



**HERBERT CHITEPO LAW SCHOOL**  
**BACHELOR OF LAWS HONOURS DEGREE**  
**LEVEL 3 SEMESTER 1**

**EXAMINATION QUESTION PAPER**

**MODULE CODE: LLB 314**

**MODULE NARRATION: LABOUR LAW**

**DATE: NOVEMBER 2024**

**DURATION: 3 HOURS**

**INSTRUCTIONS TO CANDIDATES:**

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1. This question paper comprises of 3 pages.
2. Answer **THREE** questions in all. Answer question **ONE** from **SECTION A**, Which is compulsory, and any other **TWO** questions from **SECTION B**.
3. All your answers must be supported by relevant authority.
4. Students may bring clean copies of the Labour Act and SI 15 of 2006 (National Employment Code)

## **Section A: THIS SECTION IS COMPULSORY**

### **Question one:**

- a) Dlamini was employed by Zimbabwe Insurance Company as an insurance agent. By the terms of the agreement he was;
- i. remunerated by commission,
  - ii. prohibited from acting directly or indirectly for other insurance companies,
  - iii. not required to work full time and could do other work,
  - iv. given use of a company vehicle for official as well as private use but he had to pay for fuel and servicing of the vehicle, and
  - v. not under strict supervision by the officials of the company although he worked in close collaboration.

On his way to work on November 29<sup>th</sup>, 2023, Dlamini sustained an accident in the company vehicle and suffered severe bodily injuries. He has now submitted a claim for compensation and payment of medical expenses to Zimbabwe Insurance Company. The company policy only caters for employees of Zimbabwe Insurance Company.

Advise Dlamini looking at the terms of his contract on whether he can be covered under the policy as an employee. **[20 Marks]**

- b) Under what circumstances may the Minister responsible intervene in industrial strike action? **[10 marks]**

## **Section B: Answer Any Two Questions from this section**

### **Question 2:**

Mary Jane was employed as a supervisor at the Delicious Delight Supermarket. She was dismissed after having been found guilty of breach of company procedure and consuming the company's product without proper authority. She was captured on video on three separate occasions (between September and December 2023) eating slices of bread inside the Supermarket with the door

closed. The bread in question was left on the outer counter, to be disposed of later as it was broken or damaged and could not be sold to customers. It was often given away for free to local farmers.

It is the company's policy that no employee may consume food whilst in the Supermarket. All staff are required to only eat in the staff canteen. In mitigation, she had argued that she had 15 years' service, and had never been found guilty of an offence previously. She therefore pleaded with the employer to give her a final warning as the bread had no value to the company. Delicious Delight Supermarket dismissed her despite her plea in mitigation. She wishes to challenge the dismissal on the basis that the sanction of dismissal is too harsh in the circumstances.

Give full advice, with reference to legislation and case law.

**[20 Marks]**

### **Question 3**

The Constitution seeks to alter the existing labour law by affording workers certain fundamental rights. In your opinion, what impact has the constitution had on labour law.

**[20 marks]**

### **Question 4**

a) With reference to decided cases, Constitution and legislation clearly outline the procedures that have to be followed by employees in Zimbabwe before they may engage in a lawful (protected) strike.

**[10 marks]**

b) Discuss the rights of workers who engage in a protected strike in Zimbabwe.

**[10 marks]**

**TOTAL MARKS: 70**

**END OF QUESTION PAPER**