

BOTSWANA COLLEGE OF DISTANCE AND OPEN LEARNING

**In collaboration with
ZIMBABWE OPEN UNIVERSITY**

**Bachelor of Commerce Degree
Human Resources Management & Industrial Relations**

**LABOUR LAW
LL 222
Special 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

Each question carries 1 (ONE) mark

1. ILO Convention _____ is a consolidation of principles that among other things seek to ensure effective control of child labour.
 - A. 148 (ILO 1986:24)
 - B. 158 (ILO 1976:24)
 - C. 168 (ILO 1966:24)
 - D. 138 (ILO 1996:24)

2. _____ is a procedure whereby a third party brings the parties to the dispute together, encourages them to discuss their differences.
 - A. Meditation
 - B. Reconciliation
 - C. Mediation
 - D. Conciliation

3. Employees in Botswana are required to be subordinate to the employer meaning the rest of the following except for _____.
 - A. They must agree to everything that the employer wants
 - B. They must show respect
 - C. They must show courtesy
 - D. They must foster good working condition

4. Which of the following is not a type of dispute in line with dispute resolution?
 - A. Disputes of rights and disputes of interest
 - B. Disputes of salaries and wages
 - C. Individual disputes and collective disputes
 - D. Unfair labour practices

5. Which category of the following people has the right to strike as per the employment act?
- A. Any bakery or food manufacturing plant
 - B. Any fire brigade or fire service
 - C. Any communication service
 - D. Any health, hospital or ambulance service
6. The following are theories of Labour Relations except for _____.
- A. Free market economists
 - B. Social reformers
 - C. Freedom for all
 - D. Industrial sociologists
7. _____ is made up of equal members of representatives from the workers and management.
- A. Employer Council
 - B. Works Committee
 - C. Works Council
 - D. Employer Committee
8. An unregistered trade union is legally allowed to do all the listed points below except to _____.
- A. Recommend collective action
 - B. Have the right to form or be represented in an employment council
 - C. Have the right of access to employees during working hours
 - D. Levy, collect or sue for union dues
9. The role of government in collective bargaining includes the following except for _____.
- A. Encourage
 - B. Suppress

- C. Tolerate it
 - D. Participate
10. The following are theories of Labour Relations except _____.
- A. Free Economic reform
 - B. Free Market economists
 - C. Social Reformers
 - D. Industrial Sociologists

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. Legislation refers to the Botswana Constitution, Acts of Parliament and Statutory Instruments.
2. Individual labour law is all about the duties of employees and employers.
3. The contract of service and not for service is the basis of any employment relationship.
4. The main essential elements of a contract of employment are specified work and remuneration.
5. Employers usually require certification of illness by a medical practitioner as a prerequisite to the granting of sick leave
6. It is within the employer's prerogative to transfer employees from one location to another, one city or town to another.
7. In Botswana if the employer fails or delays to pay the wages to a worker on the agreed date the employee can refuse to work and yet still be employed and this is legal.
8. Takeovers and mergers do result in termination of employment contracts.
9. Cancellation is one of the remedies available to the employee for breach by the employer of their duties.
10. A delict is the intentional or negligent causing of harm or loss to another party.



SECTION C – SHORT ANSWER QUESTIONS

[30 MARKS]

Answer all questions.

1. Child Labour is work that impairs the health and development of children. List and explain the major characteristics of child labour.

(5 marks)
2. Explain the five main sources of power for a Trade Union.

(5 marks)
3. Labour Relations are affected by a number of environmental factors, evaluate the five most common factors at play in the environment.

(5 marks)
4. State and explain any five items contained in a collective agreement.

(5 marks)
5. What are the five main sources of Labour Law in Botswana?

(5 marks)
6. It is better to be represented by a Trade union than to try and represent one because they are many benefits that come with belonging to a trade union. Discuss the main benefits of a registered Trade Union.

(5 marks)

SECTION D ESSAY QUESTIONS

[50 MARKS]

Answer any two questions.

QUESTION 1

(25 marks)

Malebogo had entered into a contract with Xiling Construction on the following terms:

1. Xiling Construction (Xiling) hereby sub-contracts Malebogo to supervise bricklaying works at the company's various sites.
- 2 Malebogo is prohibited from entering into any other income generating activity for the period of this contract.
3. Malebogo is appointed subject to a three-month trial which can be terminated by one month's notice.
4. Either party can terminate the contract of employment by giving the other one month's notice.

5. Should Malebogo violate company policies, his services may be terminated without notice.
6. Malebogo will be paid P20,000 per month. Payment of taxes is the responsibility of Xiling.
7. Malebogo will be required to personally report for duty every day at the site.
8. Malebogo is required to keep normal working hours Monday to Saturday with overtime payable where required. Whilst the contract was running, Malebogo and SureBuild had a dispute. Xiling demanded that Malebogo resign, which he did. Malebogo then sued for wrongful dismissal under the Employment Act 2010. In its defence, Xiling argued that the contract was not one of service but a contract for services and therefore the provisions of the Employment Act 2010 were not applicable.

Advise Malebogo on the nature of his contract.

(25 marks)

QUESTION 2

(25 marks)

Mr. Titose just got a loan from CEDA in order to establish a business of his own. As a new employer he has been recruiting a number of employees to fill a number of vacancies in his new business. An article in the daily news caught his attention, it stated that a contract of employment is so important and it is supported by the employment act that stipulates the duties of an employee as well as remedies available to the employer for breach of one or more of these duties. Mr. Titose having been introduced to you as a labour officer kindly asks you to explain the main duties of an employee as well as remedies available to the employer for breach of those duties.

(25 marks)

QUESTION 3

(25 marks)

In relation to employment law, explain the various ways in which a contract of employment may be terminated.

(25 marks)