

UNIVERSITY EXAMINATIONS



October/November
2025

MRL3702

Labour Law

100 Marks

Duration: 4 Hours

This paper consists of 9 pages

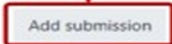
INSTRUCTIONS FOR A TAKE-HOME EXAM ON MYEXAMS

PLEASE READ THE FOLLOWING INSTRUCTIONS CAREFULLY BEFORE ANSWERING THE EXAMINATION QUESTIONS.

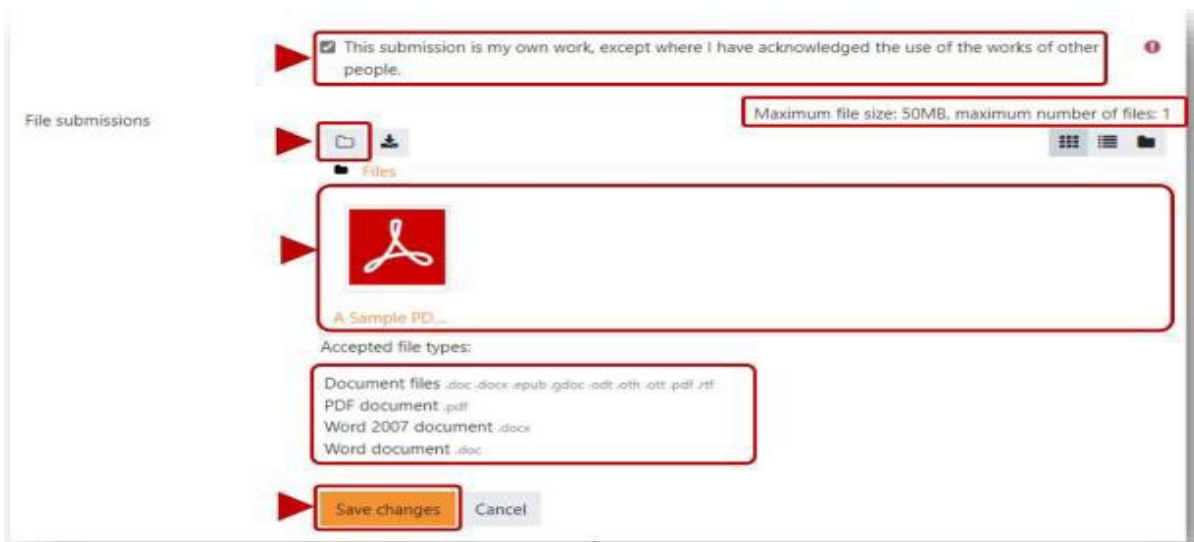
1. The examination question paper counts **100 marks**.
2. It consists of **4 questions**. Answer **ALL** of the questions.
3. The duration of the examination on the timetable is **4 hours**.
4. In addition to the duration of the examination indicated on the timetable, you are given **30 minutes to FINALISE the uploading of your exam file**. Your exam file must be uploaded via the myExams platform **on 17 OCTOBER 2025, before 12H:30 (South African Standard Time)**.
5. This is an open-book **examination**. You may consult your prescribed material. However, while the examination is in progress, you are not allowed to consult another person or any source in order to assist you to answer any of the questions contained in this question paper. While the examination is in progress, you may not assist another student in answering any of the questions contained in this question paper.
6. **This examination is proctored via the Invigilator App. You are required to activate the Invigilator App between 07H:45 and 08H:30. (South African Standard Time).**
The QR code is provided below on page 10
7. Your exam file must be uploaded on the myExams platform.
- 7.1 When ready to submit, open the Take-Home assessment again and click on the Add Submission button. **Note: You only get 10 minutes after the due time to submit your script on the Invigilator App and 30 minutes on the myExams portal.**

Submission status

Submission status	No attempt
Grading status	Not marked
Due date	Saturday, 11 June 2022, 12:00 AM
Time remaining	37 days 8 hours
Last modified	-
Submission comments	Comments (0)

- 7.2. Note the file requirements such as:
- File size limit.
 - Number of files that can be submitted.
 - File formats allowed.
- 7.3. Check the acknowledgment checkbox and upload your answers document and then click on the Save changes button.



File submissions

☒ This submission is my own work, except where I have acknowledged the use of the works of other people.

Maximum file size: 50MB, maximum number of files: 1

Files

A Sample PD...

