



ZIMBABWE EZEKIEL GUTI UNIVERSITY  
**COLLEGE FOR LIFELONG LEARNING.**

*Faculty of Law, Business Intelligence and Economics.*

**EXAMINATION PAPER**

**COURSE CODE** : DLL114 – THE LABOUR ACT CHAPTER 28:01  
**COURSE TITLE** : ADVANCED DIPLOMA IN LABOUR LAW  
**SPECIAL REQUIREMENTS** : Constitution of Zimbabwe. The Labour Act, SI 15/2006, S1 11/2023

**DURATION** : 3 Hours  
**LEVEL** : 1.1  
**DATE** : 31 JUL 2024

**INSTRUCTIONS TO CANDIDATES:**

1. No cell phones are allowed in the examination venue.
2. Question 1 is compulsory and answer any Three (3) questions.
3. The number of marks for each question or part question is shown in brackets [ ]
4. Begin each answer on a new page.
5. **DO NOT OPEN THIS PAPER UNTIL THE INVIGILATOR INSTRUCTS YOU.**

## SECTION A. COMPULSORY QUESTION

### QUESTION 1.

Statutory Instrument 15 of 2006 (National Employment Code of Conduct) Establishes standards of conduct and disciplinary procedures for employers and employees. It was published as a supplement to the Zimbabwean Government Gazette dated the 27th January, 2006 and it commenced enforced as a Code of Conduct on the 27th January, 2006. The last time it was updates by Statutory Instrument 232/2006 was on the 20th October 2006 (effective from that date).

### QUESTION 1

Based on the above captioned scenario, give a detailed analysis of the dangers posed by the Government failure to update this piece of legislation considering the plethora of labour issues in the country **(25 Marks)**

## SECTION B

### QUESTION 2

Explore in detail the pros and cons of the Labour Act Chapter 28:01, its relationship with the Public Service Act and people in the uniformed forces, and how it is aligned with the Constitution of Zimbabwe in light of the fundamental worker rights, including fair working conditions, freedom of association, and collective bargaining. **(25 Marks)**

### QUESTION 3

**(a) In brief explain the meaning of the following terms**

- i. Disciplinary Authority **(2 Marks)**
- ii. Disciplinary Committee **(2 Marks)**
- iii. Role of an HR in the hearing **(2 Marks)**
- iv. Dispute of right **(2 Marks)**
- v. Dispute of Interest **(2 Marks)**

(b) In the New Amendment Act number 11 of 2023, Section 12 was amended by the deletion of the 12(4a) and substitution with a new (4a). New section provides for termination of employment at the instance of an employee only on retirement or resignation. In your own opinion, what is the legal implication of this amendment considering that section 12(4) notices still subsist. Comment on how old contracts signed before the promulgation of the new amendment should be treated on termination. **(15 Marks)**

### QUESTION 3

Explain in detail the difference between a Dispute of right and a Dispute of interest. Elaborate how these two pieces of laws are treated in the Labour Act Chapter 28:01 **(25 Marks)**.

### QUESTION 4

Discuss the legal framework that governs unfair labour practices in Zimbabwe, highlighting the key provisions and enforcement mechanisms. **(25 Marks)**.

### QUESTION 5

Critically evaluate the effectiveness of current penalties for unfair labour practices in deterring employers from engaging in such behavior in Zimbabwe. **(25 Marks)**.

### QUESTION 6

Explore in detail the pros and cons of the Labour Act Chapter 28:01, its relationship with the Public Service Act and people in the uniformed forces, and how it is aligned with the Constitution of Zimbabwe in light of the fundamental worker rights, including fair working conditions, freedom of association, and collective bargaining.

