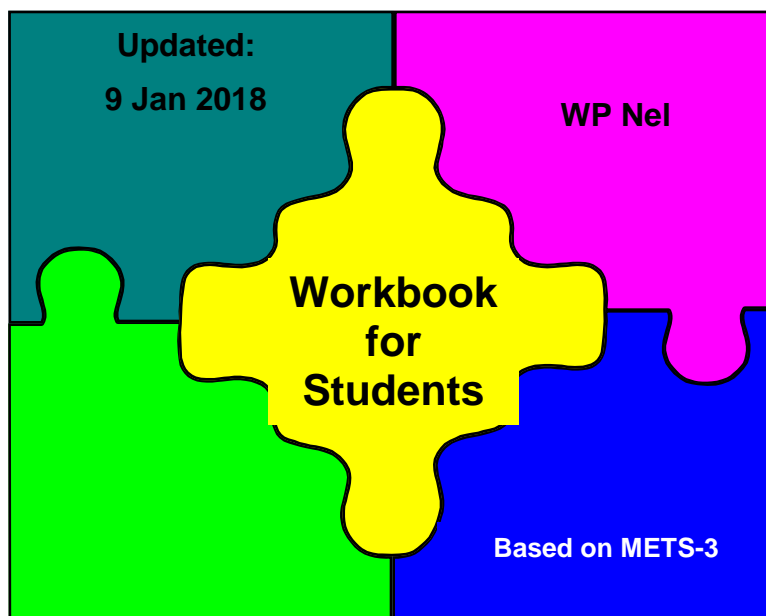

Workbook for Students

Chapter 4

The impact of Employment Relations and Labour Legislation on an Organisation



Based on the book:
'Management for Engineers, Technologists and
Scientists' (METS-3)

Dear reader

This chapter of the workbook is based on chapter 4 of the third edition of the textbook, 'Management for Engineers, Technologists and Scientists', which is abbreviated as "METS-3".

Purpose of workbook

The workbook encourages an active learning process. The self-evaluation questions cover the whole range of Bloom's taxonomy – from questions that test basic concepts to more complex questions that test higher levels of knowledge and thinking.

The following types of questions and information are included in the workbook:

- Section A – True and false questions
- Section B – Multiple choice questions (MCQs)
- Section C – Short questions, long questions and calculations
- Section D – Project work
- Section E – Case studies
- Section F – Sources on the world wide web (WWW)

Some of the projects and case studies will require learners to consult additional sources of information.

I suggest that you use this chapter of the workbook as follows:

- Study **section 4.1 "Introduction"** (METS-3: 62-63) from the textbook (METS-3).
- Go to section 4A of this workbook and answer the true/false questions from section 4A.1.
- Next, go to section 4B of the workbook and attempt all the multiple choice questions from section 4B.1.
- Now try to answer all the short and long questions from section 4C.1 of the workbook.
- Repeat the above for the different sections of chapter 4 of the textbook and workbook – sections 4.2, 4.3, etc.

I hope that this will help you to master the chapter.

Please contact me at wilhelmpnel@gmail.com if you have any suggestions on how this workbook can be improved.

I wish you success with your studies.

Regards

Wilhelm (Willie) P. Nel

How to use this workbook

Note: The 3rd edition of the textbook entitled 'Management for Engineers, Technologists and Scientists' is abbreviated as METS-3. Therefore, '(METS-3: 63)' refers to page 63 in the 3rd edition of Management for Engineers, Technologists and Scientists.

Section 4 A – True/false questions

This section consists of true/false questions. State whether the following statements are true or false. In your answer book, write down 'true' or 'false' and provide a brief explanation for your answer.

4A.1 The following **true/false questions** are based on **section 4.1 “Introduction”** (METS-3: 62-63) of the textbook.

4A.1.1 The employment relationship is the relationship that exists between the employer and the employee in the working environment. (1)

Answer: True, (METS-3: 62). (1)

4A.1.2 Good employment relations will usually result in improved productivity of employees. (1)

4A.1.3 Good employment relations will usually result in reduced absenteeism. (1)

4A.2 The following **true/false questions** are based on **section 4.2 “Role-players in employment relations”** (METS-3: 63-64) of the textbook.

4A.2.1 The state, Cosatu and employees are called the tripartite employment relationship. (1)

4A.2.2 One of the main functions of a trade union is to negotiate better wages and working conditions on behalf of its members. (1)

4A.2.3 One of the roles of the state is to provide a legal framework within which workplace relations can be managed. (1)

4A.2.4 The contract of employment describes the duties and obligations of each of the parties in the employment relationship. (1)

4A.2.5 The role of the state in the employment relations system is to provide a legal framework and to be the watchdog. (1)

4A.3 The following **true/false questions** are based on **section 4.3 “The Contract of Employment and the Basic Conditions of Employment Act”** (METS-3: 64-68) of the textbook.

