



THE CATHOLIC UNIVERSITY OF EASTERN AFRICA

A. M. E. C. E. A

CITY CAMPUS

MAIN EXAMINATION

JANUARY – APRIL 2015 TRIMESTER

FACULTY OF LAW

EVENING PROGRAMME

CLS 310: LABOUR LAW

P.O. Box 62157
00200 Nairobi - KENYA
Telephone: 891601-6
Fax: 254-20-891084
E-mail: academics@cuea.edu

Date: April 2015

Duration: 2 Hours

INSTRUCTIONS: Answer Question ONE and ANY OTHER TWO Questions

Q1. Viwanda Company Ltd is a manufacturing company based in Industrial Area in Nairobi but has a branch in Nakuru. It has 3 directors – Mr and Mrs Kamau and their son. It employs thirty (30) employees, eighteen (18) of them are in Nairobi and the rest are in the Nakuru office.

In January 2015, there was a fracas in the Nairobi office in which John Kakoyi was accused by Joan the personal assistant to Mr. Kamau the Managing Director that he was sexually harassing her. She reported the matter to Mrs. Kamau who is in charge of staff matters. Mr Kakoyi admitted that he has requested her to his friend because he felt that she was too close to the boss who was almost twice her age.

Mrs. Kamau transferred both John Kakoyi and Joan to the Nakuru office with immediate effect. Joan resisted moving to Nakuru on transfer but Mrs. Kamau insisted she had to go. Joan felt aggrieved by the decision to transfer he after her complaint of sexual harassment without investigations. She appealed against the transfer but the appeal was turned down. She therefore resigned in order to pursue her case elsewhere but Mrs. Kamau rejected her resignation and instead dismissed her for refusal to obey a lawful order. Joan reported her dismissal to the Nairobi County Labour office. You are a Labour Officer from the County Labour office, carry out investigations on Joan's complaint and suggest remedies thereof.

(30 marks)

- Q2. Explain what is meant by collective agreements and discuss how trade unions are established, recognized and enter into collective bargaining on behalf of their members. **(20 marks)**
- Q3. Discuss when wages and salaries of employees are due for their payment under different contracts of employment and ways in which the law protects the employees' interest. **(20 marks)**
- Q4. The Constitution of Kenya guarantees the right to strike. Discuss with the assistance of concrete examples how this right is exercised in Kenya under the Labour Relations Act, 2007. **(20 marks)**
- Q5. Write short explanatory notes on the following Labour Institutions
- a) The National Labour Board **(10 marks)**
 - b) The Wages Councils **(10 marks)**

END