, who was actively recruiting members for the trade union.

The relationship between management and workers became increasingly hostile. Patrons started to comment on the tense atmosphere and the poor service.

The breaking point occurred in April 2011. The garden supervisor, Amos Chauke, called a meeting with all gardeners as he felt that their work was not up to standard and that they often arrived late. In addition, a patron had complained about Peter Mohale. She claimed that she had gone for a walk shortly before sunset the previous day. On her way to the beach, she walked past Peter who was on his way home. According to her, he made rude and harassing remarks as she passed him and wanted to know if he could join her. She immediately refused and returned to the resort's reception to complain.

Peter contradicted this allegation by shouting, "That woman! She thinks that she is so much better than me. She walks around in her skimpy swimwear and teases me and when I reply she complains. Who does she think she is?"

Amos tried to calm Peter by stating that the case would be investigated and that all sides of the story would be heard. This, however, only aggravated the situation with Peter shouting even louder: "You! You are one of them too! So much better than us ... rubbing shoulders with the important guests and management. You are a traitor!" The shouting soon became a full blown fight with the two hitting each other and rolling around on the floor. Hotel patrons certainly heard the commotion.

Following this episode, Peter was suspended pending an investigation. The news of Peter's suspension was not well received by the other employees. They immediately stopped working and gathered in the hotel's recreation area. They protested loudly and sang songs. They also prevented any of the hotel guests from entering the area. They indicated that they would only return to work once Peter had been reinstated. They also demanded that Amos Chauke be dismissed as they felt that he had victimised Peter because of his active involvement with the trade union.

### **Question 3.1**

Define a strike in terms of the LRA. Does the action by the Home-from-Home employees constitute a strike in terms of this definition? Although Peter was recruiting members for the trade union, the levels of unionisation at the hotel were still quite low. Would the action constitute a strike if the employees were not trade union members? [2 X5 = 10]

### **Question 3.2**

Would the strike be protected in terms of the LRA? Give reasons for your answer. [10]

### **Question 3.3**

The employees “protested loudly and sang songs” – this is referred to as picketing in the LRA. Explain the regulations of the LRA in terms of picketing. [10]

### **Question 3.4**

The employees refused to work in support of Peter Mohale. During their protest, however, they raised another issue a demand that Amos Chauke be dismissed due to his perceived victimisation of Peter. Is this permissible? How should Home-from-Home management deal with the employees' concerns? [5]

### **Question 4**

You are appointed as Employment Relations Practitioner at your company. Explain to your Manager what will constitute a grievance and what the value and benefits are of following the grievance procedure. [10]

### **Question 5**

List the duties of employers regarding health and safety at work. [10]

### **Question 6**

Discuss the process on both procedural and substantive fairness during dismissal for misconduct as per the LRA. [10]

### **Question 7**

You have been appointed as Wellness Specialist at your company. Discuss with your manager the guidelines for dealing with HIV/Aids in the work place. [10]

**Total mark: 100**