

**UNIVERSITY OF SWAZILAND**  
**FACULTY OF SOCIAL SCIENCE**  
**DEPARTMENT OF SOCIOLOGY**  
**MAIN EXAMINATION PAPER, MAY 2012**

**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.**
3. **ALL QUESTIONS CARRY EQUAL MARKS.**

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

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FINAL EXAMINATION QUESTION PAPER, MAY 2012

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1. (a) Explain the circumstances under which a matter can be taken on review and appealed against in the context of the administration of labour law in Swaziland.  
  
(b) In accordance with **Section 16 of the Industrial Relations Act, 2000 (as amended)**, explain the remedial powers of the Industrial Court of Swaziland.
2. Explain the role of the Conciliation, Mediation and Arbitration Commission in the arbitration of disputes in Swaziland.
3. Explain the main assumptions and challenges of the Unitarist approach to an employment relationship.
4. Critically discuss any three (3) common law duties of an employee. Use relevant case law to illustrate your answer.
5. With reference to *SA Broadcasting Corporation v. Mackenzie*, differentiate between a contract of employment and a contract of work.
6. Explain the procedure that ought to be followed in a dismissal for medical incapacity.