



FACULTY OF LAW (AUCKLAND PARK CAMPUS)

SUBMISSION OF SSA EXAMINATION PAPERS  
JANUARY 2018

MODULE NAME: SOCIAL SECURITY LAW

MODULE CODE: SSL0021

LECTURER (S): ADV. RETHABILE SEEMA.

HEAD OF DEPARTMENT: \_\_\_\_\_

EXIT MODULE: ☒ YES ☐ NO YES.

FOR EXIT MODULES:  
EXTERNAL MODERATOR: -

EXTERNAL MODERATOR FORM ATTACHED: \_\_\_\_\_

**INSTRUCTIONS:**

1. How many of the following items will be required per student?

Examination script (4 pages) 27

Scanner sheet -

Other (please specify) -

2. How many students are still attending lectures (with a view to the number of examination papers required)? 25

SIGNATURE OF LECTURER: \_\_\_\_\_

DATE: \_\_\_\_\_

SIGNATURE AS HEAD OF  
DEPARTMENT  
(AS INTERNAL MODERATOR)

E. Fany

DATE: 4/01/2018

FOR ADMINISTRATIVE PURPOSES:

Noted: \_\_\_\_\_

Date: \_\_\_\_\_



UNIVERSITY OF JOHANNESBURG  
KINGSWAY CAMPUS

FACULTY OF LAW  
JANUARY EXAMINATION 2018

**PROGRAM** : LLB  
**MODULE** : SOCIAL SECURITY LAW  
**CODE** : SSL0021  
**WEIGHT** : 50/50  
**EXAMINER** : ADV. R SEEMA  
**MODERATOR** :  
**DURATION** : 120 MINUTES  
**NUMBER OFF PAGES** : 3 (COVER PAGE INCLUDED)  
**TOTAL MARKS** : 60

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**INSTRUCTIONS:**

1. PAY ATTENTION TO THE MARK ALLOCATION OF EACH QUESTION AND PLAN YOUR ANSWERS ACCORDINGLY.
2. ANSWER ALL THE QUESTIONS READ ALL QUESTIONS CAREFULLY AND ANSWER COMPREHENSIVELY. REFER TO ANY RELEVANT AUTHORITY.

**QUESTION 1**

Loretta is a HIV positive pregnant woman, who upon hearing of her pregnancy went to her local clinic seeking medical treatment that would help prevent mother-to-child HIV and AIDS transmission. Unfortunately, upon her arrival, she was informed that her local clinic was not one of the clinics chosen by government to pilot this programme. Naturally, she leaves the clinic unhappy because she fears her unborn child will contract HIV and AIDS. She approaches you for legal advice regarding her unborn child's right to health.

Develop an advisory memorandum in which you address all the relevant issues as to ascertain Loretta's legal position. In your answer you must refer to all relevant authority.

**(10)**

**QUESTION 2**

Sandra a call centre agent, working for Neotel, was involved in an accident driving to work. She approaches you for legal advice to determine whether she is covered by the Compensation for Occupational Injuries and Diseases Act (COIDA).

Critically analyse Sandra's position with regard to the following:

- (a) the conceptual framework of 'accident' for the purposes of the Act; (5)
- (b) the circumstances under which employees will not receive benefits; (5)
- (c) the 'traveling to and from work' qualifying criteria that employees must comply with to receive benefits; and (5)
- (d) the reconciliation (overlap) between COIDA and the Road Accident Fund in this regard. (5)

**(20)**

**QUESTION 3**

Thembekile, a quantity surveyor from the Department of Rural Development and Land Reform, and her husband found out that she is three months pregnant. Naturally, in addition to some time off when her baby is born she would also like some benefits.

Critically advise Thembekile on:

- 3.1 the unemployment benefits she is likely to qualify for as well as the requirements to be met. (10)
- 3.2 Thembekile and her husband, Luke approach you three years after having their baby. In the consultation they state that they are now adopting a second baby. They are both employed and would like to take some time away from work to bond with the newly adopted baby. Critically advise the couple on the unemployment benefits they are likely to qualify for, as well as the requirements to be complied with. (10)
- 3.3 Critically evaluate the position of a male in a same sex civil marriage with reference to maternity leave and maternity benefits within the South African Legal framework. (5)
- (25)

**QUESTION 4**

Naledi, a 62 year old lady, approaches you for advice regarding her eligibility for social assistance. During your consultation, she informs you that she is employed at Sunshine Cosmetics as a tea lady and earns R5000 per month and she lives in a RDP house. She is also the sole breadwinner.

Critically advise Naledi on:

- 4.1 the type of grant she may apply for; and (1)
- 4.2 the means test requirements (both the income and asset elements). (4)
- (5)

**TOTAL: 60 MARKS**