



**REVISED SYLLABUS**

**REPORT 191 (NATED)**

**LABOUR RELATIONS N5**

REPUBLIC OF SOUTH AFRICA

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## **LABOUR RELATIONS N5**

### **1. AIMS**

#### **1.1 GENERAL AIM**

- To provide students with theoretical knowledge and attitudes as well as general and specific skills in labour relations applicable to the workplace.

#### **1.2 SPECIFIC AIMS**

- To orient students positively to the instructional offering and the place it holds in the instructional programme.
- To equip students, in a structured manner, with knowledge of the legal terminology and relevant communication skills for application in written and verbal communication in the instructional programme and in practice.
- To equip students with knowledge of key aspects of labour relations in South Africa.
- To equip students with knowledge of the Basic Conditions of Employment Act to enable them to evaluate the value of such legislation.
- To equip students with knowledge of specific aspects of the Labour Relations Act to enable the student to apply the knowledge in practice.

### **2. RESOURCES REQUIRED**

- Although no specific resources are prescribed, it is recommended that a text book that covers the whole syllabus should be used.
- It is also important that study material must adhere to the prescribed syllabus and not be interpreted either too narrowly or too widely.
- Resources can include, but are not limited to:
  - A text book consisting of the theory plus practical assignments to guide the student in the various ways in which questions can be asked (for example, direct questions, case studies, discussion questions, multiple choice, true/false questions)
  - Sources from the Internet
  - Previous examination papers

### 3. DURATION OF INSTRUCTION AND LECTURING TIME

Full time: 1 semester (17 weeks)  
5 hours per week

Part-time: 1 semester (17 weeks)  
At least 3 hours per week

### 4. EVALUATION

#### 4.1 Internal evaluation

A semester mark out of 100 is compiled from marks obtained for internal theoretical tests as well as practical assignments. A minimum of 40 % is required.

##### 4.1.1 Theoretical components

The continuous evaluation takes the form of class, module and semester tests. The weighted average of these theory marks is calculated to a mark out of 70 for the contribution of the theoretical components to the semester (predicate) mark. Short class tests contribute 20% towards the theoretical component and a minimum of at least THREE module/semester tests should be written, which will contribute the other 80 % towards the mark out of 70. Semester tests should cover progressively a higher volume of work.

##### 4.1.2 Practical component

The students must be given practical assignments which simulate situations in practice. Group work is strongly advised to evaluate the student's attitude towards simulated employers, fellow students and other employees, conscientiousness, interest in work and punctuality. The average of these practical marks is calculated to a mark out of 30 for the contribution of the practical components to the semester mark.

##### 4.1.3 Semester marks

A semester mark of at least 40% must be obtained before a candidate will be allowed to sit for the examination. The semester mark out of 100 is calculated and compiled from the theoretical and practical marks of the internal evaluation added together on a 70:30 basis. The semester mark counts 40% and the examination mark 60% of the final promotion mark.

The semester mark out of 100 must be submitted on the prescribed form before or on the prescribed date to the relevant examining body. All evidence of evaluation must be kept by lecturers for moderation purposes.

#### 4.2 Examining

##### 4.2.1 The examination of this instructional offering on the N5 level will be conducted externally in June and November. The question paper will be set, moderated and marked externally.

4.2.2 Recall and comprehension, application, analysis, synthesis and evaluation of learning content are important aspects in ascertaining a student's knowledge and understanding of the learning content of the instructional offering. The following weights are consequently awarded to each category:

Recall	Application	Analysis	Synthesis	Evaluation
35-45	25-35	10-20	5-15	5-10

Lecturers should take the cognitive level of the learning objectives into consideration to set tests of the required standard. When setting assessments, Bloom's Taxonomy must be taken into account, thus covering all the various cognitive levels.

4.2.3 One three-hour paper for a total of 200 marks will be set at the end of the semester.

4.2.4 Pass requirements

A minimum of 40 % is required to pass the examination. The final mark out of 100 is compiled as follows:

4.2.5 Examination papers

Particulars of papers:

Nature of paper	External
Type of paper	Conventional
Number of papers	1
Duration of paper (in hours)	3
Total mark allocation	200
Number of sections	2
Elective question	4 out of 5
Mark allocation per section:	
Section A (Compulsory)	1 x 40
Section B	4 x 40

Estimated analysis of questions	Percentage allocated
Knowledge	40
Concepts	20
Analysis, evaluation	20
Application	20

#### 4.3 Evaluation of practical work

The evaluation of assignments and practical work will be done according to separate measuring instruments, for example various rubrics.

