



NAMIBIA UNIVERSITY
OF SCIENCE AND TECHNOLOGY

FACULTY OF COMMERCE, HUMAN SCIENCES AND EDUCATION
DEPARTMENT OF GOVERNANCE AND MANAGEMENT SCIENCES

QUALIFICATION: BACHELOR OF EMPLOYMENT AND LABOUR RELATIONS HONOURS	
QUALIFICATION CODE: 08BERH	LEVEL: 8
COURSE CODE: LRP812S	COURSE NAME: LABOUR RELATIONS PRACTICE
SESSION: JUNE / JULY 2025	PAPER: THEORY AND PRACTICE
DURATION: 3 HOURS	MARKS: 100

FIRST OPPORTUNITY QUESTION PAPER	
EXAMINER(S)	Mr Elias Kandjinga
MODERATOR(S):	Mr Ohms Kayama

INSTRUCTIONS
<ol style="list-style-type: none">1. Answer <u>ALL</u> the questions in Section A and only <u>ONE</u> in Section B.2. You are expected to apply your subject knowledge to the questions.3. Write clearly and neatly.4. Number your answers clearly.

PERMISSIBLE MATERIALS

1. Pen
2. Ruler

THIS QUESTION PAPER CONSISTS OF 12 PAGES (Including this front page)

Section A (Answer all the questions)

[70 marks]

Question 1

Analyse the case study from pages 6-7 and answer all the following questions.

- 1.1. Having read the above study, **identify** and **explain** two (3) types of strikes evident or implied in the case study. **[6]**
- 1.2. Having read the above case, **identify** and **explain** five (5) workplace factors that escalated the conflict at Kavango OK Foods. **[10]**
- 1.3. With a clear link to the case above, **summarise** the sequential turn of events that led to the dispute in practice. **[13]**
- 1.4. **Analyse** the following statements from the trade union and the employer. **Harmonise** the statements to **provide a practical discussion** of the fundamental legal framework that influenced the actions of the two parties involved in a dispute, considering the divergent perspectives described above. **[18]**

Trade Union: *“Penda criticised Kavango OK Foods’ treatment of workers following the strike and accused the company of engaging in union-busting practices. “The employer is anti-union and disrespects Namibian workers and the laws of this country. That cannot be accepted or tolerated”.* **Employer:** *“The supermarket manager, Jose Machado, says the employees were not dismissed because they took part in the strike but because they broke the strike rules. “They were dismissed for breaking the strike rules, and all the procedures were followed. There was a disciplinary [hearing] ... there’s still an ongoing issue”.*

- 1.5. According to Machado, 103 employees were replaced with temporary employees for the time being. **Do you agree or disagree** with the employer's decision to replace 103 employees? **[13]**
- 1.6. **Do you consider** this a dispute of right or interest? Please **provide** a rationale for your response, **including why** it is not the one you selected. **[10]**

Section B (Answer only question 1 or question 2)

[30 marks]

Question 1

Read the following case study and answer all the following questions.

Time does not fly when on probation.

Rebecca, an impressionable college graduate, is eager to start her new job as a buying assistant at one of the country's largest retail groups. She has visions of a new car, cell phone and a possible trip overseas. However, Rebecca – who has been employed for 22 days – has a long way to go before her probation is over and she can truly feel confident that she does not lose her job, as she has in the last three instances. She constantly complains that she hates being on probation and the fact that she can only qualify for a long-term credit agreement once her probation period has lapsed. This means that she won't be able to purchase a new car yet. She would require at least three months' salary advance to demonstrate that she will not be a credit risk. Probation has been a challenge for her. She is expected to arrive at work very early (in her opinion). She seldom has the opportunity to take lunch or tea breaks and she is expected to work every second Saturday. These conditions according to Rebecca is unreasonable.

