



THE CATHOLIC UNIVERSITY OF EASTERN AFRICA

A. M. E. C. E. A

MAIN EXAMINATION

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MAY – JULY 2018 TRIMESTER

CENTRE FOR SOCIAL JUSTICE AND ETHICS

REGULAR PROGRAMME

ACML 203: LABOUR RELATIONS AND LAW

Date: MAY 2018

Duration: 2 Hours

INSTRUCTIONS: Answer Question ONE and ANY OTHER TWO Questions

- Q1. Demonstrate the view that the Catholic Church has always had and continues to have an interest in the question of workers, employees, and employers. **(20 marks)**
- Q2. Any visitor to Tangaza University College these days is usually welcomed at the gate by guards dressed in a uniform of SENACA. But in the same college, you find guards dressed in a uniform branded with Tangaza Logo and they are present in and guarding the library premises and the refectory area. What is the distinction between these two categories of guards? What tests may be used to distinguish between the said guards with regard to employment. **(20 marks)**
- Q3. KIPAKASI is an employee recruitment agency. KIPAKASI advertised, interviewed and recommended for employment employees for KATOGO Grocers. Jane, Susan and Judith are ladies who were recruited to KATOGO Grocers a company that has hitherto employed 8 men out of 10 employees. PONSIANO and ZEBEDAYO are gentlemen who know they performed better than the ladies at the interview but have been left out. PONSIANO thinks he is discriminated against because he tested HIV positive and declared as much on the application form. ZEBEDAYO thinks that the only reason he was not taken was that he is a man. KATOGO Grocers is also aware that the number of its employees will be increasing to more than 20 in the coming months. KATOGO Grocers would like to comply with the law regarding a sexual harassment policy. Advise them on the content of the statement. Both PONSIANO and ZEBEDAYO want to sue on grounds of discrimination. Advise the parties involved on who they should sue and why, the arguments in law that the person they will sue could use to defend themselves? **(20 marks)**

- Q4. Kambuti Agencies is the property manager for Kangaroo Holdings. Kambuti Agencies are managing a quarter acre property on Ngong Rd where their own offices are located. This property also houses nine (9) carpentry and welding workshops that belong to different registered entities. These entities employ all together 50 workers. What are the duties placed on the parties involved for purposes of health and safety. **(20 marks)**
- Q5. The Holy Sisters of Mount Zion own and operate Kabanyoro Millers and Confectioners and they transport employees to and from work every day. Two weeks ago, the van providing transport was involved in an accident in which Patrick the driver died, the one armed Flora lost her remaining arm, Kabira lost a hand at the wrist while Kayenje and Kabizi lost three phalanges each of the index figure. Meanwhile it is evident that Kansime is bed ridden as a result of the accident and may have to remain that way for another 18 months. The doctors are actually not sure she will be able to operate ever again the mangle she has always operated. Kabanyoro Millers and Confectioners only provides a maximum of three weeks sick leave with full pay, another two weeks on half pay and there after no payment. Advise the parties on the percentage of disablement for the affected employees and how Kansime's right to compensation will accrue. **(20 marks)**
- Q6. Several trade unions have been going on strikes in the past two years. Some employers have even exercised their rights to lock outs. They both seem to be affirming their constitutional act yet the relevant statutory law prohibits strikes and lock outs. Explain this dilemma using the applicable law.

END