



**MASINDE MULIRO UNIVERSITY OF
SCIENCE AND TECHNOLOGY
(MMUST)**

**UNIVERSITY EXAMINATIONS
2022/2023 ACADEMIC YEAR**

**FIRST YEAR SECOND SEMESTER EXAMINATIONS
FOR THE DEGREE**

OF

MASTER OF SCIENCE IN HUMAN RESOURCE MANAGEMENT

COURSE CODE: HRM 808

COURSE TITLE: LABOUR LAW

DATE: FRIDAY, 14TH APRIL 2023 TIME: 8:00 – 11:00AM

INSTRUCTIONS TO CANDIDATES

QUESTION ONE (1) IS COMPULSORY

ANSWER QUESTION ONE AND ANY OTHER THREE QUESTIONS

TIME: 3 HOURS

MMUST observes ZERO tolerance to examination cheating

This Paper Consists of 3 Printed Pages. Please Turn Over.

Read the text below and answer the questions that follow:

‘Journalists in Kenya Flag High Rates of Sexual Harassment in Newsrooms

NAIROBI, KENYA —

Journalists in Kenya report the highest rates of sexual harassment in newsrooms, according to a global media study involving 20 countries. Gathoni Kuria’s negative experience with a supervisor at a Kenya media outlet derailed her plans for a career in journalism. "I went to pitch an idea to him, and he was just looking at my hips intentionally, very intentionally," said Kuria. "So I am speaking to him, but he’s just looking at my hips, then going up my breast and not looking at my face." Kuria worked at the same media house for two years, trying to launch her career in print and broadcast. But she says rejecting sexual advances from a supervisor changed that trajectory. Her harasser wasn’t interested in her professional growth.

"He did not really care whether I published or not," said Kuria. "He did not even sweat or struggle to even tell me to go do a certain story unless I came up with an idea, and that idea would be merged with someone else’s. So, you see, I became almost like just a trophy seated at the desk." Kuria’s former supervisor told VOA the claims are “ridiculous” and suggested she report them to the police. Kuria’s allegations aren't isolated, however.

Around 65% of female journalists surveyed in Kenya say they have faced physical or verbal harassment. At the country level, Kenya has the highest rate of harassment – 56% -- among the 20 countries examined in the study by the World Association of News Publishers Women in News organization and City, University of London.

The study also says that female journalists in general do not report the incidents in about 83% of cases. One way to curb the problem is to highlight it, say local advocates. Dinnah Ondari works for the Media Council of Kenya. "When you give that environment and safe space for people to talk about sexual harassment, the person who wants to hide in the secrecy of it to harass their victim, of course, they will feel exposed," said Ondari. It can be hard to find justice, too. Harassers risk being fired, but they still find work elsewhere. So, the Association of Media Women in Kenya is creating a special committee to help bring suspected attackers to court.

Judie Kaberia heads the Association of Media Women in Kenya.

"There is a case, we’ve had an intern raped at gunpoint in Kisumu, but if you look at how that case was handled, the media house sat, listened to the case, found the guy guilty and fired him," said Kaberia. "After he was fired, he went to another media house. So, the circle continues. There is no redress, there is no punishment, there is no justice for the victim." Kuria, for now, has abandoned her aspirations to be a reporter. But media advocates hope the Women in News study will shine a light on sexual harassment in the newsrooms and offer support for female journalists.

Source : Voice of America, February 23, 2022

Required:

- i. The case above presents a recurrent scenario in the Kenya Labour sector. Many such cases go unreported. With reference to labour laws, build a case on how this trend can be addressed in an organizational set up by the employer and employee. (20 marks).
- ii. The violations presented point to non-adherence to legal provisions with regard to violations of personal dignity and rights of employees at work. As an expert in labour law, advice the

managers on forms of discrimination that employees should be protected against and how their rights can be upheld (20 marks).

QUESTION TWO

An employer has been sued by a workers' union at the Employment and Labour Relations Court on issues related to their employment contract. Key issues of contention that have arisen in the preliminary hearing are related to poor working conditions, management harassment of some employees, summary dismissal and unfair termination of others.

- a) On appearing at the court, the employer wants the case dismissed saying the court has no jurisdiction to hear the case. With reference to relevant laws regarding jurisdiction of the court, advice (10 marks).
- b) The union leaders are also not in agreement on when summary dismissal can be legally undertaken. Educate them instances when it is allowed (10 marks)

QUESTION THREE

Employees in the finance sector have faced a lot of challenges in advocating for their rights and having a conducive work environment. They have legally established their trade union to fight for their rights and now want to legally register it. As an expert in Labour Relations, advise them on how it can be achieved and the key considerations and requirements to be fulfilled (20 marks).

QUESTION FOUR

- i. 'A contract of employment is just a piece of paper that can be ignored and its contents disregarded,' argued a commentator on workplace issues during a workers' union workshop. As an expert in labour law, discuss the correct position highlighting key contents of such a contract (10 marks).
- ii. Discuss the deductions that are legally allowed to be done on an employee's wages (10 marks)

QUESTION FIVE

- i. "Collective bargaining is a process and not an event." With reference to legal processes and principles, validate this assertion (10 marks).
- ii. Critically examine the role of statutory bodies in ensuring safety and health at a workplace (10 marks)

END