

UNIVERSITY OF SWAZILAND

FACULTY OF SOCIAL SCIENCE

DEPARTMENT OF SOCIOLOGY

FINAL EXAMINATION QUESTION PAPER, MAY 2006

TITLE OF PAPER : **INTRODUCTION TO ELEMENTS OF LABOUR
LAW**

COURSE CODE : **SOC 410**

TIME ALLOWED : **TWO (2) HOURS**

INSTRUCTIONS : **1. ANSWER ANY THREE (3) QUESTIONS.**
**2. ALL QUESTIONS CARRY EQUAL
MARKS.**

**THIS PAPER IS NOT TO BE OPENED UNTIL PERMISSION HAS BEEN GIVEN BY THE
INVIGILATOR.**

QUESTION 1

- (a) Distinguish between the contract of employment and contract of service.
- (b) Discuss the tests used in determining whether an employment relationship is characterised by a contract of employment or a contract of service.

QUESTION 2

With reference to the Industrial Relations Act, 2000 (as amended):

- (a) Discuss the characteristics of an automatically unfair dismissal. Use examples to illustrate your answer.
- (b) Explain the remedial powers of the Industrial court of Swaziland and the Conciliation, Mediation and Arbitration Commission (CMAC) in relation to cases of unfair dismissal.

QUESTION 3

- (a) Explain five (5) duties of an employee in terms of the contract of employment.
- (b) Explain five (5) ways in which a contract of employment can lawfully come to an end. Give examples in respect of each of the ways you listed above.

QUESTION 4

- (a) Discuss three (3) frames of reference that are used in understanding a labour relationship.
- (b) Explain the extent of the relevance of the three (3) frames of reference to the industrial relations experience in Swaziland.

QUESTION 5

- (a) Explain the difference between individual labour law and collective labour law.
- (b) Discuss the circumstances under which a trade union or staff association can be recognized as a collective employee representative as envisaged by Section 42 of the Industrial Relations, 200 (as amended).

QUESTION 6

- (a) Define what is meant by **dismissal for operational requirements?**
- (b) Discuss the procedure that ought to be followed in a dismissal for operational requirements. Make reference to the Industrial Relations Act, 2000 (as amended).