

UNIVERSITY OF SWAZILAND
INSTITUTE OF DISTANCE EDUCATION
BACHELOR OF COMMERCE
MAIN EXAMINATION PAPER DECEMBER 2015

TITLE OF PAPER	:	LABOUR LAW
COURSE CODE	:	L304
TIME ALLOWED	:	THREE (3) HOURS
INSTRUCTIONS	:	1. ANSWER ANY FOUR QUESTIONS
TOTAL MARKS	:	100

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GRANTED BY THE INVIGILATOR**

QUESTION 1

- (a) In relation to employment law, discuss dismissal of an employee for misconduct. (15 marks)
- (b) Discuss dismissal based on incapacity citing relevant authorities. (10 marks)

QUESTION 2

- (a) In relation to the legal system explain customary law as a source of law. (15marks)
- (b) In relation to the Employment law, state how courts decide whether someone is self-employed or is an employee. (10 marks)

QUESTION 3

With reference to Labour Law, discuss the various sources of law from which South African Law is derived. (25 marks)

QUESTION 4

Explain in detail the role of 'Collective Bargaining' for resolving Industrial disputes. (25 marks)

QUESTION 5

Louis Earnshaw has recently been hired by Sibahle (Pty) Ltd to a post that has been recently created by the company. Louis is supposed to report to the Finance Manager. At the time when he was hired it was nearly the end of the company's financial year and as a result the Finance manager did not have time to sit down with him and discuss his duties within the company. Consequently Louis sits the whole day chatting on facebook with his friends.

On the fifth day of his employment Louis decided to stay home because in any event he was not doing anything in office. He did not offer an explanation to his employers as to why he was absent. He continued to stay away from the office until seven days later the company driver came to his house to deliver a letter terminating his services with immediate effect.

Discuss all the issues that arise herein. (25 marks)