



PAMIBIA 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: JULY 2018	PAPER: THEORY
DURATION: 3 HOURS	MARKS: 100

SECOND OPPORTUNITY EXAMINATION QUESTION PAPER	
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INSTRUCTIONS
<ol style="list-style-type: none">1. Answer ALL the questions.2. Write clearly and neatly.3. Number the answers clearly.

PERMISSIBLE MATERIALS

1. Examination paper.
2. Examination script.

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

Question 1:

Read the case study and answer all the questions that follow.

Decision to strike

On Sunday August 4, 1946, over one thousand delegates assembled at an open-air conference held in the Newtown Market Square; no hall where Africans could hold meetings was big enough to accommodate those present. The conference carried the following resolution unanimously:

“Because of the intransigent attitude of the Transvaal Chamber of Mines towards the legitimate demands of the workers for a minimum wage of 10 shillings per day and better conditions of work, this meeting of the African Miners Union resolves to embark on a general strike of all Africans employed on the gold mines, as from August 12, 1946.

Before the decision was adopted, speaker after speaker mounted the platform and demanded immediate action. One worker said, “When I think of how we left our homes in the reserves, our children naked and starving, we have nothing more to say. Every man must agree to strike on 12 August. It is better to die than go back home with empty hands.

After the decision to strike was adopted, the President, J.B. Marks, stressed the gravity of the strike decision, and said that workers must be prepared for repression by possible violence. “You are challenging the very basis of the cheap labour system”, he told them, “and must be ready to sacrifice in the struggle for the right to live as human beings.” His speech was loudly cheered as was that of the secretary, J.J. Najoro, who declared that their repeated efforts to secure improvements by negotiation had always ended in failure owing to the refusal of the Chamber of Mines to recognise the existence of the Union. There was little doubt, he warned that the regime would attempt to suppress the strike by use of brute force. But the meeting was in militant mood. An old miner shouted, “We on the mines we are dead men already!”

The strike and the terror

A letter conveying the decision of the meeting to the Chamber, and adding a desperate last-minute appeal for negotiations, was as usual ignored. The press and mass media, except for the Guardian, did not print any news of the decision until the morning of Monday 12 August, when the Rand Daily Mail came out with a front-page story that the strike was a complete failure. The report was obviously mischievous and a lie, as the paper went to bed before midnight, when the strike had not even begun.

The Star that evening, however, had a different tale to tell, tens of thousands of workers were out on strike from the East to the West Rand; the Smuts regime had formed a special committee of Cabinet Ministers to deal with the situation; and thousands of police were being mobilised and drafted to the area.

They dealt with it by means bloody violence. The police batoned, bayoneted and fired on the striking workers to force them down the mine shafts. The full extent of the police repression is not known but reports of miners and some newspapers reveal intense

persecution and terror during the week, following 12 August.

A peaceful procession of workers to march to Johannesburg on what became known as Bloody Tuesday 13 August, from the East Rand. They wanted to get their passes and go back home. Police opened fire on the process and a number of workers were killed. At one mine, workers forced to go down the mine started a sit-down strike underground. The police drove the workers up, according to the Star "stope by stope, level by level" to the surface. They then started beating them up, chasing them into the veld with batons. Then the workers were re-assembled in the compound yard and, said the Star, volunteered to go back to work...

By Friday 16 August, all the striking workers – 75 000 according to the government Director OF Native Labour but probably nearer 100 000 – bludgeoned back to work...

During the strike, the central strike committee was effectively cut from the workers at each mine by massive police action, and the workers had to struggle in isolation. They were continually told that all the other workers had gone back to work, and apart from Union leaflets hazardously brought into the compounds by gallant volunteers – a large number being caught and arrested – there was no system of interchanging information.

Never-the-less, thousands of miners defied terror, arrest and enemy propaganda and stood out for five days – from 12 to 16 August. During the strike 32 of the 45 mines on the Rand were affected, according to one report received by the Union and later confirmed by the Johannesburg Star. According to the estimates issued by the Chief Native Commissioner for the Witwatersrand, 21 mines were affected by the strike, 11 wholly and 10 partially. The dead, according to this official, numbered 9 of whom four were trampled to death, three died in the hospital, one was shot dead and one killed himself by running into a dustbin.

The regime called the strike a failure. But no great movement of this character is really a failure, even though it might not succeed in its immediate aim.

Adapted from (Venter and Levy, 2014, pp.83-84).

1.1 There are different types of strikes beside a general strike. Discuss each of the different types of strikes given below.

- Go-slows
- Work-to-rules
- Work-ins / sit-ins
- Product boycotts
- Picketing, and
- Socio-economic protest action (12)

1.2 Articulate the negotiation/collective bargaining process up to the level where a dispute is declared, and eventually industrial action or strike action is suggested.

(8)

1.3 Explain everything that went wrong the general strike that was initiated by the African Miners Union. (10)

- 1.4 Explain the concept "Protected strike" and who did not comply with the dictates of the Labour Act Number 11, of 2007 among the members of the tripartite employment relationship. Explain. (10)

2. Differentiate between a code of ethics and a code of conduct. (10)

3. Examine the concept of integrity in the labour market.(10)

4. Discuss ethical decision making and the approaches that can be used in that process. (10)

5. Explain methods of dispute resolution such as duty to bargain, Mediation/conciliation, arbitration and fact finding. (15)

6. Comment on the arguments used by either party in wage negotiations. (15)

[END OF EXAMINATION]