



SCHOOL OF LAW

NLLB308: LABOUR LAW

END OF SECOND SEMESTER EXAMINATIONS

APRIL 2026

LECTURER: DR LK MASEKESA

DURATION: 3HRS

GENERAL INSTRUCTIONS TO CANDIDATES

- 1. Do NOT write your name on the answer sheet.**
2. Write legibly.
- 3. Answer ALL questions from Section A and TWO questions from Section B.**
4. You are advised to read all questions carefully before answering any.
5. Begin your answer for each question on a new page.
- 6. CITE RELEVANT** authorities to support your arguments.

SECTION A: ANSWER ALL QUESTIONS FROM THIS SECTION.

QUESTION 1

Fresh Foods Supermarket hires Tendai, a delivery rider, to transport groceries to customers using his own motorcycle. He is paid per delivery and decides his own working hours, but must wear the shop uniform and follow all delivery instructions. One afternoon, Tendai engages in dangerous overtaking while rushing to complete multiple deliveries quickly. He collides with a motorist, causing severe injuries. Fresh Foods argues that Tendai is an independent contractor and therefore they cannot be held vicariously liable. The injured motorist insists that Tendai was effectively an employee and that the employer should be liable for the negligent act.

- (a) Advise both parties, referring to the tests used to distinguish an employee from an independent contractor. **[20 marks]**
- (b) Assuming Fresh Foods Supermarket was an employer in this scenario, could it be held vicariously liable. **[20 marks]**
- (c) Distinguish between substantive fairness and procedural fairness of a dismissal. **[10 marks]**

SECTION B:

QUESTION 2

In 2008, Tariro, a permanent employee earning the Zimbabwean dollar equivalent of USD 1,500 net per month, was unlawfully dismissed. At the time of dismissal, Zimbabwe had not yet adopted the multi-currency regime. Due to prolonged litigation, the matter was only finalised in 2012, after dollarisation had occurred and salaries in the sector had significantly increased. Evidence before the Labour Court shows that Tariro remained unemployed for 20 months following her dismissal. However, expert testimony established that a person of her qualifications and experience could reasonably have secured comparable employment within nine months.

Tariro claims damages calculated at 2012 salary levels for the entire 20-month period. The employer contends that:

- Damages must be assessed based on the salary applicable at the time of dismissal.
- Tariro failed to mitigate her loss and should only be compensated for the period reasonably required to obtain alternative employment.

Advise the court on the proper quantification of damages in lieu of reinstatement. **[25 Marks]**

QUESTION 3

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

QUESTION 4

Discuss the pluralist (social justice) perspective and its relevance to Zimbabwe's labour law framework. **[25 Marks]**