



KIBABII UNIVERSITY COLLEGE (KIBUCO)

MAIN CAMPUS

**UNIVERSITY EXAMINATIONS
2014 /2015 ACADEMIC YEAR**

THIRD YEAR FIRST SEMESTER EXAMINATIONS

MAIN EXAMINATION

FOR THE DEGREE OF BACHELOR OF COMMERCE

COURSE CODE: BCH 337

COURSE TITLE: LABOUR LAW

DATE: 22nd January 2015

TIME: 8.00-10.00 a.m.

INSTRUCTIONS TO CANDIDATES:

Answer Question ONE and any other Two Questions

TIME: 2 Hours

Questions 1 (compulsory) 30 marks

- (a) Define labour law (2 marks)
- ii. Differentiate between ACT and rules (2 marks)
- (b) Define the following;
 - (a) Employee (1 mark)
 - (b) Collective labour law (1 mark)
 - (c) Workmen’s compensation (1 mark)
 - (d) Termination of service (1 mark)
 - (e) A worker (1 mark)
- (c) A prostitute may not be entitled to protection against unfair dismissal. Justify your answer (2 marks)
- (d) The main sources of labour law in Kenya include; **Legislation, The constitution, Case law precedents, International labour organization.** Explain in details each term (2 marks)
- (e) Two major evils that affect labour are; Capitalist exploitation and consumerism. In regard to this thinking, explain; social reformers, and health and moral issues. (2 marks)
- (f) Labour laws lends a structure and fairness to the workplace, it offers a uniform purpose. If you agree with this, list and describe any five functions of labour law. (5 marks)
- (g) Write short notes on the following ACTs;
 - (a) Trade Union Act (2 marks)
 - (b) Employment Act (2 marks)
 - (c) Factory Act (2 marks)
 - (d) Trade dispute Act (2 marks)
 - (e) Workmen’s Compensation Act (2 marks)

Question 2

Labour law became standard during the industrial revolution, and is also called employment law.

- (a) List and describe 2 categories of the labour laws. (4 marks)
- (b) Define and describe the following (4 marks)

	Employee Category	Description
i	Permanent	
ii	Temporary	
iii	Casual	
iv	Part-time	

- (c) What role does Human right play in employment law? (2 marks)

Question 3

- (a) Labour Unions are legal organizations that bargain with employers on behalf of workers in certain industries. The primary role of labour Union being to fight for better rights, wages, and other benefits. List and explain any 5 roles of labour union. (5 marks)
- (b) What function does COTU play in labour law? (3 marks)
- (c) Name Unions you know and explain its impact to you/or your friend. (2 marks)

Question 4

Jossy and Ericah, former sweethearts, both worked as sales representatives for XYZ Ltd, a multinational firm engaged in the manufacture and sale of pharmaceutical products. Although the couple had already broken off their relationship, Jossy continued to have special feelings for Ericah.

One afternoon, Jossy chanced upon Ericah riding in the car of Paul, a co-employee and

Ericah's ardent suitor; the two were on their way back to the office from a sales call on Silver Drug, a major drug retailer. In a fit of extreme jealousy, Jossy rammed Paul's car, causing severe injuries to Paul and Ericah, Jossy's flare up also caused damage to the two company-owned cars they were driving.

- (a) As a lawyer for XYZ Ltd, advice the company on weather there is a just and valid ground to dismiss Jossy. (5 marks)
- (b) Assuming this time that XYZ Ltd. Dismissed Jossy from employment for cause and you are the lawyer of Jossy, how would you argue the position that Jossy's dismissal was illegal? (5 marks)