



# THE CATHOLIC UNIVERSITY OF EASTERN AFRICA

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**MAIN EXAMINATION**

**SEPTEMBER –DECEMBER 2021**

**FACULTY OF LAW**

**REGULAR PROGRAMME**

**CLS 206: LABOUR LAW**

**Date: DECEMBER 2021**

**Duration: 2 Hours**

**INSTRUCTIONS: Answer Question ONE and any TWO Questions**

Q1. Linda and Ben are engaged in an organization that manufactures hair products like wigs, weaves and hair oils. Linda is an attractive lady and more so since she uses the organization's products to enhance her good looks.

Ben has on various occasions approached Linda for sexual favours, and whenever they meet, Ben will smack Linda's rear end, gesture to her in a suggestive manner and even wink and blow kisses towards her.

Linda has tried to reported this matter to the supervisors but Linda suspects that since her Supervisors are male; they do not take her complaints seriously. The Supervisors tell Linda that her beauty is the one that attracts the unwanted attention.

Use this scenario as a basis of answering the following questions:-

- a. As a lawyer for Linda, state the position of your client:-
  - i. In the manner in which she has been treated by Ben and the Organizations' Supervisors.  
**(5 marks)**
  - ii. What would be considered as a suitable work environment for the employees at the said Organization? **(5 marks)**
  - iii. What options would Linda have in her current situation? **(5 Marks)**
- b. What would be the requirements of a contract of service? **(10 marks)**

- c. Draw a model contract of service between Linda and the Company. **(5 marks)**

Q2. Examine the historical development of labour laws in Kenya to the current prevailing laws.

**(20 Marks)**

Q3.

- i. Explain the various forms of employment relationships **(10 Marks)**  
ii. Examine the law of termination and dismissal from service. **(10 Marks)**

Q4. Consider the following statements:-

*“Recognized Labour Unions bargain with employers on behalf of workers.”*

*“The primary role of Labour Union is to fight for better rights, wages, and other benefits.”*

In light of this enumerate in detail the following:-

- a. the roles of labour union **(5 Marks)**  
b. Collective labour law as well as the procedures for entering into legitimate collective bargaining agreements **(10 Marks)**  
c. strikes, locks outs and how to resolve industrial disputes **(5 Marks)**

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. The key areas covered by the *Employment Act, 2007* **(5 Marks)**  
d. The law on collective negotiations **(5 Marks)**

**\*END\***