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(University of Choice)

MASINDE MULIRO UNIVERSITY OF SCIENCE AND TECHNOLOGY
(MMUST)

UNIVERSITY EXAMINATIONS

2023/2024 ACADEMIC YEAR

FIRST YEAR SECOND SEMESTER EXAMINATION

FOR THE DEGREE OF

MASTER OF SCIENCE IN HUMAN RESOURCE MANAGEMENT

COURSE CODE: HRM 824

COURSE TITLE: LABOUR LAWS
DATE: 22ND APRIL 2024 **TIME: 11.30 -2.30 PM**

INSTRUCTIONS TO CANDIDATES
Answer question **ONE** and any other **THREE** questions

TIME: **3HOURS**

MMUST observes ZERO tolerance to examination cheating

QUESTION ONE(40 marks)

Read the text below and answer the questions that follow:

NAIVASHA FLOWER FIRM COUNT LOSSES AS WORKERS STRIKE OVER PAY
By Anthony Gitonga

NAIVASHA, KENYA: Operations in two flower farms in Naivasha have been paralysed for the last three days after over 2,000 workers went on strike protesting low wages and poor working conditions. The management of Gorge farm and Delmare Pivot, which are owned by Veg Pro Kenya Limited, are counting losses running into millions of shillings following the industrial unrest.

The workers from Gorge farm engaged police in running battles along Moi South Lake road on Monday morning before matching to the Labour offices in Naivasha seeking an audience with the government officers. According to the Kenya Export Floriculture, Horticulture and Allied Workers Union (KEFHA), the farm had failed to honour a Collective Bargaining Agreement (CBA) that sought to improve terms and conditions of the workers. The union Industrial relations officer Issa Wafula said workers in the vegetable section were earning Sh4, 500 per month compared to Sh7,800 for those in the flower department. "The workers are further subjected to other hidden deductions and at times they go home with less than Sh1, 000 at the end of the month," he said.

The union national organising Secretary James Okeyo said that they had tried to engage the farm on several occasions over the workers grievances but to no avail. The management of the farms has threatened to sack all striking workers, declaring the strike is illegal. Workers have threatened to move to the Employment and Labour Relations court if the impasse is not addressed.

Addressing striking workers, Naivasha assistant sub-county commissioner Sylvia Ocholla said that all parties had been summoned for a meeting on Wednesday to resolve the issue. "We shall meet the farm management, workers representative and labour officers so that we can get a solution to this strike which has affected tens of workers," she said.

Efforts to get a comment from the farm management were fruitless as they were locked in a crisis meeting.

Source: *Standard Newspaper, June 10th 2019*

Required:

You have been invited to the meeting convened by the Assistant County Commissioner as an expert in Labour laws to help resolve the impasse.

a) The management has threatened to sack the striking workers for participating in the strike. Advise them on legal provisions that validate a strike(10 marks)
b) One of the complaints of the workers is that there are hidden deductions resulting in workers earning Ksh.1000 per month. Advice the management on legal provisions regarding protecting wages. (15 marks)
c) The workers have threatened to move to the Employment and Labour Relations Court if their grievances are not addressed. Explain to them the jurisdiction of the court (15 Marks)

QUESTION TWO

The Kenya National Union of Nurses has been invited to a Collective Bargaining meeting by the Ministry of Health together with representatives from the Council of Governors. They have sought your advice on issues related to the exercise.

a) Explain to them some of the issues that they can canvass that are to be addressed in the collective bargaining agreement (10 marks)

b) Assuming they reach an agreement and sign the Collective Bargaining Agreement (CBA), critically analyse the issues that will be considered by the Registrar of the Employment and Labour Relations Court before deciding whether to register the CBA. (10 marks)

QUESTION THREE

a) Labour laws that govern the employment sector emanate from different sources. An understanding of these sources is critical in the practice of Human Resource Management. Discuss (10 marks).

b) "Although discrimination is prohibited in employment, there are instances when it is legally allowed in employment matters in Kenya."Validate this assertion (10 marks)

QUESTION FOUR

a. The validity of an employment contract is dependent on its contents and the extent to which the contents adhere to provisions of the Employment Act,2007 and other laws. Discuss(10 marks)

b. There are various issues that are meant to be contained in an employment contract as per the Employment Act for such a contract to be legal. Discuss(10 marks)

QUESTION FIVE

c. 'Human Resource Managers are to ensure the Occupational Safety and Health Act,2007 is adhered to in a workplace. Discuss the provisions of this Act that relate to employee obligations regarding safety at work (10 marks)

b. Critically analyse legal circumstances under which summary dismissal of employee may be allowed(10 marks)

END