

**UNIVERSITY OF SWAZILAND**

**FACULTY OF SOCIAL SCIENCES, DEPARTMENT OF LAW**

**FINAL EXAMINATION PAPER, JULY 2018 (SUPPLEMENTARY)**

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 executive of a recently recognised trade union have approached you for a detailed explanation of the difference between disputes of right and disputes of interest, as well as the importance of making such a distinction. You are expected to write a brief on the foregoing for the union.

(25 Marks)

### QUESTION TWO

The employees of Nedbank Swaziland recently engaged in a strike action. During such strike action the bank sought to employ temporary staff to ensure the continued operation of the bank. The union representing the workers, SUFIAW, instituted proceedings at the Industrial Court, praying that the Court declare such action by the employer contrary to the law. Discuss the decision of the Court in this matter.

(25 Marks)

### QUESTION THREE

Write short notes on the following:

- (a) The establishment and registration of trade unions (9 marks)
  - (b) The constitutionality of agency shop agreements (8 marks)
  - (c) Recognition of trade unions (8 marks)
- (25 Marks)

### QUESTION FOUR

Minenhle Khumalo was an employee of RST (Pty) Ltd, a company located at the Matsapha industrial area. Minenhle is a member of SMAWU, the recognized trade union at the company. On or about January 2018, Minenhle's services were terminated on the grounds of poor work performance. Following an internal disciplinary hearing at the end of which she was dismissed, the union swiftly reported a dispute a CMAC. The dispute remained unresolved after conciliation and the union filed an application in its own name on behalf of Ms. Khumalo. Counsel representing the company raised a preliminary point that the union did not have *locus standi* in the matter.

You are required to write a brief advising the union of the correct position of the law in this regard.

(25 Marks)

### **QUESTION FIVE**

You are approached by BBM (Pty) Ltd for advice. The company is in recognition negotiations with a newly formed trade union and the union wants to include all employees as eligible for membership. The company is of the view that there must be certain employees that they can exclude from eligibility to join the trade union.

You are required to write a brief advising the union of the correct position of the law in this regard.

(25 Marks)