



SUBJECT: LABOUR LAW

CODE : BAH11B1

DATE : 21 November 2016

DURATION: 2 HOURS

TOTAL MARKS: 100

EXAMINER: MRS C JOHNSON

MODERATOR: MR IR NEL

NUMBER OF PAGES: TWO (2) PAGES

INSTRUCTIONS:

- * Write your **SURNAME** on the answer script.
- * Hand in **ALPHABETICALLY**.
- * Question papers **MUST BE HANDED IN**.
- * Answer all questions.
- * Write legibly.
- * All cell phones must be switched off.

SECTION A – TRANSFER OF BUSINESSES (Chapter 11)

1. List and briefly discuss the consequences of a transfer of a solvent business. (10)
2. Which sections of the Labour Relations Act 66 of 1995 (LRA) governs the transfer of a business as a going concern? (2)
3. Discuss what the concepts “transferor” and “transferee” refer to. (2)
4. List one (1) example of a non-core activity. (1)

Total Section A: [15]

SECTION B – LABOUR DISPUTE RESOLUTION (Chapter 17)

5. State the definition of mediation/conciliation. (6)
6. Discuss the process of mediation/conciliation fully. (10)
7. State what is a “deadlock” and list 6 (six) tactics that a conciliator may utilise to break a deadlock during conciliation proceedings. (6)
8. Who is allowed to be present at conciliation proceedings? (3)
9. Discuss fully what the certificate of outcome is and what it is proof of. (9)
10. Discuss the referral process of arbitration fully. (10)
11. Who may be present at arbitration proceedings? (10)
12. What will happen when a party fails to attend conciliation/mediation versus arbitration? (4)
13. Discuss the process to be followed in arbitration proceedings fully. (12)
14. List any 5 (five) instances when the Con-Arb process may not be followed? (5)
15. Explain the jurisdiction of the Labour Court. (10)

Total Section B: [85]

TOTAL: [100]
