

UNIVERSITY OF SWAZILAND

FACULTY OF SOCIAL SCIENCES, DEPARTMENT OF LAW

FINAL EXAMINATION PAPER, MAY 2018 (MAIN)

TITLE OF PAPER: LABOUR RELATIONS LAW

COURSE CODE: LAW310

TIME ALLOWED: THREE (3) HOURS

INSTRUCTIONS: ANSWER ANY FOUR (4) QUESTIONS

ALL QUESTIONS CARRY EQUAL MARKS

**THIS PAPER IS NOT TO BE OPENED UNTIL PERMISSION TO DO SO HAS BEEN GRANTED BY
THE INVIGILATOR**

QUESTION ONE

The Industrial Relations Act No. 1 of 2000 lays down certain requirements for the establishment of trade unions. Your firm has been requested to give advice to a group of employees who intend to form a trade union in their workplace of the requirements they need to fulfill to be able to have their intended union represent them in dealings with their employer.

(25 Marks)

QUESTION TWO

Temlangeni Dlamini is an employee of ABC (Pty) Ltd, and has been since 2016. Following the conclusion of an agency shop agreement between the union and the company, Temlangeni noted that a certain amount has been deducted from her salary in respect of agency fees which are then paid to the union. Temlangeni has given you instructions to write to the company requiring them to refrain from any further deductions from her salary in respect of said agency fees as she is not a member of the union and has no desire to be one.

Advise Ms. Dlamini on the position of the law in such cases.

(25 Marks)

QUESTION THREE

You are a new attorney, having recently completed reading for your law degree. You have been instructed by your principal at the law firm at which you are serving your articles to submit a comprehensive brief on the procedures to be followed by employees intending to embark on a protected strike from the time a dispute arises to the time they actually go on strike.

(25 Marks)

QUESTION FOUR

The Conciliation, Mediation and Arbitration Commission is one of the institutions that have been set up by Parliament to ensure smooth labour relations in the country. Evaluate the various functions of the Commission in carrying out its mandate.

(25 Marks)

QUESTION FIVE

Recognition is the first step in the collective bargaining relationship.

Discuss the veracity of the above statement, making reference to relevant case law.

(25 Marks)