

BOTSWANA COLLEGE OF DISTANCE AND OPEN LEARNING

In collaboration with

ZIMBABWE OPEN UNIVERSITY

Bachelor of Commerce Degree

Human Resources Management & Industrial Relations

LABOUR LAW

EL201

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 - MULTIPLE CHOICE QUESTIONS

[10 MARKS]

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

1. Which one of the following is not a source of labour law?
 - A. Legislation/Statute
 - B. Custom/Practice
 - C. Judicial Precedent
 - D. Rules and Regulations

2. The following are types of employment contracts except for _____.
 - A. Fixed term employment
 - B. Probation
 - C. Contract of employment
 - D. Casual

3. Duties of employer include _____.
 - A. To receive employee into service
 - B. To allow maternity leave and sick leave
 - C. To pay the remuneration agreed upon
 - D. To ensure safe working conditions

4. Which one of the following does not relate to environmental influences on labour relations?
 - A. Traditional Factors
 - B. Economic Factors
 - C. Political Factors
 - D. Legal Factors

5. _____ is not a source of power.



- A. People Power
 - B. Consumer Power
 - C. Political Power
 - D. Production Control Power
6. Which one of the following is not a type of dispute?
- A. Disputes of rights and disputes of interest
 - B. Individual disputes and collective disputes
 - C. Unfair pay systems
 - D. Unfair labour practices
7. Child labour is _____.
- A. Employing children in unsafe working conditions
 - B. Employing and not paying children their rightful wages
 - C. Work that impairs the health and development of children
 - D. Employing children and then stopping them from attending school
8. What is the minimum age of employment for a young person?
- A. 15years
 - B. 12years
 - C. 13years
 - D. 18years
9. A contract of employment can be terminated by _____.
- A. Notice
 - B. Death
 - C. Agreement
 - D. Absence

10. Judicial Precedent refers to _____.
- A. Binding court decisions
 - B. The decision of the legal systems
 - C. Presidential decree
 - D. Collective agreements

SECTION B – TRUE/FALSE QUESTIONS [10 MARKS]

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

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

1. Collective agreements are agreements entered into between employers, employees and trade unions which regulate important aspects of employment relationship in a particular industry, sector, trade or undertaking.
2. Individual employment law is concerned with employment relationships or contracts of service.
3. Specified work and remuneration are essential elements of the contract of employment
4. Neither party may unilaterally vary the terms of a contract of employment.
5. An employee is entitled to 20 and above sick leave days in Botswana per year.
6. An employee may refuse to work for example when the employer has failed to pay their wages.
7. Workers committee and Works council mean exactly the same.
8. The government of Botswana has a role to play in collective bargaining.
9. A collective bargaining agreement is not binding upon the employees and employers represented in the bargaining.
10. Is striking a right or not according to labour law.

SECTION C – SHORT ANSWER QUESTIONS [30 MARKS]

Answer all questions.

1. Compare and contrast workers' committee and works council. **(5 marks)**

2. Distinguish between vicarious liability and restraint of trade. **(5 marks)**
3. Distinguish between individual and collective labour laws. **(5 marks)**
4. What is the difference between centralized bargaining and decentralized bargaining?
(5 marks)
5. What are the remedies available to an employer if employee breaches his duties?
(5 marks)
6. List and explain the four duties of an employer. **(5 marks)**

SECTION D ESSAY QUESTIONS

[50 MARKS]

Answer any two questions.

QUESTION 1

Outline and explain the duties and obligations of the employers in the contract of employment. **(25 marks)**

QUESTION 2

Discuss the difference between child labour and child work outlining, in your answer, the causes of child labour. **(25 marks)**

QUESTION 3

State and explain any seven ways by which contract of employment may be terminated legally. **(25 marks)**