### 5. GENERAL INFORMATION AND INFORMATION CONCERNING THE PRACTICAL COMPONENT

The aim of the practical component is to prepare the student for the business world in general, and HR related functions in industry in general. The student must be productive at the level he/she enters the workplace. It is therefore imperative that the student should acquire practical knowledge through simulated situations. Where possible, visits to the industry should be organised.

### 6. DIDACTIC DIRECTIVES

6.1 The facilitating function of the lecturer is very important. The lecturer is responsible for structuring discussions, teams and task groups and their activities to allow for achieving learning objectives. When working in groups, students should

- Be encouraged to develop satisfactory relationships
- Be encouraged to strive for consensus
- Develop flexible attitudes
- Participate in and contribute to activities
- Listen actively and
- Maintain team focus.

6.2 The theoretical component of the instructional offering should be presented in an interesting and stimulating way to students of varying abilities. As students may find the legal terms and formal language style difficult, special attention should be given in presenting the learning material in mind maps and in summative form where needed to enable the students to master the work.

6.3 Recommended teaching methods

- Well-prepared lectures, integrated with relevant hand-outs and visual and audio-visual aids
- Question-and-answer method/structured discussions
- Case studies
- Practical examples
- Team work
- DVDs, simulations, articles from the Internet
- Mind-maps
- Regular revision programmes should be handed out to assist the student to master volumes of work.

### 7. ORIENTATION

Students entering Labour Relations N5 should be orientated to the course. Students should be made aware of the fact that this is a very exact subject and needs to be studied daily.

### 8. MODULE WEIGHTS

The modules for Labour Relations N5 comprise of the following:

MODULE	TOPIC	WEIGHTED VALUE	TIME ALLOCATED
1	Key aspects of Labour Relations	30	5 weeks
2	Labour Legislation	40	7 weeks
3	The Structuring of Labour Relations in the workplace	30	5 weeks

The weight of the modules out of 100 indicates the relative importance thereof with regard to the teaching time allocated, as well as to the relative examination value of each module.

## **9. DETAILED SYLLABUS**

The detailed new proposed syllabus for Labour Relations N5 is as follows:

Content	Learning Objectives
<b>MODULE 1: WEIGHTED VALUE: 30</b>	<b>KEY ASPECTS OF LABOUR RELATIONS</b>
1.1 The importance of sound labour relations in the workplace	1.1.1 Briefly discuss the influence of sound labour relations in the workplace by referring to: <ul style="list-style-type: none"> <li>- the interdependence of the employer and the employee</li> <li>- the influence on the welfare of the economy and the community</li> <li>- the efficiency of the undertaking</li> </ul> 1.1.2 List the advantages of employee involvement in the activities of the organisation
1.2 Employer-employee relationship	Explain the following <ul style="list-style-type: none"> <li>1.2.1 The employer-employee relationship, referring to               <ul style="list-style-type: none"> <li>- Management (the employer)</li> <li>- Labour (the employee)</li> </ul> </li> <li>1.2.2 How it was in the past (with specific reference to the influence of the Industrial Revolution)</li> <li>1.2.3 The tripartite nature of the relationship (employer, employee and the State)</li> <li>1.2.4 The influence of conflict on the relationship</li> <li>1.2.5 Factors which influence the relationship               <ul style="list-style-type: none"> <li>- The tripartite nature of the relationship, referring specifically to the role of each party</li> <li>- The various sources of the law                   <ul style="list-style-type: none"> <li>o Legislation</li> <li>o The common law</li> <li>o The precedent system</li> <li>o Custom and tradition</li> <li>o The constitution</li> </ul> </li> <li>- The influence of the contract of employment and collective agreements</li> </ul> </li> </ul>
1.3. CONTRACT OF SERVICE	1.3.1.1 .Define a contract of employment. 1.3.1.2 List the essential elements <ul style="list-style-type: none"> <li>- The time</li> </ul>



