

UNIVERSITY OF SWAZILAND

FACULTY OF SOCIAL SCIENCES, DEPARTMENT OF LAW

FINAL EXAMINATION PAPER, JULY 2019 (RE-SIT)

TITLE OF PAPER: LABOUR RELATIONS LAW

COURSE CODE: LAW310

TIME ALLOWED: THREE (3) HOURS

INSTRUCTIONS: ANSWER ANY FOUR (4) 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

Discuss the legal position on the *locus standi* of trade unions to represent members of the bargaining unit in court proceedings.

(25 Marks)

QUESTION TWO

The employees of Nedbank Swaziland Have been in negotiations with their employer of issues such as the cost of living adjustment for the 2019/2020 financial year as well as introduction of overtime payment for those employees who are on occasion required to work overtime. Following highly contentious discussions, the parties have not reached agreement on the matter. The union representing the employees have determined that the only way to get the management of the bank to agree to their demands is to engage in a strike action.

You are required to write a brief advising the union on the steps to take to ensure that their strike is one that will be protected under the Industrial Relations Act of 2000 (as amended).

(25 Marks)

QUESTION THREE

Write short notes on the following:

- (a) The relationship between collective agreements and individual contracts of employment (9 marks)
 - (b) Joint negotiation councils (8 marks)
 - (c) Works Councils (8 marks)
- (25 Marks)

QUESTION FOUR

Mthandazo Lukhele worked for Sizeze Manufacturing Company for twenty two years. Following disciplinary proceedings against her for dishonesty, the Chairman of the proceeding found her guilty and recommended the termination of her employment. Ms. Lukhele tried to appeal to the CEO of the company, who wrote back to her saying he does not see the need for wasting company resources on the matter and reiterated that Ms. Lukhele no longer works for the company. Ms. Lukhele has since reported a dispute at CMAC and has approached you on what she can expect during those proceeding and the avenues open to her, if any, in the event she is not satisfied with the outcome and CMAC.

(25 Marks)

QUESTION FIVE

You are approached by BBM (Pty) Ltd for advice. The company is in negotiation with the registered union on an agency shop agreement. The company has received a petition from its employees who are not part of the union stating the conclusion of such agency shop agreement would be unconstitutional. In any event, according to the petition, some of the categories of employees sought to be covered by the proposed agency shop agreement are not eligible to form part of the bargaining unit represented by the union.

You are required to write a brief advising the union of the correct position of the law in this regard.

(25 Marks)