

UNIVERSITY OF SWAZILAND
FACULTY OF SOCIAL SCIENCE
DEPARTMENT OF SOCIOLOGY
FINAL EXAMINATION PAPER, MAY 2009

TITLE OF PAPER: INTRODUCTION TO ELEMENTS OF LABOUR
LAW

COURSE CODE : SOC 410

TIME ALLOWED: TWO (2) HOURS

INSTRUCTIONS: 1. QUESTION ONE (1) IS COMPULSORY

2. ANSWER ANY TWO (2) OF THE REMAINING
QUESTIONS

2. ALL QUESTIONS CARRY EQUAL MARKS

1. Discuss the role played by the Conciliation, Mediation and Arbitration Commission (CMAC) in dispute resolution in Swaziland.
2.
 - (a) Explain the conceptual definition of a contract of employment.
 - (b) Discuss five (5) essential elements of a contract of employment.
 - (c) With reference to the Employment Act, 1980 (as amended), explain five (5) circumstances under which an employer can fairly and justly terminate an employment relationship. Use case law to illustrate your answer.
3.
 - (a) Explain the differences between a review and an appeal in accordance with the Industrial Relations Act, 2000 (as amended).
 - (b) Discuss the remedial powers that are at the disposal of the Industrial Court of Swaziland/CMAC in the event that a dismissal is deemed to have been unfair.

4. Explain five (5) factors that can lead to the lawful termination of the contract of employment. Use examples to illustrate your answer.
5. Discuss the degree to which the trade union movement and political parties of the 1960s to date were, and still are *legs of the same body* in Swaziland's labour history.
6. (a) Explain the factors that are entailed in a dismissal for operational requirements.

(b) Explain the procedure that ought to be followed where an employer contemplates to terminate contracts of employment in accordance with operational requirements.