

UNIVERSITY OF FORT HARE
NELSON R MANDELA SCHOOL OF LAW
(EAST LONDON CAMPUS)

INDIVIDUAL LABOUR LAW
LEL313E

JUNE EXAMINATIONS 2023
SUPPLEMENTARY EXAMINATION PAPER

Time: 3 HOURS
Subject: INDIVIDUAL LABOUR LAW
Code: LEL313E
Marks: 100

INTERNAL EXAMINERS:

Ms. L. E. Gomomo
Miss Mbolambi

INSTRUCTIONS

1. Answer ALL questions.
2. Substantiate your answer by reference to applicable legislation and case law.
3. Pay attention to marks allocation.
4. This question paper consists of TWO pages including the cover page. Please ensure that you have all the papers.

QUESTION 1

Write notes on the following:

1(a) The case of NUMSA obo Members v Lear Sewing (2014) 35 ILJ 3216 (LC) in relation to section 5(4) of the LRA. [15]

1(b) Describe in detail the concept of 'constructive dismissal'. [10]

[25 Marks]

QUESTION 2

Describe in detail the concept 'vicarious liability' of an employer for acts committed by an employee.

[25 Marks]

QUESTION 3

Write a legal opinion to advise Gordon Pty Ltd on drafting a Disciplinary Workplace Code of Conduct. In your answer refer to applicable law and legal precedent.

[25 Marks]

QUESTION 4

Write an explanatory note on disputes regarding dismissals in terms of section 191 of the LRA.

[25 Marks]

[Total for this paper: 100 marks]

- END OF EXAMINATION PAPER -