



FACULTY OF MANAGEMENT

2014 (MAIN /AGROTAT /SSA) Examination

DEPARTMENT

Hospitality Management

MODULE HOSPITALITY INDUSTRY LAW I

CODE

DATE

DURATION 2 HOURS

TIME 09.00 – 11.00

TOTAL MARKS 100

EXAMINER

MODERATOR

NUMBER OF PAGES 3 PAGES including this page

INSTRUCTIONS TO CANDIDATES:

- **ANSWER ALL OF THE QUESTIONS**
- This is a closed book assessment.
- Read the questions carefully and answer only what is asked.
- Number your answers clearly.
- Write neatly and legibly.
- Structure your answers by using appropriate headings and sub-headings.
- The general University of Johannesburg policies, procedures and rules pertaining to written assessments apply to this assessment.

<p>QUESTION ONE</p> <p>Every employer must put the health and safety of employees first in order to eliminate any accidents in the work place. It is each and every employee's duty to ensure that they work in accordance with safe practice. The employer should ensure that there is proper supervision of all operational procedures. The health & safety representative assists management in this matter.</p> <p>1.1 As part of employer's general duty to ensure that the work environment is safe and without risk to the health of his/ her workers. Evaluate this statement critically with reference to the employer's duties .</p> <p>1.2 Discuss the appointment, and the functions, of the Health and Safety Committee</p> <p>1.3 Discuss three (3) types of penalties possible for non-compliance with this Act.</p> <p>1.4 Charmaine works as the manager of Oppiekoffie Restaurant in Hillside, JHB. One of her waiter's, Kabelo, breaks his arm in the kitchen of the restaurant, when he tripped over the loose floor while on duty. Kabelo had reported to Charmaine that there was a problem with the floor coming loose about three weeks before the accident.</p> <p>Can Kabelo institute a claim against his employer, "Charmaine" for compensation? Motivate your answer.</p>	<p>[34]</p> <p>(14)</p> <p>(6)</p> <p>(6)</p> <p>(8)</p>	
<p>QUESTION 2 <u>The Tobacco Act 83 of 1993</u></p> <p>2.1 According to regulation 2, the smoking of tobacco is permitted in public places but is subject to certain provisions. List two of these public places.</p> <p>2.2 List three advantages of smoke free policy.</p> <p>2.3 Identify the three types of penalties for not complying with tobacco legislation.</p> <p>2.4 Discuss the provisions regarding the sale of tobacco products.</p>	<p>[14]</p> <p>(2)</p> <p>(3)</p> <p>(3)</p>	

	(6)	
QUESTION 3 <u>The Liquor Act 27 of 1989</u> To regulate the sale of liquor in SA, the liquor act was established. It states that to sell liquor you need to have a liquor licence. Furthermore, a Board was established to supervise the whole process. Any application for a liquor license may be granted or refused depending on the merits of the case. However, the Act sets out certain prohibitions. Discuss the formulation of a Liquor Board and its functions.	(15)	[15]
QUESTION 4. <u>Labour Relations Act 66 of 1996</u> 4.1 Discuss “ <i>substantive fairness</i> ” when looking at three (3) different types of dismissals that are recognised as “ <i>fair</i> ” according to the Act. 4.2 Briefly define the term grievance and also give two types of grievances as per the Act. 4.3 The Act sets out a procedure that needs to be followed for any strike in order to be a protected strike . List the steps of the procedure 4.4 Name the duties of the Commission for Conciliation, Arbitration and Mediation. 4.5 Discuss the procedure that is followed by the Commission for Conciliation, Arbitration and Mediation in dispute resolution.	(12) (4) (5) (4) (12)	[20]
TOTAL		100