



**SUBJECT:** LABOUR RELATIONS AND LAW EXAMINATION

**CODE :** BAH11A1

**DATE :** 14 JUNE 2016

**DURATION:** 2 HOURS

**TOTAL MARKS:** 75

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**EXAMINER:** MRS C JOHNSON

**MODERATOR:** MR IR NEL

**NUMBER OF PAGES:** FIVE (5) PAGES

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**INSTRUCTIONS:**

Write your **SURNAME** on the answer script

Hand in **ALPHABETICALLY**.

Hand the **question papers** in **SEPARATELY**.

Answer all questions.

Write legibly.

All cellphones must be switched off.

### **QUESTION 1**

State the correct answer. Write only the number of the question and a,b,c,d or e. For example 1.1. a. (20)

**1.1** Which one of the following is regarded as a form of misconduct?

- a) Disability
- b) Supervening impossibility of performance
- c) Alcohol and drug abuse
- d) All of the above
- e) None of the above

**1.2** Which one is regarded as a form of incapacity?

- a) Disability
- b) Supervening impossibility of performance
- c) Alcohol and drug abuse
- d) All of the above
- e) None of the above

**1.3** When will section 189A be used?

- a) When an employee is guilty of misconduct
- b) Large scale retrenchments
- c) Small scale retrenchments
- d) Always
- e) Never

**1.4** Which one is **not** regarded as an unfair labour practice?

- a) Probation; promotion; demotion
- b) Whistle blowing
- c) Maternity leave
- d) All of the above
- e) None of the above

**1.5** "Was the employee aware of a rule or standard regulating conduct?" will be asked for which procedure?

- a) Misconduct
- b) Poor work performance
- c) Incompatibility
- d) All of the above
- e) None of the above

**1.6** Employees will go on a secondary strike when:

- a) They have permission
- b) They have an interest in the matter
- c) There is a reasonable relation between the industries
- d) All of the above
- e) None of the above

**1.7** A remedy for an ordinary unfair dismissal includes:

- a) Re-instatement
- b) Re-employment
- c) Compensation
- d) All of the above
- e) None of the above

- 1.8** A closed shop agreement is when:
- a) A free rider is compelled to join the majority representative trade union
  - b) A free rider is compelled to pay a subscription fee
  - c) A collective agreement provides for it
  - d) All of the above
  - e) None of the above
- 1.9** An agency shop agreement is when:
- a) A free rider is compelled to pay a subscription fee
  - b) A free rider is compelled to join the majority representative trade union
  - c) A collective agreement provides for it
  - d) All of the above
  - e) None of the above
- 1.10** “A partial or complete concerted refusal to do work, or the retardation or obstruction of work, by persons who are or have been employed by the same or by different employers, for the purpose of remedying a grievance or resolving a dispute in respect of any matter of mutual interest between the employer and employee” is regarded as a:
- a) Lock-out
  - b) Strike
  - c) Protest Action
  - d) All of the above
  - e) None of the above
- 1.11** What information may **not** be disclosed during consultation for retrenchments?
- a) The severance pay for dismissed employees
  - b) Alternatives to dismissals
  - c) Legally privileged information
  - d) All of the above
  - e) None of the above
- 1.12** Who is **not** allowed to take part in a strike?
- a) Essential services
  - b) Maintenance services
  - c) SAPS
  - d) All of the above
  - e) None of the above
- 1.13** What is a consequence of a protected strike?
- a) Misconduct dismissal
  - b) Dispute must be referred to a bargaining council or the CCMA
  - c) A court may grant an interdict or order
  - d) All of the above
  - e) None of the above
- 1.14** When an employee feels like he has no alternative but to resign because his employer has made continued employment intolerable, it may be regarded as:
- a) Whistle blowing
  - b) Constructive dismissal
  - c) Dismissal at the behest of a third party
  - d) All of the above
  - e) None of the above

- 1.15** When it has come to light that a person forged his qualification and is subsequently dismissed, it will be classified as a dismissal for:
- a) Misconduct
  - b) Dishonesty
  - c) Supervening impossibility of performance
  - d) All of the above
  - e) None of the above
- 1.16** The meaning of operational requirements include:
- a) Economic needs
  - b) Technological needs
  - c) Structural needs
  - d) All of the above
  - e) None of the above
- 1.17** The following are types of misconduct:
- a) Absenteeism; theft; harassment
  - b) Harassment; abusive language; alcohol and drug abuse
  - c) Fraud; corruption; alcohol and drug abuse; insubordination
  - d) All of the above
  - e) None of the above
- 1.18** For procedural fairness during a misconduct dismissal, the following has to be considered:
- a) Whether the employee has contravened a rule or standard regulating conduct
  - b) If the employee was aware of the rule or standard or could he reasonably have been expected to be aware of such rule or standard
  - c) The employee should be allowed an opportunity to state a case in response to the allegations
  - d) All of the above
  - e) None of the above
- 1.19** Picketing includes:
- a) Partial or complete concerted refusal to work
  - b) Retardation or obstruction of work
  - c) Waving placards, toyi-toying, chanting and dancing
  - d) All of the above
  - e) None of the above
- 1.20** The following are types of incapacity
- a) Dismissal at the behest of a third party; ill health; incompatibility
  - b) Incompatibility; ill health; disability
  - c) Dismissal at the behest of a third party; disability; injury
  - d) All of the above
  - e) None of the above

**[20]**

**QUESTION 2**

Explain the difference between an agency shop agreement and a closed shop agreement by referring to the definition as well as the conditions of each. (10)

**QUESTION 3**

What is the definition of a collective agreement? (5)

**QUESTION 4**

Explain the difference between “desertion”, “termination as result of a deeming provision” and “absenteeism” by providing a definition of each. (5)

**QUESTION 5**

State five (5) consequences of a protected strike. (5)

**QUESTION 6**

List the requirements for a strike to be protected and distinguish how it is different from the requirements of a protected lock-out. (5)

**QUESTION 7**

What are the requirements for a secondary strike? (4)

**QUESTION 8**

List the automatically unfair reasons for dismissal. (9)

**QUESTION 9**

List ten (10) types of misconduct. (10)

**QUESTION 10**

Name two (2) categories of employees who may not strike. (2)

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**[55]**

**Total: 75 marks**