



**NAMIBIA UNIVERSITY
OF SCIENCE AND TECHNOLOGY
FACULTY OF MANAGEMENT SCIENCES**

DEPARTMENT OF MANAGEMENT

QUALIFICATION: HONOURS BACHELOR OF HUMAN RESOURCES MANAGEMENT	
QUALIFICATION CODE: 08HBHRM	LEVEL: 8
COURSE CODE: ILR811S	COURSE NAME: INDUSTRIAL AND LABOUR RELATIONS
SESSION: JUNE 2019	PAPER: THEORY
DURATION: 3 HOURS	MARKS: 100

FIRST OPPORTUNITY EXAMINATION PAPER	
EXAMINER(S)	Dr Andrew Jeremiah
MODERATOR:	Dr F. Msukubuli

INSTRUCTIONS
1. Answer ALL the questions. 2. Write clearly and neatly. 3. Number the answers clearly.

PERMISSIBLE MATERIALS

1. Examination paper.
2. Examination script.

THIS EXAMINATION QUESTION PAPER CONSISTS OF 4 PAGES (Including this front page)

Question 1

Read the case study and answer the questions that follow.

Background to the strike

In 1941, when the decision to launch the Mine Workers' Union was first mooted, the wage rate for African workers was R70 per year, while white workers received R848. In 1946, the year of the great strike, the wages were: Africans R87 and Whites R1.106 per year.

In both cases it would be noticed that the wage gap between the white worker and black worker was 12:1. With the formal establishment of the Union, organisation of work began in earnest in the face of increased harassment, arrests, dismissals, and deportation of workers by the police and the mine management. Nevertheless, the union grew in strength and influence. The Chamber of Mines, however refused even to acknowledge the existence of the African Mine Workers Union, much less to negotiate with the representatives. The Chamber's secretary instructed the office staff not to reply communications from the Union.

Unofficially of course, the Chamber was acutely conscious of the Union's activities and secret directives were sent to break the Union. But with the rising cost of living, the starvation of families in the reserves and increasing pressure by mine management and white workers, the demands of the workers became more incessant.

In order to stave off the growing unrest among the African mine workers, the regime appointed a Commission of Enquiry in 1943., with judge Lansdowne as its chairman. Among the members of the Commission was A. Moore, President of the mostly white Trades and Labour Council.

The African Mine Workers' Union presented an unanswerable case before this Commission in support of the workers' claim to a living wage. The Chamber of Mines made no serious attempt to rebut the Union's case reiterating that its policy was to employ cheap African labour. Meanwhile, however, the Guardian, a progressive South African weekly, the only paper that totally supported the strike, was sued by four mining companies for 40 000 pounds for publishing the Union's memorandum on the grounds that it was false and that the recruiting of mine labourers would be hindered. The court decided against the Guardian and awarded 750 pounds damages to each of the four companies. No serious student of South African politics could have expected otherwise. It was surprising that the awards to the mining magnets were not higher.

The report of the Lansdowne Commission which appeared in April 1944 was a shameful document. It accepted the basic premise of the mine owners; all its recommendations were quite frankly made within the framework of preserving the cheap labour system. The miners' wages, said the Commission, was not really intended to be a living wage, but merely a "supplementary income." Supplementary, that is to the worker's supposed income from his land. The evidence placed before the

Commission of acute starvation in the Transkei and other reserve areas was ignored.

The report of the Commission was received with bitter disappointment by the workers. Even wretchedly miserly recommendations were rejected in the main, by both the regime and the mine owners. Towards the end of the year, the Prime Minister, Field Marshall Smuts, announced were to be raised by 4 pence for surface workers and 5 pence for underground workers, and that the extra-wage would be borne by the state in the form of tax remissions to mines. The Chamber of Mines also agreed to overtime pay. All the other recommendations, miserly though, though they were, were completely ignored.

Obviously expecting that this would do little to allay the general discontent among the African miners, Smuts issued a proclamation – War Measure No. 1425 – prohibiting gatherings of more than twenty persons on a mining property without special permission. J.B. Marks, the President, and two other officials of the Union were arrested in December 1944, when they held a meeting at the Duran Deep Compound on the Witwatersrand. A few days later, P Vundi and W. Kanye, two organisers of the Union, were arrested on a similar charge in Springs. The arrested men were found not guilty on a technicality. The offence created by the Proclamation was that of being present at a gathering of more than 20 persons, whereas the accused had been charged with holding a meeting. From that time, the police were more careful to frame their charges in correct legal phraseology, and all the trade union meetings in or near mine compounds ceased. Though the war eventually ended, the Proclamation was not withdrawn.

Despite these difficulties, the African Mine Workers' Union increased its following in numerous mines throughout the Witwatersrand. And on May 19, 1946, the biggest conference yet held by representatives of the workers instructed the executive of the Union to make yet one more approach to the Chamber of Mines to place before them the workers' demands for ten shillings (one rand) a day wage and other improvements. Failing the agreement, decided the Conference, the workers would take strike action.

From May until July, the Union redoubled its efforts to get the Chamber to see reason. To all their repeated communications, they received one reply, a printed postcard stating that the matter was receiving attention. In his evidence at the subsequent trial of strike leaders and their supporters, Mr Limebeer, secretary of the Chamber of mines, said that the postcard had been sent in error, it was the Chamber's policy, he added, not to acknowledge communications from the Union.

Adapted from (Venter and Levey, 2014, pp.81-83)

- 1.1 Summarise the reasons that prompted the workers to establish the African Mine Workers' Union. (5).
- 1.2 Discuss sources of conflict in the case study. (10)
- 1.3 Considering the fact that the African Mine Workers Union was formally established, put across legal arguments they could have used to fight the repression they faced. (10)
- 1.4 The Chamber of Mines as an employer's representative refused even to acknowledge the existence of the African Mine Workers Union, much less to negotiate with the representatives. With reference to the Labour Act, Number 11 of 2007, examine the

reasons that could have made the Chamber of Mines refuse to recognize the African Mine Workers Union. (10)

- 1.5 Discuss the role of government in the employment relationship and comment on the government conduct in the case study in this regard. (10)
- 1.6 Describe the critical role that mass media play in labour relations. (5)
- 1.7 Convince an audience of the reasons why an employee joins a trade union using examples in the case study. (10)
2. Motivate why you would conclude that the dismissals effected by the Chamber of Mines were automatically unfair. (5)
3. From the case study, there is evidence that traditional approaches (Unitarist, Pluralist and the Conflict approaches) were utilised in managing labour relations. Compare and contrast the three approaches and use examples in the case to back up your claims. (15)
4. Comment on the ethics, ethics and the labour relationship, and ethics and the law as depicted in the case study (20).

[END OF EXAMINATION]