- 4A.3.1 The employee's ordinary hours of work and days of work are some of the information that an employer should supply to an employee at the commencement of employment. (1)
- 4A.3.2 The Labour Relations Act sets minimum standards for conditions of service, such as working hours and overtime. (1)
- 4A.3.3 Deductions made from an employee's remuneration are some of the information that an employer should supply to an employee at the commencement of employment. (1)
- 4A.3.4 The Basic Conditions of Employment Act applies to employees and employers in the minerals industry. (1)
- 4A.3.5 In terms of the Basic Conditions of Employment Act (BCEA) an employer must give employees who work continuously for at least five hours a meal interval of at least 20 minutes. (1)
- 4A.3.6 In terms of the BCEA work performed after 18:00 and before 06:00 the next day is classified as night work. (1)
- 4A.3.7 An employee who works on a public holiday must receive 1,5 times the ordinary wage for that day. (1)
- 4A.3.8 An employee is entitled to 14 consecutive days' annual leave per leave cycle. (1)
- 4A.3.9 An employer is not required to pay an employee while she is on maternity leave. (1)
- 4A.3.10 When an employee is dismissed owing to operational requirements, the employer must pay the employee at least two weeks' salary for each year of continuous service. (1)
- 4A.3.11 In terms of the BCEA it is a criminal offence to employ a child who is under 15 years of age. (1)

4A.3.12 Independent contractors are covered by the Labour Relations Act but not by the Basic Conditions of Employment Act. (1)

4A.4 The following **true/false questions** are based on **section 4.4 “The Grievance procedure”** (METS-3: 68-69) of the textbook.

4A.4.1 The grievance procedure is used by employers who are dissatisfied with the performance of employees. (1)

4A.4.2 The main purpose of the grievance procedure is to prevent lockouts. (1)

4A.5 The following **true/false questions** are based on **section 4.5 “Discipline management”** (METS-3: 70-79) of the textbook.

4A.5.1 The primary aim of discipline in any organisation should be to punish employees. (1)

4A.5.2 The primary aim of discipline in any organisation should not be to punish employees, but rather to point out their unacceptable behaviour or performance and to motivate them to change it. (1)

4A.5.3 The LRA provides guidelines for workplace discipline. (1)

4A.5.4 An employee may be suspended for committing an offence such as fraud or theft. (1)

4A.5.5 Verbal warnings, written warnings, final written warnings, transfers, suspension, demotion and dismissal are examples of disciplinary sanctions that can be taken against an employee. (1)

4A.5.6 Offences are usually classified as minor, serious, very serious and dismissable in the disciplinary codes of organisations. (1)

4A.5.7 Arriving late for work and loafing are both usually classified as serious offences in the disciplinary code of organisations. (1)

4A.5.8 An employee is entitled to an interpreter during a disciplinary hearing. (1)

4A.5.9 An employee is entitled to calling his/her own witnesses during a disciplinary hearing. (1)

4A.5.10 One example of dismissal (in terms of the LRA) is when the employer renews a fixed term contract of employment of an employee on less favourable terms when the employee reasonably expected it to be renewed on the same or similar terms. (1)

4A.5.11 An employer has the right to dismiss an employee who participated in a strike that was undertaken in accordance with the provisions of Chapter IV of the Labour Relations Act. (1)

4A.5.12 Procedural fairness means that an employee may be dismissed only if there is a valid reason to do so.. (1)

4A.6 The following **true/false questions** are based on **section 4.6 “The Commission for Conciliation Mediation and Arbitration, Labour Court and Labour Appeal Court”** (METS-3: 79-82) of the textbook.

4A.6.1 The CCMA stands for the Council of Conciliation, Media and Arbitration. (1)

4A.6.2 The main objective of the CCMA is to promote a sound working relationship, to prevent labour disputes and to settle disputes that do arise. (1)

4A.6.3 Pre-dismissal arbitration, conciliation, conciliation and arbitration (con-arb) and arbitration are some of the mechanisms that are available to the CCMA when solving a dispute. (1)

4A.7 The following **true/false questions** are based on **section 4.7 “Strikes and Lock-outs”** (METS-3: 82-84) of the textbook.

4A.7.1 An employee has the right to strike if the issue in dispute has been referred to the CCMA and a certificate stating that the dispute remains unresolved has been issued. (1)

4A.8 The following **true/false questions** are based on **section 4.8 “Other important aspects of the Labour Relations Act”** (METS-3: 84-85) of the textbook.

- 4A.8.1 An employee employed by a mining or engineering company has the right to join a trade union. (1)
- 4A.8.2 One of the organisational rights of registered, representative unions is the right of access to a workplace to communicate with its members. (1)
- 4A.8.3 One of the organisational rights of registered, representative unions is that union subscriptions or levies may be deducted by the employer and paid over to the union when a member of such a union provided such authorisation in writing. (1)

4A.9 The following **true/false questions** are based on **section 4.9 “Other important Labour Legislation that governs and protects the employment relationship”** (METS-3: 85-87) of the textbook.

- 4A.9.1 A designated employer must implement affirmative action. (1)
- 4A.9.2 An employer who employs more than 50 but less than 100 employees does not have to implement affirmative action. (1)
- 4A.9.3 The Skills Development Levies Act imposes a levy equal to 0,25% of the employer's total wage bill. (1)
- 4A.9.4 The SETAs have to approve learnership programmes. (1)
- 4A.9.5 The purpose of the Unemployment Insurance Fund (UIF) is to provide retired employees with money. (1)
- 4A.9.6 Employees must contribute 3% of their salary to the UIF, while employers must contribute 3% of their total salary bill to the UIF. (1)
- 4A.9.7 The UIF provides benefits and security for unemployed people. (1)

4A.9.8 Employers who employ 10 or more workers must appoint safety representatives. (1)

4A.9.9 The Compensation for Occupational Injuries and Diseases Act applies to casual and full-time employees who as a result of a workplace accident or work-related disease are injured, disabled, killed or became ill. (1)

4A.10 The following **true/false questions** are based on **section 4.10 “Conclusion”** (METS-3: 88) of the textbook.

None.

4A.11 The following **true/false questions** are based on **Chapter 4 “The Impact of Employer Relations and Labour Legislation on an Organisation”** (METS-3: 62-89) of the textbook.

