

UNIVERSITY OF SWAZILAND

DEPARTMENT OF LAW

FINAL EXAMINATION PAPER, JANUARY/FEBRUARY 2018 (SUPPLEMENTARY)

TITLE OF PAPER : EMPLOYMENT LAW

COURSE CODE :LAW309

TIME ALLOWED :THREE (3) HOURS

INSTRUCTIONS :ANSWER ANY FOUR 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

It is not always easy to distinguish between the *locatio conductio operis* and the *locatio conductio operarum* and the statutory definitions do not shed much light.

Discuss fully.

(25 Marks)

Question two

Discuss, referring to relevant authorities :

(a) the duties of employees (15 Marks)

(b) the effect of the Constitution on labour law (10 Marks)

(25 Marks)

Question three

Not only does the law require that dismissals for misconduct be substantively fair, it also requires that they be procedurally fair.

Discuss the essential elements of a procedurally fair dismissals, making reference to relevant authorities.

(25 Marks)

Question four

The duty to respect and obey is considered as fundamental to the relationship of employment, so much so that a system of rules have been formulated to deal with cases of any breach of this duty.

Discuss the role of discipline as well as the various sanctions that may be imposed on employees by their employers, making reference to relevant authorities.

(25 Marks)

Question five

The employer and the employee have certain rights and obligations arising out of the employment contract. Each party has several remedies available to them in the event of breach by the other party. The remedy of specific performance is one which the courts have traditionally been reluctant to grant in employment relationships.

Discuss the development of the remedy of specific performance.

(25 Marks)