The Management University of Africa

Sponsored by the Kenya Institute of Management

POSTGRADUATE UNIVERSITY EXAMINATIONS

SCHOOL OF MANAGEMENT AND LEADERSHIP

DEGREE OF MASTER OF BUSINESS ADMINISTRATION

HCO 503: INDUSTRIAL AND LABOUR LAW

DATE: 1ST DECEMBER 2021

DURATION: 3 HOURS

MAXIMUM MARKS: 60

INSTRUCTIONS:

1. Write your registration number on the answer booklet.
2. **DO NOT** write on this question paper.
3. This paper contains **FOUR** questions.
4. Question **ONE** is compulsory.
5. Answer any other **TWO** questions.
6. Question **ONE** carries **30 MARKS** and the rest carry **15 MARKS** each.
7. **Write all your answers in the Examination answer booklet provided.**

QUESTION ONE

Read the Case Study below carefully and answer the questions that follow:

Case study: CITY SIGHTS COMPANY

Two City Sights company bus drivers were dismissed after they abandoned their work and participated in unprotected industrial action. They claimed they were treated less favourably and that 38 other employees who participated in the industrial action who were given written reprimands and warnings.

A tribunal found that the comparator was a person who did not engage in trade union activity who put passengers off a City Sights bus service to stop work without lawful reason, was not at work when directed to resume work, and had previously been advised that stopping work for an unlawful reason was unacceptable. The employees were up to date in remittance of their union contributions and dues.

Neither of the bus drivers claimed that participation in unlawful, unprotected industrial action is trade union activity, and the tribunal found that such participation would not be trade union activity within the meaning of the Labour Relations Act.

One of them was a union member and had engaged in issues such as entitlements and disputes over wages and conditions, and the other was a delegate and had engaged in safety issues, advocated for rights, represented members at disciplinary and performance meetings and communicated union news and views. They claimed that this trade union activity was the reason for their dismissals.

The bus drivers did not establish on the evidence that their employment was terminated because of their trade union activity, or that the reasons given in their termination letters were not the real reasons. There was no direct link between their trade union activity and the termination of their employment, and no evidence from

which an inference could properly be drawn. The tribunal found that the reasons for termination of employment were the reasons set out in the letters of termination.

Required

a) Discuss eight (8) conditions under which City Sights Company may deduct from the wages of her employees. **(8 marks)**

b) City Sights Company is under obligation to deduct from salaries of her employers to remit to trade unions. Assess the purposes of the funds of a trade union or employees organization/ federation. **(9 marks)**

c) City Sights Company drivers were dismissed from work due to a breach of Industrial Relations Act, discuss remedies available to employer for breach of contract due to employee misconduct. **(8 marks)**

d) Based on the above case, evaluate the essentials of a valid contract. **(5 Marks).**

QUESTION TWO

a) Analyze the steps in collective bargaining process. **(9 Marks)**

b) Assess the meaning of a dependant as defined under the Work Injury Benefits Act Cap. 236. **(6 Marks)**

QESTION THREE

a) Examine the functions of the National Labour Board. **(10 Marks)**

b) Discuss the measures that you would put in place to ensure the safety of your employees in line with the Occupational Safety and Health Act (OSHA). **(5 Marks)**

QESTION FOUR

a) Evaluate the sources of labour law in Kenya. **(9 Marks)**

b) Examine the purpose of Labour Law in your country. **(6 Marks)**