4A.11.1 According to the 2014-2015 World Competitiveness Report South Africa is doing well in terms of cooperation in labour-employer relations. (1)

Answer: False See page 341 of the report. South Africa is very last of the 144 economies that were surveyed (number 144 out of 144). (1)

7th pillar: Labor market efficiency

7.01	Cooperation in labor-employer relations	2.5	144
7.02	Flexibility of wage determination.....	2.7	.....	139
7.03	Hiring and firing practices.....	2.1	.....	143
7.04	Redundancy costs, weeks of salary*	9.3	.....	33
7.05	Effect of taxation on incentives to work.....	4.5	.....	15
7.06	Pay and productivity.....	2.7	.....	136

Source: World Economic Forum, 2014-2015 World Competitiveness Report

Section 4 B – Multiple choice questions

This section consists of multiple-choice questions. In your answer book, write down the number of the question, and next to it the number representing the correct option, for example '4.9 [1]'.

4B.1 The following **multiple choice questions** are based on **section 4.1 “Introduction”** (METS-3: 62-63) of the textbook.

4B.1.1 Read the following 3 statements (Example: answer is provided):

- a) Good employment relations will usually result in improved productivity of employees.
- b) Good employment relations will usually result in reduced absenteeism.
- c) Good employment relations will usually result in low labour turnover.

Which of the above statements is/are **correct**?

(2)

[1] a

[2] a and c

[3] a, b and c

[4] b and c

[5] None of the options (1, 2, 3, or 4) is correct.

4B.1.2 Read the following 3 statements:

- a) The employment relationship is the relationship that exists between the employer and the employee in the working environment.
- b) Good employment relations will usually result in improved productivity of employees.
- c) Good employment relations will usually result in reduced absenteeism.

Which of the above statements is/are **correct**?

(2)

[1] a

[2] a and c

[3] a, b and c

[4] b and c

[5] None of the options (1, 2, 3, or 4) is correct.

4B.2 The following **multiple choice questions** are based on **section 4.2 “Role-players in employment relations”** (METS-3: 63-64) of the textbook.

4B.2.1 Read the following 3 statements:

- a) One of the main functions of a trade union is to negotiate better wages and working conditions on behalf of its members.
- b) The state provides a legal framework within which the employee-employer relationship should be managed.
- c) The contract of employment describes the duties and obligations of each of the parties in the employment relationship.

Which of the above statements is/are **correct**?

(2)

- [1] a
- [2] a and c
- [3] a, b and c
- [4] b and c
- [5] None of the options (1, 2, 3, or 4) is correct.

4B.2.2 Read the following 3 statements:

- a) The state, Cosatu and employees are called the tripartite employment relationship.
- b) One of the main functions of a trade union is to negotiate better wages and working conditions on behalf of its members.
- c) One of the roles of the state is to provide a legal framework within which workplace relations can be managed.

Which of the above statements is/are **correct**?

(2)

- [1] a
- [2] a and c
- [3] a, b and c
- [4] b and c
- [5] None of the options (1, 2, 3, or 4) is correct.

4B.3 The following **multiple choice questions** are based on **section 4.3 “The Contract of employment and the Basic Conditions of Employment Act”** (METS-3: 64-68) of the textbook.

4B.3.1 Which **one** of the following does **not** form part of the information that an employer should provide to a new employee at commencement of employment?

(2)

- [1] brief description of the work
- [2] date on which employment began

- [3] wage or wage rate
- [4] annual, future pay increases during period of employment
- [5] deductions that will be made

4B.3.2 Read the following 3 statements:

- a) The BCEA applies to senior managerial employees.
- b) A meal interval may be less than 20 minutes.
- c) An employee must have a daily rest period of 8 consecutive hours.

Which of the above statements is/are **correct**?

(2)

- [1] a
- [2] a and c
- [3] a, b and c
- [4] b and c
- [5] None of the options (1, 2, 3, or 4) is correct.

4B.3.3 Read the following 3 statements:

- a) An employee is entitled to at least 3 consecutive months of maternity leave.
- b) When an employee is dismissed owing to operational requirements, the employer must pay the employee at least two weeks' salary for each year of continuous service in terms of the Basic Conditions of Employment Act (BCEA).
- c) Independent contractors are covered by the Labour Relations Act but not by the Basic Conditions of Employment Act.

Which of the above statements is/are **correct**?

(2)

- [1] a
- [2] a and c
- [3] a, b and c
- [4] b and c
- [5] None of the options (1, 2, 3, or 4) is correct.

4B.3.4 Read the following 3 statements:

- a) In terms of the Basic Conditions of Employment Act (BCEA) an employer must give employees who work continuously for at least five hours a meal interval of at least 20 minutes.
- b) In terms of the BCEA work performed after 18h00 and before 06h00 the next day is classified as night work.
- c) An employee who works on a public holiday must receive 1,5 times the ordinary wage for that day.

Which of the above statements is/are **correct**?

(2)

- [1] a
- [2] a and c
- [3] b and c
- [4] b
- [5] None of the options (1, 2, 3, or 4) is correct.

4B.3.5 Read the following 3 statements:

- a) An employee is entitled to 14 consecutive days' annual leave per leave cycle.
- b) An employer is not required to pay an employee while she is on maternity leave.
- c) In terms of the BCEA it is a criminal offence to employ a child who is under 15 years of age

Which of the above statements is/are **correct**?

(2)

- [1] a
- [2] a and c
- [3] b and c
- [4] c
- [5] None of the options (1, 2, 3, or 4) is correct.

4B.3.6 Read the following 3 statements:

- a) The employee's ordinary hours of work and days of work are some of the information that an employer should supply to an employee at the commencement of employment.
- b) The Labour Relations Act sets minimum standards for conditions of service, such as working hours and overtime.
- c) Deductions made from an employee's remuneration are some of the information that an employer should supply to an employee at the commencement of employment.

