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UNIVERSITY OF SWAZILAND
INSTITUTE OF DISTANCE EDUCATION
DEPARTMENT OF LAW
MAIN EXAMINATION PAPER MAY, 2014

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 <u>COMPULSORY</u>.

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QUESTION ONE - COMPULSORY

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Discuss the registration of **federations** in Swaziland. In your answer make reference to applicable International Labour Standards, relevant statutory provisions and case law on the subject.

[25 Marks]

QUESTION TWO

Discuss the three remedies for unfair dismissal, making reference to decided cases and the relevant provisions of the applicable Act.

[25 Marks]

QUESTION THREE

Distinguish between the *locatio conductio operarum* and the *locatio conductio operis*. In your answer, make reference to decided cases, both foreign and local.

[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

"The **withdrawal of labour** is an important employee right in collective bargaining". Discuss this right, setting out the procedures that must be complied with to make the exercise of such right lawful and protected.

[25 Marks]

QUESTION SIX

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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]