Accepted file types:

Document files .doc .docx .epub .gdoc .odt .oth .ott .pdf .rtf
PDF document .pdf
Word 2007 document .docx
Word document .doc

Save changes Cancel

- 7.4. Review your submission information regarding the status and click on your submission file link to check if it's correct.

Submission status

Submission status	Submitted for grading
Grading status	Not marked
Due date	Saturday, 11 June 2022, 12:00 AM
Time remaining	37 days 8 hours
Last modified	Wednesday, 4 May 2022, 3:05 PM

File submissions

 A Sample PDF.pdf	4 May 2022, 3:05 PM
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Submission comments

► Comments (0)

- 7.5. If you need to resubmit a file, you can click on the Edit Submission button. Note: You will need to delete any existing files.

Submission status

Submission status	Submitted for grading
Grading status	Not marked
Due date	Saturday, 11 June 2022, 12:00 AM
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Submission comments

► Comments (0)

 [Edit submission](#) [Remove submission](#) 

- 7.6 Use proper PDF conversion software to create the final file for upload. Free PDF conversion software is available on the Internet.
- 7.7 Add your student number and the module code in the file name. That will assist you to select the correct document to upload during submission.
- 7.8 You are advised to preview your submission (answer script) to ensure legibility and that the correct answer script file has been uploaded.
8. The cover page for your take-home exam must include your name, student number and the module code.

9. It is preferred that your take-home exam is typed. However, handwritten submissions will also be accepted. If the take-home exam is typed, the maximum length is **12 pages** (which includes the cover page and the bibliography). If the take-home exam is handwritten, the maximum length is **14 pages** (which includes the cover page and the bibliography).
10. Whether your answers are typed or handwritten, your submission on the myExams platform on Moodle must be made in the form of **one PDF** document. Only the last file uploaded and submitted will be marked.
 - 10.1 The exam answer file that you submit must not be password protected or uploaded as a “read only” file.
 - 10.2 Your examination answer file will **not** be marked if:
 - 10.2.1 you send your examination answer file via email.
 - 10.2.2 you submit the incorrect examination answer file. A mark of **0%** will be awarded.
 - 10.2.3 you submit your exam answer file on an unofficial examination.
 - 10.2.4 you submit your examination answer file in the incorrect file format.
 - 10.2.5 you submit a password-protected document.
 - 10.2.6 you submit your examination answer file late.
 - 10.2.7 you submit your answer file from a registered student account that is not your own.
 - 10.3 The mark awarded for an illegible examination answer file submission will be your final mark. You will not be allowed to resubmit after the scheduled closing date and time of the exam.
11. If your answers are typed, ensure that the following requirements are adhered to. Items 11.3-11.6 applies to written assignments as well.
 - 11.1 The text must be typed in Arial font, size 12 with single line spacing within the paragraph, and double line spacing after the paragraph.
 - 11.2 The text must be justified.
 - 11.3 All of the pages must be numbered in the right-hand corner at the bottom of the page.
 - 11.4 All margins must be 2.5cm, but the left margin must be 3cm.
 - 11.5 South African English and not American English should be used. For example, the correct spelling is “Labour” and not “Labor”.
 - 11.6 Do not use abbreviations or SMS language.
 - 11.7 All quotes that are two lines long (or less), must form part of the main text, be written in italics, and be bracketed by quotation marks. Where a quotation is longer than two lines, it must be typed in a separate paragraph in italics in size 11 font and must be indented by 1 cm. No quotation marks are required when the quotations stand alone. Use quotations very sparingly. In this take-home exam, a maximum of 5% of the text may be quoted.
12. When answering the take-home exam questions, remember that an open-book exam is a test at a higher level than the usual type of exam, where memory is tested as much as insight. In an open-book exam, you need not memorise any information. You are expected to prove that you can use information, rather than merely repeat it. In brief, what is being tested is factual knowledge, understanding and the correct application thereof, not memory skills. For this reason, you do not earn marks by merely detailing a list of all the information that you think might be relevant to a particular question. This gives no indication that you know what statutory or other provisions are applicable in a specific context. You are expected to identify precisely what information applies, and then explain why you think so.
 - 12.1 **PLEASE DO NOT CUT AND PASTE ANSWERS FROM THE STUDY MATERIAL (OR ANY OTHER SOURCE).**
13. The arguments that you make must be logical, well-structured and substantiated by all of the relevant legal principles. Use the time given wisely.

