



## DEPARTMENT OF MERCANTILE LAW

### Labour Law 210

Home assignment: 15 March 2012

Total: 25 marks

1. All assignments must be handed in on or before **Thursday 22 March 2012** in the scheduled lecture times.
2. Assignments will only be accepted in typed format accompanied by the completed cover sheet as provided on the last page of the study guide.
3. The assignment must be typed in 1½ spacing (Arial 12) and may not be longer than 8 pages (excluding the cover page and bibliography). Footnotes are compulsory. Make use of the editorial guide lines of the *De Jure* for the purpose of writing an article. They will be made available on ClickUp.
4. Language and editing will be taken into account in the awarding of marks. Reference to sources other than those provided in the study guide, will be considered. Compile a bibliography containing all the sources which are referred to.
5. Answer the following question with reference to relevant case law and principles.

### QUESTION

Jane, an illegal immigrant, works at Arms Dealers (Pty) Ltd. Jane is under direct supervision and control of Arms Dealers' manager and is also provided with an office and a computer at their premises. Jane was appointed to act as a sales agent to sell unlicensed fire arms. Jane has an employment contract with Three Star Labour Brokers, a temporary employment service that provides Arms Dealers with labourers. Thus, when Jane was appointed she was an employee of Three Star Labour Brokers.

Due to cutbacks at other employers, Three Star Labour Brokers has to retrench a number of their employees. Jane's contract with Three Star Labour Brokers is terminated and she is informed that she will no longer be working for them, effective from 30 November 2011. On the 30<sup>th</sup> of November 2011, the manager of Arms Dealers approaches Jane and request that she completes the project that she is working on at Arms Dealers before leaving. He further confirms that in terms of their arrangement he will pay her R10 500 per month for her services. On 27 February 2012, Arms Dealers dismisses Jane on grounds of misconduct. The manager of Arms Dealers informs Jane that there is no binding contract of employment between her and Arms Dealers. Jane is upset and approaches you for advice.

With reference to the relevant international law, constitutional provisions, legislation and case law, indicate whether or not Arms Dealers can be regarded as Jane's employer.

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**Avtar Singh**



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