



FACULTY/COLLEGE	College of Business and Economics
SCHOOL	Johannesburg Business School
DEPARTMENT	Industrial Psychology & People Management
CAMPUS(ES)	Bunting
MODULE NAME	Advanced Industrial Relations IV
MODULE CODE	BIR43B1
SEMESTER	Two
ASSESSMENT OPPORTUNITY, MONTH AND YEAR	SSAO – Supplementary Summative Assessment Opportunity, January 2020

ASSESSMENT DATE	January 2020	SESSION	
ASSESSOR(S)	Dr. Mpho D. Magau		
MODERATOR(S)	Mr. Ronnie Moholane		
DURATION	2 hours (120 min)	TOTAL MARKS	100

NUMBER OF PAGES OF QUESTION PAPER (Including cover page)	3
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INFORMATION/INSTRUCTIONS:

- This is a closed-book assessment.
 - There are **6 COMPULSORY** questions. **Answer All questions.**
 - Read all the scenarios / cases carefully and answer all related questions.
 - Read the questions carefully and answer only what is required.
 - Number your answers clearly and correctly as per the question paper.
 - Write neatly and legibly on both sides of the paper in the answer book, starting on the first page.
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QUESTION 1**[20 MARKS]**

The panellists decided to consider two more selection factors, in addition to the score. These were the performance evaluation results for 2007/2008 and the leave record for 2008. These factors were then used to determine the best candidate between Mr Seeta and the fourth respondent. Mr Seeta's performance evaluation results considered were of 52% and those of the fourth respondent were of 4.1 out of 5. On the leave issue, Mr Seeta was found to have taken 17 days of unplanned leave while the fourth respondent had 12 days leave. In the final analysis, the fourth respondent was found to be the most suitable candidate for the post and a recommendation for his appointment was made and later he was appointed against the contested post.

- 1.1 Advise Mr. Seeta on the shortlisting requirements to contest this selection process. (7)
- 1.2 Identify the criteria for substantiating the inherent requirements of the job. (4)
- 1.3 Write the following clauses to be included in a letter of appointment as part of the conditions of employment: (9)
 - 1.3.1 Salary.
 - 1.3.2 Family responsibility leave.
 - 1.3.3 Probation.

QUESTION 2**[20 MARKS]**

The court declared Mr Allpass's dismissal as automatically unfair in terms of section 187(1)(f) of the Labour Relations Act, 1995 (LRA). The employer was ordered to pay Mr Allpass compensation of twelve months' remuneration "reflecting both restitution as well as a punitive element for unfair discrimination on the grounds of his HIV status." The employer was also ordered to pay all Mr Allpass's legal costs. This indicates the importance of having an HIV/AIDS policy for employers.

Outline the procedure for dealing with HIV/AIDS in the workplace with reference to the case above. (20)

QUESTION 3**[15 MARKS]**

Every designated employer is required to design and implement an employment Equity plan. The purpose of the employment Equity plan is to enable the employer "to achieve reasonable progress towards employment Equity", to assist in eliminating unfair discrimination in the workplace, and to achieve equitable representation of employees from designated groups by means of affirmative action measures.

- 3.1 Discuss the concept fair discrimination in terms of Section 6(2) of the Employment Equity Act by means of practical examples. (5)
- 3.2 Describe the factors for a realistic assessment of the employment equity numerical goals. (5)
- 3.3 Provide strategies for achieving employment equity goals. (5)

QUESTION 4**[20 MARKS]**

The employer raised three exceptions against the employee's statement of claim in *De Klerk v Cape Union Mart International (Pty) Ltd* (2012) 33 ILJ 2887 (LC). One being that Section 187(1)(d) of the Labour Relations Act (LRA) does not refer to a grievance as a 'right' contemplated in the LRA nor can a grievance be considered 'proceedings' envisaged in the LRA.

- 4.1 Describe the objectives of a grievance procedure with reference to the above. (5)
- 4.2 Advise managers on the actions to take if no formal channels for voicing grievance are available. (5)
- 4.3 Discuss how the HR Department can monitor grievances and identify patterns (10)

QUESTION 5

[15 MARKS]

- 5.1 Write a preamble o a disciplinary code of conduct. (4)
5.2 Describe the procedure for issuing verbal and written warnings. (11)

QUESTION 6

[10 MARKS]

Lonmin operations at Marikana were suspended due to illegal work stoppage. A total of 13 shafts were not operating. Employees arrived at work but did not go underground after Amcu decided to go on strike and prevent anybody from going to work. Lonmin consulted their labour relations team for guidance on obtaining the ultimatum. Subsequently, the company contemplated taking disciplinary action against striking employees that may lead to dismissal.

- 6.1 Advise Lonmin on what the ultimatum should communicate. (5)
6.2 Explain to Lonmin which factors will the preciding officer take into account when deciding whether the discmissal would be fair. (5)

TOTAL [100]