



**JARAMOGI OGINGA ODINGA UNIVERSITY OF SCIENCE AND
TECHNOLOGY**

**UNIVERSITY EXAMINATIONS FOR BACHELOR DEGREE IN
BUSINESS ADMINISTRATION**

END OF SEMESTER EXAMINATION FOR 2016 ACADEMIC YEAR

4TH YEAR 2ND SEMESTER 2016/2017 ACADEMIC YEAR

KENDU BAY LEARNING CENTRE

COURSE CODE: ABA 424

COURSE TITLE: LABOUR LAW

INSTRUCTIONS:

- 1. Answer question ONE and any other two**
- 2. Candidate are advised not to write on the question paper.**
- 3. Candidates must hand in their answer booklet to the invigilator before leaving the exam room**

Question One

- a. Labour is not a commodity but it is a commodity.' Discuss this statement with regard to human dignity. (4 marks)
- b. Apart from protection of wages, explain **five** other rights of the employees that form part of the minimum terms and conditions of the contract of service. (10 marks)
- c. Discuss the foundations of labour under the following:
 - i. Market Economy. (4 marks)
 - ii. Paternalism. (4 marks)
- d. Explain any four forms of labour legislation in Kenya. (8 marks)

Question Two

Discuss the causes of revolts in the 17th century that led to organised labour laws in the 19th century. (20 marks)

Question Three

- a. Discuss the main functions of labour law. (12 marks)
- b. The economic reality and multiple tests consider a number of factors to determine the existence of a contract of employment. State and explain the factors associated with these tests. (8 marks)

Question Four

- a. Explain the conditions under which the terms of a contract may be 'implied.' (14 marks)
- b. According to Simon Deakin (2001), the test for an 'employer' is three fold. Identify and discuss these tests. (6 marks)

Question Five

- a. Human Dignity is not sufficient as a foundation of labour law without social justice. Discuss this statement in relation to:
 - i. Theory of Egalitarianism. (3 marks)
 - ii. George W. Hegel's Philosophy. (3 marks)
- b. Highlight four trade unions that were formed and registered between 1949 and 1964. (4 marks)
- c. Trade disputes can be solved using either machinery within or outside the organization. Using relevant examples, discuss this statement. (6 marks)
- d. Explain the effects of registration of a federation of trade unions. (4 marks)