

UNIVERSITY OF SWAZILAND
INSTITUTE OF DISTANCE EDUCATION
DEPARTMENT OF LAW
FINAL EXAMINATION PAPER MAY, 2007

TITLE OF PAPER :INTRODUCTION TO LABOUR LAW

COURSE CODE :DL 034

TIME ALLOWED :THREE (3) HOURS

INSTRUCTIONS :ANSWER ANY FOUR (4) QUESTIONS.

**THIS PAPER IS NOT TO BE OPENED UNTIL PERMISSION HAS
BEEN GRANTED BY THE INVIGILATOR.**

QUESTION ONE

Write short notes on the following sources of labour law:-

- (a) Custom and practice. [10 Marks]
 - (b) Legislation. [15 Marks]
- [Total: 25 Marks]

In your answer refer to the relevant statutory provisions and case law where applicable.

QUESTION TWO

List and discuss the duties of an employee. If an employee is unable to perform any of his duties what remedies are available to an employer?

[25 Marks]

QUESTION THREE

Citing statutory provisions, briefly discuss the following:-

- (a) Agency shop agreements; [5 Marks]
 - (b) The collection and payment of trade union or staff association dues; [5 Marks]
 - (c) The registration of process of trade unions/staff association dues; [5 Marks]
 - (d) Recognition of a trade union at the employer's discretion. [5 Marks]
 - (e) Compulsory recognition of trade unions. [5 Marks]
- [Total: 25 Marks]

QUESTION FOUR

Discuss the employee's right to strike and the steps such employee and the Conciliation Mediation and Arbitration Commission must take to ensure that such strike is in conformity with the Industrial Relations Act (as amended).

[25 Marks]

QUESTION FIVE

Youngblood Mpondo and 60 cane cutters have been employed on fixed term contracts by Hlekamanzi Sugar Growers. The contracts run from 1st March to 31st August, each year (being the harvesting season). Each March for the last 6 years, Youngblood and his team have been re-employed by Hlekamanzi. Following an impromptu protest that delayed the harvesting work on the last day of their contract in 2005, Youngblood and his team were not re-employed in 2006 and Hlekamanzi took the attitude that they were trouble makers. New recruits were hired in their places.

Advise Youngblood and his team on the nature of the fixed term contract and their rights herein. In your answer discuss the issues that arise from the failure to re-employ Youngblood and his team and refer to decided cases.

[25 Marks]

QUESTION SIX

A dismissal of an employee by an employer must be procedurally and substantively fair.

Discuss the above statement and include the procedures to be followed by an employer to ensure that the dismissal is fair.

[25 Marks]

QUESTION SEVEN

Write short notes on the following rights of an employee in an employment contract:-

- (a) the right to safe working conditions [5 Marks]
- (b) the right to be prescribed days off [5 Marks]
- (c) the right to freedom of association [5 Marks]
- (d) the right to work prescribed hours [5 Marks]
- (e) the right to annual leave [5 Marks]

[Total 25 Marks]