Adapted from: Nel. et al 2020

- 1.1. **What** is the purpose of probation? **[4]**
- 1.2. **What** should an employer do when he or she determines that the employee's performance is below standard? Will the employer deal with poor performers still in their probationary period differently than those whose probationary period has lapsed? Give reasons for your answer. **[15]**
- 1.3. **Do you think** an employer should offer a reason for dismissal based on poor performance during probation? **Substantiate** your answer. **[7]**

1.4. In your view, **discuss** the relationship between the human resource management policy and labour relations policy in a work setting. [4]

Question 2

[30 marks]

2.1. Distinguish between the positive and negative approaches to discipline and provide practical examples for each. [15]

2.2. In a short summary, **how** did the Labour Relations Practice (LRP812S) as a course shape your practical understanding of the employment relationship in contemporary organisations? Do you foresee applying what you have learned thus far, how? *Here, you are required to express your understanding in your own words and not listing topics or themes appearing in your prescribed course materials. Also, please note that this question is twofold, the latter requiring you to relate theory to practice.* [15]

End of Paper!

Good Luck!

Annexure 1: This case study is for questions under Section A only!

Nafau accuses Kavango supermarket of union-busting amid workers' suspensions

Namibia Food and Allied Workers Union (Nafau) general secretary Jacob Penda has accused the management of Kavango Supermarket and Bottle Store (Kavango OK Foods) of violating the country's Labour Act. Penda spoke on Desert Radio yesterday after the company suspended 103 workers a few days ago. He said the supermarket's management intimidated employees who participated in a legal strike earlier this year.

This comes after the supermarket suspended 103 employees, reportedly for participating in an unprotected strike. The striking workers were demanding salary increases and improved working conditions. Penda criticised Kavango OK Foods' treatment of workers following the strike and accused the company of engaging in union-busting practices. "The employer is anti-union and disrespects Namibian workers and the laws of this country. That cannot be accepted or tolerated," Penda asserted.

He said the supermarket's management acted unlawfully by suspending workers and emphasised that they participated in a protected strike. According to Penda, from 13 to 23 May, the strike was conducted in full compliance with Namibian labour law. He said Nafau followed all legal procedures leading up to the strike, including submitting a wage proposal, engaging in negotiations and eventually declaring a dispute when negotiations reached a deadlock. He added that the strike rules were mutually agreed upon by both parties, and the workers participated peacefully within the designated areas.

According to Penda, the supermarket's management replaced striking workers during the strike and later suspended the returning workers due to allegations that they participated in an unprotected strike. He emphasised that these actions are unjustified, particularly because the strike was legally sanctioned, and a settlement agreement was signed on 23 May.

"The employer agreed to the settlement and that the workers would return to their jobs within three days, in line with the Labour Act. Now, they're being charged as if they participated in an unprotected strike, which is completely false." Penda said the suspension of workers is baseless. He called for all the charges against them to be dismissed and for workers to be reinstated in their permanent positions, with the same benefits they enjoyed before taking part in the strike. He further called on the supermarket's management to comply with the settlement agreement or face action from Nafau.

Meanwhile, he urged the public to boycott the supermarket's branches at Nkurenkuru and Rundu until the suspended workers are reinstated. "This employer is trying to send a message to Namibian workers that they shouldn't participate in any legal strikes in the future. We are calling on the Namibian people to stand in solidarity with these workers by refusing to support this business until the situation is resolved," said Penda.

The Manager of the supermarket, Jose Machado, says the employees were not dismissed because they took part in the strike, but for breaking the strike rules. "They were dismissed for breaking the strike rules, and all the procedures were followed. There was a disciplinary [hearing] ... there's still an ongoing issue," he says.

Machado says 103 employees were replaced with temporary employees for the time being. "We have replaced them because it's still an ongoing thing." He further says it is "improper" to discuss the matter because that would be breaking the law.

Source: Nakashole, P. (2024). Nafau accuses Kavango supermarket of union-busting amid workers' suspensions. <https://www.namibian.com.na/kavango-supermarket-suspends-103-workers-accused-of-union-busting-tactics/>