

UNIVERSITY OF SWAZILAND
INSTITUTE OF DISTANCE EDUCATION

DL034 MAIN EXAM PAPER

Programme of Study	:	Diploma in Law III
Title of Paper	:	Labour Law
Course Code	:	DL034
Time Allowed	:	3 Hours

Instructions

1. Answer any 4 questions. There are 6 questions in this exam.
2. Each question has 25 marks. Please pay attention to the number structure of each question so that you can understand how much time you should allocate to each question.
3. Ensure to underline your cases, references and vernacular terms.
4. Total marks = 100.

Question 1

Using decided Swazi cases critically analyse principles of:

1. Procedural fairness and substantive fairness in respect to dismissal.
[15 marks]
2. The requirements for the disciplinary process in a workplace environment.
[10 marks]

[25 Marks]

Question 2

You have been invited by your Human Resources department at the University of Swaziland to give a presentation about the nature of the Common law contract of employment and the statutory contract of employment. In your presentation you are required to highlight the differences in these two forms and to illustrate the limitations that each may present to understanding what contract of employment is. [25 marks]

Question 3

Describe the Conciliation, Mediation and Arbitration Commission (CMAC) process.

[25 marks]

Question 4

In terms of the Employment Act No. 5 of 1980, as amended, what are the fair and unfair reasons for termination of employment? [25 marks]

Question 5

- a. What is the meaning of 'rendering of personal services' as an objective of the *locatio conductio operarum*? [5 marks]
- b. Discuss briefly the principle of 'accepting an employee into service' as was discussed in the case of *Wyeth (SA) Pty Ltd v. Manqele and another*. [10 marks]
- c. In respect to working hours, the issue was contentious in the case of *Fana Matsenjwa v. Steelman Engineering works*. Briefly discuss the facts and the holding. [10 marks]

[25 Marks]

Question 6

Describe the role of trade unions in Swaziland. [25 marks]