

UNIVERSITY OF SWAZILAND
INSTITUTE OF DISTANCE EDUCATION
DEPARTMENT OF LAW
SUPPLEMENTARY EXAMINATION PAPER JULY , 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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The Judge President of the Industrial Court of Swaziland is empowered to refer cases that appear before him either mero motu or on application back to the Conciliation Mediation and Arbitration Commission for arbitration by CMAC.

Discuss the above statement making reference to decided cases and the relevant legislation on the exercise of this power by the Judge President.

[25 Marks]

QUESTION TWO

Who is an employee?

Discuss the above question making reference to decided cases and how courts in **foreign** and **local** jurisdictions have sought to answer this question.

25 Marks]

QUESTION THREE

Write short notes on the following;

- (a) The right to a certificate of service; [10 Marks]
- (b) The right to maternity leave; [10 Marks]
- (c) The right to annual leave. [5 Marks]

[Total: 25Marks]

QUESTION FOUR

List and discuss the common law duties of an **employee**.

[25 Marks]

QUESTION FIVE

Distinguish the concepts of **Re-instatement** from **Re-engagement**.

[25 Marks]

QUESTION SIX

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

[25 Marks]

QUESTION SEVEN

Define the following:

- (a) Contract of employment; **[5 Marks]**
- (b) Trade Union; **[5 Marks]**
- (c) Summary Dismissal; **[5 Marks]**
- (d) A Strike; **[5 Marks]**
- (e) A dispute of right; **[5 Marks]**

[Total: 25 Marks]