

# LABOUR LAW – QUESTION PAPERS FOR MAY/JUNE EXAMS

## QUESTION PAPER OCTOBER/NOVEMBER 2015


### QUESTION 1

Write brief notes on the following:

- a) Formal equality as a form of equality based on section 9(3) & (4) of SA Constitution. (2)
- s9 (3) of the Constitution states that, The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language or birth;
  - Sub-section (4) No person may unfairly discriminate directly or indirectly against anyone on one or more grounds in terms of subsection (3). National legislation must be enacted to prevent or prohibit unfair discrimination.
- b) Fixed-term employees as a category of non-standard employees. (3)
- Temporary employment services (hereafter TES) (Common called labour brokers) and employees employed by them are temporary employees
  - Fixed term employees Part-time employees
- c) The duty of the employer to deal fairly with the employee. (4)
- To remunerate the employee
  - To provide the employee with work
  - To provide safe working conditions
  - To deal fairly with the employee
- d) Constructive dismissal as a form of dismissal in terms of the LRA (4)
- The employee must show he/she has resigned
  - The employee must show that the reason for the resignation was that continued employment became intolerable
  - The employee must show that it was the employer's conduct that created the intolerable circumstances.
- e) The meaning of "same work" for purposes of "equal pay for work" (4)
- The Labour Court explained that the issue of equal pay for equal work was not regulated in an Act in SA but was dealt with in *Mangena & Others v Fila SA* case;
  - Paying an employee is an employment policy or practice to the EEA
  - Paying an employee less than another employee for performing the same or similar work based on a specified or an unspecified ground to EEA constitutes less favourable treatment. Therefore any claim for equal pay for work that is the same or similar, falls to be determined to the EEA.
  - The same is valid for claims for equal pay for work of equal value. The claimant must establish a link between the differentiation and a specified or unspecified ground. Once such a link is established, section 11 of the EEA then requires the employer to show that the discrimination is not unfair.
- f) The meaning of "suitably qualified" for purposes of benefitting from affirmative action.(4)
- Suitably qualified means that the person has one or a combination of the following factors:
- ❖ Formal qualifications
  - ❖ Prior learning
  - ❖ Relevant experience
  - ❖ The capacity to acquire, within a reasonable time, the ability to do the job
- g) The meaning of "small employer" in context of dismissal based on operational reasons. (2)
- A small employer is an employer that employs fewer than 50 employees.
  - The LRA does not make provision for a large-scale dismissal by a small employer; therefore a small employer will retrench employees in accordance with section 189.

# Labour Relations Exam Questions November 2014

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**Congressional Record** United States. Congress, 1977 The Congressional Record is the official record of the proceedings and debates of the United States Congress It is published daily when Congress is in session The Congressional Record began publication in 1873 Debates for sessions prior to 1873 are recorded in The Debates and Proceedings in the Congress of the United States 1789 1824 the Register of Debates in Congress 1824 1837 and the Congressional Globe 1833 1873

*Employment Relations* Cecilie Bingham, 2016-03-26 Shortlisted in the Management and Leadership Textbook Category at CMI Management Book of the Year Awards 2017 In this new original book Cecilie Bingham puts fairness trust organisational justice and power at the heart of employment relationships in a variety of settings This thought provoking text provides academic practical and theoretical insights into the contested nature of contemporary work and employment relations at workplace level It should become essential reading for students scholars practitioners and policy makers in the field Professor David Farnham University of Portsmouth UK Mapped to CIPD learning outcomes at level 5 and level 7 Employment Relations Fairness and Trust in the Workplace critically reflects on current research commentary evidence and practice in the employment relationship with a unique focus on organizational justice Combining theoretical concepts tools and models with practical examples it is packed with innovative learning features designed to help students to engage with the subject including Extracts of recent news items linked to chapter content Insights to help link theory and practice supported by podcast interviews on the book's companion website A series of case study snippets activities and revision exercises The book is complimented by a companion website featuring a range of tools and resources for lecturers and students including PowerPoint slides Instructors manual multimedia links podcasts and free SAGE journal articles Suitable for Undergraduate and Postgraduate students on Employment Relations Industrial Relations or HRM courses

*Educational Psychology* Tony Cline, Anthea Gulliford, Susan Birch, 2015-03-24 Educational Psychology Second Edition offers a comprehensive overview of how key advances in social developmental and cognitive psychology impact upon the role of educational psychologists working today Written by leading researchers the book also explores controversies and dilemmas in both research and practice providing students with a balanced and cutting edge introduction to both the field and the profession Fully revised throughout the new edition is written to encourage students to integrate their understanding

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**Publications** University of Michigan. Institute for Social Research,1988 **Journal of the American Medical Association** American Medical Association,1913 The Times Index ,2013-06 Indexes the Times Sunday times and magazine Times literary supplement Times educational supplement Time educational supplement Scotland and the Times higher education supplement PHR/SPHR Professional in Human Resources Certification All-in-One Exam Guide, Second Edition William H. Truesdell,Christina Nishiyama,Dory Willer,2019-03-29 Publisher s Note Products purchased from Third Party sellers are not guaranteed by the publisher for quality authenticity or access to any online entitlements included with the product Fully updated coverage of every topic on the 2018 versions of the PHR and SPHR examsGet complete coverage of the HR Certification Institute s Professional and Senior Professional in Human Resources bodies of knowledge inside this comprehensive resource Written by HR experts this authoritative guide fully addresses the core knowledge and responsibilities necessary for the implementation and management of HR practices You ll find chapter reviews In the Trenches sidebars featuring HR experts real world experiences and sage advice practice exam questions and in depth explanations Designed to help you pass the PHR and SPHR exams with ease this definitive volume also serves as an essential on the job reference Covers all PHR and SPHR functional areas including Business Management Leadership and Strategy Talent Planning and Acquisition Learning and Development Total Rewards Employee and Labor Relations Electronic content includes 350 practice exam questions Test engine that provides full length practice exams and customized quizzes by exam topic

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