



ZIMBABWE EZEKIEL GUTI UNIVERSITY

FACULTY OF LAW AND LEGAL SERVICES

PRIVATE LAW DEPARTMENT

EXAMINATION PAPER

MODULE CODE : LLB 323
MODULE TITLE : LABOUR AND EMPLOYMENT LAW
DURATION : 3 HOURS
LEVEL : 3.2
DATE :

INSTRUCTIONS TO CANDIDATES:

Answer **FOUR** questions. Two (2) from Section A **AND** Two (2) questions from section B.

Each question carries twenty (20) marks.

Number of marks for part questions are shown in brackets

Start each question on a new page

This paper consists of five (5) pages

Answer sheets are provided

The following material is allowed in the exam:

The Constitution of Zimbabwe Amendment (No. 20) Act of 2013

Labour Act [Chapter 28:01] and the regulations

SECTION A:

Answer any two questions from this section

Question 1:

Write brief notes on the following

- (a) Employee's duty of subordination, [5 marks]
- (b) The social justice perspective of labour law. [5 marks]
- (c) Changes brought to Zimbabwean maternity protection provisions by the Labour (Amendment) Act 11 of 2023. [5 marks]
- (d) The right of appeal in labour matters. [5 marks]

[20 marks]

Question 2

Analyse the changes that have been brought to the legal framework on retrenchment by the Labour (Amendment) Act 11 of 2023. [20 marks]

Question 3

Section 65(3) of the Constitution of Zimbabwe Amendment (No. 20) Act of 2013 provides as follows

(3) Except for members of the security services, every employee has the right to participate in collective job action, including the right to strike, sit in, withdraw their labour and to take other similar concerted action, but a law may restrict this right in order to maintain essential services.

Discuss the extent to which labour laws in Zimbabwe including judicial decisions recognize and realise the right to collective job action as provided in section 65(3) of the Constitution of Zimbabwe. [20 marks]

SECTION B

Question 4

Notification of disciplinary hearing form

Employee's name: **Zacharria Munyama**

Date: 16 June 2025

Division: **OPERATION**

In terms of the Local Food Limited (LF) code of conduct you are alleged to have committed the following misconduct mentioned hereunder.

(Unsatisfactory work performance: Substantial neglect of duties)

(Dismissible)

Failure to control maize stock and investigate variance:

Throughout the period January to May 2025 Monthly stock takes consistent and significant maize stock variances. A total shortfall of 400 metric tons (mt) was recorded. As a product manager, you are directly responsible for implementing and monitoring physical stock controls within the production warehouse. You are also expected to investigate and report any variances to management. Your failure to carry out these responsibilities reflects a serious lapse in oversight and a disregard for established measures intended to prevent stock losses.

Your actions and omissions as detailed above demonstrate a serious failure to perform the duties expected of a production Manager and Head of Department.

You are therefore required to appear before the disciplinary committee on 19 June 2025 in Bindura at 0900 hours.

NB: You are required to appear in person as this is internal hearing. You cannot bring a legal practitioner.

You are required to write a written response to the allegation levelled against you on or before the date of the hearing.

Zacharria approaches you for legal advice. He is seeking clarification on the following.

- a. His rights to legal representation at the disciplinary hearing. [8 marks]
- b. How courts have defined 'substantial neglect of duties. [12 marks]

With the aid of relevant case law, Advise Zacharia.

[20 marks]

Question 5

Munamwa Attorneys runs a law firm in Bindura. It has recruited three graduates, Theresa, Kutenda and Clever. The three are all given three months of probation. On their employment Theresa takes maternity leave. Her probation period expires whilst she is on maternity leave, and she is informed that she is not going to be employed on substantive basis. Theresa believes the termination of her employment was unfair as it did not comply with section 12B of the Labour Act. On the other hand, Kutenda's employment is confirmed upon the expiration of her probation period. Soon after her confirmation, she also takes maternity leave. Effectively, Munamwa Attorneys had only Clever as professional assistant carrying the entire workload of all the assistants. Practically, he was able to manage the workload alone for the duration of Kutenda's maternity leave so much that Munamwa attorneys decided to terminate the services of Kutenda whilst she was still on maternity leave. It held the view that keeping her was costly, particularly, because of her absence due to maternity leave. Kutenda is also aggrieved by the abrupt termination of her contract whilst on maternity leave notwithstanding confirmation of substantive employment.

Advise Theresa and Kutenda.

[20 marks]

Question 6

Choose any one of the following remedies available to employees for unfair dismissal and discuss to what extent, if any, the courts have realized the principles of the employee's right to protection from unfair dismissal.

(a) Reinstatement

(b) Damages for unfair dismissal.

[20 marks]

END OF EXAMINATION PAPER

o/s

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