



MANICALAND STATE UNIVERSITY OF APPLIED SCIENCES

FACULTY OF APPLIED SOCIAL SCIENCES
HUMAN RESOURCE MANAGEMENT DEPARTMENT

ELEMENTS OF LABOUR LAW

CODE: HHRM221

SESSIONAL EXAMINATIONS

OCTOBER 2021

DURATION: 3 HOURS

EXAMINER: DR C. KAJONGWE

INSTRUCTIONS & INFORMATON

1. *Section A is compulsory.*
 2. *Answer ANY **three** other questions from section B*
 3. *Total marks 100*
 4. *You are reminded of the need for good English and clear presentation in your answers.*
-

SECTION A

1. Case Law 1

Simon Peter signed a contract of services with Regal Insurance (Pvt) Ltd, to provide services as an insurance agent. Simon Peter's contract states that he will not receive a salary but remuneration by way of commission, the working hours are at his own discretion and he is not entitled to any leave of whatever sought. The Contract further states that he will use his own stationery for the job and he will sale insurance for Regal Insurance using his own expertise and knowledge. Simon Peter's service contract has now been terminated by Regal Insurance due to poor performance.

Required;

Simon Peter wants to lodge a claim challenging his termination as an insurance agent. Advise him adequately whether he can do so based on his contract of services applying all the common law tests of an employee. **(25**

marks)

SECTION B

2. Case Law 2

Juliet Chochora a Manager at Commerce Alert (Pvt) Ltd, proposes to one of her subordinate employees, Tom Mboya, that he should take her out for dinner and pay her rentals for the month. Tom refuses and the next thing he knows, he receives a suspension letter and the charge is incompetence. The hearing in the above matter is held two months after the suspension in terms of the company's code of conduct. Tom Mboya requested for and was denied the right of legal representation. The manager sat in the hearing and contributed to proceedings, although she did not take part in the

final decision. The code of conduct does not provide for the presence of the Manager in disciplinary hearings of junior employees. Mboya is found guilty of incompetence/inefficiency and dismissed. He had worked for the company for twenty two years and was a first offender.

Required;

Mboya asks for your opinion on whether the dismissal was procedurally fair and lawful in terms of the National Code of Conduct SI 15 of 2006, and if not what steps he should take to seek redress. **25**

marks)

3. Discuss the essential features of the elements of labour law and its applicability in the Zimbabwean situation. **(25 marks)**
4. Analyse any **six** duties of the employer in the employment contract. **(25 marks)**
5. Discuss essential features of the employment contract. **(25 marks)**
6. Discuss any **four** dispute resolution mechanisms at law. **(25 marks)**

END OF EXAMINATION