

BOTSWANA OPEN UNIVERSITY

Bachelor of Commerce

Human Resources Management & Industrial Relations

LABOUR LAW

LL222

Sessional Examination

Marks: 100

Time allowed: 3 hours

Instructions

1. The examination consists of four sections: A, B, C and D.
2. Begin each answer to a new question on a new page.
3. Answer questions according to instructions given in each section.
4. Write answers in the answer booklet provided.
5. Write in grammatical English.



SECTION A

[10 MARKS]

Multiple Choice Questions

Answer All Questions. Each question carries ONE (1) mark.

1. _____ is a continuous disagreement between employers and employees or their unions regarding any matter of common interest, any work-related factor affecting their relationship or any processes and structures established to maintain such a relationship.
 - A. Strike
 - B. Labour Dispute
 - C. Lock Out
 - D. Grievance

2. The process where by an employer withholds pay cheques due to union members is known as _____.
 - A. Maintenance of membership
 - B. Dues checkoff
 - C. Agency shop
 - D. Open shop

3. _____ is the law that governs the relationship between employer, employee and trade unions.
 - A. Criminal Law
 - B. International Law
 - C. Administrative Law
 - D. Industrial Law



4. Which one of the following is not a critical step in the disciplinary handling procedure?
 - A. Contract -Introduction of the parties (confirm representation and identity of those present).
 - B. Guarante - Confirm language to be used and arrange for an interpreter if necessary.
 - C. Indemnity- Read and explain the charges to the employees, and obtain the employee's plea, that is, guilty or not guilty
 - D. Prerogative of management is accepted

5. When a contract is breached, the aggrieved employer can claim, from the employee breaching the contract, the following except _____.
 - A. Cancellation
 - B. Specific performance
 - C. Damages
 - D. Procedural Control

6. An employment relationship to be valid must contain the following essential elements except _____.
 - A. Specific work
 - B. Remuneration
 - C. Legality
 - D. Freedom of Association

7. If all the duties relating to a particular job is no longer required, it means the position is declared _____.
 - A. Redundant
 - B. Insolvent
 - C. Effluxion
 - D. Inexistence



8. _____ is the procedure in which a third party is more active in assisting parties to reach a settlement in case of a labour dispute.
- A. Conciliation
 - B. Arbitration
 - C. Mediation
 - D. Litigation
9. _____ is not subject to negotiation in a labour relationship contract.
- A. Dispute of interest
 - B. Dispute of Right
 - C. Employment
 - D. Procedure
10. _____ refers to proof of an alleged offence, the merit of the case and the suitability of the penalty meted, given the circumstances prevailing at the time the alleged offence was committed by an employee.
- A. Subject Matter
 - B. Substantive Fairness
 - C. Proceedings
 - D. Disciplinary Hearing



SECTION B – TRUE/FALSE QUESTIONS

[10 MARKS]

Answer ALL questions. Each question carries ONE (1) mark.

State whether each of the following statements is TRUE or FALSE.

1. Collective bargaining should not be made possible for all employers and groups of workers in dispute under ILO conventions.
2. To be valid a contract of employment must ensure only that there is agreement between parties.
3. The development of labour jurisprudence is the result and outcome of the need for social and economic justice to the working class.
4. The basic requirement in retrenchment is the termination of service. But every termination of service is not retrenchment.
5. Judicial precedent refers to binding and non-binding court decisions.
6. The state of industrial relation in a country is also reflected in the discipline and morale of the labour force.
7. The decisions of the courts reveal that the workers participating in a legal and justified strike cannot be dismissed.
8. Trade unions are formed with the object of strengthening the bargaining power of labour vis -a-vis the employer.
9. The most important characteristics of strike is not the cessation of work.
10. Picketing ceases to be peaceful, the moment it results in a private or public nuisance.



SECTION C: SHORT ANSWERS QUESTIONS.

[30 MARKS]

Answer all the questions in this section.

1a) Define the term 'Labour Law'. Distinguish between its two main branches.

(5 marks)

Write short notes on the following.

b) Disputes of Interest

(5 marks)

c) Social Legislation

(5 marks)

d) Constructive Dismissal

(5 marks)

2a) Distinguish between lockout and closure.

(5 marks)

b) Explain any five benefits of a registered Trade Union.

(5 marks)



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SECTION D: ESSAY - TYPE QUESTIONS.

[50 MARKS]

Answer any two questions from this section.

QUESTION 1

[25 marks]

a) Define collective bargaining. Explain the pre-requisites of a good collective bargaining agreement in an organisation. **(15 marks)**

b) Identify and explain any five grounds leading to dismissal of an employee.

(10 marks)

QUESTION 2

[25 marks]

a) Define 'grievance'. State the impact of poor grievance handling process in an organisational performance. **(15 marks)**

b) Describe how restraint of trade is implemented between the employer and employee.

(10 marks)

QUESTION 3

[25 marks]

a) Distinguish child labour from child work. **(5 marks)**

b) Critically analyse the international law conventions that regulate child labour.

(20 marks)

END OF THE PAPER!