

UNIVERSITY OF SWAZILAND
INSTITUTE OF DISTANCE EDUCATION
DEPARTMENT OF LAW
SUPPLEMENTARY EXAMINATION PAPER JULY, 2009

TITLE OF PAPER : **INTRODUCTION TO LABOUR LAW**
COURSE CODE : **DL 034**
TIME ALLOWED : **THREE (3) HOURS**
INSTRUCTIONS : **(1) ANSWER FOUR QUESTIONS.**
(2) QUESTION ONE IS COMPULSORY

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QUESTION ONE - COMPULSORY

Sibongile is employed as a Secretary in a lawfirm. Her employer Sigebengu Gama has lately taken to being regularly abusive and oppressive, frequently instructing her to run menial tasks like buying groceries. She is often instructed to clean the office premises as the cleaning lady was recently dismissed for unclear reasons. The last straw however was when the employer deducted expenses relating to alleged shortfalls on stationery supplies from her salary as a means of limiting losses. With reference to the Employment Act 1980 (as amended) and decided cases, advise Sibongile as to her legal position.

[25 Marks]

QUESTION TWO

Name and discuss the duties that arise on the part of the employer upon conclusion of the contract of employment.

[25 Marks]

QUESTION THREE

With reference to the relevant sections of the relevant Act, discuss the recognition of trade unions in Swaziland.

[25 Marks]

QUESTION FOUR

Discuss the employees' right to strike and the steps such employees and the Conciliation Mediation and Arbitration Commission (CMAC) must take to ensure that such strike is in conformity with the Industrial Relations Act 2000 (as amended).

[25 Marks]

QUESTION FIVE

Distinguish the contract of employment from a contract of work.

[25 Marks]

QUESTION SIX

Write short notes on the following;

- (a) the right to a certificate of service; **[5 Marks]**
- (b) the right to annual leave; **[5 Marks]**
- (c) the right not to be unfairly dismissed; **[10 Marks]**
- (d) the right to safe working conditions; **[5 Marks]**

[Total: 25Marks]

QUESTION SEVEN

- (a) What is the legal status of International Labour Standards in Swaziland? **[5 Marks]**
- (b) With reference to legislation, discuss the employer's remedy to lock out employees. **[10 Marks]**
- (c) Briefly discuss the Industrial Relations Act No.1/2000 (as amended) as a source of labour law in Swaziland. **[10 Marks]**

[Total: 25 Marks]