

UNIVERSITY OF SWAZILAND
INSTITUTE OF DISTANCE EDUCATION
DEPARTMENT OF LAW
SUPPLEMENTARY EXAMINATION PAPER JUNE, 2017

TITLE OF PAPER : **INTRODUCTION TO LABOUR LAW**
COURSE CODE : **DL 034**
TIME ALLOWED : **THREE (3) HOURS**
INSTRUCTIONS : **(1) ANSWER FOUR (4) QUESTIONS.**
(2) QUESTION ONE IS COMPULSORY.

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BY THE INVIGILATOR**

QUESTION ONE – COMPULSORY

“All dismissals in Swaziland must not only be lawful but also fair”.

Critically discuss the above statement and in your answer make reference to relevant case law and statutory provisions.

[25 Marks]

QUESTION TWO

Mr Bad Boy Smith was recently dismissed by ABC (Pty) Ltd. He was earning E2 000 (Two Thousand Emalangeni) per month. He worked 25 days a month. He had been in the employ of ABC (Pty) Ltd for 21 years.

Calculate, stating the **formula** and the **legal basis** (section of the relevant Act);

- (a) Severance allowance payable; **[5 Marks]**
- (b) Additional Notice payable; **[5 Marks]**
- (c) Maximum Compensation for unfair dismissal; **[5 Marks]**
- (d) Maximum Compensation for automatically unfair dismissal; **[5 Marks]**
- (e) What is the Notice Pay due? **[5 Marks]**

[Total 25 Marks]

QUESTION THREE

Distinguish between the *locatio conductio operarum* and the *locatio conductio operis*.

In your answer, refer to relevant case law.

[25 Marks]

QUESTION FOUR

Discuss the recognition of trade unions in Swaziland.

[25 Marks]

QUESTION FIVE

Critically discuss the **three remedies** available to an employee for an unlawful and unfair dismissal by the employer. In your answer refer to the relevant statutory provisions and case law.

[25 Marks]

QUESTION SIX

Briefly discuss the following:

(a) The employee's duty to enter and remain in service; **[10 Marks]**

(b) The right to a certificate of service; **[10 Marks]**

(c) The right to safe working conditions; **[5 Marks]**

[Total 25 Marks]

QUESTION SEVEN

Define the following;

(a) Summary dismissal; **[5 Marks]**

(b) Trade union; **[5 Marks]**

(c) Staff association; **[5 Marks]**

(d) Strike; **[5 Marks]**

(e) Lockout. **[5 Marks]**

[Total 25 Marks]