Which of the above statements is/are **correct**?

(2)

- [1] a
- [2] a and c
- [3] a, b and c
- [4] b and c
- [5] None of the options (1, 2, 3, or 4) is correct.

4B.3.7 Read the following 3 statements:

- a) The Basic Conditions of Employment Act applies to employees and employers in the minerals industry.
- b) In terms of the Basic Conditions of Employment Act (BCEA) an employer must give employees who work continuously for at least five hours a meal interval of at least 20 minutes.
- c) In terms of the BCEA work performed after 18:00 and before 06:00 the next day is classified as night work.

Which of the above statements is/are **correct**?

(2)

- [1] a
- [2] a and c
- [3] a, b and c
- [4] b and c
- [5] None of the options (1, 2, 3, or 4) is correct.

4B.3.8 Read the following 3 statements:

- a) An employee who works on a public holiday must receive 1,5 times the ordinary wage for that day.
- b) An employee is entitled to 14 consecutive days' annual leave per leave cycle.
- c) An employer is not required to pay an employee while she is on maternity leave.

Which of the above statements is/are **correct**?

(2)

- [1] a
- [2] a and c
- [3] a, b and c
- [4] b and c
- [5] None of the options (1, 2, 3, or 4) is correct.

4B.3.9 Read the following 3 statements:

- a) When an employee is dismissed owing to operational requirements, the employer must pay the employee at least two weeks' salary for each year of continuous service.
- b) In terms of the BCEA it is a criminal offence to employ a child who is under 15 years of age.
- c) Independent contractors are covered by the Labour Relations Act but not by the Basic Conditions of Employment Act.

Which of the above statements is/are **correct**?

(2)

- [1] a
- [2] a and c

- [3] a, b and c
- [4] b and c
- [5] None of the options (1, 2, 3, or 4) is correct.

4B.4 The following **multiple choice questions** are based on **section 4.4 “The Grievance procedure”** (METS-3: 68-69) of the textbook.

4B.4.1 Read the following 3 statements:

- a) The grievance procedure is a form of downward communication from management to employees.
- b) Unresolved employee grievances can lead to unproductiveness and even strikes.
- c) A grievance procedure usually provides for an informal, formal and external procedure.

Which of the above statements is/are **correct**?

(2)

- [1] a
- [2] a and c
- [3] a, b and c
- [4] b and c
- [5] None of the options (1, 2, 3, or 4) is correct.

4B.4.2 Read the following three statements:

- a) An employee may lodge a grievance if his/her supervisor expects him/her to contravene safety standards and endanger the lives of co-workers.
- b) The grievance procedure is used by employers who are dissatisfied with the performance of employees.
- c) The grievance procedure is a form of upward communication from employees to employers.

Which of the above statements is/are **correct**?

(2)

- [1] a and c
- [2] a
- [3] b
- [4] b and c
- [5] None of the options (1, 2, 3 or 4) is correct

4B.5 The following **multiple choice questions** are based on **section 4.5 “Discipline Management”** (METS-3: 70-79) of the textbook.

4B.5.1 Read the following 3 statements:

- a) The primary aim of discipline in any organisation should be to punish employees.
- b) A company’s disciplinary procedure must be fair, just and equitable for the whole workforce.
- c) Discipline must be applied consistently at a workplace.

Which of the above statements is/are **correct**?

(2)

- [1] a
- [2] a and c
- [3] a, b and c
- [4] b and c
- [5] None of the options (1, 2, 3, or 4) is correct.

4B.5.2 Read the following 3 statements:

- a) A disciplinary enquiry must be procedurally and substantively fair.
- b) Procedural fairness means that an employee may be dismissed only if there is a valid reason to do so.
- c) Employees are usually dismissed for late-coming.

Which of the above statements is/are **correct**?

(2)

- [1] a
- [2] a and c
- [3] a, b and c
- [4] b and c
- [5] None of the options (1, 2, 3, or 4) is correct.

4B.5.3 Read the following 3 statements:

- a) Employees are usually warned verbally in the case of absenteeism.
- b) It is best practice to suspend an employee without pay prior to disciplinary action
- c) A senior manager at a company committed fraud. Dismissal is an appropriate disciplinary sanction in such a case.

Which of the above statements is/are **correct**?

(2)

- [1] a
- [2] c
- [3] a, b and c
- [4] b and c

[5] None of the options (1, 2, 3, or 4) is correct.

4B.5.4 Read the following 3 statements:

- a) Offences are usually classified as minor, serious, very serious and dismissable in the disciplinary codes of organisations.
- b) Verbal warnings, written warnings, final written warnings, transfer, suspension, demotion and dismissal are all examples of disciplinary sanctions that may be taken against an employee.
- c) In terms of the LRA there are only three grounds that justify dismissal, namely misconduct, incapacity and operational requirements.

Which of the above statements is/are **correct**?

(2)

- [1] a
- [2] c
- [3] a, b and c
- [4] b and c
- [5] None of the options (1, 2, 3, or 4) is correct.

4B.5.5 Read the following 3 statements:

- a) An employee is entitled to an interpreter during a disciplinary hearing.
- b) An employee is entitled to calling his/her own witnesses during a disciplinary hearing.
- c) One example of dismissal (in terms of the Labour Relations Act) is when the employer renew a fixed term contract of employment of an employee on less favourable terms when the employee reasonably expected it to be renewed on the same or similar terms.

Which of the above statements is/are **correct**?

