INFORMATION & INSTRUCTIONS TO CANDIDATES:

All questions carry equal marks (50)
Answer ONE question ONLY
Permitted material: Copies of the Basic Conditions of Employment Act and the Labour Relations Act
MCQ - Each question has only one correct answer. Each correct answer scores 1 mark – total 30 marks
Total marks for paper = 80
MULTIPLE CHOICE SECTION (35 MARKS)

1. The concept of Employment Relations includes:
   a. the relationship between an employer and individual employee
   b. the relationship between an employer and a trade union
   c. the relationship between an employers’ organisation and a trade union
   d. All of the above
   e. None of the above

2. The contract of employment may be created:
   a. verbally
   b. tacitly (i.e. by conduct)
   c. sometimes only if the agreement is reduced to writing
   d. all of the above
   e. none of the above

3. In terms of the common law (pre 1979 position) the employer may terminate a contract of employment:
   a. only for a valid reason
   b. only after holding a fair enquiry
   c. provided that the required period of notice is given
   d. once the CCMA has approved the termination
   e. none of the above

4. In terms of the common law the employee has a duty to:
   a. personally make available his or her services to the employer
   b. to carry out any reasonable and lawful instruction of the employer
   c. to act in good faith in relation to the employer and in particular not to compete with the employer
   d. all of the above
   e. none of the above

5. The common law relating to employment:
   a. has been completely replaced by the Labour Relations and Basic Conditions of Employment Act;
   b. has been replaced by the Constitution of the Republic;
   c. continues to form the basis for the modern employment relationship;
   d. only applied until 1979;
   e. is called “common” because it is not very sophisticated

6. In terms of the systems perspective of employment relations the following are viewed as system inputs:
   a. The Labour Relations Act
   b. The Constitution of the Republic of South Africa
   c. The rate of unemployment
   d. Trade Unions
   e. a, b & c

7. In terms of the systems perspective of employment relations the following are viewed as system processes:
   a. termination of employment
   b. the rate of inflation
   c. negotiation
   d. dispute resolution
   e. both c & d
8. In terms of the systems perspective of employment relations the following are viewed as **system outputs**:
   a. productivity agreements
   b. mediation
   c. arbitration
   d. conciliation
   e. both b & d

9. According to the pluralist perspective of employment relations conflict is viewed as:
   a. the result of poor management techniques
   b. a product of the class struggle and inevitable until worker control of society is achieved
   c. due to poor communication
   d. due to scarcity of resources
   e. an inevitable dynamic due to the fact that managers and workers have different goals

10. According to the unitary perspective of employment relations conflict is viewed as:
    a. the result of poor management techniques
    b. a product of the class struggle and inevitable until worker control of society is achieved
    c. due to poor communication
    d. due to scarcity of resources
    e. both a and c

11. According to the radical perspective of employment relations conflict is viewed as:
    a. the result of poor management techniques
    b. a product of the class struggle and inevitable until worker control of society is achieved
    c. due to poor communication
    d. due to scarcity of resources
    e. only avoidable once living wage levels have been secured by all workers

12. The social corporatist perspective of employment relations:
    a. is treated by Finnmore as a perspective distinct from pluralism, but arguably, is no different to the pluralist perspective and focuses on the national level of a particular system
    b. requires corporations to behave in a socially responsive manner
    c. is a socialist viewpoint which assumes that workers will eventually control the corporation for which they work
    d. all of the above
    e. none of the above

13. The view of trade unions held by unitarists may include the following:
    a. Trade Unions are essentially “outsiders” who have no legitimate presence in the workplace
    b. Trade Unions can be avoided by the introduction of sophisticated HR strategies and processes
    c. Trade Unions promote conflict in the workplace
    d. All of the above
    e. None of the above