<p>1.3.1 Meaning of contract of service:</p>	<ul style="list-style-type: none"> <li>- The kind of work</li> <li>- Remuneration</li> <li>- Supervision and control</li> </ul> <p>1.3.1.3 Briefly explain the essentialia of a contract in general</p> <ul style="list-style-type: none"> <li>- The parties must have contractual capacity.</li> <li>- The contract must be legal.</li> <li>- The parties must have reached consensus.</li> <li>- The agreement must not be vague.</li> <li>- The parties must communicate their intentions.</li> <li>- Performance must be possible.</li> <li>- The parties must have the serious intention to be contractually bound.</li> <li>- Formalities.</li> </ul>
<p>1.3.2 Conclusion of a contract of service</p>	<p>1.3.2.1 Indicate the information needed on the application form to conclude a contract of service</p> <p>1.3.2.2 Describe the content of a contract of service</p> <p>1.3.2.3 List the information about the work environment needed by the employee when entering service, referring to aspects like:</p> <ul style="list-style-type: none"> <li>- Job requirements</li> <li>- Rules and regulations (code of conduct)</li> <li>- Induction (introduction to fellow employees, superiors)</li> <li>- Safety regulations and rules</li> <li>- Procedures (grievances, disciplinary code and procedures)</li> </ul> <p>1.3.2.4 Briefly explain the basic principles of a probation period.</p> <p>1.3.2.5 Briefly describe the various fringe benefits that an employee can receive.</p> <p>1.3.2.6 Differentiate between a fixed and an indefinite term contract of service in practice.</p>

1.3.3 Rights and obligations of the employer	1.3.3.1 Describe the rights and the obligations of the employer according to the common law and as applied in the South African work environment.
	1.3.3.2 Describe the rights and the obligations of the employee according to the common law and as applied in the South African work environment.
1.3.4 Termination of contract of Service	Explain how the contract of service can be terminated in practice.
	<b>PARTICIPANTS IN LABOUR RELATIONS: TRADE UNIONS, THE EMPLOYER AND THE STATE</b>
1.4 Trade unions	<p>1.4.1 Discuss the meaning of trade unions as a party in the collective relationship in the workplace</p> <p>1.4.2 List and briefly describe reasons for the development of trade unions, with specific reference to:</p> <ul style="list-style-type: none"> <li>- Conditions of the working class</li> <li>- Divorce of workers from owners</li> <li>- Poor working conditions and wages</li> <li>- Mass production and division of labour</li> <li>- Independence of discipline</li> <li>- Economic insecurity and dependence</li> <li>- The class system</li> </ul> <p>PLEASE NOTE: NO LONG DISCUSSION</p> <p>1.4.3 Explain the function of trade unions, with specific reference to:</p> <ul style="list-style-type: none"> <li>- Power terms – to protect and support the individual</li> <li>- Economic-regulation terms – to maximise wages</li> <li>- Job-regulation terms – to establish a joint rule-making system</li> <li>- Social-change terms – to express social cohesion</li> <li>- Self-fulfilment terms – for members to develop outside the immediate confines of their jobs</li> </ul>

1.4.4 Identify/list aims (objectives/goals) of trade unions, referring MAINLY to the following:

:

- To protect and further the interests and welfare of members
  - To strive for economic and social justice for all members
  - To resist retrenchment and to strive for full employment
  - To establish and maintain effective collective bargaining mechanisms
  - To bring democracy into the workplace
  - To provide legal assistance to members
  - To bring grievances of workers to the attention of management
  - To improve the physical working environment
  - To ensure that government legislation is enforced in the workplace
- PLEASE NOTE: NO DISCUSSION.