(2)

- [1] a
- [2] a and b
- [3] b and c
- [4] a, b and c
- [5] None of the options (1, 2, 3, or 4) is correct.

4B.5.6 Read the following three statements:

- a) The primary aim of discipline in any organisation should not be to punish employees, but rather to point out their unacceptable behaviour or performance and to motivate them to change it.
- b) The LRA provides guidelines for workplace discipline.

- c) Arriving late for work and loafing are both usually classified as dismissible offences in the disciplinary code of organisations.

Which of the above statements is/are **correct**?

(2)

- [1] a
- [2] a and b
- [3] a and c
- [4] b
- [5] None of the options (1, 2, 3 or 4) is correct

4B.5.7 Read the following three statements:

- a) The primary aim of discipline in any organisation should be to punish employees.
- b) The primary aim of discipline in any organisation should not be to punish employees, but rather to point out their unacceptable behaviour or performance and to motivate them to change it.
- c) The LRA provides guidelines for workplace discipline.

Which of the above statements is/are **correct**?

(2)

- [1] a
- [2] a and b
- [3] a and c
- [4] b and c
- [5] None of the options (1, 2, 3 or 4) is correct

4B.5.8 Read the following three statements:

- a) An employee may be suspended for committing an offence such as fraud or theft.
- b) Verbal warnings, written warnings, final written warnings, transfers, suspension, demotion and dismissal are examples of disciplinary sanctions that can be taken against an employee.
- c) Offences are usually classified as minor, serious, very serious and dismissable in the disciplinary codes of organisations.

Which of the above statements is/are **correct**?

(2)

- [1] a
- [2] a and b
- [3] a and c
- [4] a, b & c
- [5] None of the options (1, 2, 3 or 4) is correct

4B.5.9 Read the following three statements:

- a) Arriving late for work and loafing are both usually classified as serious offences in the disciplinary code of organisations.
- b) An employee is entitled to an interpreter during a disciplinary hearing.
- c) An employee is entitled to calling his/her own witnesses during a disciplinary hearing.

Which of the above statements is/are **correct**?

(2)

- [1] a
- [2] a and b
- [3] a and c
- [4] b and c
- [5] None of the options (1, 2, 3 or 4) is correct

4B.5.10 Read the following three statements:

- a) One example of dismissal (in terms of the LRA) is when the employer renews a fixed term contract of employment of an employee on less favourable terms when the employee reasonably expected it to be renewed on the same or similar terms.
- b) An employer has the right to dismiss an employee who participated in a strike that was undertaken in accordance with the provisions of Chapter IV of the Labour Relations Act.
- c) Procedural fairness means that an employee may be dismissed only if there is a valid reason to do so.

Which of the above statements is/are **correct**?

(2)

- [1] a
- [2] a and b
- [3] a and c
- [4] b
- [5] None of the options (1, 2, 3 or 4) is correct

4B.6 The following **multiple choice questions** are based on **section 4.6 “The Commission for Conciliation, Labour Court and Labour Appeal Court”** (METS-3: 79-82) of the textbook.

4B.6.1 Read the following 3 statements:

- a) The CCMA is an independent dispute resolution body that was established in terms of the LRA

- b) The commissioner can make a binding decision when a case is referred to the CCMA for conciliation.
- c) The CCMA has the same powers as a provincial division of the Supreme Court.

Which of the above statements is/are **correct**?

(2)

- [1] a
- [2] a and c
- [3] a, b and c
- [4] b and c
- [5] None of the options (1, 2, 3, or 4) is correct.

4B.6.2 Read the following 3 statements:

- a) The CCMA stands for the Council of Conciliation, Media and Arbitration.
- b) The main objective of the CCMA is to promote a sound working relationship, to prevent labour disputes and to settle disputes that do arise.
- c) Pre-dismissal arbitration, conciliation, conciliation and arbitration (con-arb) and arbitration are some of the mechanisms that are available to the CCMA when solving a dispute.

Which of the above statements is/are **correct**?

(2)

- [1] a
- [2] a and c
- [3] a, b and c
- [4] b and c
- [5] None of the options (1, 2, 3, or 4) is correct.

4B.7 The following **multiple choice questions** are based on **section 4.7 “Strikes and Lock-outs”** (METS-3: 82-84) of the textbook.

4B.7.1 Read the following 3 statements:

- a) Strikes are used by employees as a tool to force management to accept their demands.
- b) The “no work, no pay” principle applies during a strike.
- c) If workers at a company were striking for such a long period of time that the business has become economically unviable then the company may dismiss workers once the procedural and substantive requirements of the LRA have been followed.

Which of the above statements is/are **correct**?

(2)

- [1] a
- [2] a and c
- [3] a, b and c
- [4] b and c
- [5] None of the options (1, 2, 3, or 4) is correct.

4B.8 The following **multiple choice questions** are based on **section 4.8 “Other important aspects of the Labour Relations Act”** (METS-3: 84-85) of the textbook.

4B.8.1 Read the following 3 statements:

- a) The LRA provides for “freedom of association”.
- b) Every employee has the right to join a trade union.
- c) A workplace forum can only be formed if there are more than 1 000 employees employed in a workplace.

Which of the above statements is/are **correct**?

(2)

- [1] a
- [2] a and b
- [3] a, b and c
- [4] b
- [5] none (not a, b or c)

4B.8.2 Read the following 3 statements:

- a) An employee employed by a mining or engineering company has the right to join a trade union.
- b) One of the organisational rights of registered, representative unions is the right of access to a workplace to communicate with its members.
- c) One of the organisational rights of registered, representative unions is that union subscriptions or levies may be deducted by the employer and paid over to the union when a member of such a union provided such authorisation in writing.