14. The term “institutionalisation of conflict” in employment relations refers to:
    a. the establishment of mutually agreed rules and procedures which are intended to create processes to deal with conflict in the workplace
    b. the policy of locking-up trouble makers so that conflict is avoided
    c. the use of sophisticated HR strategies to ensure worker satisfaction so that the attractiveness of trade union membership is reduced
    d. the idea that Managers should accept full responsibility for any conflict which arises in the workplace
    e. all of the above
15. The purposes of the Basic Conditions of Employment Act are:
   a. to give effect to the Constitutional right to Fair Labour practices
   b. to establish a “floor of rights” from which employers and employees can negotiate terms and conditions of employment
   c. to empower trade unions
   d. a and b
   e. a and c

16. The Basic Conditions of Employment Act (75 of 1997):
   a. regulates the registration and activities of trade unions
   b. defines unfair dismissal and the remedies that may be sought for such dismissal
   c. establishes minimum conditions of employment
   d. both a and b
   e. both b and c

17. The provisions of the Basic Conditions of Employment Act (75 of 1997):
   a. do not apply to unpaid volunteers for a charitable organisation
   b. excludes members of the SA National Defence Force, National Intelligence Agency and South African Secret Service
   c. excludes farm- and domestic-workers
   d. both a and b
   e. both b and c

18. In the Basic Conditions of Employment Act (75 of 1997), ordinary working hours:
   a. are limited to 10 per day
   b. are limited to 45 per week
   c. may exceed 45 per week during a period not exceeding 4 months provided that during that period the average number of ordinary hours worked does not exceed 45
   d. are limited to 12 hours per day in a compressed working week
   e. all of the above

19. In the Basic Conditions of Employment Act (75 of 1997), overtime is defined as:
   a. any time worked over ordinary hours of work
   b. time which is defined as overtime in a contract of employment
   c. time worked after 18h00 hours and before 06h00
   d. time worked on a public holiday
   e. all of the above

20. A meal interval in terms of the Basic Conditions of Employment Act (75 of 1997):
   a. must be granted to a worker who works more than 5 hours continuously
   b. need not be granted to an employee who works for fewer than 6 hours on a day
   c. can be reduced to 30 minutes by agreement between the employer and employee
   d. does not apply to senior managerial staff
   e. all of the above

21. In terms of the Basic Conditions of Employment Act (75 of 1997), overtime:
   a. must be paid for at double the rate for ordinary working hours
   b. need not be paid for if the employer grants the employee 90 minutes paid time off for every hour of overtime worked
   c. can be paid for at normal rates provided that the employee receives 30 minutes paid time off for every hour of overtime worked
   d. both a and b
   e. both b and c

22. In terms of the Basic Conditions of Employment Act (75 of 1997), work on a Sunday:
   a. may not be performed by persons who observe the Christian faith
   b. must be remunerated at double the ordinary rate where the employee does not ordinarily work on a Sunday
   c. must be paid for as a full day worked, at normal rates of pay, if this amount is greater than the amount which would have been earned for time actually worked at the rate for Sunday work
   d. both a and b
   e. both b and c
23. Which of the following is not covered in Chapter 3 (Leave) of the Basic Conditions of Employment Act (75 of 1997):
   a. annual leave
   b. sick leave
   c. leave for a trade union representative to undergo training
   d. maternity leave
   e. family responsibility leave

24. The concept of sick leave cycle as defined in terms of the Basic Conditions of Employment Act (75 of 1997) means a period of:
   a. six months
   b. twelve months
   c. eighteen months
   d. twenty-four months
   e. thirty-six months

25. An employer decides that he want to discourage employees from taking sick leave for frivolous reasons. He tells the workers that from the 1st day of the following month he will reduce the amount of pay for sick leave to 80% of normal wages.
   a. The employees are not entitled to sick leave so the employer’s condition is more favourable to them, and therefore permitted
   b. The employees are entitled to 10 days sick leave so the employer’s condition is more favourable to them, and therefore permitted
   c. The employer must grant them 30 days leave at the 75% rate of pay
   d. The employer must grant them 40 days leave at the 75% rate of pay
   e. None of the above

   a. may not exceed 21 days
   b. may be reduced to 14 days by a collective agreement concluded at a bargaining council
   c. is unpaid leave of absence
   d. must be granted within 12 months after the expiry of a leave cycle
   e. none of the above

