

UNIVERSITY OF ESWATINI
INSTITUTE OF DISTANCE EDUCATION
DIPLOMA IN LAW
MAIN EXAMINATION PAPER – MAY 2019

PAPER TITLE : INTRODUCTION TO LABOUR LAW

COURSE CODE : IDE – DL 034

TIME ALLOWED: 3 HOURS

TOTAL MARKS : 100 MARKS

Instructions:

- 1. Answer any 5 questions. There are 7 questions in this exam.**

- 2. Each question has 20 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 foreign terms.**

- 4. Start each question in a new page**

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Question 1

Using decided Swazi cases critically analyse principles of:

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

Question 2

Define the process of formation of a trade union

[20 marks].

Question 3

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

[20 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? [20 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.

[20 marks]

Question 6

Discuss the duties of an employer and the duties of an employee. [20 marks]

Question 7

- a. Name the sources of law and how each contributes to Labour Law of Eswatini
[5 marks]
- b. Distinguish between the *Locatio conductio operarum* and the *locatio conductio operis*.
[10 marks]
- c. Define what the dominant impression test is and state why it is important in determining the existence of a contract of employment.
[5 Marks]