Which of the above statements is/are **correct**?

(2)

- [1] a
- [2] a and b
- [3] a, b and c
- [4] b
- [5] none (not a, b or c)

4B.9 The following **multiple choice questions** are based on **section 4.9 “Other important Labour Legislation that Governs and Protects the Employment Relationship”** (METS-3: 85-87) of the textbook.

4B.9.1 Read the following 3 statements:

- a) A designated employer must implement affirmative action.
- b) An employer who employs more than 50 but less than 100 employees does not have to implement affirmative action.
- c) The Skills Development Levies Act imposes a levy equal to 0,25% of the employer's total wage bill.

Which of the above statements is/are **correct**?

(2)

- [1] a
- [2] a and c
- [3] a, b and c
- [4] b and c
- [5] None of the options (1, 2, 3, or 4) is correct.

4B.9.2 Read the following 3 statements:

- a) The SETAs have to approve learnership programmes.
- b) The purpose of the Unemployment Insurance Fund (UIF) is to provide retired employees with money.
- c) Employees must contribute 3% of their salary to the UIF, while employers must contribute 3% of their total salary bill to the UIF.

Which of the above statements is/are **correct**?

(2)

- [1] a
- [2] a and c
- [3] a, b and c
- [4] b and c
- [5] None of the options (1, 2, 3, or 4) is correct.

4B.9.3 Read the following 3 statements:

- a) The UIF provides benefits and security for unemployed people.
- b) Employers who employ 10 or more workers must appoint safety representatives.
- c) The Compensation for Occupational Injuries and Diseases Act applies to casual and full-time employees who as a result of a workplace accident or work-related disease are injured, disabled, killed or became ill.

Which of the above statements is/are **correct**?

(2)

- [1] a
- [2] a and c
- [3] a, b and c
- [4] b and c
- [5] None of the options (1, 2, 3, or 4) is correct.

4B.10 The following **multiple choice questions** are based on **section 4.10 “Conclusion”** (METS-3: 88) of the textbook.

None.

4B.11 The following **multiple choice questions** are based on **Chapter 4 “The Impact of Employment Relations and Labour Legislation on an Organisation”** (METS-3: 62-90) of the textbook. Please note that these questions are usually based on more than one section of the chapter.

4B.11.1 Read the following 3 statements:

- a) An employee has the right to strike if the issue in dispute has been referred to the CCMA and a certificate stating that the dispute remains unresolved has been issued.
- b) Every employee has the right to join a trade union.
- c) The Skills Development Levies Act imposes a levy equal to 0,25% of the employer's total wage bill.

Which of the above statements is/are **correct**?

(2)

- [1] a
- [2] a and b
- [3] a, b and c
- [4] b
- [5] none (not a, b or c)

4B.11.2 Read the following three statements:

- a) One of the organisational rights of unions is the right of access to a workplace to communicate with its members.
- b) An employee employed by a mining or engineering company has the right to join a trade union.

- c) One of the main functions of a trade union is to negotiate for better wages and working conditions on behalf of its members.

Which of the above statements is/are **correct**?

(2)

- [1] a and b
- [2] b and c
- [3] c
- [4] a, b and c
- [5] None of the options (1, 2, 3 or 4) is correct

4B.11.3 Read the following three statements:

- a) An employee has the right to strike if the issue in dispute has been referred to the CCMA and a certificate stating that the dispute remains unresolved has been issued.
- b) One of the roles of the state is to provide a legal framework within which workplace relations can be managed.
- c) Pre-dismissal arbitration, conciliation, conciliation and arbitration (con-arb) and arbitration are some of the mechanisms that are available to the CCMA when solving a dispute.

Which of the above statements is/are **correct**?

(2)

- [1] a and b
- [2] b and c
- [3] a, b and c
- [4] a and c
- [5] None of the options (1, 2, 3 or 4) is correct

4B.11.4 Read the following three statements:

- a) The CCMA stands for the Council of Conciliation, Media and Arbitration.
- b) The Labour Relations Act sets minimum standards for conditions of service, such as working hours and overtime.
- c) The Basic Conditions of Employment Act provides for a skills plan.

Which of the above statements is/are **correct**?

(2)

- [1] a and b
- [2] b and c
- [3] a, b and c
- [4] a and c
- [5] None of the options (1, 2, 3 or 4) is correct

Section 4 C – short and long questions

4C.1 The following **short and long questions** are based on **section 4.1 “Introduction”** (METS-3: 62-63) of the textbook.

Question 4C.1.1

State four (4) advantages of sound employment relations. (4)

4C.2 The following **short and long questions** are based on **section 4.2 “Role-players in employment relations”** (METS-3: 63-64) of the textbook.

Question 4C.2.1

List the three participants (role players) of the employment relations system and briefly outline their functions and roles. (6)

4C.3 The following **short and long questions** are based on **section 4.3 “The Contract of employment and the Basic Conditions of Employment Act”** (METS-3: 64-68) of the textbook.

Question 4C.3.1

Define “contract of employment”. (2)

Question 4C.3.2

List some of the information that an employer should supply to an employee at the commencement of employment. (10)

Question 4C.3.3

Explain the provisions set out in the BCEA with regard to:

- a) sick leave (2)
 - b) notice period: termination of employment (2)
- [4]

4C.4 The following **short and long questions** are based on **section 4.4 “The Grievance procedure”** (METS-3: 68-69) of the textbook.

