2011/12

22. Annual leave under the labour law differs from the civil service system because:

A. it is a paid leave under the former while it is an unpaid leave under the latter.

B. it is longer in duration under the labour law than it is under the civil service law.

C. it is open for negotiation under the labour law while it is not under the civil service law.

D. it was introduced during the military regime under the labour law whereas its introduction in the civil service system dates back to the time of Emperor Haile Sillassie I. E. None.

23. According to the Labour Proclamation 377/2003, a certificate of service to be issued to a worker need not include:

A. the length of service of an employee.

B. the amount of wage an employee was earning.

C. the reason for the termination of employment contract.

D. the job position an employee occupied.

E. A and B.

24. Which of the following is true about unionization under the labour law?

A. Union members shall determine the minimum number of membership.

B. Management staff is excluded from membership in trade unions.

C. Plurality of unions is a possibility.

D. B and C.

E. A and C.

2012/13 Employment

13. Which of the following is not a factor that is used by the law to identify a managerial employee for the purpose of exclusion from the scope the Labor Proclamation No. 377/2003?

A. Power to lay down and execute management policies on behalf of the employer.

B. Power in hiring and firing workers.

C. Direct accountability to the top management.

D. Power to take disciplinary measures.

E. None

14. Which of the following situations does not constitute a form of indirect dismissal?

A. Employer's failure to react to a female worker's complaint to sexual harassment at the work place by colleagues.

B. Employer's negligence to pay wages duly.

C. If worker is unable to give service due to employer's failure to properly provide work to be done.

D. Employment injury sustained at the place of work due to employer's failure to take precautionary measures to avoid the danger.

E. None of the above.

15. Which of the following category of workers is treated differentially but not preferentially under the Ethiopian Labor Proclamation?

A. Young workers.

B. Foreign workers.

C. Female workers.

D. Workers with disabilities.

E. None.

Case II (15%)

Atlas Floriculture Enterprise is one of the companies that are engaged in growing and exporting flowers in Ethiopia. At the moment, it has 135 employees, with contracts for definite and indefinite periods. So far, the Enterprise has been doing very well in the market and yielding satisfactory returns for its shareholders. However, in order to increase the performance of the Enterprise and its competitiveness at the global market, its management board decided to undertake series of cost reduction measures. Besides, the board decided to modernize and mechanize the Enterprise. As a result, the board has put in place, among other things, a fully computerized system for the unit that mixes chemicals with fertilizers and pumps same into the flower growing yards. Unfortunately, this measure has rendered five employees in the unit unnecessary. Consequently, the personnel manager of the Enterprise has handed over letters of termination of employment contracts to the five workers. Based on these facts, answer the following two questions.

A. Is the termination lawful? Why/ why not? (6%)

B. What rights do the workers have, under the Labor Proclamation, against the Enterprise? (9%)

2013/14

7. Which of the following statements is true about termination of Employment relationship?
A. Termination of employment relationship invariably results in the payment of severance payment for the worker.
B. Most serious behavioral misconducts of workers are grounds for ordinary dismissal.
C. In case of extra-ordinary resignation, workers are not required to give advance notice to the employer.
D. As per the Ethiopian Labor Proclamation, all instances of lawful termination must be preceded by period of notice of appropriate duration given to the worker.
E. None.
8. Which of the following does not constitute the obligations of an employer for a worker who is a victim of an employment injury?

A. Paying compensation to the employee proportionate to the degree of disability.
B. Providing first aid service at the place of accident.
C. Covering the medical expenses of the injured worker.
D. Covering the funeral expenses of a worker deceased as a result of , employment injury.
E. None.

9. From the following types of leaves identify the one that is not a conditional leave.
A. Annual leave.
B. Union leave.
C. Leave for special purposes.
D. Maternity leave.
E. Sick leave.
10. Which of the following category of workers is treated differentially but not preferentially under the Ethiopian labor proclamation?
A. Young workers.
B. Non-Ethiopians.
C. Female workers.
D. Workers with disabilities.
E. None.

Case II (15% 'Wuchale Bank' is a private commercial bank engaged in banking services. It has its headquarter in Addis Ababa and branches in various cities across Ethiopia. Overall, it has over 5,000 employees. For a long time since its establishment it has been yielding high return for its shareholders. In its recent meeting, the Board of Directors of the Bank has instructed the General Manager of the Bank to take series of measures that would enhance the efficiency, of the Bank and, hence, help maximizing profit. In view of this, the Bank introduced Core
Banking Solution, banking software that fully automates banking service delivery and does all the data generation to be used for management decision making purpose. Accordingly, 57 employees of the Bank from across all branches who used to do the data generation from the day-to-day paper works were rendered redundant. Then, immediately, the management of the
Bank terminated their employment contracts despite the fact that they have all served the bank for at least six years. Assuming that the 57 employees have approached you for legal advice, answer the following questions:
l. What remedy do they have under the relevant law?
2. Which disputes settlement organ is empowered to entertain their case? Why?

2014

9. Which one of the following statements is incorrect?
   A. Existence of Employers' association is an essential precondition for collective bargaining
   B. Collective bargaining on matters that are regulated in the Labor Proclamation, such as safety working conditions, is not necessarily prohibited.
   C. the Labor proclamation does not recognize collective bargaining for nonunionized workers.
   D. Sometimes, a trade union or an employer may be forced into collective bargaining.
   E. A collective agreement remains valid despite the fact that the trade union which was the party to the collective agreement is dissolved.
10. Which one of the following statement is false about severance payment?
   A. Severance payment is qualified under Ethiopian labor law.
   B. The amount of severance payment to be paid to a worker whose contract is terminated is less under the Ethiopian Labor Proclamation compared to the one under the Federal Civil Service Proclamation.
   C. Termination of contract of employment is always a necessary precondition to get severance payment.
   D. Termination of contract of employment by the worker due to his fault does not give rise to severance payment right.
   E. None of the above.
11. Which of the following propositions does explain the development of labor law as a distinct body of law to govern employee-employer relationship in profit making undertakings?

