

**UNIVERSITY OF SWAZILAND**  
**FACULTY OF SOCIAL SCIENCE**  
**DEPARTMENT OF LAW**  
**FINAL EXAMINATION PAPER, MAY 2011**

**TITLE OF PAPER : LABOUR LAW**

**COURSE CODE : IDE-L304/L607**

**TIME ALLOWED : THREE (3) HOURS**

**INSTRUCTIONS :**

- 1. QUESTION ONE (1) IS COMPULSORY.**
- 2. ANSWER ANY OTHER THREE QUESTIONS.**

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BY THE INVIGILATOR**

**QUESTION 1**

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Xaba is an employee of Zakithi Pulp Company. He was employed on the 3<sup>rd</sup> March 2003 as a pulp plant mechanic, a field in which he is qualified. He has been working as such until the 3<sup>rd</sup> September 2010 when his employer decided to close the pulp plants operations to concentrate on timber production. Xaba was given until the 30<sup>th</sup> September 2010 to decide whether to join the timber production operation or not, failing which his employment shall summarily be terminated. While all this is going on another company Made Pulp Company intends opening a pulp plant which requires the same skills Xaba has and offered him a position within its ranks as a pulp plant mechanic. He approaches you for advice, kindly advise him accordingly. (25 MARKS)

**QUESTION 2**

Each and every sovereign state has a body of rules regulating the employer-employee relationship. Discuss the various rules constituting same in the context of Swaziland. (25 MARKS)

**QUESTION 3**

- a) Employees under your employ intend to engage in an illegal strike. What remedy is open to you? (10 marks)
- b) Briefly enumerate Swaziland's constitutional provisions relating to workers' rights.(10 marks)
- c) Define the contract of employment according to the common law. (5 marks)

**QUESTION 4**

Sabelo was employed on the 11<sup>th</sup> January 2009 as a security guard on a permanent basis with Isidingo Security Company. Muzi was on a permanent basis employed on the 1<sup>st</sup> June 2010. On the 14<sup>th</sup> February 2011, the managing director decided to write letters to them informing them of a termination of their employment because they are expensive to remunerate. In detail explain their remedies in a court of law. (25 MARKS)

**QUESTION 5**

Employees in terms of the common law and our statutory law have a variety of rights. Discuss them in detail. (25 MARKS)

**QUESTION 6**

Give a definition of a trade union. Explain the process involved in its registration and recognition according to the Industrial Relations Act 2000 as read together with its amendment of 2005.

(25 MARKS)

**QUESTION 7**

Discuss the following:

- (a) the essential elements of a contract of employment.
- (b) the duties of an employer.
- (c) a contract of service and a contract of employment.

(10 marks)

(8 marks)

(7 marks)

(25 MARKS)