

UNIVERSITY OF SWAZILAND
INSTITUTE OF DISTANCE EDUCATION
DEPARTMENT OF LAW
SUPPLEMENTARY EXAMINATION PAPER, JULY 2013

TITLE OF PAPER : **INTRODUCTION TO LABOUR LAW**

COURSE CODE : **DL 034**

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

INSTRUCTIONS : (1) **ANSWER FOUR (4) QUESTIONS.**
(2) **QUESTION ONE IS COMPULSORY.**

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GRANTED BY THE INVIGILATOR**

QUESTION ONE – COMPLUSORY

“Workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorization” – Article 2, Convention 87/1948.

Discuss the above position in relation to **workers**, making reference to decided cases and the relevant provisions of the relevant Act.

[25 Marks]

QUESTION TWO

With the aid of decided cases and relevant legislation, distinguish the concepts of **Re-instatement** and **Re-engagement**.

[25 Marks]

QUESTION THREE

Discuss the employees' right to strike and the steps such employees must comply with to ensure that the strike is in conformity with the Industrial Relations Act No.1/2000 (as amended).

[25 Marks]

QUESTION FOUR

The Conciliation Mediation and Arbitration Commission [CMAC] is empowered by law to, *inter alia*, arbitrate disputes.

Discuss the concept of **Arbitration** making reference to the relevant legislation and setting out the stages of the conciliation process.

[25 Marks]

QUESTION FIVE

Discuss the following common law duties;

(a) To enter and remain in service;

[15 Marks]

(b) To receive the employee into service.

[10 Marks]

[Total 25 Marks]

QUESTION SIX

Discuss legislation as a source of labour law in Swaziland.

[25 Marks]

QUESTION SEVEN

Distinguish between;

- (a) Strike and Lockout; **[6 Marks]**
- (b) Interest dispute and Rights dispute; **[6 Marks]**
- (c) An organisation and a Federation; **[3 Marks]**
- (d) Termination of the employment contract and termination of the employment relationship. **[10 Marks]**

[Total 25 Marks]