A. Restraining the strong bargaining power of the employer to protect the employee.

B. The need to ensure industrial peace.

C. The personal and relational nature of the employment relation.

D. The master-servant nature of the employment relation.

E. All of the above.

12. Which of the following is false about strike under the Labor Proclamation?

A. Workers have to try to settle their difference with the employer through negotiation before resorting to strike.

B. The decision to go on strike is a matter to be decided by trade union representatives.

C. Strike may take the form of slowdown of production by the workers.

D. Workers need to give advance notice for the employer before they go on strike.

E. It is not allowed for workers to accompany strike with physical violence.

13. Of the following one makes human rights different from other types of rights such as contractual rights.

A. Unlike contractual rights, human rights do not emanate from the consent of human persons.

B. Unlike contractual rights, human rights can be assigned to third party.

C. Human rights are entitlements of every human person while contractual rights are claims of the contracting parties.

D. All of the above.

E. A and C.

14. Of the following Conventions one does not deal with the protection of certain category of persons who need special protection.

A. The Convention on the Rights of the Child.

B. The Convention on Elimination of All Forms Discrimination Against Women.

C. Convention on the Rights of Persons with Disabilities.

D. The Convention for the Protection of All Persons from Enforced Disappearance.
E. None of the above.

1. What are the differences between suspension of employment contract and termination of employment contract? (7%)
2. Write a short essay (in not more than 15 lines) describing the concept of retaliatory dismissal and its legal effect(s) under Ethiopian labor law.

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22. Annual leave under the labour law differs from the civil service system because:
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C it is open for negotiation under the labour law while it is not under the civil service law.
D. it was introduced during the military regime under the labour law whereas its introduction in the civil service system dates back to the time of Emperor Haile Sillassie I.
E. None.
23. According to the Labour Proclamation 377/2003, a certificate of service to be issued to a worker need not include:
A. the length of service of an employee.
B. the amount of wage an employee was earning.
C. the reason for the termination of employment contract. D. the job position an employee occupied.
E. A and B.
24. Which of the following is true about unionization under the labor law?
A. Union members shall determine the minimum number of membership. B. Management staff is excluded from membership in trade unions.
C. Plurality of unions is a possibility.
D. B and C.
E. A and C.

2008

3.1. Give two examples of the mechanisms the Labor Proclamation No. 37712003 uses to ensure employment security. (6%)

2008

6. Which one of the following laws is the first to come up with the concept of 'minimum labor conditions' in the development of Ethiopian labor law?

A. The 1955 Revised Constitution.

B. The Factory Proclamation of 1942.

C. The 1960 Civil Code of the Empire of Ethiopia.

D. Labor Proclamation no. 64/1975.

E. Labor Proclamation no. 377/2003.

7. Which one of the following statements is true about probation period?

A. The duration of probation period is as agreed between the employer and the employee.

B. Probation period is presumed to exist at the inception of every employment relationship.

C. Probation period is an essential stage in the formation of contract of employment.

D. During probation period, both parties are free to terminate their relationship without giving notice.

E. A worker on probation cannot terminate his contract during the probation period without good cause.

8. From the list below, identify the one that is not used to determine existence and extent of employer’s liability for employee's injury?

A. Duration of worker's disablement.

B. Degree of the worker's disablement.

C. Completion of probation period.

D. Place of injury.

E. Time of injury.

9. Which of the following leaves is recognized under the Federal Civil Servants Proclamation but not under the Labor Proclamation?

A. Sick leave.

B. Paternity leave.

C. Maternity leave.

D. Mourning leave.

E. Annual leave.

Re exam 2009

12. One of the following **is not** an issue of employee-employer relationship in respect of which parties' freedom to contract is limited?

A. Choice of employee by the employer.
B. Duration of contract of employment.
C. Termination of contract of employment.
D. Working hour.
E. Annual leave.

13. Which of the following entities is **not** in principle considered employer for the purpose of the Labor Proclamation no. *377/2003.*

A. Public enterprises
B. Government owned hospitals.
C. Privately higher education institutions (colleges).
D. Business institutions operated by religious institutions.
E. Private limited companies.

14. Which of the following is **not** a protection extended to workers with disability under Ethiopian law?

A. Protection against discrimination.
B. Right to affirmative action.
C. Entitlement to reasonable accommodation.
D. Reversal of burden when an act of discrimination is alleged by a person with disability.
E. Right to participate in trainings without any conditions.

15. Which of the following **does not** necessarily constitute the obligations of an employer for a worker who is a victim of an employment injury?

A. Paying compensation to the employee proportionate to the degree of disability.
B. Providing first aid service.
C. Covering the medical expenses of the injured worker.
D. Covering the funeral expenses of a worker deceased as a result of employment injury.
E. Covering all medical expenses the victim who gets medical services abroad incurs.

16. Which of the following employment relationships **does not** come within the scope of application of Labor Proclamation no. *377/2003?*

A. Contract of apprenticeship.
B. Contract of employment of Ethiopians abroad.
C. Contract of employment of a foreigner by a business organization in Ethiopia.
D. Home-based work contract.
E. Young workers employment.