

**BOTSWANA COLLEGE OF DISTANCE**  
**AND OPEN LEARNING**

**Diploma in Human Resources Management**

**Employment Law**

**EL122**

**Special Examination**

**Marks: 100**

**Time allowed: 3 hours**

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**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**

1. Employment law in Botswana and the rest of the world is part of the law of \_\_\_\_\_ based on contractual relationships between the parties,
  - A. Obligation
  - B. Criminal
  - C. Forensic
  - D. Tribal
  
2. Which of the following is not a duty of the employee?
  - A. Reasonable competence
  - B. Obedience to instructions (unless required act is unlawful or will expose employee to personal danger)
  - C. Absence of error in work undertaken
  - D. Personal service
  
3. The Laws applicable in the Cape Colony became applicable in Botswana in \_\_\_\_\_.
  - A. 1871
  - B. 1881
  - C. 1891
  - D. 1781
  
4. In Botswana, a public officer can officially retire at which one of the following ages?
  - A. 60years
  - B. 55years
  - C. 50years
  - D. 45years

5. All employers in Botswana are obliged by the Employment Act to report all work related accidents within how many days?
- A. 07days
  - B. 27days
  - C. 17days
  - D. 37days
6. In order for the trade union to be valid it will need a minimum of \_\_\_\_\_ members in Botswana.
- A. 60
  - B. 50
  - C. 40
  - D. 30
7. According to Employment Law, what is the legal age one may be entitled to join and behold office in a trade union?
- A. 16 years and below
  - B. 15 years and below
  - C. 18 years and below
  - D. 21 years
8. Which of these is not a remedy under unfair dismissal?
- A. Re-instatement.
  - B. Compensation
  - C. Recession
  - D. Re-engagement.

9. The control test is seeing if \_\_\_\_\_.
- A. The employee is part of the organization
  - B. In reality an individual is an employee
  - C. The employee works set hours a week
  - D. The employee pays for his tools needed for the work
10. An employer must allow an employee time off work \_\_\_\_\_.
- A. For trade union duties
  - B. To attend an interview for another job
  - C. To attend a course of training
  - D. To attend the funeral of a close relative

**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. The Workers Compensation Act defines a worker as only the government employees.
2. The Commission(er) under the Compensation Act cannot function without the Medical Board.
3. Section 70 of the Employment Act makes it an offence for anyone to impose forced labour.
4. Section 78 asserts that employees can only be paid during working hours and working day.
5. Public officers attend but are forbidden from speaking at the opposition party political meeting.
6. Public officers' probation period varies from one ministry to the other.
7. An employer is liable for delicts committed by independent contractors.
8. Repudiation involves conduct by one party which shows no intention to be bound by the agreed contract.

9. Supervening Impossibility renders a contract void.
10. No child or young person can be employed on underground work in mining only.

**SECTION C – SHORT ANSWER QUESTIONS** **[30 MARKS]**

**Answer ALL questions in this section**

1. Define the term ‘discrimination’. List four forms of discrimination.  
**(5 marks)**
2. Outline the main 5 main remedies available to an employer for breach of duty by their employee?  
**(5 marks)**
3. Deliberate on the five top most reasons that can cause an employer to summarily suspend an employee.  
**(5 marks)**
4. Explain the meaning of the following statement, ‘Botswana has a dual legal system’. Outline the four major components of the Botswana Legal system.  
**(10 marks)**
5. With the use of examples, define paid public holiday. State the consequences of a breach of the paid public holiday.  
**(5 marks)**

**SECTION D ESSAY QUESTIONS** **[50 MARKS]**

**Answer any TWO questions from this section.**

**QUESTION 1** **(25 marks)**

Define the term Trade Union. Explain liability, membership, investigation, dissolution, finances and annual returns with regard to a Trade Union  
**(25 marks)**

**QUESTION 2** **(25 marks)**

Discuss ten rights of an employee in relation to fair dismissal.  
**(25 marks)**

**QUESTION 3** **(25 marks)**



Specific performance is one of the remedies available to an employer for breach of contract by an employee, however it may not be granted in certain circumstances. Name and describe five circumstances that may cause the remedy not to be granted. **(25 marks)**