



THE CATHOLIC UNIVERSITY OF EASTERN AFRICA

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MAIN EXAMINATION

MAY – AUGUST 2019 TRIMESTER

FACULTY OF COMMERCE

DEPARTMENT OF MARKETING AND MANAGEMENT

REGULAR PROGRAMME

CMM 322: LABOUR LAWS

Date: JULY 2019

Duration: 2 Hours

INSTRUCTIONS: Answer Question ONE and any other TWO Questions

Mr Njuki, an entrepreneur of good repute intends to start a factory which manufactures a chain products. The company intends to engage 5000 workers to help it achieve this objective. The factory to be named BRANDY FACTORY is also in need of qualified experts in the field of reason to improve on its line of products. Recently, the Human Resource Manager, Mrs. WEWE, advertised in the local dailies inviting applicants for the position of Technical and innovative research in its two major departments. One, Mr. WACHA, applied and was invited for an interview in which he was successful. However, the factory's Human Resource Manager would like to engage Mr. WACHA in a contract for service and not of service. To achieve this, the Human Resources Manager has written to Mr. WACHA informing him that the factory management can only engage him in a contract for service. Mr. WACHA does not know what constitutes contract of service and contract for service. After further inquiry, Mr. WACHA has learnt that there is a statute known as the Employment Act 2007 which contains some of his entitlements as a workman.

- Q1. a) Explain to Mr Njuki, the procedure for registration of a factory under the law. **(6 marks)**
- (a) Advise Mr. Wacha on the distinctions between a contract for service and contract of service and indicate how he is likely to benefit on each **(12 marks).**
- (b) Outline and explain briefly the provisions of Employment Laws which are beneficial to Mr. Wacha as a prospective workman. **(10 marks).**
- (c) Mention two sources of labour laws apart from constitution of Kenya and International Labour Organization (ILO Conventions). **(2marks)**

- Q2. The role collective bargaining in the modern industrial set-up is of vital importance as a peaceful method to resolve industrial disputes.
- (a) Discuss the characteristics of Collective Bargaining **(10 marks)**
 - (b) Explain the importance of Collective Bargaining to a group of employees who intend to join a trade union in the near future. **(10 marks)**
- Q3. a) Give the definition of a Trade Union as defined in the Labour relations Act of 2007 **(4marks)**
- b) Mention and explain the types of funds a registered trade union is entitled for **(6 marks)**
 - c) Discuss the reasons as to why workers become members of trade Unions **(10 marks)**
- Q4 a) Discuss the duties of employees in ensuring their own safety at the workplace as set out in the constitution of the International Labour Organization **(10 marks)**
- b) Briefly discuss general provisions regarding health, safety and welfare of workers at the workplace **(10 marks)**

END