



SCHOOL OF LAW

NLLB308: LABOUR LAW

END OF SECOND SEMESTER EXAMINATIONS

APRIL 2025

LECTURER: DR LK MASEKESA

DURATION: 3HRS

GENERAL INSTRUCTIONS TO CANDIDATES

1. Write legibly.
2. Answer **Four** questions only.
3. Refer to **RELEVANT** authorities to support your answers.
4. You may start with any question.

QUESTION 1

Memo, a prominent trade union official, was recently denied permission by her employer, Innovatech Solutions, to attend an International Labour Organisation General Conference in Geneva. The employer also prohibited her from holding lunchtime trade union feedback meetings on its premises and issued an ultimatum, forcing Memo to choose between her union activities and her job, stating it could no longer tolerate disruptions caused by her union involvement.

Memo refused to accept these conditions and the ultimatum, leading to her dismissal after a hearing where she received only one day's notice. During the hearing, she was not allowed to cross-examine the company's witnesses or have legal representation. Memo is a first-time offender, the sole provider for her family of six, and has worked for the company for twenty years. The company does not have a registered code of conduct for employment. Memo has appealed her dismissal to the Labour Court, claiming it was unfair.

Memo asks for your advice on the following:

- (a) Whether any of her rights have been violated by the employer. **[9 Marks]**
- (b) If so, what course of action can be taken to challenge the dismissal. **[8 Marks]**
- (c) Should she be successful in challenging the dismissal, any two (2) appropriate remedies. **[8 Marks]**

QUESTION 2

Write summary notes on your understanding of any four (4) bourgeois theories that inform labour law. **[25 Marks]**

QUESTION 3

The employment contract serves as the foundation of labor law. Discuss the key elements that constitute a contract of employment, citing relevant legal authorities. **[25 Marks]**

QUESTION 4

Alex, a former employee of a tech company in Zimbabwe, signed a restraint of trade clause in his employment contract prohibiting him from working for any competitor for two years after leaving the company. After six months, Alex receives an attractive job offer from a competing firm. He wants to know if he can legally accept this offer without breaching the restraint of trade clause. **[25 Marks]**

QUESTION 5

Jordan has been working for a local graphic design firm for the past six months. During this time, he has been performing design projects for various clients. However, Jordan is confused about his employment status. He has been given specific project deadlines and guidelines by the firm, but he also works from his home using his own computer and design software. He receives a regular pay-check every two weeks, but he isn't provided with any benefits like health insurance or paid time off. Additionally, he is not allowed to take on projects from other clients without permission from the firm. Jordan approaches you for clarification on whether he is classified as an employee or an independent contractor.

Analyze Jordan's situation and determine whether he should be classified as an employee or an independent contractor. Use the relevant tests to justify your answer.

[25 Marks]

End of Examination Paper