



FACULTY/COLLEGE	College of Business and Economics
DEPARTMENT	Industrial Psychology and People Management
CAMPUS(ES)	APB
MODULE NAME	Labour Relations and Law
MODULE CODE	LRL44B4
SEMESTER	Second
ASSESSMENT OPPORTUNITY, MONTH AND YEAR	FSAO – Final Summative Assessment Opportunity, November 2019

ASSESSMENT DATE	9 November 2019	SESSION	08:30
ASSESSOR(S)	Mr Ivan Meyer		
MODERATOR(S)	Prof Pierre Joubert		
DURATION	2 hours (120 min)	TOTAL MARKS	75

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

- This is a closed-book assessment.
 - There are 4 questions. **Answer all the questions.**
 - Note that Question 2 consists of **two options**. Answer only **one**.
 - 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**[45 MARKS]**

Read through the following scenario and answer the questions that follow.

Scenario

Themba Moloi is a Transport Manager in an organisation with 200 employees. Most of the employees are drivers and driver assistants. There are also about 50 general workers who are members of a union. Themba reports to the Supply Chain Executive who is an unapproachable manager and does not care much about people issues. All he requires is that people must do their jobs and if they do not meet their targets, they should leave. It has also come to the attention of the employees that the organisation is considering reducing the workforce within the next month. This is due to violence and the burning of trucks and these have a serious impact on the organisation's revenue.

Numerous incidents happen in the business and Themba tries his best to solve the issues:

- The general workers joined a union and when the union approached the company for organisational rights, the Supply Chain Executive told them "to go and play in the traffic". He also questions whether this is a legal union and threatens that should they dare to strike, they will all be dismissed as "we need some new blood in the company".
- The Supply Chain Executive questions the reason why employees would join a disruptive organisation like a trade union which contributes to stressed relationships.
- Themba received an instruction to inform two pregnant ladies that their services will be terminated as they are not productive due to their pregnancy.
- One of the forklift drivers damaged a palette of milk and injured himself in the process. The Supply Chain Executive instructed Themba to deduct the damage from the forklift driver's pay.
- An administrative clerk quoted a much lower price for the transport of goods causing a loss of R100 000.00 to the company. The Supply Chain Executive gave the clerk a verbal warning.
- A vacancy for a senior position became available and the Supply Chain Manager informed Themba that he only wants a white male appointed.
- During the December holidays one of the Senior Managers had his 14-year-old son working in the despatch area, driving a forklift without a license. The other employees complained and wanted to know why their children may not work during holidays, but a senior employee's child may work.

Questions

Considering the above scenario, answer the following:

- 1.1 Identify five issues that are in contravention with labour legislation. Name the incident as well as the relevant legislation that is regulating the issue in question. (10)
- 1.2 Describe how Themba should approach the comment that the employees who want to strike will be dismissed. In so doing, refer to the legislation regarding protected and unprotected strikes. (6)
- 1.3 Explain what recourse an employer has in reaction to a strike. (4)

- 1.4 Indicate how Themba should describe the issue of organisational rights to the Supply Chain Executive. (10)
- 1.5 What procedure must Themba recommend to management regarding reducing the number of employees due to financial reasons? (1)
- 1.6 Outline the steps in such procedure mentioned in 1.5 above. (9)
- 1.7 Which intervention would be appropriate to address the stressed relationships in the organisation? (1)
- 1.8 What are the four phases of such intervention referred to in 1.7 above? (4)

QUESTION 2

[15 MARKS]

Answer **one** of the following two questions:

- 2.1 Discuss how to give effect to the purpose of the Labour Relations Act (66/1995) to promote orderly collective bargaining by focussing on:
- The nature of collective bargaining. (5)
 - The two major approaches to collective bargaining. (10)
- OR**
- 2.2 Salary and conditions of employment negotiations require proper planning. In order to ensure that the negotiations are executed smoothly there are certain crucial actions to be done as preparation for the negotiations.
- Describe the four steps in preparing for negotiations. (10)
 - Identify the key competencies of a good negotiator. (5)

QUESTION 3

[5 MARKS]

Employees are referring unfair dismissals on a weekly basis to the CCMA due to management's approach to punish employees for every mistake they make. Management also acts on half-truths and then dismiss employees on arbitrary decisions.

Explain the requirements to be met to ensure that a dismissal is procedurally and substantively fair.

QUESTION 4

[10 MARKS]

- 4.1 The Labour Relations Act introduced a new form of dispute resolution in the 2002 amendments. The process is referred to as Con-arb. Describe what Con-arb entails. (5)
- 4.2 Discuss the role and functions of the Commission for Conciliation, Mediation and Arbitration (CCMA). (5)

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