Question 4C.4.1 (Grievances)

- a) Define and provide an example of a Grievance. (2)
 - b) State the advantage of a grievance procedure in a workplace. (4)
 - c) Describe the purpose of the grievance procedure and briefly explain how grievances should be lodged and handled. (6)
- or
- d) Your team is behind schedule and your supervisor expects you to take shortcuts to catch up. To do so, you will have to contravene company safety standards and endanger the lives of your colleagues. You want to lodge a grievance. Discuss the steps of this process. (5)

4C.5 The following **short and long questions** are based on **section 4.5 “Discipline Management”** (METS-3: 70-79) of the textbook.

Question 4C.5.1

State the primary aim of organisational discipline. (2)

Question 4C.5.2

Explain the purpose of giving a warning to an employee in case of undesirable behaviour. (2)

Question 4C.5.3

State the circumstances under which it is legal to suspend an employee without pay. (2)

Question 4C.5.4

Explain when an employee may be suspended. (2)

Question 4C.5.5

Define demotion. (2)

Question 4C.5.6A

Whilst doing a spot check at the gate, the security guard finds that a worker that is employed by one of the workshops has a shifting spanner in his overall pocket. How should this situation be managed in terms of the organisation’s disciplinary code and hearing procedure? (12)

Question 4C.5.6 B

One of the female miners at a mine has been sexually harassed underground. How should this situation be managed in terms of the mine's disciplinary code and hearing procedure? The alleged male perpetrator has been identified. (12)

Question 4C.5.7

One of your colleagues at work rushed into your office telling you that your boss informed her that she has to attend a disciplinary hearing in an hour's time. She is not quite sure about the complaint against her but thinks that it arose from an argument that she had with the boss earlier in the day. She has never been involved in a disciplinary hearing and does not know what to expect. She is desperately looking for help and knows that you are studying engineering management. What will you tell her? Remember to inform her of her rights before, during and after the disciplinary hearing. [12]

Question 4C.5.8

In terms of the Labour Relations Act there are only three grounds that justify dismissal. List and briefly explain them. (6)

Question 4C.5.9

List four alternatives to retrenchment that should be considered by employers. (4)

4C.6 The following **short and long questions** are based on **section 4.6 "The Commission for Conciliation, Labour Court and Labour Appeal Court"** (METS-3: 79-82) of the textbook.

Question 4C.6.1

A dispute was referred to the CCMA. Briefly list and describe the mechanisms that are available to the CCMA to solve this dispute. (8)

Question 4C.6.2

List any two roles of the CCMA in dispute resolutions. (2)

4C.7 The following **short and long questions** are based on **section 4.7 "Strikes and Lock-outs"** (METS-3: 82-84) of the textbook.

Question 4C.7.1

Explain the difference between a strike and a lock-out (4)

Question 4C.7.2

Define strike. (3)

Question 4C.7.3

May an employer withhold wages from striking workers who are participating in a protected strike? (1)

Question 4C.7.4 (Similar to question 4.10, METS-3: 89)

List the consequences of a protected strike and lockout. (5)

4C.8 The following **short and long questions** are based on **section 4.8 “Other important aspects of the Labour Relations Act”** (METS-3: 84-85) of the textbook.

Question 4C.8.1

What is the purpose of a workplace forum? (2)

4C.9 The following **short and long questions** are based on **section 4.9 “Other important Labour Legislation that Governs and Protects the Employment Relationship”** (METS-3: 85-87) of the textbook.

Question 4C.9.1

Discuss the purpose of the Employment Equity Act (No 55 of 1998). (3)

Question 4C.9.2

List three of the designated groups identified by the Employment Equity Act (No 55 of 1998). (3)

Question 4C.9.3 (Legislation)

- i) Briefly describe the purpose of the Unemployment Insurance Fund (UIF). (2)
- ii) List the workers that are excluded from the Unemployment Insurance Act 63 of 2001. (6)
- iii) What contributions do employees and employers have to make to the UIF? (2)

Question 4C.9.4 (Legislation – Occupational Health and Safety Act)

Under the Occupational Health and safety Act 85 of 1993, briefly mention the duties of:

- | | |
|---------------------------|-----|
| a. Employers | (3) |
| b. Employees | (1) |
| c. Safety Committees | (1) |
| d. Safety representatives | (1) |
| | [6] |

Question 4C.9.5

Peter, an employee, has been catching a lift to work with his employer, Mr Alberts, every day for the past few months. One rainy day they are involved in a collision and Peter sustained serious injuries. Can Peter claim compensation under the provisions of the Compensation for Occupational Injuries and Diseases Act? Explain briefly. (2)

Question 4C.9.6

The Employment Equity Act 55 of 98 provides for the implementation of affirmative action in the workplace. In terms of this piece of legislation

- | | |
|---|-----|
| i) define designated groups. | {3} |
| ii) define designated employers. | {1} |
| iii) state the purpose of the employment equity plan and list some of the aspects that must be addressed by it. | {3} |
| | (7) |

4C.10 The following **short and long questions** are based on **Chapter 4** “The Impact of Employment Relations and Labour Legislation on an Organisation” (METS-3: 62-90) of the textbook. Please note that these questions are usually based on more than one section of the chapter.

