INTERNATIONAL UNIVERSITY OF EAST AFRICA
'Learning to Succeed'

FACULTY OF BUSINESS MANAGEMENT

END OF SEMESTER EXAMINATIONS - APRIL 2025

PROGRAMME: BHRM
YEAR/SEM: YEAR 3/SEMESTER 1
COURSE CODE: LAW 3101
NAME: LABOUR LAWS

DATE:
TIME:

INSTRUCTIONS TO CANDIDATES:

SECTION A

THIS QUESTION IS COMPULSORY AND CARRIES 40 MARKS

Question 1:

Case Study Question:

Read the following scenarios carefully and determine whether each individual should be classified as an **employee** or an **independent contractor**. Justify your answers by referring to relevant legal principles, case law, and statutory provisions.

Scenario 1: (10 marks)

John works as a delivery driver for Speedy Logistics Ltd. He is required to wear a company uniform, follow a strict schedule set by the company, and use the company's vehicles for deliveries. The company also withholds taxes from his paycheck.

Scenario 2:(10 marks)

Sarah is a graphic designer who provides services to multiple clients, including a marketing firm. She sets her own working hours, uses her own equipment, and is paid per project. The marketing firm does not deduct any taxes from her payments.

Scenario 3: (10 marks)

Mike is a software developer working for TechPro Ltd. He is contracted for six months to complete a specific project. He works from home using his own computer and decides his work schedule, but he must meet specific project deadlines set by the company.

Scenario 4:(10 marks)

Lisa works as a sales representative at FashionTrend Ltd. She is required to meet weekly sales targets, work from the company's office, and report to a supervisor. She receives a fixed monthly salary with additional commissions based on sales.

For each scenario, explain whether the individual is an employee or an independent contractor and provide reasons for your conclusion supported with laws and cases. **(40 marks)**

Question 2:

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Case Study Question:

Read the following scenarios and analyze the duties and obligations of both the employer and the employee in each case. Support your answers with relevant legal principles, case law, and statutory provisions.

Scenario 1: (10 marks)

David works as a machine operator at SteelWorks Ltd. His employer requires him to operate

heavy machinery but has not provided any safety training or protective gear. Recently, David was injured while operating a malfunctioning machine. Discuss the employer's obligations and whether David has any legal recourse.

Scenario 2: (10 marks)

Maria is employed as an accountant at FinTech Solutions. Her employment contract requires her to maintain confidentiality regarding company financial records. However, she recently shared sensitive financial information with a competitor. Analyze Maria's obligations as an employee and the possible legal consequences of her actions.

Scenario 3: (10 marks)

Tom has been working at FreshGrocers Ltd. for three years. Despite performing well, his employer has failed to pay his salary for the past two months, citing financial difficulties. Tom is considering legal action. What are his rights as an employee, and what obligations does the employer have in this situation?

Scenario 4: (10 marks)

Lucy, a supervisor at StarRetail Ltd., frequently mistreats junior employees by overloading them with work and making inappropriate remarks. Some employees have filed complaints, but the management has taken no action. Discuss the employer's duty in ensuring a safe and respectful work environment and the possible consequences of failing to address workplace harassment.

For each scenario, outline the legal obligations of both the employer and the employee, considering labor laws and ethical workplace practices. **(40 marks)**

SECTION B

ANSWER ANY 3 QUESTIONS IN THIS SECTION. EACH QUESTION CARRIES 20 MARKS

Question 1:

In determining whether a worker is classified as an employee or an independent contractor, courts use various tests to assess the nature of the working relationship. Discuss the key tests used by courts to distinguish between employees and independent contractors. **(20 marks)**

Question 2:

Discuss the concept of restraint of trade in employment and business law. Explain the different types of agreements that fall under restraint of trade.. In your answer, consider the legal enforceability of these agreements, the factors courts consider when assessing their validity, and the balance between protecting business interests and ensuring individual freedom to work. Support your discussion with relevant case law and statutory provisions. **(20 marks)**

Question 3:

Discuss what you know about the National Social Security Fund (NSSF) and the pension system in Uganda. In your answer, outline the conditions under which workers are required to save with the NSSF and qualify for pension benefits, as well as the circumstances under which they can access funds from both schemes. **(20 marks)**

Question 4:

Discuss the concept of workers' compensation laws and their purpose in protecting employees who suffer injuries or illnesses in the course of their employment. . In your answer, examine the legal framework governing workers' compensation, highlighting relevant statutory provisions and case law. **(20 marks)**

Question 5:

(a) Discuss the duties and obligations of employers in ensuring occupational safety and health in the workplace. Support your discussion with relevant laws and cases. **(10 marks)**

(b) Discuss the duties and obligations of employees in ensuring occupational safety and health at work. **(10 marks)**

Question 6:

Assess the position of the law in the following restraint of trade conditions/agreements

· Scope, area and duration of restraint **(4 marks)**

· Non-competition agreement **(4 marks)**

· Non-solicitation agreement **(4 marks)**

· Trade secret agreement **(4 marks)**

· Non-enticement agreement. **(4 marks)**

Question 7:

Miss Nantumbwe has been employed since January 2020, she has a 4-year contract of employment. However, the following trend of events have been happening ever since she got employed.

· She was given maternity leave of 59 days when she was pregnant

· Her boss who is single always asks her to go to his home and watch news on TV at 10pm and goes back to her home late.

· She fell sick for the whole month of December but they paid her half the salary

· she is the only lady at work and the other 10 employees are men

· she shares wash rooms(toilets) with her male workmates.

· She has now been dismissed because she stole a company pen.

Discuss all the legal issues involved in her situation with reference to laws, cases and other valid examples **(20 marks)**

Question 8:

You are the Human Resource Manager at Kitwe Construction Company; the company has decided to hire Mr. Gatwooki as their engineer on full time basis for 5 years earning a gross monthly salary of 500 US Dollars per month. State and explain the main features that you need to involve in this employment contract and the reasons why. **(20 marks)**

Question 9:

a) Discuss the differences between an employee and an independent contractor

b) What are the methods used by court to establish implied terms in a contract of employment.

Question 10:

Write short notes on the following in regard to workers compensation.

Compensation for a fatal injury (where the worker is dead) (4 marks)

Permanent total incapacity (4 marks)

Permanent Partial incapacity (4 marks)

Temporary incapacity (4 marks)

Course of employment (4 marks)

Question 11:

Discuss the legal framework governing trade unions. In your answer, also examine the laws and procedures related to the resolution of labour disputes, highlighting the roles of relevant institutions and legal instruments. (20 marks)

Question 12:

A company hired truck drivers and the conditions for their employment were;

· To wear company uniform

· To use the trucks only for carrying company goods

· The drivers were required to keep the truck painted

· Payment was based on mileage

· Fuel and costs were incurred by the workers

· Major Repairs of trucks were also done by company

· Drivers had authority to hire other workers to drive on their behalf.

· Drivers who owned more than one truck could hire others to drive alongside them

· Truck owners paid Income Tax

· The time for loading was decided by the company

· Trips were announced by the manager on loud speaker indicating the turns taken in loading.

· Before leaving the premises, drivers had to get four tickets indicating quantity and quality of goods, destination and time of loading.

Using the various tests for determining if a worker is an employee or Independent contractor, discuss which test corresponds to each of the above conditions and give reasons why. (20 marks)