

**UNIVERSITY OF SWAZILAND**  
**INSTITUTE OF DISTANCE EDUCATION**  
**SUPPLEMENTARY EXAMINATION PAPER- JULY 2018**  
**DIP. LAW III IDE**

**TITLE OF PAPER : Labour Law**  
**COURSE CODE : DL034**  
**TIME ALLOWED : THREE (3) HOURS**  
**INSTRUCTIONS : 1. ANSWER ANY FOUR (4) QUESTIONS**  
**2. ALL QUESTIONS CARRY EQUAL MARKS**

**TOTAL MARKS : 100**

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INVIGILATOR**

## Introduction to Labour Law: Final Examination - Supplementary

IDE – DL 034

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:

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

- 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]

### Question 4

- a. What are the differences between staff association and staff union? [5 marks]
- b. Outline the process by which staff unions and staff associations are established. [10 marks]
- c. What are Agency Shop Agreements? Are they Constitutional? [10 marks]

### Question 5

The Tripartite is regarded as imperative for the representation of all industry parties in relation to Labour Law. The same is arguably true for Swaziland. Define what the tripartite is, what legislation and international Conventions regulate it and the role of each party in the Tripartite. [25 marks]

### Question 6

The dispute resolution process in respect to industrial relations commences where a group of employees have the intention to be recognised as an organised group by an employer. Briefly highlight the dispute resolution process and the structures that are available to guide such process. [25 marks]