Question 4C.10.1 (Legislation)

It is a big task to learn and continuously update your knowledge of the various acts of a country as they change. For reference purposes it is important to know the purpose of the acts relevant to the business environment in general and your specific industry so that you know which act to consult when you want to refresh your memory or look up something. Match each of the statements or descriptions (on the left-hand side) with the relevant Act (on the right-hand side). Note that more than one item from the left-hand side may be linked to a specific Act. In your answer book, write down only the number and next to it the letter representing the correct option, eg 1. z. (15)

1. Children under the age of 15 may not be employed	Acts
2. This Act regulates a fund that provides benefits and security for unemployed people (who previously contributed to it)	a) Unemployment Insurance Act 63 of 2001
3. This Act specifies details regarding severance pay	b) Labour Relations Act
4. This Act provides guidelines for workplace discipline.	c) Skills Development Act 97 of 1998
5. This Act provides details regarding annual, sick, maternity and family responsibility leave	d) Occupational Health and Safety Act 85 of 1993
6. This Act regulates a fund that provides maternity benefits.	e) Basic Conditions of Employment Act 75 of 1997
7. This Act specifies the notice period that must be given by employees on termination of employment	f) Compensation for Occupational Injuries and Diseases Act 130 of 1993
8. This Act specifies payment for Sunday work and work on public holidays	g) Employment Equity Act 55 of 1998.
9. This Act provides for a skills plan for all employees.	
10. Employers must reduce the risks to health and safety in the workplace.	
11. This Act specifies ordinary hours of work	
12. This Act requires employees to invest in the education and training of the workforce.	
13. This Act deals with claims due to injuries in the workplace.	
14. Equal opportunities should be provided to all employees in the workplace.	
15. This Act states that an employee has the right to join a trade union.	

Question 4C.10.2

Describe the role of unions in an organisation. What matters should they be consulted about?

(6)

Question 4C.10.3 (Legislation)

You are a manager at an organisation with a number of supervisors and other employees reporting to you. Due to the nature of your work you have to know and consult the relevant labour laws. Discuss five different but important pieces of labour legislation (laws) that governs and protects the employment relationship in the work place. (10)

Question 4C.10.4

Differentiate between a workplace forum and a trade union by referring to their roles or purpose. (4)

Section 4D – Project work

Note: You will find general guidelines for the answering of projects and the writing of reports in Annexure C, at the end of this document.

Project 4D.1 [Disciplinary procedure]

Write a report on the disciplinary code and the disciplinary hearing procedure of the organisation that you are employed by or any other organisation that you are familiar with. In this report you should refer to the following:

- What must happen before, during and after the hearing?
- Who are the different role players and what are their roles?
- What happens after the disciplinary hearing if the accused is not satisfied with the process?

You must also select at least one specific disciplinary case that was held at the organisation or a fictional one and explain how the above guidelines must be applied in practice. Alternatively, you may use one, or more, of the following examples and explain how the disciplinary procedure will be applied in such a case.

Example 1

While doing a spot check at the gate, the security guard finds that a worker who is employed by one of the workshops has a shifting spanner in his overall pocket. How should this situation be managed in terms of the organisation's disciplinary code and hearing procedure?

Example 2

You are a shift-boss, foreman or supervisor at a mine, plant or factory. One of your miners or subordinates was found under the influence of alcohol through a random drug test. How should this situation be managed in terms of the organisation's disciplinary code and hearing procedure?

Example 3

One of the female miners was sexually harassed underground. She identified the perpetrator. How should this situation be managed in terms of the organisation's disciplinary code and hearing procedure?

Example 4

A complaint was lodged by three companies against one of your mine overseers. According to these complaints, the mine overseer applied pressure on the representatives (of the three companies) over a number of years to supply him with liquor and meat for private use. He apparently threatened that if they did not comply, he would ensure that contracts are not awarded to the companies that they represent. (Adapted from: MMGCC, Mine Management and Industrial Law, May 2011) How should this situation be managed in terms of the organisation's disciplinary code and hearing procedure?

The following must be attached to your report (as annexures):

- A copy of the organisation's disciplinary code.
- Any other documents that form part of the organisation's disciplinary process for example: 1) a charge sheet, 2) a checklist that may be used to ensure that the hearing is done in a procedurally correct manner, 3) guidelines for a misconduct investigation and 4) disciplinary policy.
- The correct terminology must be attached in a glossary of terminology. For example, are the terms "accused" and "defendant" used in the case of a disciplinary hearing? If yes, list and define them in the glossary.

Project 4D.2 [The 2012 Marikana Incident]

Tragic incidents at the Lonmin Mine in Marikana in South Africa led to the deaths of about 44 people. More than 70 persons were injured and about 250 persons were arrested. Property was damaged and destroyed.

Analyse the Marikana incident. Explain why this situation got so out of control. What lessons can be learnt from the incident? Make proposals on how similar situations should be managed in the future. Produce a report on your analysis, findings and proposals.

Note: The 5th commemoration of the Marikana incident took place on 16 August 2017.

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Section 4E – Case studies

Section 4F – Sources on the world wide web (WWW)

Workplace Discipline – Back to Basics

Griesel, J. 2016. Workplace Discipline – Back to Basics. Polity.

“The Labour Relations Act does not prescribe that a disciplinary hearing must take place before an employee may be disciplined or dismissed for misconduct. Procedurally, only an “investigation” and compliance with a few other principles are required for a fair process.

Achieving substantive fairness is somewhat more complex and this should be the determining factor in deciding on the format of the disciplinary process.” Go to

<http://www.polity.org.za/article/workplace-discipline-back-to-basics-2016-02-01> to read the rest of the article

Sexual harassment in the work place.

The “*Simmers v Campbell Scientific Africa (Pty) Ltd (C 751/2013) ZALCCT 9 May 2014*” case provides some insight into the different opinions and interpretations that decision makers may have about sexual harassment, fairness and disciplinary procedures. The two sources below provide information on this case:

- <http://www.polity.org.za/article/do-you-want-a-lover-tonight-sexual-harassment-or-not-2014-08-28>
- <http://www.polity.org.za/article/trying-your-luck-is-sexual-harassment-2015-12-03>

- - - - End (Questions on Chapter 4) - - - -