27. Maternity leave in terms of the Basic Conditions of Employment Act (75 of 1997):
   a. is unpaid leave of absence
   b. must be taken for six weeks after the birth of a child unless a medical practitioner certifies that the employee is fit to work
   c. is for a period of six weeks after a miscarriage or still birth in the third trimester of pregnancy
   d. All of the above
   e. None of the above

28. In terms of the Basic Conditions of Employment Act (75 of 1997) a child under the age of fifteen years:
   a. may not be employed under any circumstances
   b. may be employed provided that the employment is appropriate to a person of that age
   c. may be employed provided that they do not work for more than 5 hours continuously
   d. both b and c
   e. None of the above

29. In terms of the Basic Conditions of Employment Act (75 of 1997), a child is:
   a. a person under the age of 21
   b. a person under the age of 12 for girls and 14 for boys
   c. a person whose parents consider them to be not fully mature
   d. a person under the age of 18
   e. None of the above
30. A dismissal, which is NOT automatically unfair, will still be unfair if:
   a. the dismissed employee is a trade union Office Bearer
   b. the person deciding on the dismissal is a member of management of the organisation
   c. the dismissal occurs in the first six weeks of employment
   d. the dismissal occurs as a result of the introduction of new technology
   e. none of the above

31. A dismissal may be considered to be procedurally unfair if:
   a. the employer refuses the employee permission to have legal representation
   b. the employer gives the employee a reasonable opportunity to make representations why he should not be dismissed and the employee declines the opportunity
   c. the employer employs five workers and conducts the enquiry informally
   d. All of the above
   e. None of the above

32. Which of the following is not an automatically unfair dismissal in terms of the Labour Relations Act:
   a. the dismissal of a worker who has reached normal retirement age
   b. the dismissal of workers engaged in an unprotected strike
   c. the dismissal of a female worker because of her intended pregnancy
   d. both a and b
   e. both b and c

33. If an arbitrator finds that a dismissal has been unfair, she:
   a. must always order re-instatement of the worker
   b. must always order re-employment of the worker
   c. may in certain cases order the payment of compensation in lieu of re-instatement or re-employment
   d. may sentence the employer to a fine not exceeding R15 000 or a term of imprisonment not exceeding 30 days or both
   e. must refer the matter to the Labour Court for the granting of an appropriate order

34. The maximum amount of compensation that can be awarded to an employee who has been dismissed for a reason considered to be automatically unfair is:
   a. one week’s wages for every completed month of service
   b. one week’s wages for every year of completed service
   c. R60 000
   d. the equivalent of one year’s wages
   e. the equivalent of two year’s wages

35. The minimum amount of compensation that must be awarded when the employer cannot prove that a dismissal is related to conduct, capacity or operational requirements is:
   a. R5000
   b. the amount of wages the worker would have earned from the date of dismissal to the date of the arbitration award
   c. the equivalent of one year’s wages
   d. the equivalent of two year’s wages
   e. the Act does not specify a minimum amount.
ESSAY SECTION (50 MARKS)

ANSWER ANY ONE OF THE FOLLOWING QUESTIONS

QUESTION ONE
Explain the general requirements for a fair dismissal as well as the specific requirements for a fair dismissal on the grounds of temporary incapacity and contrast this with dismissal at common law.

QUESTION TWO
Explain the concept of ‘decriminalisation’ of labour laws and explain how the provisions of the Basic Conditions of Employment Act can be enforced in the absence of criminal sanctions.

QUESTION THREE
Explain and contrast the Unitary, Pluralist and Radical (neo-Marxist/Worker Control) perspectives of employment relations.