

UNIVERSITY OF SWAZILAND
INSTITUTE OF DISTANCE EDUCATION
DEPARTMENT OF LAW
MAIN EXAMINATION PAPER, MAY 2010

TITLE OF PAPER : **INTRODUCTION TO LABOUR LAW**
COURSE CODE : **DL034**
TIME ALLOWED : **THREE (3) HOURS**
TOTAL MARKS : **100**

INSTRUCTIONS

1. **ANSWER FOUR QUESTIONS**
2. **QUESTION ONE (1) IS COMPULSORY**

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QUESTION ONE - COMPULSORY

SMAWU is a duly registered trade union in the manufacturing sector. They have been negotiating wages and bonuses with ABC Garments (Pty) Ltd. After a protracted negotiation process, both parties decide that enough is enough. SMAWU refused to accept a proposal from the management of ABC Garments and the latter was not prepared to backdown. They agreed to disagree. SMAWU then lodged a dispute with the Conciliation Mediation and Arbitration Commission. **Advise SMAWU** what their rights and obligations are as laid down in the Industrial Relations Act No.1/2000 (as amended) with respect to this chosen course of action. In your answer, also **advise the employer, ABC Garments (Pty) Ltd** what their rights are and how they would counter this action by the union.

[25 Marks]

QUESTION TWO

The President of the Industrial Court is entrusted with the powers to refer a matter back to CMAC [Conciliation Mediation and Arbitration Commission] for arbitration.

With the help of decided cases and the relevant section of the relevant Act, discuss the exercise of this power by the President.

[25 Marks]

QUESTION THREE

With the aid of decided cases distinguish the locatio conductio operis from the locatio conductio operarum.

[25 Marks]

QUESTION FOUR

With the aid of decided cases and the relevant section of the relevant Act, discuss the employee's remedy of "forced resignation".

[25 Marks]

QUESTION FIVE

Discuss Legislation as a source of Labour Law in Swaziland.

[25 Marks]

QUESTION SIX

Define the following;

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|-----------------------------|-----------|
| (a) Summary dismissal ; | [5 Marks] |
| (b) Rights dispute; | [5 Marks] |
| (c) Lock out; | [5 Marks] |
| (d) Contract of employment; | [5 Marks] |
| (e) Labour Law; | [5 Marks] |

[Total 25 Marks]

QUESTION SEVEN

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

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|---|------------|
| (a) The right to sick leave; | [10 Marks] |
| (b) The right not to be unfairly dismissed; | [10 Marks] |
| (c) The right to a certificate of service; | [5 Marks] |

[Total 25 Marks]