

UNIVERSITY OF SWAZILAND
DEPARTMENT OF LAW
SUPPLEMENTARY EXAM PAPER- 2017/18

Programme of Study : **LLB (N/P) 3 & B.Com V**

Title of Paper : **Labour Law**

Course Code : **L304**

Time Allowed : **3 Hours**

INSTRUCTIONS:

1. Answer any four (4) Questions
2. In answering any question, note that the quality of the content, use of authority, clarity of expression and legibility of handwriting are absolutely essential.
3. Begin each question on a new page.

THIS PAPER MUST NOT BE OPENED UNTIL PERMISSION HAS BEEN GRANTED BY INVIGILATOR(S).

QUESTION 1

Write an essay in which you explain the statutory and case law definitions of an employee in Swazi labour law?

[25 Marks]

QUESTION 2

Discuss the common law duties of an employee with reference to authority.

[25 Marks]

QUESTION 3

In the case of *Smit v Workmen's Compensation Commissioner* 1979 (1) SA 51 (AD), the court laid down three tests that could be applied to distinguish between a contract of employment proper and other forms of contract. Briefly narrate the facts, legal issues and the courts' reasoning in this judgment, and state the substance of these three tests.

[25 Marks]

QUESTION 4

Analyse what is a protected strike in terms of Swazi labour law and the procedural requirements for a protected strike. Also state the legal effect of engaging in a protected strike as opposed to that of an unprotected strike.

[25 Marks]

QUESTION 5

Write an essay in which you describe the dispute resolution framework and procedure provided by part VIII of the Industrial Relations (Amendment) Act No. 11 of 2014. In your analysis, refer to the Code of Good Practice.

[25 Marks]

END OF PAPER