



FACULTY/COLLEGE	College of Business and Economics
SCHOOL	Johannesburg Business School
DEPARTMENT	Industrial Psychology and People Management
CAMPUS(ES)	SWC & APB
MODULE NAME	Employment Relations 1B
MODULE CODE	BIRIIBI /EMRO1B1
SEMESTER	Second
ASSESSMENT OPPORTUNITY, MONTH AND YEAR	SSAO – Supplementary Summative Assessment Opportunity January 2019

ASSESSMENT DATE	January 2019	SESSION	
ASSESSOR(S)	Dr C Mabaso		
MODERATOR(S)	Mr W De Beer		
DURATION	2 Hour	TOTAL MARKS	100

NUMBER OF PAGES OF QUESTION PAPER (Including cover page)	4
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INFORMATION/INSTRUCTIONS:

- All questions are compulsory
- Question papers must be handed in.
- This is a closed book assessment.
- Read the questions carefully and answer only what is asked.
- Please take note of the **allocation of marks**
- Number your answers clearly.
- Write neatly and legibly.
- Structure your answers by using appropriate headings and sub-headings.
- The general University of Johannesburg policies, procedures and rules pertaining to written assessments apply to this assessment.

QUESTION 1**[22 MARKS]****Carefully read the case studies below and answer all the questions.**

- 1.1 Emmanuel has been dismissed because of theft. He is out of job now for the second week. Is he eligible to claim for unemployment insurance fund? Substantiate your answer. **[2]**
- 1.2 Lidya is the owner of a restaurant in Brixton. Her business took a knock with the new classic restaurant opened across the street which offering affordable food items affordable to students. She decided to close half space of her restaurant and rent out half of her shop to entrepreneurs who could use her floor space. Three entrepreneurs approached her after seeing that she was renting out her space. Rental agreement was prepared by her cousin who is a lawyer. Muzi, Claudia and Fiona moved in with their equipment to occupy the floor space. Business improved dramatically. They paid their first month rent but Fiona did not make any attempt to pay rent. Lidya asked Fiona reasons for not paying her rent. She came fuming at the shop, "Why didn't you pay my salary into my bank account" she enquires....
- 1.2.1 Are Muzi, Claudia and Fiona working for Lidya? Briefly explain. **[2]**
- 1.2.2 Explain the relationship between Lidya, Claudia, Fiona and Muzi in terms of Section 200A of the Labour Relations Act. **[8]**
- Hint: draw a distinction between the employee and independent contractor.*
- 1.3 Assume that a Fire Department in the local municipality that you are working for has a minimum job specification that all Firefighters should weigh not more than 65 kilograms and be at least 1, 75 metres tall. The statistics shows that these requirements excludes at least 30% of women compared to 1, 5% of men. An application by female for a job at your organization is rejected on the grounds that she does not meet the minimum height and weight requirements.
- 1.3.1 Discuss whether the Fire Department regulation amounts to fair or **unfair discrimination**. **[6]**
- 1.3.2 Discuss why, if it does amount to unfair discrimination, the employer would not be able to rely on the "business necessity" justification. **[4]**

Hint: Discuss the indirect discrimination and the difference between providing a rational basis for discrimination and adducing empirical proof of the relationship between a job specification and the inherent requirements of a particular job.

QUESTION 2

[12 MARKS]

- 2.1 The main aim of collective bargaining is to ***contain conflict*** and even to ***promote co-operation***. Discuss four main objectives of collective bargaining. **[4]**
- 2.2 Examine four levels of collective bargaining. **[8]**

QUESTION 3

[16 MARKS]

- 3.1 In employment relations, the concept “fair” and “unfair” are common but with nuances and subjective interpretations. Differentiate between substantive and procedural fairness during the disciplinary process. **[6]**
- 3.2 With the dawn of 4th Industrial Revolution, the majority of organisations have indicated their intention to shed jobs. This does not sit well with unions and the political landscape in South Africa and the broader society at large. As an ER Practitioner in one of the organisation that will be shedding jobs, advise the Management on the general principles guiding the termination of employment due to operational requirements. **[10]**

QUESTION 4

[12 MARKS]

Abathembu Consulting have announced on Thursday that the strike action by their workers at Groupon Business Arena would end. Workers are expected to resume their duties on Monday after the agreement have been reached with their trade union. The company confirm that an amicable solution was reached and thanks the Minister of Labour for her input on Tuesday. Some of the demands includes salary increase of 13.5%; transport for night shift employees; conversion of contract employees to permanent; unpaid of salaries to employees whom their job responsibilities have been increased without any salary increase. Additionally, workers were also complaining about non-compliance with labour legislations pertaining to working hours, promotion and demotion of employees. The agreement reached will ensure that employees will receive an annual increase of 10.5% for 2019 to 2022. An inflationary (CPI) increase on basic salary for 2019. This annual increase will be back dated to June 2019. Salary progression mechanism were also agreed upon and adjustments relating to this will be back-dated June 2019. The union was also fighting the issue of salary inequalities

on the basis to be unjustified and no adjustments were made as part of the agreement. Abathembu Consulting pointed out that the strike was costly for stakeholders, country, company and employees in financial terms since the production have to be halted because labour unrest. The trade union further outline that workers met their objectives and said their principles were not compromised. Their aspirations were partially met. They also appreciate the intervention of the political leadership through Minister of Labour, this shows collective and shared commitment towards the social well-being of workers.

- 4.1 Generally, there are two types of disputes. In the context of the case study, state which type of dispute(s) is prevalent? Substantiate your answer by quoting facts in the case study. **[4]**
- 4.2 Cite an example from the case study illustrating the role adopted by the state and in what form? **[1]**
- 4.3 Explain requirements to be satisfied by employees before they can embark on a strike. **[5]**
- 4.4 Discuss the effect of strike on all stakeholders (tripartite relationship) as indicated in the case study. **[2]**

QUESTION 5**[15 MARKS]**

- 5.1 A process of interaction whereby employees, directly or indirectly influence decision-making. Outline at least two objectives of employee participation. **[2]**
- 5.2 Discuss the promotion of direct employee involvement through
 - 5.2.1 Information sharing **[3]**
 - 5.2.2 Teamwork. **[5]**
 - 5.2.3 Financial participation **[5]**

QUESTION 6**[10 MARKS]**

- 6.1 Thorough preparation is necessary to achieve an optimum outcome in negotiations. If you fail to prepare, you prepare to fail. Examine factors that needs to be taken into account when preparing for negotiations. **[5]**
- 6.2 Describe tactics that can be used to handle pressure in negotiations. **[5]**

QUESTION 7**[13 MARKS]**

- 7.1 Examine at least five attributes of a good conciliator. **[5]**
- 7.2 Outline the process to be followed to resolve disputes through conciliation. **[8]**

TOTAL MARKS: 100