

UNIVERSITY OF SWAZILAND

FACULTY OF SOCIAL SCIENCES, DEPARTMENT OF LAW

FINAL EXAMINATION PAPER, MAY/JUNE 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 registered with the appropriate government department. In your answer, give five of what you consider the most important provisions of the document that contains the basic principles governing the running of the trade union.

(25 Marks)

QUESTION TWO

The right to join or not to join a union is a fundamental right of workers in Swaziland. In your opinion, is this right adequately protected and guaranteed to workers of Eswatini?

(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 and two other institutions in carrying out the mandate of resolving labour disputes.

(25 Marks)

QUESTION FIVE

Having registered their trade union, the workers of the Eswatini College of Drama and Music approach you for an opinion on what they need to do next to be able to engage in collective bargaining with their employer.

In addition, they are still aggrieved by the fact that the category of employees who are eligible to join their union was drastically reduced by the employer on the basis that these employees were 'staff' and therefore could not be allowed to be part of the union. They have requested you to advise them on their prospects for success should they decide to pursue this matter in court.

(25 Marks)