

CHUKA



UNIVERSITY

UNIVERSITY EXAMINATIONS

**FOURTH YEAR EXAMINATION FOR THE AWARD OF
DEGREE OF BACHELOR OF COMMERCE**

BCOM 454: LABOUR LAW

STREAMS: BCOM (Y4S2)

TIME: 2 HOURS

DAY/DATE : WEDNESDAY 22 /09/ 2021

8.30 AM – 10.30 AM

INSTRUCTIONS TO CANDIDATES:

- Answer Question One and any other Two Questions.
- DO NOT WRITE ANYTHING on the question paper.

QUESTION ONE

The government in the recent past has faced a wave of industrial unrest from different sectors of the economy with the claim that the government is insensitive to the plight of workers. In particular, the workers allege that there is a wide gap in the wage remuneration to an extent that while some workers cannot afford a meal, the other workers are over-fed and have surplus income. Some workers claim that the Wages Council mandated to determine minimum wages for workers has been sleeping on the job because the current economic hardship requires enhancement of wages which the council is not sensitive to.

Mr. Sifuna, the Secretary General of Peko Workers Union asserts that even the National Labour Board is skewed in its composition hence it has become moribund in its advisory work to the minister for Labour. In the meantime, the minister for labour has summarily dismissed government employees who went on a go-slow in solidarity with their fellow workers. The workers are now alleging that their conduct did not amount to gross misconduct as envisaged in

the Employment Act, 2007 hence their dismissal is unlawful. The workers have approached you for advice on the specific issues.

Required

- a. Enlighten the workers on the specific deductions that the employer is allowed to make from the employees earnings according to the Employment Act 2007. [10 Marks]
- b. Advice the workers about the kind of strikes that are prohibited by the Labour Relations Act 2007\
- c. Highlight to the dismissed government employees on the valid grounds for summary dismissal under the Employment Act, 2007. [10 Marks]

QUESTION TWO

- a) Discuss the various sources of law that regulate employment relations in Kenya. [10 Marks]
- b) Explain the objectives of Labour Law [10 Marks]

QUESTION THREE

- a) The Occupational Safety and Health Act 2007 outlines some health-related general provisions guiding on areas that workplaces should address. Explain these areas / provisions. [10 Marks]
- b) Identify 5 Welfare-General provisions that employers should make for the comfort of the employees. [10 Marks]

QUESTION FOUR

- (a) Highlight the practices that the union representatives shall not engage or cause employees to engage in during working hours. [10 Marks]
- (b) Distinguish clearly between the following terms as used in Labour Law:
 - (i) Collective agreement and recognition agreement.
 - (ii) Lockout and strike

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