

**UNIVERSITY OF SWAZILAND**  
**INSTITUTE OF DISTANCE EDUCATION**  
**DEPARTMENT OF LAW**  
**FINAL EXAMINATION PAPER MAY, 2008**

**TITLE OF PAPER** :INTRODUCTION TO LABOUR LAW  
**COURSE CODE** :DL 034  
**TIME ALLOWED** :TWO (2) HOURS  
**INSTRUCTIONS** :ANSWER ANY TWO (2) QUESTIONS.

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

### QUESTION ONE

SMAWU, a registered trade union, operating in the manufacturing industry wants to gain recognition at Sidwashini Timber & Planks. The union already boasts of more than forty (40) paid up members in a bargaining unit of seventy (70) employees in the company. Twenty five (25) days have already elapsed since the union submitted its written application for recognition as the employee representative of certain categories of employees as are named in the application; such recognition would enable the union to negotiate general conditions of employment. The company's Human Resources Director is reluctant to respond to the application because he believes unions are by their very nature destructive and should be discouraged. Advise both the company and the union on their respective rights, options and obligations under the Industrial Relations Act of 2000 (as amended).

In your answer, give specific and clear references to the relevant provisions of the Act.

[ 50 Marks ]

### QUESTION TWO

Discuss fully, the concept of constructive dismissal, with reference to case law and the relevant sections of the Employment Act.

[ 50 Marks ]

### QUESTION THREE

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

- (a) the right to withdraw labour [10 Marks]
- (b) the right to a certificate of service; [10 Marks]
- (c) the right to freedom of association ; [10 Marks]
- (d) The right not to be unfairly dismissed; [10Marks]
- (e) The right to prescribed days off. [10Marks]

[ Total: 50 Marks ]