



**UNIVERSITY OF ESWATINI
INSTITUTE OF DISTANCE EDUCATION
DIPLOMA IN LAW
FINAL EXAMINATION PAPER AUGUST 2020**

TITLE: Introduction to Labour Law

COURSE CODE: IDE – DL034

TIME ALLOWED: 3 hours

TOTAL MARKS: 100

INSTRUCTIONS:

1. Answer any 4 questions. There are 6 questions in this exam.
2. Each question has 25 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 vernacular terms.
4. Total marks = 100.

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

Question 1

Using decided Swazi cases critically analyse principles of:

- a) Procedural fairness and substantive fairness in respect to dismissal. [15 marks]
- b) The requirements for the disciplinary process in a workplace environment. [10 marks]

Question 2

You have been invited by your Human Resources department at the University of Swaziland to give a presentation about the nature of the employer/employee relationship. In your presentation you are required to highlight the rights and duties that emanate from this relationship. Write the presentation. [25 marks]

Question 3

Describe the Conciliation, Mediation and Arbitration Commission (CMAC) process. [25 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? [25 marks]

Question 5

- a. What is the meaning of 'rendering of personal services' as an objective of the *locatio conductio operarum*? [5 marks]
- b. Discuss briefly the principle of 'accepting an employee into service' as was discussed in the case of ***Wyeth (SA) Pty Ltd v. Manqele and another***. [10 marks]

- c. In respect to working hours, the issue was contentious in the case of ***Fana Matsenjwa v. Steelman Engineering works***. Briefly discuss the facts and the holding. [10 marks]

Question 6

Briefly describe the role of trade unions in Eswatini. [25 marks]