



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: JANUARY 2024	PAPER: THEORY
DURATION: 3 HOURS	MARKS: 100

SECOND OPPORTUNITY/SUPPLEMENTARY 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 clearly.	

PERMISSIBLE MATERIALS

1. Pen
2. Ruler

THIS QUESTION PAPER CONSISTS OF 5 PAGES (Including this front page)

Section A (Answer all the questions)

[65 marks]

Question 1

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

TransNamib, Natau return to negotiation table

TransNamib has called the Namibia Transport and Allied Workers Union (Natau) back to the negotiation table, hoping to bring an end to the strike that threatens to bring the embattled railway carrier to its knees. On Thursday, the company wrote to the bargaining union, asking for an engagement on employees' wages, which was one of the reasons why workers downed tools. "This communication serves to confirm that management has been provided with a new mandate by the TransNamib board of directors to engage Natau on the protracted wage negotiations," said human capital executive Webster Gonzo in a letter. The company has requested that while negotiations are ongoing, Natau should suspend the strike until such a time that an agreement on wages is reached. However, the union's secretary general Narina Pollmann on Thursday wrote back, saying it will not cease the strike. "We are available and ready to commence with negotiations even today because we do not want this matter to be protracted any longer as it has already been," said Pollmann then. The negotiations are expected to commence today.

The workers have been on strike for two weeks after the union and TransNamib reached a deadlock during salary negotiations after the company said it did not have funds to effect an increase. The company suffered a further setback when both board chairperson Lionel Matthews and his deputy Sigrid Tjijorokisa resigned from their positions on the same day, 17 August 2022. Their resignations stem from a disagreement over the extension of the contract of CEO Johny Smith, and the alleged muzzling of a forensic report by Ernst and Young (EY) into the management of the company.

In her resignation letter addressed to Minister of Finance Ipumbu Shiimi, Tjijorokisa objected to the renewal of the contract of Smith for another five years, a view the chairperson disagreed with. Matthews said he was resigning as he would not allow his reputation and his character to be drawn into question. EY was commissioned to investigate certain irregularities within the national railway company last year. However, that report has not officially been released as yet. Tjijorokisa indicated in the letter that on 4 March 2022, the then Minister of Public Enterprises Leon Jooste informed her that “many of the allegations forming the subject matter of this investigation are relevant”.

This communication has been shared with the board, she added. Subsequent to this, the report was handed over to the new chairperson (Matthews), and she alleged that the chairperson elected not to share this report with the board. In his resignation letter, however, Matthews said the EY report is still not finalised. The employees in 2019 requested a salary increase of 18% for workers who fall within the A band, 15% for those within the B band, and 13% for the C band. This offer was rejected by TransNamib. The employees went back to the drawing board and reduced their demands. They presented the company with three options: firstly, a salary increase of 15% for employees within the A band, 13% for the workers falling within the B band, and 9% for those within the C band.

In the second option, the employees were willing to settle for an increase of 7% for the A band, 5.5% for the B band, and 3.5% for the C band. The last option presented by the workers in October 2021 was for the organisation to give a salary increase of 7% across the board. During the ongoing strike, the rail parastatal has accused the employees of not adhering to strike rules, and on 19 August opened a case of malicious damage to property in Walvis Bay. According to a police report, suspects cut open three vacuum tanker pipes on a train with unknown objects. The damage has affected the mobility of the train. The value of the properties damaged is N\$330 000. No one has been arrested in connection with the allegations. The employees denied claims

that they allegedly violated strike rules at Tsumeb, Walvis Bay, Windhoek and Keetmanshoop. The workers were reacting to a media statement issued by the company, pointing at them allegedly having intimidated, harassed and damaged company equipment at the four train stations when they found some non-striking employees performing official duties there.

“Bullying, intimidation and harassing of any non-striking worker or damaging company equipment is an absolute violation of the strike rules, and as such, we will now use the legal recourse to remedy the matter,” TransNamib vowed in a media statement.

Source New Era Newspaper, 2022-08-29; additional reporting by Nampa

1. Having read the case study, **describe** an employment relationship, and **classify** and **discuss** the needs TransNamib employees are striving to achieve. **(12)**
2. In your view, **why** do you think TransNamib management reversed their decision and requested the trade union (Natau) to return to the negotiation table? **(8)**
3. **Discuss** how each party in a tri-partite employment relationship model played its role in influencing the outcome of the labour dispute at TransNamib. **(15)**
4. Based on the case study, **discuss** three (3) appropriate methods used by Natau to achieve their trade union objectives. **(6)**
5. **Explain** in practice how Conciliation as a dispute resolution method could have prevented this industrial action and why it could not in this case. **(12)**
6. 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. **(12)**

Section B (Answer all the questions)

[35 marks]

Question 1

1. **Discuss** briefly: can an employee discipline his/her employer? Also, answer this question in reverse. **(10)**
2. **Discuss** briefly: is a grievance part and parcel of Namibia's labour law, and can it be enforced legally? **(10)**
3. 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 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!

Total Marks: 100

Good Luck!