- 13.1 Ensure that you give reasons for each answer. Substantiate your answers by referring to ALL of the relevant authorities, e.g. sections from relevant legislation and/or court cases in the text or in your footnotes.
- 13.2 You are required to have read and summarised the prescribed cases yourself. When using case law to support your answer, please include complete references to the relevant cases in your footnotes. This means that you must not only include the name of the case but also the exact page and section and/or paragraph where the information can be found. The same applies to articles and books used.
- 13.3 A number of students lose marks because they do not approach problem-type questions correctly. When answering such questions, it is important to first clarify for yourself the area of work where the answer must be sought. Once you have done this, set out the relevant legal principles. Deal only with those principles that relate to the given facts. Next, apply these principles to the facts. This is where most of the students lose marks - they set out the law in some detail, but then do not illustrate how it applies to the factual situation they have been asked to solve. Finally, state your conclusion.
14. You must complete the online declaration of own work when submitting.
- 14.1 By ticking the Honesty Declaration, you confirm that you have read (i) the University's Policy on Copyright Infringement and Plagiarism and the Student Disciplinary Code, which are both available on myUnisa: www.unisa.ac.za/unisarules, and (ii) the information relating to student values and plagiarism that is found at <https://www.unisa.ac.za/sites/myunisa/default/Study-@-Unisa/Student-values-and-rules>.
- 14.2 Students suspected of dishonest conduct during the examinations will be subjected to disciplinary processes. Students may not communicate with other students, or request assistance from other students during examinations. Plagiarism is a violation of academic integrity, and students who do plagiarise or copy verbatim from published work will be in violation of the Policy on Academic Integrity and the Student Disciplinary Code and may be referred to disciplinary hearing. Unisa has a zero tolerance for plagiarism and/or any other forms of academic dishonesty.
- 14.3 Unless a student is exempted because of disability or incarceration, students who have not utilised invigilation or proctoring tools will be deemed to have transgressed Unisa's examination rules and will have their marks withheld.

PLEASE NOTE:

If you experience challenges with the Invigilator app, please send a WhatsApp message to the technical helpdesk on **073 505 8273**. Do not contact the lecturers.
For all other exam-related challenges, you may contact the SCSC on **080 000 1870** or e-mail Examenquiries@unisa.ac.za or refer to Get-Help for the list of additional contact numbers.

FURTHER NOTE THE FOLLOWING USE OF ABBREVIATIONS IN THE PAPER:

1. The **Labour Relations Act 66 of 1995** is referred to as the '**LRA**'.
2. The **Constitution of the Republic of South Africa, 1996** is referred to as 'the **Constitution**'.

QUESTION 1

Kodumela Moepatutse Mining (Pty) Ltd (KMM) is an established mine which holds a world record as the only mine to ever unearth the largest blue diamond. A blue diamond is a rare discovery, and the most sought-after mineral in the market for its unparalleled commercial value. Ten (10) years later there is a huge demand for black diamond. As a result, KMM informs employees that based on its three-year business focus and goals, employees will be disciplined for incapacity if they fail to unearth a black diamond.

Write a well-supported legal opinion on the fairness and reasonableness of KMM's communication to employees regarding the unearthing of black diamonds and any possible disciplinary action.

[25]

QUESTION 2

2.1 Ramalathla-mollo (Pty) Ltd (RM) carries on the business of selling coal. It uses horse-drawn carts to make deliveries. RM has one hundred (100) horses and fifty (50) carts. Its clients are in rural communities who use coal to cook and keep their households warm, mainly during the winter season. During other seasons of the year, RM relies on thirty (30) employees who take orders, load and deliver coal, each earning a monthly salary of R10 000.00. In winter, RM increases the number of staff members as the demand for coal increases. For the 2025 winter season, RM engaged 30 more employees on four months fixed-term contracts. When the four months expired, all the fixed-term employees were released.

ANSWER THE FOLLOWING QUESTIONS WITH REFERENCE TO THE RELEVANT LEGAL AUTHORITY:

- (a) List two forms of 'non-standard employees'. (2)

(b) Under which circumstances are employers allowed to hire fixed-term employees for more than three months? (9)

(c) Assume that a new coal-powered train is introduced in a neighboring country. The owner of the train approaches RM for a coal supply in large volumes. Due to the technical nature of this kind of commercial deals, RM hires Raitlhwana Maoto as its Chief Executive Officer (CEO) to handle the deal. In terms of the employment contract, RM will pay Raitlhwana Maoto a R100 000.00 monthly salary and the contract is renewable every month. On the fourth renewal, Raitlhwana Maoto refuses to sign the contract and argues that he is, in law, deemed to be a permanent employee of RM.

