



(University of Choice)

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

**UNIVERSITY SPECIAL/SUPPLEMENTARY EXAMINATIONS**

**2021/2022 ACADEMIC YEAR**

**SECOND YEAR SECOND SEMESTER EXAMINATIONS**

**FOR DIPLOMA  
IN  
BUSINESS MANAGEMENT**

**COURSE CODE: DBA 212**

**COURSE TITLE: LABOUR LAW**

**DATE: TUESDAY, 26<sup>TH</sup> JULY 2022**

**TIME: 11:00 – 1:00PM**

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**INSTRUCTIONS TO CANDIDATES**

**Answer Question One and any other TWO**

**TIME: 3 Hours**

**MMUST observes ZERO tolerance to examination cheating**

**This Paper Consists of 2 Printed Pages. Please Turn Over.** ▶

## QUESTION ONE

Labour laws play a significant and vital role in the corporate sector. The laws exist so that employees are treated appropriately in work environments and so their rights as an employee are protected. They ensure that employers are valued for their expertise and compensated accordingly.

Although employees are expected to adhere to their agreement in a work contract, they still cannot be subjected to ill treatment. One cannot, in any case, harass an employee physically, mentally or emotionally at work. Gender bias, sexism and racism isn't allowed to be practised. Equality is given utmost priority, and credibility, skill sets, and hard work of an employee should be the criteria for promotion and rising pay-scales.

- i. State the purpose of labour law in Kenya (10 Marks)
- ii. Law arises where there is society; '*Ubi societas ibi ius*'. Explain the above statement basing on the corporate sector. (5 Marks)
- iii. Highlight four features of labour law (8 Marks)
- iv. Name the main source of labour law in Kenya. (5 Marks)
- v. Define labour law (2 Marks)

## QUESTION TWO

A.N.A (Appellant) V. Barclays Bank of Kenya Ltd(Respondent), CIV App No.70 of 2016

The appellant was terminated by the respondent for engaging in unauthorized financial dealings with a bank customer. The bank followed the terminable procedure stipulated at Section 41 of the Employment Act(EA) but the termination letter was issued to the appellant was for some reason not signed.

Use the above court case to reason in your views in accordance to labour laws.

- i. Can an employer terminate a contract of employment without notice? Explain(10 Marks)
- ii. Was the Bank justified in terminating him? Explain the significance of failure in signing termination letter in terms of the principles of fair labour practices.(10 Marks)

## QUESTION THREE

Give four factors that determined the onset/genesis of labour law. Briefly explain the four factors. (20 Marks)

## QUESTION FOUR

- I. Highlight the grounds to terminate a contract of employment by an employee (10 Marks)
- II. State the types of disputes in labour law. (10 Marks)

### **QUESTION FIVE**

- I. Highlight the important functions of unions as listed by National Commission on labour (10 Marks)
- II. Explain the vitiating factors determining a contract void in labour law. (10 Marks)

