



## SYLLABUS

### LABOUR RELATIONS

#### Objectives

The competent learner will apply the practical aspects of labour relations to give work

Situations.

Learners will be expected to have a thorough knowledge of the labour relations.

The students will be able to apply labour relations principles and trends as described in a business environment or work situation.

#### Prescribed textbook

1. **Industrial relations in the new south Africa by S. Bendix (4<sup>th</sup> edition) Juta and C.Ltd.2001**
2. **The labour relations Act No 66 of 1995 as amended**
3. **The labour Act 28:01 as amended**
4. **Labour Relations in South Africa, Grosset and Venter**

#### Teaching and learning strategies

Designed to be delivered in face to face, mixed or distance learning mode .it can be delivered as a centre based, or college based module. An active ,participative and experiential style of learning and teaching will be central.inorder to facilitate the broadening of horizons ,participants will be encouraged to share practice from within their current establishments and or visit establishments which model interesting and innovative practice

#### Examination

1. Students will write one three hour paper on the subject
2. The paper will comprise six questions of which the student must answer four questions with each question accounting 25 marks and giving a total of 100 marks
3. It will comprise of 75% recall questions and 25% situational type questions in which the students ability to apply labour relations is tested

#### 1. THE LABOUR RELATIONSHIP

Learning outcome 1: demonstrate an understanding of the interaction and processes within the labour relationship

Learning outcome 2: demonstrate an understanding of factors regulating the interaction of labour relationships

Learning outcome 3: demonstrate an understanding of external influences on the labour relationships

Learning outcome: demonstrate an understanding of different approaches to the labour relationship

Range:

-commonality, cooperation and cooperation processes, conflict and collective bargaining, the interaction continuum

-custom and tradition, legislation, mutual agreements, ethnic considerations, trust, integrity and fairness

-the social political system, social influences, economic dispensation, influence of trade unions

Additional influences

-the unitary approach, the radical approach, the pluralist approach

## **2. SYLLABUS**

-Definition of Labour Relations

-The Composition of an Industrial Relations System

-The role of the State in Industrial Relation

-The South African Industrial Relations System in Societal and Historical context

-The industrial relations system as reflection of the socio political system ,the pre-industrial era, the early years of industrialisation (third period 1880-1924),the rise of the Black Trade Union Movement –the Industrial Conciliation Act of 1924 and subsequent legislation entrenching the dualistic nature of Industrial Relations South Africa/Zimbabwe:

-white and multi racial trade union movements ,the influence of Afrikaner Nationalism, the independent black trade unions ,government actions.

-the Botha Commission, the Bantu Labour (Settlements of Disputes Act), the Industrial Conciliation Act of 1956.

-the new Labour dispensation viz-the revival of Black employees ' , interest. The 1972-1973 strike waves in Natal, The Black Labour Relations regulation Act .The role of the Wiehahn Commission, The Industrial conciliation Act 1979.

### **The Legislative Framework Governing the Employment Relationship**

-rationale of the legislative framework

-International Labour Standards viz.ILO conventions

- constitutional framework
- Government Policy and Labour affairs-employee rights
- The contract of employment

-a BROAD UNDERSTANDING OF THE MAJOR PROVISIONS OF THE FOLLOWING LABOUR STATUTES  
VIZ The Labour Relations Act-freedom of association, collective bargaining ,strike and lockouts, workplace forums, unions and Employers' Associations ,dispute settlement ,unfair dismissal

The Basic Conditions of Employment Act N.75 1997\*refers to the statute hours of work overtime and overtime rates ,leave, sick leave, family responsibility leave, termination of service

-The employment E3quity Act and Skills Development Act once promulgated

The basic conditions of Employment Act, the employment equity act and the skills development act will have to be studied directly from the statute .,labour act 28:01,Manpower Development Act

Labour Relations Terms /Definitions viz.freedom of association, closed Shop,Strike,Layout,Collective Agreements, Trade Unions ,Negotiations ,Consultation, Replacement Labour, Organizational Rights, Workplace Forums, Agency shops(Refer to the Labour Relations Act 1993 in the definitions section)

A general understanding and application of grievances procedures and disciplinary codes –  
Annexure pages 626-639 of the textbook and schedule 8 of the code of Good Practice in the Labour Relations Act

### **Trade Unions and Employer Organizations**

- trade unions as collective organizations
- historical developments of trade unions
- trade union classification

Registration of trade unions and trade union objectives

- the organization and management of trade unions
- the role of the shop steward/union representative
- Employers organizations –goals, types, functions

### **3. COMPARATIVE LABOUR RELATIONS SYSTEMS**

Learning outcome 5: Demonstrate a basic understanding of the labour relations systems of countries outside Zimbabwe and South Africa

Range:

- United States of America
- Great Britain

-Germany

-Yugoslavia

-Zambia

### **THE PRINCIPLES OF LABOUR ECONOMICS**

Learning outcome 6; Demonstrate an understanding of the principles of labour economics

Range;

- The importance of labour economics
- the nature and scope of labour economics
- wage and labour market theories
- the functioning of the Labour market

The effect of collective bargaining on wage and employment levels

- the effect of wage determination on wage and employment levels
- labour market discrimination
- labour mobility

### **4. TRADE UNIONS AND EMPLOYERS ORGANIZATIONS**

Learning outcome 7: demonstrate an understanding of collectivises in the Zimbabwean and South African Economy

Range:"

- learners will be expected to be able to advice an employer /trade union on how to go about the registration of a trade union or an employers organization-what requirements must be met and by whom and what process must be followed
- learners could be asked to draft the actual constitution for such a trade union or employer's organization

NB The above can be found in labour relations act 28:01

### **5. ORGANIZATIONAL RIGHTS**

Learning outcome 8: demonstrate an understanding of organisational rights

Range: learner could be requested to draft an organizational rights /recognition agreement based on certain presented facts

-learners could be requested to draft a collective agreement between trade unions and employers/Employers Organisations based on certain presented facts

-learners could be requested to advice on how a Bargaining Council is established and to draft the constitution of such council

Nb.above information can be found in the labour relations act of 1995

#### **4. COLLECTIVE BARGAINING**

Learning outcome 9: Demonstrate an understanding of the general principles and practices of collective bargaining.

