



NAMIBIA UNIVERSITY
OF SCIENCE AND TECHNOLOGY
FACULTY OF COMMERCE, HUMAN SCIENCES AND EDUCATION
DEPARTMENT OF GOVERNANCE AND MANAGEMENT SCIENCES

QUALIFICATION: BACHELOR OF HUMAN RESOURCES MANAGEMENT	
QUALIFICATION CODE: 07BHRM	LEVEL: 7
COURSE CODE: IRL712S	COURSE NAME: INDUSTRIAL RELATIONS
SESSION: November 2024	PAPER: THEORY
DURATION: 3 HOURS	MARKS: 100

FIRST OPPORTUNITY EXAMINATION QUESTION PAPER	
EXAMINER(S)	Mr Elias Kandjinga Mr Ohms Kayama
MODERATOR:	Dr F. Musukubili
INSTRUCTIONS	
1. Answer ALL the questions. 2. You are expected to apply your subject knowledge to the questions. 3. Write clearly and neatly. 4. Number your answers.	

PERMISSIBLE MATERIALS

1. Pen
2. Ruler

THIS QUESTION PAPER CONSISTS OF 6 PAGES (Including this front page)

Section A (Answer all the questions)

[55 marks]

Question 1

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

Case study 1: Approaches to collective bargaining (Negotiation)

The Company and the Union are negotiating over a transport allowance. The Union enters the negotiations with a demand for an N\$100-00 allowance per member and insists that the Company respond immediately to its demand. The Union does not tell the Company that, in reality, N\$50-00 is what it expects to get because it knows the Company will just negotiate it down if it proceeds from this position. The Company counters the union's demand with an offer of N\$20-00. The Company doesn't tell the Union that in reality N\$25-00 is what it can realistically afford and what the board has given it a mandate for. It knows that if it tells the Union that, the Union will just negotiate it up from this position.

The Union responds angrily that the offer is an insult and is proof of the Company's disregard for the welfare of its employees. The Union tells the Company that its main competitor has just offered N\$60-00 as its opening position in its negotiations with the Union about the same issue. This is not true, but the Union knows the Company and its rival are not on speaking terms. The parties then caucus with their teams and the Union returns and counters with a demand of N\$70-00 and says that it has made this massive concession solely in a bid to demonstrate its good faith and it now expects an equally large move by the Company. The Company states that it is not prepared to play the Union's game and is only prepared to move to N\$22-00. It explains that this is the Company's bottom line and it's a "take-it-or-leave-it" situation.

The Union then calls on its members to immediately stop working overtime. The Company responds by locking out the employees who refuse to work overtime. The Union then threatens to walk out and call an all-out strike if the Company will not

move, but says, as a last gesture of good faith, and notwithstanding the Company's bad faith, that it will move to N\$55-00. The Company says it has reached its bottom line but is prepared to go to the board for a mandate to make a final move to N\$25-00. The Union responds by saying it will accept nothing less than N\$45-00. A strike then ensues and after three weeks of strike action the parties reluctantly settle at N\$35-00.

Source: Nel et al. 2020

Questions

1. The above case study suggests that there is a binding agreement between the two parties. **Discuss** this binding agreement based on the following: **(20)**
 - a. How it was possibly formed (5)
 - b. The nature and bargaining approach (10)
 - c. Its applicability and legality (5)
2. Based on the case study, **explain** five (5) negotiation tactics that were used by the two parties to influence the outcome of the labour dispute **(10)**
3. According to case study the parties reached a deadlock, thereafter a strike started and after three weeks of strike action the parties reluctantly settle at N\$35-00. Now answer the following questions:
 - a. **Summarise** key events that led to this industrial action. **(5)**
 - b. **Explain** in practice how Conciliation as a dispute resolution method could have prevented this industrial action and why it could not in this case. **(10)**
4. Based on the case study, **do you regard** this labour dispute a dispute of right or dispute of interest? **Justify** your choice including **why** it is not what you chose. **(10)**

Section B (Answer all the questions)

[45 marks]

Question 1

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

Case study 2: Labour Minister Call for Better Contracts To Mitigate Mine Closures

The Minister of Labour, Industrial Relations and Employment Creation has called on the mining industry to come up with contracts that can lessen the impact of mine closures given the volatility of mineral commodities. Utoni Nujoma said this as he delivered the keynote address at the 12th Congress of the Mineworkers Union Of Namibia last week.