Advise whether Raitlhwana Maoto's claim is legally valid and why? (4)

2.2 It is an established principle that a dismissal must be fair. In line with this principle, answer the following:

(a) What are the three (3) grounds for dismissal provided for in the LRA? (3)

(b) What does the principle *audi alterem partem* rule entail? (2)

(c) Explain whether employees undergoing a disciplinary action are entitled to legal representation and discuss the purpose of representation/assistance during a disciplinary hearing. (5)

[25]

QUESTION 3

3.1 List five (5) organisational rights which a trade union may be entitled to, and the different ways in which organisational rights may be acquired. (10)

3.2 Discuss the levels at which collective bargaining may take place. (8)

3.3 Ramokone is a member of the Teachers Union (TU). Advise her of her rights as a member of TU. (7)

[25]

QUESTION 4

- 4.1 We Strike Union (WSU) is a trade union at UNISA. For a larger part of semester 1 of 2025, WSU has been engaging UNISA on a wage increase demand. UNISA had throughout indicated that it cannot afford the wage increase. WSU decided to suspend the negotiations until further notice. However, Tokelo, an employee and a shop steward at UNISA, sent a 48-hour notice of strike to the employer. A day later, Tokelo is seen singing and chanting in support of her demand for a wage increase.

ANSWER THE FOLLOWING QUESTIONS WITH REFERENCE TO THE RELEVANT LEGAL AUTHORITY:

- (a) Will the strike by Tokelo be protected and why? (3)
- (b) Advise whether a dismissal is an automatic sanction for employees who engage in an unprotected strike, and explain the process/procedure to dismiss employees engaged in such a strike. (15)
- 4.2 What is the procedure for a protected protest action? (7)

[25]

TOTAL: [100]

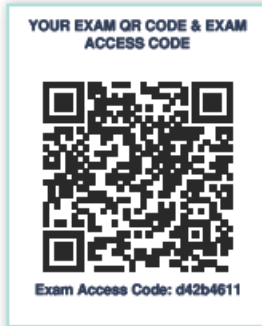
FIRST EXAMINER	: ADV KL KUBJANA
SECOND EXAMINER	: PROF ME MANAMELA



	MRL3702
Date:	17 October 2025

INSTRUCTIONS ON THE DAY OF ASSESSMENT:

- Ensure you are connected to the internet in order to log into The Invigilator mobile App and scan this QR code.
- If you encounter difficulty in scanning the QR code, you can alternatively enter the Exam Access Code below the QR code to start the invigilation.
- If you finish your assessment before the app timer has run out you need to press the 'Finish Assessment' button and follow instructions before you exit or minimise the app. Please note that the 'Finish Assessment' button will not appear immediately, it will only appear after the prerequisite minimum time to write your assessment has lapsed.
- Scan the QR code at the start time of the assessment, unless otherwise specified by your institution, note that you can only scan this QR code once.
- The Invigilator App may request you to take photos of your examination script after the assessment. If applicable this will be prompted and you are required to action this immediately. Please follow the instructions on the App and take note that your academic institution may still require you to submit your script on the relevant portal.
- The QR code is only scannable for a limited time and it should therefore be scanned as soon as possible after the assessment commencement time.
- Keep the Invigilator App open on your smartphone for the full duration of the assessment. You are not allowed to minimise or leave the app during your assessment.
- You must adhere to the assessment time limit communicated to you by your institution. The timer displayed in the Invigilator may vary depending on the start time of invigilation.



FURTHER GUIDANCE

- If you only have one device you may access your assessment in the App by pressing the 'Access Browser' button in the top right corner of your App.
- Once the QR code is scanned, ensure your media volume is turned up and place your smartphone next to you.
- The Invigilator App will notify you with a notification beep when you are required to action a photo request, which you should then perform as soon as possible.
- We recommend that you keep your smartphone on charge for the duration of the assessment.
- Ensure you are connected to the internet when commencing invigilation. You also need to be connected to the internet at the end of the assessment to upload the app data gathered during invigilation. It is advisable to upload app data as soon as possible after the assessment. Institutions do apply a limited time to upload app data.
- If your assessment has multiple online sections, tests or attempts, you should NOT finish the invigilation until your entire assessment has been completed.
- Should you encounter any technical difficulty, please WhatsApp The Invigilator Helpdesk on +27 (0)73 505 8273