(THE *UNIVERSITY OF CHOICE*)

MASINDE MULIRO UNIVERSITY OF SCIENCE AND TECHNOLOGY (MMUST)

UNIVERSITY MAIN EXAMINATIONS 2023/2024 ACADEMIC YEAR SECOND YEAR SECOND SEMESTER EXAMINATIONS FOR THE DEGREE OF BACHELOR OF COMMERCE

COURSE CODE: BCB 322

COURSE TITLE: LABOUR RELATIONS

DATE: MONDAY 15TH APRIL 2024 TIME: 11.30-1.30 PM

INSTRUCTIONS TO CANDIDATES

- ATTEMPT QUESTION ONE AND ANY OTHER TWO QUESTIONS
TIME: 2 HOURS

MMUST observes ZERO tolerance to examination cheating

This Paper Consists of 3 Printed Pages. Please Turn Over

QUESTION ONE

Section 22 of ID Act prohibits strikes in Public Utility Services and Section 23 puts a general prohibition on strikes in any industrial establishment. Hence strikes are generally illegal. However, Section 24(3) provides that a strike called in response to an illegal lock out will not be illegal. Besides, there are other situations when a strike can become legal. Section 20(1) provides for commencement of conciliation proceedings when the notice is received by the conciliation officer or on the date of the order the dispute is referred to the Board. Until the dispute gets referred to the conciliation officer or the Board as the case may be, the conciliation does not start. Thus, in the time window between 14 days after notice of strike is issued and before the lapse of six weeks from the same date, a legal strike can take place in PUS, provided the dispute is yet to be referred.

Another occasion when a strike becomes legal is as follows. If a fresh notice of strike is issued on the same agenda as the previous dispute on which the conciliation officer had submitted a failure report on, the union can go forward with a legal strike after the mandatory 14 day cooling off period, if the government does not refer it to the Labour Court or Industrial Tribunal. The failure of conciliation proceedings last time on same grounds will be considered for the fresh strike notice as well.

Also, in non-PUS, no such time window is applicable. Unless otherwise prohibited or regulated by the Standing Orders of the establishment or any existing negotiation or conciliation proceeding is going on, workmen can go for a lightning strike.
A question may arise as to the fact that there is general prohibition on strikes in any industrial establishment vide Sec. 23. The answer to this lies in the fact that it is prohibited only if it is in breach of contract.

i. Explain the circumstances under which a strike is legal (5 Marks)

ii. When is a strike prohibited and deemed illegal in labour relations (5 Marks)

iii. Critically analyse any five main causes of strikes in labour relations (10 Marks)

iv. As an individual when is a strike justified (5 Marks)

v. Explain an eventuality which prohibits an employer from declaring a lockout (5 Marks)

QUESTION TWO

i. Explain any five stakeholders of industrial relations (10 Marks)

ii. Highlight the policies advocated by the pluralists (10 Marks)

QUESTION THREE

i. Highlight the labour problems that arose during the industrial revolution in the massive economic and social changes (10 Marks)

ii. What is the importance of industrial relations (10 Marks)

QUESTION FOUR

i. Explain the process of collective bargaining (10 Marks)

ii. What are the advantages of collective bargaining (10 Marks)

QUESTION FIVE

i. Explain the detriments of bad industrial relations on workers (10 Marks)

ii. Discuss the demerits of bad industrial relations on employers (10 Marks)