

**UNIVERSITY OF SWAZILAND**  
**INSTITUTE OF DISTANCE EDUCATION**  
**DEPARTMENT OF LAW**  
**SUPPLEMENTARY EXAMINATION PAPER, JULY 2005**

**TITLE OF PAPER** : **INTRODUCTION TO LABOUR LAW**

**COURSE CODE** : **DL 034**

**TIME ALLOWED** : **THREE (3) HOURS**

**INSTRUCTIONS** : **ANSWER ANY FOUR (4) QUESTIONS.**

**THIS PAPER SHOULD NOT BE OPENED UNTIL PERMISSION HAS BEEN GIVEN BY THE INVIGILATOR.**

**QUESTION ONE**

The current relations systems in Swaziland is premised on the idea that the right to free association is a cornerstone to collective bargaining, without which harmonious industrial relations cannot exist or function.

This is in line with international labour law standards as stated in ILO conventions on the subject. With reference to the prevailing industrial relations legislation and the relevant ILO conventions, discuss the legal principles or freedom of association and the right to organise and bargain collectively. In this regard you are required to trace the important developments or shifts in the legislation since the Industrial Relations Act of 1996.

YOUR ANSWER SHOULD BE CAREFULLY CONSIDERED AND CONCISELY STATED, SHOULD NOT EXCEED 5000 WORDS OR TEN PAGES. [25 MARKS]

**QUESTION TWO**

Discuss the importance of legislation as a source of labour law in Swaziland making reference to specific statutes. [25 MARKS]

**QUESTION THREE**

'In modern labour law there is a difference between termination of the contract of employment and termination of the employment relationship. Termination of the former does not necessarily mean termination of the latter.' With reference to the case of **NATIONAL AUTOMOBILE & ALLIED WORKERS UNION (now known as NATIONAL UNION OF AUTOMOBILE WORKERS OF SA) V BORG-WARNER SA (PTY) LTD (1994) 15 SA 509 (A)**, discuss the above statement and the principle sought to be made therein. [25 MARKS]

**QUESTION FOUR**

Greenfingers Ndlovu is a man of many talents who is well known for his successful citrus farming. He owes part of his success to the fact that the methods used in the farm have been developed and handed down from generations to generations in his family. One of the practices which are now being emulated by various farmers in his whole valley is that during the fruit picking season he engages teams of highly motivated pickers who group in the valley. One of the rules that have worked very well is that the earliest team that stakes a field and starts to work on it have full control of that field and as such controls the commission paid on harvest targets.

Solomzi Mkhize has one of the best and early bird teams. On one of the picking assignments, a dispute arises. Sihonga who runs a rival team claims and insists on working on a field which Solomzi's team has staked and controls.

Referring to case law, advise Greenfingers as to how to resolve the dispute. [25 MARKS]

**QUESTION FIVE**

Discuss and explain five (5) duties of an employee arising out of a contract of employment. [25 MARKS]