1.4.5 List and briefly describe the methods used by trade unions to achieve their aims, with specific reference to:

- Collective bargaining
- Benefit funds
- Collective action
- Affiliation and representation on national and international bodies
- Closed shop principle
- Grievance, disciplinary and appeal procedures
- Strikes
- Media
- Courts
- Education and social programmes

1.4.6 Draw a diagram to illustrate a basic understanding of the organisation and management of trade unions, illustrating in hierarchy form the following components:

- National executive committee
- Regional offices
- Branch office

<p>Do research on the umbrella bodies in South Africa or any trade union</p>	<ul style="list-style-type: none"> <li>- Shop steward committees/shop steward</li> <li>- General membership</li> </ul> <p>PLEASE NOTE: NO DISCUSSION – ONLY AN UNDERSTANDING OF THE VARIOUS ROLE PLAYERS IN THE HIERARCHY.</p> <p>1.4.7 Define who can be a shop steward.</p> <p>1.4.8 Briefly discuss how a shop steward is elected.</p> <p>1.4.9 Briefly explain the number of shop stewards to be elected in an organisation.</p> <p>1.4.10 Briefly list the duties of a shop steward.</p> <p>1.4.11 Briefly list the rights of a shop steward.</p> <p>1.4.12 Briefly list the qualities that a shop steward should possess.</p> <p>1.4.13 Discuss the dualistic role of the shop steward in the functioning of trade unions in the workplace.</p> <p>POSSIBLE PRACTICAL COMPONENT:</p> <p>✓ Do research on COSATU/ANY OTHER UMBRELLA BODY/ ANY TRADE UNION IN SOUTH AFRICA and write a short report on this umbrella body by referring to:</p> <p>The sphere and influence of this body</p> <ul style="list-style-type: none"> <li>- Membership</li> <li>- Their goals and objectives</li> <li>- Principles as spelled out in their constitution</li> <li>- A recent article in a newspaper of their involvement in labour in South Africa</li> </ul> <p>(PLEASE NOTE: THIS IS ONLY A GUIDELINE – ANY OTHER TOPICS CAN BE ADDED)</p> <p>-</p>
<p>1.5 Management /employers</p>	<p>1.5.1 Briefly explain management as a representative of the employer with regard to:</p> <ul style="list-style-type: none"> <li>- companies (legal entity) where directors/managers act on behalf on the company (being the employer)</li> </ul> <p>1.5.2 Briefly discuss the representation of the employer by means of the various</p>

	<p>functions in the business, referring to managers being appointed for finance, marketing, human resources, production and other specific functions that relate to a specific kind of business.</p> <p>1.5.3 List the rights of management, including aspects like</p> <ul style="list-style-type: none"> <li>- the rights of control</li> <li>- the right to supervise</li> <li>- the right to discipline</li> <li>- the right to decision-making</li> <li>- the right to dismiss employees</li> <li>- the right to strategic planning</li> <li>- the right to close a plant</li> <li>- the right of merging</li> <li>- the right to transfer, promote employees</li> <li>- the right to join an employers' organisation</li> <li>- the right to a lock-out</li> </ul> <p>1.5.4 Briefly list the functions of employers' organisations.</p> <p><b>POSSIBLE PRACTICAL COMPONENT</b></p> <p>Compile a disciplinary code for a business and indicate the sanctions (punishment) should an employee infringe a specific rule.</p>
1.6 The State	<p>1.6.1 Discuss the role of the state as a party in labour relations, by referring specifically to:</p> <ul style="list-style-type: none"> <li>- Voluntarism versus mandatorism</li> <li>- Why Western societies operate on a dual/mixed system of both voluntarism and mandatorism.</li> </ul> <p>1.6.2 Explain the reasons for interference by the state in the employer-employee relationship, by referring to</p>

- The providing of a legal framework
- The ensuring of political stability
- The restoring of a balance of power between the employer and the employee
- Intervening when labour relations impact negatively on the society and the economy

1.6.3 Evaluate the methods used by the state when interfering in this relationship by referring BRIEFLY to the State as

- Legislator
- Conciliator
- Regulator
- Advisor
- Judiciary
- The role of the police

#### PRACTICAL COMPONENT

Do research on official bodies that play an important role in labour relations in South Africa. Bodies that can be discussed are:

