

UNIVERSITY OF ESWATINI
FACULTY OF COMMERCE
DEPARTMENT OF BUSINESS ADMINISTRATION
MAIN EXAMINATION
ACADEMIC YEAR 2018/2019

TITLE OF PAPER: Industrial Relations System/Industrial Relations 1

DEGREE AND YEAR: Bachelor of Commerce III

COURSE NUMBER: BUS335/BA 308/IDE BA308

TIME ALLOWED: Three (3) hours

INSTRUCTIONS

1. THIS PAPER CONSISTS OF SECTION (A) AND (B)
2. THE CASE STUDY SECTION (A) IS COMPULSORY
3. ANSWER ANY THREE QUESTIONS FROM SECTION B

NOTE: You are reminded that in assessing your work, account will be given of the accuracy of language and the general quality of expression, together with the layout and presentation of your final answer.

THIS PAPER MUST NOT BE OPENED UNTIL THE INVIGILATOR HAS GRANTED PERMISSION.

GOOD LUCK !!!

SECTION A (Compulsory) (40 MARKS)

(Read the case below and answer the questions that follow.)

CASE: 'SIMUNYE ANGRY RETRENCHED WORKERS'

Simunye - angry retrenched workers at the Sugar Estate company have accused the Swaziland Agricultural and Plantations Workers Union (SAPWU) of neglecting them. In an interview with the Swazi Observer yesterday whilst they were protesting against the retrenchment, the workers accused the union's branch executive committee members (Vusie Dlamini, the Secretary-General; Nhlanhla Nxumalo, the chairperson; and Philemon Shabangu who is in the Board of Trustees) of paying little attention to their plight; rather they are so obsessed with national political issues. The angry workers who also claimed to be members of the union, said the committee never bothered to involve itself in the wrangle that has been going on between them and management.

"We struggled on our own with the management team until we were sacked for defying its order of harvesting sugar cane that had just been burnt, as we perceived that cutting it in that state would have been dangerous to our health," said Dumisani Fakudze, spokesperson for the retrenched workers.

"We (workers) are very angry with SAPWU for ignoring us through out the whole process and I am sure that if they had intervened in this matter we would not have been retrenched today," said Muzi Sihlongonyane, another worker who was so distressed over this problem as he has 10 children to support.

"Management didn't give us a single cent on retrenchment and I am presently puzzled as to where I will get money to even board a bus to my home in Lavumisa," he lamented.

The retrenched employees vowed to shed blood, should their complaints not be addressed according to their wishes. However, they passed a voice of no confidence on SAPWU and said the organisation was no different from the company's management. "We are here to stay," said one worker.

However, SAPWU's General Secretary, Vusi Dlamini in an interview, said the allegations of neglect were not true. "The workers were supposed to come to us and report this matter so that we could help them. However, I do condemn management for this because they were not supposed to retrench the workers without contacting us," said Dlamini. "We are taking this matter to Court and we will appeal on their behalf." He expressed the view that workers who made these allegations were possible not union members.

Question 1

1.1 From the case, What can be done by the union executive to regain their members' confidence as one can tell that the workers have lost confidence in SAPWU's executive, , and how can they help them with the problems they are currently facing? (20 marks)

1.2 Discuss the duties of the branch executive and how they have not fulfilled them in the above case?. (20 marks)

Total (40 marks)

Section B

(Answer any three (3) questions from this section)

Question 2

Often, there is concern that there is no levelled playing ground among the parties in the Industrial Relationship. With reference to Swaziland, discuss why that is the case and what rights do each of the parties have according to the Labour Law. Please use practical examples to support your views. (20 marks)

Question 3

What is the main purpose of the labour statutes and the role of the State in promoting positive employee relationship. In explaining the role, indicate the contradictions thereof. (20 marks)

Question 4

Mthulelwa, who has worked for over ten years at Swaziland Electricity company, cable installation section has just been dismissed from Swaziland Electricity Company for missing cables that he was supposed to install in one of the urban residence in Manzini. The reason presented for his dismissal is perceived negligence in its installation. He has since appealed to the Conciliation Mediation and Arbitration Commission (CMAC) for unfair dismissal on procedural grounds. Describe the steps that should have been followed to ensure adherence to legal confines when dealing with his case. (20 marks)

Question 5

5.1 Describe briefly the meaning of unfair labour practice. (5 marks)

5.2 What constitutes unfair labour practices according to the Industrial Court of Eswatini? (15 marks)