



SCHOOL OF LAW

NLLB 308: LABOUR LAW

END OF FIRST SEMESTER EXAMINATIONS

APRIL/MAY 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 arguments.
4. You may start with any question.

QUESTION 1

Discuss how the Constitution influences the relevance or application of any five (5) authoritative sources of labour law. **[25 Marks]**

QUESTION 2

Sam owns Sam's Café, where Peter has worked as a cleaner for the past 20 years. Peter has always been a dedicated employee with a spotless disciplinary record. One Monday morning, driven by hunger, Peter steals a packet of biscuits. Sam witnesses this and is taken aback by Peter's actions. He instructs Peter to go home and informs him that a hearing will be scheduled for the following week. Later that evening, Peter confronts Sam at Nando's, calling him a bully and attacking him in front of Jenny, another employee. Fearing for his safety, Sam manages to escape and, as he leaves, informs Peter that he is dismissed immediately. Sam then decides to outsource the cleaning services to Lina's Cleaners, leaving the shop without any cleaning staff. According to the agreement with Lina, she will provide her own cleaners, lease an office in Sam's Café, and return all third-party contracts and equipment to Sam after a five-year term. Jenny and Adriana, both chefs at the café, disapprove of Sam's decision to outsource the cleaning and decide to go on strike. They initiate the process by seeking conciliation and giving a 24-hour notice. Upset with their actions, Sam emails Jenny and Adriana, demanding they provide reasons for their strike within 15 minutes. When they do not respond, Sam dismisses them immediately.

Apply the IRAC method (Issue, Rule, Application, and Conclusion) to advise Peter, who has expressed concerns to you about how his services were terminated.

[25 Marks]

QUESTION 3

John has been working as a graphic designer for a marketing firm for the past six months. He verbally agreed to a monthly salary of \$3,000 but has not signed any formal contract. Recently, the firm decided to change his role to a project manager without any discussion of a new salary or job responsibilities. John is concerned about his rights and whether he has a valid contract.

Discuss the implications of the lack of a written contract in John's situation and his potential rights under labor law. **[25 Marks]**

QUESTION 4

A Wakanda University (WU) employee was provided with a truck marked as WU property for the purposes of carrying out his duties. He was expressly prohibited from giving lifts to any person without the permission of his superiors. The employee however offered a lift to a hitchhiker and they were involved in an accident which left the hitchhiker with severe head injuries. In light of these circumstances, evaluate whether WU could be held legally responsible for the employee's actions during the course of his work.

In light of these circumstances, use the **IRAC** method to evaluate whether WU could be held legally responsible for the employee's actions during the course of his work.

[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.

- (a) 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