

UNIVERSITY OF SWAZILAND

FACULTY OF SOCIAL SCIENCE

DEPARTMENT OF LAW

FINAL EXAMINATION MAY 2013

TITLE OF PAPER : LABOUR LAW

COURSE CODE : IDE-L304/L607

TIME ALLOWED : THRE (3) HOURS

INSTRUCTIONS : ANSWERS ANY FOUR QUESTIONS

**THIS PAPER IS NOT TO BE OPENED UNTIL PERMISSION HAS BEEN GRANTED BY THE
INVIGILATOR**

QUESTION 1

A.

Under our common law, there are duties the employer owes to the employee, state them.

(15 marks)

B.

Explain what you understand about remuneration under our labour law and the general rules governing its payment. (10 marks)

(Total 25 marks)

QUESTION 2

Discuss the facts, legal arguments and the court's conclusions in the case of *National Automobile v Berg-Warner SA (Pty) Ltd*, highlighting the difference between the termination of an employment relationship and a contract of employment (25 marks)

QUESTION 3

"Our labour law constitutes the various rules regulating the employer-employee relationship". Explain what this entails in the context of Swaziland, stating the sources of such branch of the law. (25 marks)

QUESTION 4

Explain the following remedies:

- a) Severance pay (5 marks)
- b) Re-engagement (5 marks)
- c) Termination on notice (10 marks)
- d) Withdrawal of labour (5 marks)

(Total 25 marks)

QUESTION 5

The Industrial Court has ruled in favour of an employee in an unfair dismissal hearing. The employee is no longer interested in being employed by the same employer owing to a sour relationship between them. Discuss the remedy he is entitled to. (25 marks)

QUESTION 6

Give the definition of a trade union. Explain the process involved in its registration and recognition according to the Industrial Relations Act 1 of 2000 as read together with its amendment. (25 marks)

QUESTION 7

A.

State the difference between a fixed term contract and an indefinite period contract. (10 marks)

B.

What are the objectives of the Industrial Relations Act 1 of 2000 (as amended) (15 marks)

(Total 25 marks)