



THE CATHOLIC UNIVERSITY OF EASTERN AFRICA

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MAIN EXAMINATION

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JANUARY – APRIL 2022

Ext 1022/23/25

FACULTY OF LAW

REGULAR PROGRAMME

CLS 206: LABOUR LAWS

Date: APRIL 2022

Duration: 2 Hours

INSTRUCTIONS: Answer Question ONE and any Other TWO Questions

Q1. On 19th April, 2022, Joseph was offered employment by Lenders of Lenders Ltd, a private limited company, a leading microfinance company in Kenya. Joseph was offered the position of Front-Office clerk. He reports to his supervisor Joyce and he attends to customers that come into the company seeking for loans of up-to Kshs.2,000,000/= . Joseph also ensures other financing services are given to the clients of Lenders of Lenders Ltd who lack access to mainstream banking and related services. The appointment is for a renewable term of 5 years.

From this scenario:-

- Draw a model contract of service between Joseph and Lenders of Lenders Ltd.
(10 Marks)
- Provide the factors that are considered to determine that Joseph is an employee of Lenders of Lenders Ltd.
(10 Marks)
- Discuss the duties and obligations of both the employer and the employee in a contract of employment.
(10 Marks)

Q2.

- Provide the historical background of labour laws and industrial relations in Kenya
(15 Marks)
- Explain the objectives of labour laws.
(5 Marks)

Q3. Paul Kazi has worked at the Aprotech Company for the last 10 years as a machine operator. During that time, Paul Kazi has been a member of the Tech Workers Union which draws membership from organizations that are appropriating technology. He pays his membership fees as required. However, recently the management has found fault with the work of Paul Kazi and intend to take him through a disciplinary process. Consequently, Paul Kazi has approached Tech Workers Union over his plight in a bid for the Union to take up his matter and ensure that it is resolved with the Management. In the intervening period, Paul Kazi fears the worst and suspects that after the disciplinary process he may be dismissed.

In light of these facts, enumerate in detail the following:-

- a. The roles of labour union and employers' organisations; **(5 Marks)** and
- b. Methods of resolving industrial disputes. **(15 Marks)**

Q4.

- a. Enumerate the key areas covered by the *Employment Act, 2007*. **(10 Marks)**
- b. Explain the forms of employment relationships. **(10Marks)**

Q5. Write short notes on the following:-

- a. Definition of labour laws **(5 Marks)**
- b. Laws that are interrelated with the labour laws **(5 Marks)**
- c. Protected and unprotected Strikes and Locks Outs **(5 Marks)**
- d. "Labour Unions are legal organizations that bargain with employers on behalf of workers in certain industries. The primary role of labour Union being to fight for better rights, wages, and other benefits."
List and explain the Collective labour law as well as the procedures for entering into legitimate collective bargaining agreements **(5 Marks)**

END