

UNIVERSITY OF SWAZILAND
FACULTY OF SOCIAL SCIENCE
DEPARTMENT OF SOCIOLOGY
MAIN EXAMINATION PAPER, MAY 2011

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

Explain the characteristics of an employee and an independent contractor. Use case law to illustrate your answer.

QUESTION 2

Discuss circumstances under which a dismissal of an employee can be both procedurally and substantively unfair and unlawful.

QUESTION 3

Explain the procedure that ought to be followed in bringing an essential service dispute to finality.

QUESTION 4

- (a) Explain the difference between an appeal and a review in the context of the administration of labour law in Swaziland.
- (b) With reference to **Section 16 of the Industrial Relations Act, 2000 (as amended)**, explain the remedial powers of the Industrial Court of Swaziland.

QUESTION 5

Discuss three (3) common law duties of an employer. Use case law to illustrate your answer.

QUESTION 6

Discuss the role of the Conciliation, Mediation and Arbitration Commission in the administration of labour law in Swaziland.