

**NATIONAL UNIVERSITY OF LESOTHO**  
**FACULTY OF LAW**  
**POST GRADUATE DIPLOMA IN LAW (CONCILIATION AND**  
**ARBITRATION)**  
**LAW7013: LABOUR CONCILIATION THEORY**  
**FINAL EXAMINATION**

**JUNE 2023**

**MARKS 100**

**TIME: 3 HOURS**

---

**INSTRUCTIONS:**

1. Answer **ANY FOUR (4)** Questions

## QUESTION 1

Conflicts at workplaces seem to be increasing at an alarming rate in Lesotho and the economy is taking a knock due to unprotected strikes and unlawful protests.

a) What are causes of conflict in the workplace?

**15 Marks**

b) Explain four approaches that can be used to manage conflict at the workplace.

**10 Marks**

**[25 MARKS]**

## QUESTION 2

Tumelo and Kitso have a packet of 30 multi-coloured sweets. They want to share the sweets in manner that will leave both of them happy. Tumelo is the elder one and he has the sweets in his custody.

(a) Scenario 1: Tumelo wants to take all the red and purple sweets because they are sweeter and richer in taste. He says because he is the eldest, he has to choose first. Kitso also wants the red and purple because both are his favourite colours and he knows that they are strawberry and grape flavours which he loves very much. Their mother tries to help them decide but after seeing that they cannot agree she decides to keep the whole packet of sweets.

(b) Scenario 2: Kitso, realising that Tumelo is indeed the eldest, allows Tumelo to take all the red and purple sweets.

(c) Scenario 3: Tumelo decides to be a big brother and allows Kitso to take all the red and purple sweets.

(d) Scenario 4: Tumelo decided to find out from Kitso, why he wants the red and purple sweets. Kitso explains that they are his favourite colours

and he likes the strawberry and grape flavours. Kitso then asks Tumelo why he wants the red and purple sweets and he says they are sweeter and have a rich taste. Tumelo admits that he does not have a problem taking just a few of the red and purple sweets because as much as they are sweet, they become too much if not mixed with a subtler taste like the orange ones. Kitso says he also does not mind taking a few of the red and purple because he wants to try the orange and green as he has never tasted them before. They share the mixture of sweets equally and both are happy.

These scenarios explain four very distinct outcomes in negotiations. Explain the features of these outcomes fully and their costs and benefits.

**[25 MARKS]**

### **QUESTION 3**

Give a detailed distinction between disputes of interest and disputes of right and explain how they are resolved.

**[25 MARKS]**

### **QUESTION 4**

Define Conciliation and explain the four stages in a conciliation process.

**[25 MARKS]**

## QUESTION 5

“Any dispute can be solved through conciliation” Kometsi (Dr) during a lecture on conciliation, 29.04.2022.

Discuss the characteristics of a good conciliator in light of the above statement.

**[25 MARKS]**

## QUESTION 6

With reference to decided cases, discuss whether:

- a) A Settlement Agreement concluded after conciliation can be turned into an arbitration award. **9 Marks**
- b) Conciliation is a mandatory process that has to be undertaken before arbitration is carried out. **8 Marks**
- c) It is irregular for the arbitrator to use information obtained at conciliation to formulate an award. **8 Marks**

**[25 MARKS]**