

UNIVERSITY OF SWAZILAND
DEPARTMENT OF LAW
FINAL EXAMINATION PAPER, JULY 2018 (SUPPLEMENTARY)

TITLE OF PAPER : EMPLOYMENT LAW

COURSE CODE :LAW309

TIME ALLOWED :THREE (3) HOURS

INSTRUCTIONS :ANSWER ANY FOUR QUESTIONS
ALL QUESTIONS CARRY EQUAL MARKS

**THIS PAPER IS NOT TO BE OPENED UNTIL PERMISSION TO DO SO HAS BEEN GRANTED BY THE
INVIGILATOR**

Question one

Ntombenhle Dlamini has approached you for advice. She informs you that she has received a letter terminating her services. She instructs you that she was employed by Ngamphalala Cleaning Supplies in September 2014 as a receptionist. Recently, she has been talking to her colleagues about possibly forming a union to handle employee matters with the employer. She is convinced that this is the real reason why her employment has been terminated even though it does not say so in her letter of dismissal.

Advise her on the position of the law on such matters.

(25 Marks)

Question two

Discuss, referring to relevant authorities :

(a) the sources of labour law (10 Marks)

(b) the effect of the Constitution on labour law (15 Marks)

(25 Marks)

Question three

Not only does the law require that dismissals for misconduct be substantively fair, it also requires that they be procedurally fair.

Discuss, with reference to relevant authorities.

(25 Marks)

Question four

The duty to respect and obey is considered as fundamental to the relationship of employment, so much so that a system of rules have been formulated to deal with cases of any breach of this duty.

Discuss the role of discipline as well as the various sanctions that may be imposed on employees by their employers, making reference to relevant authorities.

(25 Marks)

Question five

Your client Temalangen Construction informs you that it is considering terminating the services of Josiah Tsabedze as his work performance is not satisfactory.

Advise you client on the requirements of the law in cases of dismissal for poor work performance, making reference to relevant legal provisions and decided cases.

(25 Marks)