



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

**UNIVERSITY EXAMINATIONS
2021/2022 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, 22ND APRIL 2022 TIME: .9:00 -12:00NOON

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:

‘WE WERE PAID LAST IN OCTOBER’

The health workers through their various unions had issued a seven days’ strike ultimatum to compel the government to pay their two months’ salaries which was not honoured. They are also demanding the county government to remit all their statutory deductions, which include NSSF and NHIF for 5 months, which have not been sent. Led by KMPDU Chairman Coast region Hassan Mkuche the health workers have vowed not to return to work until their demands which include payment of full salary for the two months and settlement of non-remitted deductions. Mkuche said the county government has not paid them their dues despite receiving the salary allocation fund for the month of January from the National Treasury.

“Our salary deductions have not been paid for the past five months; the county last paid us in October 2021. We are really struggling even in getting to work,” he said. Mkuche added that they have decided to abscond duty and look for alternative sources of income to be able to fend for their families. The unions are accusing the county government for persistently ignoring the issues raised particularly on perennial salary delays and non-remittance of statutory deductions including National Health Insurance Fund (NHIF) and bank loans.

The county government has offered to pay January salaries only but the health workers are adamant that they are not going to return to work until all their demands are met. The strike comes as a result of the failure by the county to honour a memorandum of understanding signed between the two parties on January 10 this year. Nurses and other health workers issued a similar notice towards the end of last year when the county government failed to pay the November and December salaries. But the strike was called off at the last minute after successful negotiations with the County government.

Source : *Capital News, 8th March 2022*

Required:

- i. The case above presents a recurrent scenario in the Kenya Labour sector due to various causes. With reference to labour laws, build a case on how this trend can be curtailed (25 marks).
- ii. The violations presented point to non adherence to legal provisions with regard to employee wages. As an expert in labour law, advice the County government on general legal principles that protect employees’ wages. (15 marks).

QUESTION TWO

Employers in the horticultural business have faced a lot of pressure from employees trade union in their sector. They have legally established their employer association to register to fight for their rights and now want to legally register it. As an expert in Labour Relations, advice them on how it can be achieved and the key considerations and requirements to be fulfilled (20 marks).

QUESTION THREE

You have been invited to facilitate a training of top shop stewards of labour unions during their annual convention convened by the Central Organization of Trade Unions in Kenya in Mombasa. The training has discussions guided by experts and also features question and answer sessions by participants.

- i. A key issue of contention that has arisen in the preliminary discussions is on the circumstances when a contract of employment can be considered legal hence enforceable. Advice (10 marks).
- ii. The union leaders are also not in agreement on when summary dismissal can be legally undertaken. Educate them on the issue (10 marks)

QUESTION FOUR

A workplace is only safe and healthy if the tripartite partners in labour relations play their legal role in guaranteeing the same. Discuss (20 marks)

QUESTION FIVE

- i. The jurisdiction of the Employment and Labour Relations. This has arisen due to misinformation and ignorance among the populace. As an expert in labour law, discuss the correct position (10 marks).
- ii. "Collective bargaining is a process and not an event." With reference to legal processes and principles, validate this assertion (10 marks).

END