- NEDLAC
- THE ILO

<b>MODULE 2</b> <b>WEIGHTED VALUE: 40</b>	<b>LABOUR LEGISLATION</b>
2.1 Reasons for statutory control	Indicate reasons why statutory control of labour relations is necessary in the workplace.
2.2 Labour Relations Act	<p>Discuss the Labour Relations Act no 66 of 1995 (as revised) with regard to ONLY the following aspects:</p> <p><b>CHAPTER 1</b></p> <ul style="list-style-type: none"> <li>- The purpose and primary objectives of the Act (<b>section 1</b>)</li> </ul> <p><b>CHAPTER 2</b></p> <ul style="list-style-type: none"> <li>- Freedom of Association (<b>section 4</b> – the employee)</li> <li>- Freedom of Association (<b>section 6</b> – the employer)</li> <li>- Rights of trade unions and employers’ organisations – <b>section 8</b>)</li> </ul> <p><b>CHAPTER 3</b></p> <ul style="list-style-type: none"> <li>- Trade union access to the workplace (<b>section 12</b>)</li> <li>- Deduction of trade union subscriptions (<b>section 13</b>)</li> </ul> <p><b>PART B: COLLECTIVE AGREEMENTS</b></p> <ul style="list-style-type: none"> <li>- Agency shop agreement (<b>section 25</b>)</li> <li>- Closed shop agreement – <b>section 26</b>)</li> </ul> <p><b>PART C: BARGAINING COUNCILS</b></p> <ul style="list-style-type: none"> <li>- Powers and functions of bargaining councils (<b>section 28</b>)</li> </ul> <p><b>CHAPTER 4: STRIKES AND LOCKOUTS</b></p> <ul style="list-style-type: none"> <li>- The procedure for a protected strike (<b>section 64</b>)</li> <li>- Limitations on the right to strike (<b>section 65</b>)</li> <li>- Secondary strikes (<b>section 66</b>)</li> </ul>

- The effect of a protected strike (**section 67**)
- The effect of an unprotected strike (**section 68**)
- Picketing (**section 69**)

**CHAPTER 5:  
WORKPLACE FORUMS**

- General functions of workplace forums (**section 79**)

**CHAPTER 7: DISPUTE RESOLUTION**

- The MAIN functions of the CCMA (**section 115**)

**CHAPTER 8: UNFAIR DISMISSALS**

- The meaning of dismissal (**section 186**)
- What will be regarded as automatically unfair dismissal (**section 187**)
- Other unfair dismissals (**section 188**)
- Dismissals based on operational requirements (**section 189**)
- only the information that the employer has to disclose to the other party
- Remedies for unfair dismissal (**193**)
- Severance pay (**section 196**)

**SCHEDULE 8: CODE OF GOOD PRACTICE: DISMISSALS**

- Fair reasons for dismissals
- Dismissals for misconduct – a discussion of what is meant by a fair procedure
- Guidelines in cases of dismissal for misconduct
- Guidelines in cases of dismissal for poor work performance
- Guidelines in the cases of dismissal arising from ill health or injury

**POSSIBLE PRACTICAL COMPONENT:**

**Find a recent example of a court case on unfair dismissal and briefly discuss why it was regarded as unfair by comparing the facts with the requirements for a dismissal to be fair.**



2.3 The Basic Conditions of Employment Act	<p>Discuss the influence of the Basic Conditions of Employment Act on labour relations by referring to:</p> <ul style="list-style-type: none"> <li>- Application of the Act</li> <li>- Working time</li> <li>- Different kinds of leave</li> <li>- Termination of employment</li> <li>- Administrative obligations</li> <li>- Prohibitions of employment of children and forced labour</li> <li>- Appointment of labour inspectors</li> <li>- Functions of labour inspectors</li> <li>- Power of entry</li> </ul> <p>POSSIBLE PRACTICAL COMPONENT</p> <p>Compile a contract of employment taking into account the determinations of the Basic Conditions of Employment Act.</p>
2.4 Other relevant acts	<p>Explain briefly the function of the following acts in effecting the rights of the employer and the employee in the workplace:</p> <ul style="list-style-type: none"> <li>- Wage Act No 5 of 1957</li> <li>- Compensation for Occupational Injuries and Diseases Act No. 130 of 1993</li> <li>- Unemployment Insurance Act No. 30 of 1966</li> <li>- Occupational Health and safety Act No. 85 of 1993</li> <li>- The Employment Equity Act No. 55 of 1998</li> <li>- The Skills Development Act No. 97 of 1998</li> </ul>

