



# THE CATHOLIC UNIVERSITY OF EASTERN AFRICA

## A. M. E. C. E. A MAIN EXAMINATION

JANUARY – APRIL 2019 TRIMESTER

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### FACULTY OF LAW

### REGULAR PROGRAMME

### SPECIAL EXAMINATION

### CLS 206: LABOUR LAWS

**Date: APRIL 2019**

**Duration: 2 Hours**

**INSTRUCTIONS: Answer Question ONE and ANY OTHER TWO Questions**

Q1. Mr. Wabwire was employed on casual basis by Good Will Industries for a period of one year and was found to be a diligent worker. On 1<sup>st</sup> December 2017 he was employed in the position of Accountant on a permanent basis and was placed on a six month's probationary period. The Company Rules and Regulations on probation stated that the confirmation from probationary contract to permanent employment must be in writing after assessing the suitability of an employee. After the expiry of six month's Mr. Wabwire was not told anything about his confirmation into permanent employment.

On 1<sup>st</sup> October 2018 Mr. Wabwire was found in possession of a Laptop which had gone missing in the stores of Good Will Industries since the year 2016. When Mr. Wabwire was asked by his Chief Accountant to explain how that Laptop came into his possession, he explained that he had bought it from a friend who used to work at Good Will Industries but had since left the employment of Goodwill Industries. The Chief Accountant informed Senior Management of the discovery of the Laptop

On 1<sup>st</sup> November 2018 Mr. Wabwire was summoned to the office of the Human Resource Manager and handed a letter terminating his services. The reason given in termination letter was that the Management was not able to confirm him as in its assessment, he was not suitable to be given a permanent contract having been found in possession of stolen property.

Wabwire is dissatisfied with the termination and wants to pursue his legal rights. You are an expert in employment matters:-

a) In the circumstances, explain to him what his legal rights are and avenues available to him to pursue these legal rights

b) Explain the legal rights and obligations of Good Will Industries, if any  
**(30Marks)**

Q2. Discuss the protection given to an employee's wages or salary under the Employment Act, 2007.  
**(20 Marks)**

Q3. Kenya School Equipment Production Company (SEPCO) was established to manufacture desks and others school equipment to be used in primary and secondary schools in Kenya

On 1<sup>st</sup> May 2018, the Secretary General of Kenya National Union of Teachers (KNUT) told a national rally at Uhuru Park that workers manufacturing school equipment at SEPCO are overworked and underpaid. He also announced that many of the Company's employees had joined his union and he had welcomed them with both hands in solidarity with teachers.

On 20<sup>th</sup> May 2018 the KNUT Secretary General wrote to the Managing Director of SEPCO forwarding to him check off forms signifying that a number of workers had joined KNUT and wanted SEPCO to deduct a sum of Kshs.500/= every month as union dues. In addition he sought recognition from SEPCO for purpose of Collective Bargaining.

You are a legal expert and have been approached by the management of Kenya School Equipment Production Company on its legal rights in these matters. Advise the Company.  
**(20 Marks)**

Q4. Write short explanatory notes on the following principles

a) Sexual harassment**(10 Marks)**

b) Protection against forced labour  
**(10 Marks)**

Q5. In relation Industrial Relations in strike action, state what is meant by the term "Essential Services" and explain how trade unions, employers and Government have treated these "services" under the current constitution of Kenya.  
**(20 Marks)**

**\*END\***