

UNIVERSITY OF SWAZILAND
INSTITUTE OF DISTANCE EDUCATION
DEPARTMENT OF LAW
MAIN EXAMINATION PAPER MAY, 2011

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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INVIGILATOR

QUESTION ONE - COMPULSORY

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SMAWU, a registered trade union operating in the manufacturing industry wants to gain recognition at Sidwashini Timber & Planks (Pty) Ltd. 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 has 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 Manager 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 2000 (as amended).

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

[25 Marks]

QUESTION TWO

Distinguish the contract of employment from the contract to provide services.

[25 Marks]

QUESTION THREE

Write short notes on the following;

(a) The right to a certificate of service;

[10 Marks]

(b) The right to sick leave;

[10 Marks]

(c) The right to prescribed days off;

[5 Marks]

[25 Marks]

QUESTION FOUR

All dismissals must be both substantively and procedurally fair.

Discuss the above statement making reference to relevant statutory enactments and case law.

[25 Marks]

QUESTION FIVE

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Discuss **the concept of freedom of association** making reference to International labour standards and other statutory enactments. **[25 Marks]**

QUESTION SIX

Withdrawal of labour by an employee is an important right as a means of resolving a dispute between an employer and employee.

Discuss this right making reference to the relevant sections of the relevant Act.

[25 Marks]

QUESTION SEVEN

Discuss the following common law duties;

- (a) To enter and remain in service by the employee; **[15 Marks]**
- (b) To receive the employee into service by the employer; **[10 Marks]**

[Total: 25 Marks]