

UNIVERSITY EXAMINATIONS



MAY/JUNE 2021

SSL2601

SOCIAL SECURITY LAW

80 marks

24 Hours Portfolio Examination

INSTRUCTIONS FOR A PORTFOLIO OR TAKE-HOME EXAM ON MYEXAMS

PLEASE READ THE FOLLOWING INSTRUCTIONS CAREFULLY BEFORE ANSWERING THE EXAMINATION QUESTIONS.

1. The examination question paper counts **80 marks**.
2. It consists of **FOUR** questions. Answer **ALL** of the questions.
3. The duration of the examination is **24 hours**. Your answers must be submitted via myExams platform on **7 JULY 2021** on or before **13h30** (South African Standard Time).
4. This is a **closed-book examination**. You may not consult your prescribed study material during the examination.
5. Your answer to this portfolio examination must be submitted online on the myExams platform.
 - 5.1 Access myExams at <https://myexams.ac.za/portal> and login using your student number and myUnisa password.
 - 5.2 Go to your specific examination site through the site tabs on the horizontal navigation bar. Also check your **Sites** link in the top right-hand corner if you do not find the site on the horizontal navigation bar.
 - 5.3 Once the site has loaded, select the **eAssessment** tool from the left-navigation menu
 - 5.4 The list of all available assessments in the site will be displayed.
 - 5.5 Select the assessment for which you want to upload the examination answer file by **clicking on the title of the assessment** in the list. A new page will open.
 - 5.6 Submit your examination answer file.

Submission

Attachments

No attachments yet

Select a file from computer

Choose File

No file chosen

or select files from workspace or site

☐ Honor Pledge: I have neither given nor received aid on this assignment.
(You must respond to submit your assignment.)

Submit

Preview

Save Draft

Cancel

Don't forget to save or submit!

Depending on the assessment criteria, you may be allowed to attach a file or perhaps multiple files.

Under **Attachments**, click the **Choose File** button to browse for a file on your device.

The screenshot shows a 'Submission' form. At the top, it says 'Submission' and 'This assignment allows submissions by attaching documents only.' Below this is the 'Attachments' section, which is highlighted in yellow. It shows a file named 'Examination 1 Responses.docx' (12 KB; 11-Feb-2018 13:09) with a 'Remove' link. Below the file list, there are two buttons: 'Choose File' and 'No file chosen'. To the right of these buttons is a button that says 'or select more files from workspace or site'. Below the attachments section is a 'Honor Pledge' section with the text 'Honor Pledge: I have neither given nor received aid on this assignment.' and a checked checkbox. Below the pledge section is a row of buttons: 'Submit', 'Preview', 'Save Draft', and 'Cancel'. To the right of these buttons is a text prompt: 'Don't forget to save or submit'.

Once you have attached your answer file, the name of the file, as well as the file size and upload time stamp will be displayed under **Attachments**.

Tip: You may click **Remove** to remove the attachment if you selected the wrong file.

Tip: Select the **honour pledge**. Students **MUST** check the honour pledge before submission if it appears on the screen. A student will not be able to submit the assessment if he/she did not check the honour pledge.

When you are ready and satisfied that you have correct answer file, click the **Submit** button to complete your assessment submission.

Tip: If you are not yet ready to submit, you may click **Preview** to preview the submission, or **Save Draft** to save your submission and submit it later. Click **Cancel** to exit the assessment without saving or submitting.

5.7 Submission confirmation

Submission Confirmation

☒ You have successfully submitted your work. You will receive an email confirmation containing this information.

User: [REDACTED]
Class site: ABT1511-15-S1
Assignment title: Examination 1
Submission ID: [REDACTED]
Submitted on: 11-Feb-2016 13:38
History [REDACTED]

Your submission included the following:

Submitted Attachments

Examination 1 Responses.docx (12 KB; 11-Feb-2016 13:09)

[Back to list](#)

Once you have submitted your assessment, you will receive a confirmation message on the screen. **Make a screen copy for your records.** In addition, if you have opted to receive email notifications, you will also receive an email confirmation of your submission.

6. The cover page to your take-home exam must include your name, student number and the module code.
7. It is preferred that your portfolio exam is typed, however, handwritten submissions will also be accepted. If the portfolio exam is typed, the maximum length is **10** pages (which includes the cover page and the bibliography). If the portfolio home exam is handwritten, the maximum length is **12** pages (which includes the cover page and the bibliography).
8. Whether your answers are typed or handwritten, your submission on the myExams platform must be made in the form of **one PDF** document.
9. If your answers are typed, ensure that the following requirements are adhered to. Items 9.3-9.6 applies to written assignments as well.
 - 9.1 The text must be typed in Arial font, size 12 with single line spacing within the paragraph, and double line spacing after the paragraph.
 - 9.2 The text must be justified.
 - 9.3 All of the pages must be numbered in the bottom right hand corner of the page.
 - 9.4 All margins must be 2.5cm, but the left margin must be 3cm.
 - 9.5 South African English and not American English should be used. For example, the correct spelling is "Labour" and not "Labor".
 - 9.6 Do not use abbreviations or SMS language.
 - 9.7 All quotes that are two lines long (or less), must form part of the main text, be written in italics, and be bracketed by quotation marks. Where a quotation is longer than two lines, it must be typed in a separate paragraph in italics in size 11 font and must be indented by 1 cm. No quotation marks are required when the quotations stand alone. Use quotations very sparingly. In this take-home exam, a maximum of 5% of the text may be quoted.

