



MASINDE MULIRO UNIVERSITY OF SCIENCE AND TECHNOLOGY

MASINDE MULIRO UNIVERSITY OF SCIENCE AND TECHNOLOGY

SCHOOL OF BUSINESS AND ECONOMICS

(MAIN CAMPUS)

UNIVERSITY EXAMINATIONS (MAIN)

2022/2023 ACADEMIC YEAR

THIRD YEAR, SECOND SEMESTER

FOR THE DEGREE

OF

BACHELOR OF COMMERCE

COURSE CODE: BCB 337

COURSE TITLE: LABOUR LAW

DATE: TUESDAY, 11TH APRIL

TIME: 3:00 – 5:00PM

INSTRUCTIONS TO CANDIDATES

Answer **QUESTION ONE** and **any other Three**

TIME: 2 Hours

QUESTION ONE (Compulsory)

Unga Industries is young new institution in Kakamega town which has been in existence for the last two years. It has engaged most of its workers on casual basis, others are on probation contracts and a few on permanent and pensionable terms. The workers are in the process of registering a trade union in order to collectively engage the management for better terms of employment through Collective bargaining agreements (CBAs).

As an expert in labour law:

- (a) (i) Identify various contracts existing in Unga Industries **(6mks)**
 - (ii) Explain how the above contracts can be terminated **(9mks)**
 - (iii) Explain any **FIVE** grounds under which a termination can be termed unfair **(5mks)**
- (b) Explain **TEN** requirements that must be met by the trade union in Unga Industries before it can be registered according to section 14 of the Labour Relations Act **(5mks)**
- (c) Define the term Collective bargaining Agreement and highlight the contents to be included in the Collective Bargaining agreement of Unga industries and the said union once registered and recognized **(5mks)**

QUESTION TWO

- (a) An employer may not take disciplinary action against a worker nor can civil proceedings be instituted against any person for participating in a protected strike or for any conduct in contemplation or furtherance of a protected strike. Explain what constitutes a protected strike as per the Labour Relations Act (2007) **(10mks)**
- (b) In relation to employee rights to leave, give **FIVE** classifications of leave citing the number of days for each **(10mks)**

QUESTION THREE

- (a) Sexual harassment to a person creates hostile work environment to the person and is deemed unethical. Explain the behaviours that could be deemed as sexual harassment in the workplace **(10mks)**
- (b) Illustrate the exceptions to the general rule that allows employers to deduct employees' wages under the Employment Act **(10mks)**

QUESTION FOUR

- (a) Legal rules governing industrial law in Kenya are derived from different principal sources. Expound **(10mks)**
- (b) The Employment & Labour Relations Court was established pursuant to article 162(2) of the constitution of Kenya 2010. Highlight **FIVE** purposes it was established to serve **(10mks)**

QUESTION FIVE

- (a) Differentiate between constructive dismissal and summary dismissal citing their salient features **(5mks)**
- (b) As a labour relations expert, advice your employer on the provisions of the Kenya' labour laws on employers duties and responsibilities with regard to workplace safety and health **(15mks)**