

**WOMEN'S UNIVERSITY IN AFRICA**



*Addressing gender disparity and fostering equity in University Education*

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**FACULTY OF MANAGEMENT AND ENTREPRENEURIAL SCIENCES**

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**BSc HONOURS DEGREE IN HUMAN RESOURCE MANAGEMENT**

**MAIN PAPER**

**HRM 221: EMPLOYMENT LAW**

**INTAKE 10: SECOND YEAR SECOND SEMESTER**

**TIME: 2 HOURS**

**INSTRUCTIONS TO CANDIDATES**

Answer Question 1 and any other two

## Question 1

### Nightmare on Wall Street

This case is all about facts and incidents about the harsh truths that lie behind the discrimination and harassment against women in the workplace. Males have predominately rules the workplace on Wall Street and had the perception of having no women take their glory. For years women were filling suits with the EEOC (Equal Employment Opportunity Commission) about the way men were treating them. Women were getting mistreated, demoted, harassed or even fired in some incidents for reasons beyond their control.

Robert Thomann is a good example of the mistreatment that was being laid on the female brokers. Thomann was out on 8 weeks maternity leave and when she came back, her branch manager which was known as the tyrant demoted her. Cueno, her branch manager, said that any sexual harassment charges would be deliberated in the Boom, Boom Room which was located in the basement of the firms building. It was a room decorated like a fraternity with a toilet seat hanging on the ceiling. After I read that, I could not believe it. The way the men were acting and treating women is unbelievable. Something needs to change at Thomann and other women keep filling suits against these male dominated managers that were not scared of any repercussions of the way they were acting. They did not think that they were doing anything wrong because their mindsets were all about the males in that industry were better suited. For the women who have been with the same company for over 10 years and have proved sales wise that they are more qualified for upper level manager positions, they were still getting left out of the picture.

There was another woman who ended up quitting a firm because she was pregnant and nothing was happening when she was filing her suits so she just blatantly quit. Her boss was making the point that she was in the wrong business and pretty much telling her men were more suitable. When then he goes and tells other male employees, "have more kids, bigger mortgage" in order to motivate them to sell more. What a hypocrite statement that is the biggest double standard ever. Women like this are in a no win situation because the men are walking around knowing that they can't be touched. And that is the way things were going. Men would make threats to the women that if they filed harassment suits, which they would never find another job in this business again. One of the women after quitting got offered three or four million dollar manager positions, that are were discharged. It's sadly to say that some people who do such horrible acts. Not only is to do such acts, but to get away with them the sad part. Something is not right with that picture.

**Required:**

- a) Identify and describe the unfair labour practices depicted in the scenario above and use relevant case laws to support your answer. [20]
- b) Outline the remedies to unfair dismissal that organizations should take. [10]
- c) Explain any 5 tools for managing discipline in the workplace. [10]

**Question 2**

Explain the employment law concepts below:

- a) Unitarism; [4]
- b) Pluralism; [4]
- c) Collective labour law; [4]
- d) Labour law; and [4]
- e) Strike [4]

**Question 3**

‘Employment law is about conflict management.’ Evaluate any two dispute settlement mechanisms that can be employed in conflict management. [20]

**Question 4**

Citing relevant case law, discuss ways in which a contract of employment may be terminated under Statutory Instrument 15 of 2006. [20]

**Question 5**

With the aid of case laws outline any 2 types of contract of employment and choose one which you think is the best and proffer reasons to support your answer. [20]

**Question 6**

Discuss how the Labour Amendment Act no. 5 has changed the position of the law on:

- a) Dispute settlement [7]
- b) Retrenchment [7]
- c) Termination of employment. [6]

**END**