<b>MODULE 3</b> <b>WEIGHTED VALUE: 30</b>	<b>THE STRUCTURING OF LABOUR RELATIONS IN THE WORKPLACE</b>
3.1 Framework for labour relations	<p>3.1.1 Illustrate the industrial (labour) relations system by referring to:</p> <ul style="list-style-type: none"> <li>- The external inputs (economic, political, legal and social system)</li> <li>- The internal inputs (the role players, namely the State, the employer (employers' organisations) and the employees (trade unions))</li> <li>- The conversion (structures, in-company procedures and processes)</li> <li>- The output (substantive and procedural agreements and conflict breakdown)</li> <li>- Feedback (serving as new input)</li> </ul> <p>3.1.2 Briefly discuss the influence of the economic, political, legal and social inputs on labour relations.</p> <p>3.1.3 Discuss the influence of the various role players (internal input) on the labour relations system in South Africa.</p> <p>3.1.4 Briefly explain how conversion of the input takes place by referring to the various structures, in-company procedures and processes.</p> <p>3.1.5 List the substantive and procedural agreements that can be reached.</p> <p>3.1.6 Discuss in the form of an example what is meant by the concept of feedback in the labour relations system.</p> <p>3.1.7 Briefly discuss the influence of the following factors on the labour relations system:</p> <ul style="list-style-type: none"> <li>- The characteristics of the South African economy</li> <li>- The difference between a free market system (capitalism) versus socialism.</li> <li>- The difference between a system of individualism and a system of community possession (communism).</li> </ul> <p>POSSIBLE PRACTICAL COMPONENT:</p>

	Give a scenario of conflict, for example where the employees demand an increase in wages and explain how this will be dealt with according to the labour relations system (input, conversion, output and feedback).
3.2 The labour relations system in South Africa	Discuss the following aspects of the South African labour relations system: <ul style="list-style-type: none"> <li>- The political nature of trade union decision making</li> <li>- Freedom of association</li> <li>- Collective bargaining</li> </ul>
3.2.3 South African labour relations in international perspective.	POSSIBLE PRACTICAL COMPONENT: Do research on the labour relations system of the United States, the United Kingdom, Germany, Japan or any country in Africa. Refer to aspects like: <ul style="list-style-type: none"> <li>- The role of the State (voluntarism versus mandatorism)</li> <li>- The economic system ( a free market system versus socialism)</li> <li>- The role that trade unions play.</li> <li>- The role of labour law.</li> <li>- The influence of societal differences.</li> <li>-</li> </ul>
<b>Didactic Guidelines and Evaluation</b>	
<b>Didactic Guidelines</b>	<b>Evaluation</b>
<b>MODULE WEIGHTS</b> Module 1: Key aspects of labour relations: (30) Module 2: Labour legislation (40) Module 3: Structuring workplace relations (30)	<b>PRACTICAL COMPONENTS MUST BE INCLUDED.</b> <b>ALTHOUGH EXAMPLES OF POSSIBLE PRACTICAL COMPONENTS HAVE BEEN INCLUDED, ANY RELEVANT PRACTICAL COMPONENT CAN BE ADDED.</b>
<b>Make use of the following methods of lecturing:</b> <ul style="list-style-type: none"> <li>- Mind maps (important to use in a subject like Labour Relations as the volume of work is large)</li> <li>- Practical examples must be used to enable the student to link the theory to the practice.</li> <li>- DVDs of practical labour scenarios, for example a disciplinary hearing.</li> </ul>	<b>Bloom's Taxonomy should be covered when setting an examination or test paper.</b> <b>Questions should include:</b> <ul style="list-style-type: none"> <li>- Short questions (multiple choice true/false/ fit column A to column B, definitions)</li> <li>- Case studies</li> </ul>

- **Information from the Internet (for example recent court cases or possible changes in legislation)**
- **Relevant court cases to illustrate a specific legal principle.**
- **Revision programmes to enable students to plan and to master the volume of work.**
- **Practical examples of documentation used in practice**
- **Possible workshops**
- **Possible guest speakers**

- **Direct discussion questions**
- **Indirect questions where the student must apply his/her knowledge**