Range:

- Collective bargaining as central to the labour relationship
- Commonality, conflict and power in collective bargaining
- The establishment of a bargaining relationship
- The scope of content of collective bargaining
- Bargaining styles win
- Bargaining structures
- The role of the state in collective bargaining

#### **(5. COLLECTIVE BARGAINING IN SOUTH AFRICA/ ZIMBABWE**

Learning Outcome 10: Demonstrate an understanding of the practice of collective bargaining in South Africa and Zimbabwe

Range:

- The right to free collective bargaining
- Freedom of association and freedom from victimization
- Organizational rights (in detail)
- Bargaining units
- Closed shops and agency shops
- Enforceability of agreements
- Centralised bargaining structures – bargaining council (in detail)
- Decentralised bargaining structures - The system of plant level recognition (In detail)
- Bargaining structures – the present dispensation
- The duty to bargain

#### **6. NEGOTIATION**

Learning outcome 11: Demonstrate an understanding of the principles and practice of negotiation

Range:

- Defining the concept
- The content in which negotiation occurs
- Effects of collective negotiations on the environment

- Variables influencing negotiation process ( in detail)
- Conflict and power in the negotiation process (in detail)
- Qualities of a good negotiator
- Negotiation conventions
- Preparing for negotiations (in detail)
- The conduct of negotiations (in detail)
- Negotiation manoeuvres (in detail)
- Profile of a successful negotiator
- Collaborative negotiations
- The outcome of negotiations
- Implementation and monitoring of agreements

## **POLICIES AND PROCEDURES**

Learning outcome 14: Demonstrate an outstanding of policies and procedures

Range:

Learners could be requested to draft policies and procedures on any of the following topics:

- An Affirmative Action policy and procedure linked to Employment Equity  
(See page 591-598 of the textbook – reference can also be made to the Employment Equity Statute)
- A Sexual Harassment Policy and Procedure  
(See the recent Code of Conduct / Good Practice as published for inclusion in the Labour Relations Act) – or other selected articles.)
- A Policy and procedure to deal with – Grievances and Discipline  
(See pages 626 – 640 of the textbook as Schedule 8 of the Labour Relations Act 1995 dealing with the Code of Good Practice.)
- A policy and procedure dealing with misconduct at work place as well as a policy and procedure dealing with incapacity for poor work performance and incapacity due to ill health or injury  
(Reference can be made to schedule 8 of the Code of Good practice in the Labour Relations Act 1995 as amended.)
- A policy and procedure on how to deal with absenteeism, late coming, abuse of sick leave, etc.  
(Learners will have to seek selected Articles on these issues – reference can however be made to the Basic Conditions or Employment Act for general information.)
- A policy and procedure for retrenchment  
(Reference can be made to Sections 189-197 of the Labour Relations Act 1995 as amended) and other selected Articles – also refer to the code of good practice in Schedule 8 of the Labour Relations Act.

- A policy for an internal dispute procedure – reference to selected articles

## 7. INDUSTRIAL DEMOCRACY AND WORKER PARTICIPATION

Learning outcome 15: Demonstrate an understanding of the principles and practices of industrial democracy

Range:

- The principles of Worker Participation
- Forms of Worker Participation ( in detail )
- Worker Participation in South Africa

## 7. DISPUTE RESOLUTION

Learning outcome: Demonstrate an understanding of dispute resolution

Range:

- Learners should be tested on how to process a dispute via the Commission for Conciliation, Mediation and Arbitration or via a private agency, or via a Bargaining Council – Learners must study the flowcharts as contained in the Act and the textbook
- Learners could be tested on their general understanding of the role played by the Labour Court and Labour Appeal Court in settling disputes.

(The topic can be found in Chapter vii of the Labour Relations Ac 1995 as amended )

### DISPUTE SETTLEMENT

Learning outcome 12: Demonstrate an understanding of the principles and practice of dispute settlement

Range:

- The nature and scope of a labour dispute
- Types of labour dispute viz. Disputes of right and disputes of interest
- Establishing a dispute settlement procedure
- Procedures established by legislation
- Method of dispute settlement
- Dispute settlement in terms of the Labour Relations Act of 1995 (as amended) and LA Chapter 28---- as amended.
- Dispute settling mechanism
- The use of sanctions of industrial relations
- Strike Action (in detail)
- Other forms of Industrial action ( other than strikes)
- Lock outs by the employer
- Assessment of industrial action
- Strikes and lock outs in South Africa / Zimbabwe
- Indemnity, liability and dismissal of strikers

### STRIKES AND LOCKOUTS

Learning outcome 13: Demonstrate an understanding of labour legislation relating to strikes and lockouts

Range:

- Learners could be asked to draft a Strike Contingency Plan for an employer's organisation / trade union advising on tactics and strategy based on certain given information.
- Learners could be requested to provide guidelines to a trade union on how to institute a legal picket.
- Learners could be requested to provide guidelines on how to handle a work stoppage inclusive of the relevant labour legislation in order to deal with such work stoppage.
- Learners could be requested to provide guidelines on how to implement a legal lockout inclusive of the relevant labour legislation which is applicable in such cases.

(The topic can be found in Chapter iv of the Labour Relations Act of 1995 as amended and also.)