

Botswana College Of Distance And Open Learning

In Collaboration with

Zimbabwe Open University

Sessional Examination, 2008

In

Labour Relations

Time: 3 hours

Marks: 100

Instructions to Candadates

1. Write your name, centre and candidate numbers on the answer booklet provided.
 2. This question paper consists of **three** sections: **A, B** and **C**.
 3. Answer **ALL** the questions.
 4. Answers should be written in the answer booklets.
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Section A – Short Answer Questions**[20 Marks]**Answer **all** the questions in this section.

1. Explain the following:
 - (a) Co-determination
 - (b) John Dunlop (1958) System Theory
 - (c) Pluralism
 - (d) Constructive dismissal
 - (e) Progressive discipline
2. What four freedom principles are addressed in the eight core Conventions of the International Labour Organisation (ILO)?
3. What two principles determine the fairness of disciplinary procedure?
4. Compare and contrast Redundancy and Retrenchment procedures.

[10]

[4]

[2]

[4]

Section B – Paragraph/Essay Questions**[40 Marks]**Answer **all** the questions in this section.

1. Explain a System of Dualism that often follows the ratification of ILO Conventions and give an example of a country that does not follow the same system.
2. Explain any **four** types of unemployment.
3. What do you understand by the First-In-Last Out principle applied in retrenchments?
4. Outline circumstances under which negotiations could be perceived to have been carried out in good faith.
5. Explain any **six** ILO Conventions ratified by Botswana.

[6]

[8]

[4]

[10]

[12]

Section C – Case Study**[40 Marks]**

Read the following passage and answer the questions that follow.

On Sunday 17th February 2005, at 19:00, the compound staff informed management that the mineworkers, who were due to start the night shift at Shaft No. 4, were on strike. On their arrival, management found that, with the exception of a few individuals, the entire workforce was involved, and that they were very noisy and uncooperative.

The communication system on the mine made provision for a works council only, since a workplace forum had not been established. There were a number of union employees on the mine, and the management of Diggers Luck had previously made attempts to sign a recognition agreement. In terms of the present strike, it was soon realised that the works council would be of no use in the negotiation because the workers considered them to be management's puppets and they had already been threatened with violence. The compound prefects were equally ineffective and could

in most cases not even be found. Management did, however, establish that if the workers were on strike because they were demanding higher wages and were trying to pressurise management into signing a recognition agreement.

Management discussed the matter with the strikers and informed them that the strike was illegal. Management did suggest that it was prepared to talk to a number of representatives appointed by the workers. The strikers did not agree to this, demanding instead that management should take a positive stand. Management again decided to talk to the workers and to give individuals the chance to state their case. This round of negotiation lasted for one hour, after which management departed to rethink their position.

Another attempt was made to persuade the workers to appoint representatives to negotiate on their behalf but without success. After management consulted amongst themselves, the strikers were informed that they were in the month of the annual increase and that the increment would definitely be in the region of 10%. The strikers were not satisfied, and management asked them to wait till the next morning when the matter would once again be discussed. They accepted this proposal.

The next morning Management informed the strikers that they were not prepared to grant more than the previously mentioned increase, but guaranteed that it would be the 10%, adding that those who were not satisfied with the increase could rescind their contract of service with Diggers Luck Mine. Management also refused to accede to the strikers' demands to support the community growth fund of COSATU and NACTU unconditionally.

The workers refused to leave the mine area and also refused to resume work.

(Source: Nel, P.S. South Africa Employment Relations. Theory and Practice, 4th Ed. 2002.)

1. Discuss the underlying causes which led to the strike at Diggers Luck Mine. [10]
2. What should the management do to solve the immediate crisis? [10]
3. What specific actions do you suggest management could take to prevent the possible recurrence of labour unrests at Diggers Luck Mine in the future? [10]
4. Describe the steps that the mine workers were supposed to follow before engaging in a strike. [10]

End of Exam