10. When answering the portfolio exam questions, remember that an open-book exam is a test at a higher level than the usual type of exam, where memory is tested as much as insight. In an open-book exam, you need not memorise any information. You are expected to prove that you can use information, rather than merely repeat it. In brief, what is being tested is factual knowledge, understanding and the correct application thereof, not memory skills. For this reason, you do not earn marks by merely detailing a list of all the information that you think might be relevant to a particular question. This gives no indication that you know what statutory or other provisions are applicable in a specific context. You are expected to identify precisely what information applies, and then explain why you think so. Also, because you have the guide available when answering questions, we do not give marks for direct quotations from the guide. You are therefore assessed on your level of understanding of the legal principles by looking at how well you applied the principles to the questions. **PLEASE DO NOT CUT AND PASTE ANSWERS FROM THE STUDY GUIDE (OR ANY OTHER SOURCE).**
11. The arguments that you make must be logical, well-structured and substantiated by all of the relevant legal principles. You are given **24** hours (not 2 hours) to complete the portfolio exam. Use the time given wisely.
 - 11.1 Ensure that you give reasons for each answer. Substantiate your answers by referring to ALL of the relevant authorities, e.g. sections from relevant legislation and/or court cases in the text or in your footnotes.
 - 11.2 You are required to have read and summarised the prescribed cases yourself. The summaries in the Study Guide are not sufficient for this exam. When using case law to support your answer, please include complete references to the relevant cases in your footnotes. This means that you must not only include the name of the case but also the exact page and section and/or paragraph where the information can be found. The same applies to articles and books used.
 - 11.3 A number of students lose marks because they do not approach problem-type questions correctly. When answering such questions, it is important to first clarify for yourself the area of work where the answer must be sought. Once you have done this, set out the relevant legal principles. Deal only with those principles that relate to the given facts. Next, apply these principles to the facts. This is where most of the students lose marks - they set out the law in some detail, but then do not illustrate how it applies to the factual situation they have been asked to solve. Finally, state your conclusion.
12. By ticking the Honour Pledge, you confirm that you have read (i) the University's [Policy on Copyright Infringement and Plagiarism](#) and the [Student Disciplinary Code](#), which are both available on myUnisa: www.unisa.ac.za/unisarules, and (ii) the information relating to student values and plagiarism that is found at <https://www.unisa.ac.za/sites/myunisa/default/Study-@-Unisa/Student-values-and-rules>.

PLEASE NOTE:

If you experience technical problems of any kind on the day of the examination and your examination answers are not submitted by the cut-off time, if you are an

- (i) Early Completion Student (ECP) student, you will automatically be transferred to the September-November examination period; or
- (ii) aegrotat or supplementary student, you will be marked as absent.

QUESTION 1

The African Union has conducted a study on alleviating poverty in the north and central countries of the continent. One of the findings of this study attributes the situation of these countries to poor social security systems and laws. You have been invited to give a presentation to the AU about the social security laws of South Africa, with the view to improving conditions and creating new systems in these countries. Your presentation must cover the historical development of social security in South Africa, its objectives and the shortcomings experienced by the system. (20)

[20]

QUESTION 2

- (a) Explain how the right to have access to social security can be limited in South Africa. (6)
- (b) Explain the difference between direct and indirect discrimination. (4)
- (c) Discuss how the Constitution of the Republic of South Africa, 108 of 1996, gives priority to the rights of children conferred in section 28. (10)

[20]

QUESTION 3

Aunty Lira is a 59 year old lady residing in the township of Leratong in the North West Province. Aunty Lira runs a home for abandoned, orphaned and children with disabilities in the township. The Department of Social Development has brought five children to Aunty Lira's home. The High Court has recommended that these children be taken under the care of Aunty Lira and made a court order to that effect. The ages of the children range between 4 and 16 years.

- (a) Explain what a means test entails (2)

- (b) Advise Aunty Lira if she can apply for a specific grant in respect of the five children mentioned above and mention if she will need to submit any documents, if she qualifies for that grant. (10)
 - (c) Advise whether Aunty Lira will be eligible for any type of social grant on her next birthday. (8)
- [20]**

QUESTION 4

Zico is an employee of Matla Mining (Pty) Ltd. His primary duty is to deliver raw platinum from the mine to different refineries, using a truck. One Friday after concluding his duties, Zico is requested by his friend, Tsotsi, to transport Tsotsi's furniture to Witbank. On his way back from Witbank, Zico collides with another truck and sustains injuries to his lower body. Zico seeks advice from you, a UNISA social security law expert. Advise him on the following:

- (a) The social security objectives of the Compensation for Occupational Injuries and Diseases Act 130 of 1993 (COIDA). (5)
- (b) Whether Zico can claim compensation for his injuries under COIDA. (5)
- (c) Zico's other friend, Bari is a rock driller at a mining company in Middelburg. Bari was hit by a rock at a mine shaft and lost the use of his left arm. Bari has made a claim for his injuries under the COIDA. He wants to know from you whether he can also claim compensation under the Occupational Diseases in Mines and Works Act 78 of 1973 (ODIMWA). Advise Bari with reference to relevant case law. (10)

[20]

TOTAL: [80]

THE END

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