Nujoma said that since the adoption of the Labor Act 2007, his Ministry has encouraged the Chamber of Mines and Industry and industrial relations practitioners to seek industry-wide agreements on certain issues or to harmonise contractual areas in key areas where this is possible. However, “to date, employers have not shown interest in such an approach” he revealed. He said that given the volatile nature of the international market for certain minerals and the concerns of workers over job security, it will be ideal to have better contracts that take care of workers. “I would however encourage your industry to negotiate contractual provisions that can mitigate the impact of retrenchments or mine closures before such are on the horizon,” Nujoma suggested.

One of the country’s biggest mines is closing down while eight others are under care. According to Nujoma, trade unions can be a strong voice in advocating legislative and policy reforms on a wide variety of fronts that can improve the lives of the vast majority of our people. He said if trade unions are to grow, they need to be part of the struggles of the people on many fronts. Nujoma stated that the interests of workers, the poor and marginalised people should be understood to be inseparable, thus trade unions need to work together to revive and refashion a trade union movement that

can represent not only formal sector workers, but informal workers and the unemployed.

He said unions need to create platforms that will promote alliances, unity and transformation in the struggle against poverty and inequality. Nujoma availed himself for consultations on any relevant matter and technical assistance, where needed, but said he will involve himself directly in the arena of collective bargaining except to the extent permitted by law in disputes of national interest. Nujoma attacked other organisations that are standing up for employees without his Ministry's blessing, saying they are politicking labour issues. "I observe that a number of politicians are trying to capitalise on the struggles of Namibian workers and to derail their trade unions" Nujoma stated. He said the self-styled leaders of workers have not tried to organise workers into trade unions, "but prefer to put on colourful costumes and stage media events for their own interests".

According to his ministry, these organisations have never expressed an interest in representing the majority of workers of any employer, in handling their daily grievances or in engaging in collective bargaining. "What then, is their motive?", Nujoma asked. According to his Ministry, the politicians and self-styled workers' leaders have seized upon various labour disputes, including lawful strikes, as a means to bring attention to themselves for political reasons. They are using workers only for the purpose of advancing their political careers and canvassing for future votes. Nujoma said the status quo calls for the need to strengthen unions, to expand union representation and to utilise or strengthen the procedures afforded by law that protect workers and support their rights.

Source: Eagle FM (2023)

1. The case study above signposted three (3) actors in a Tripartite Employment Relationship. **Identify** these actors and **explain** their role according to the Tripartite model of employment relationship that you have learned. **(15)**

2. The Minister of Labour, Industrial Relations and Employment Creation has called on the mining industry to come up with contracts that can lessen the impact of mine closures given the volatility of mineral commodities. **Discuss** the ministers statement based on your understanding of social dialogue and decent work advocated in modern employment. **(10)**
3. According to the case study, Nujoma said that since the adoption of the Labor Act 2007, his Ministry has encouraged the Chamber of Mines and Industry and industrial relations practitioners to seek industry-wide agreements on certain issues or to harmonise contractual areas in key areas where this is possible. However, “to date, employers have not shown interest in such an approach” he revealed. **Discuss** the minister’s statement in practice, particularly the nature of employment relationship, actors involved and their motives towards labour and capital transaction. **(10)**
4. In a short summary, **how** did Industrial Relations (IRL712S) as a course shape your understanding of employment relationships in the world of work? **How** do you foresee applying what you have learned thus far? *Here, you are required to express your understanding in your own words and not list 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.* **(10)**

End of Paper!

Total Marks: 100

Good Luck!