

CHUKA



UNIVERSITY

UNIVERSITY EXAMINATIONS

EXAMINATION FOR THE AWARD OF DEGREE OF BACHELOR OF COMMERCE

BCOM 454: LABOR LAW

STREAMS: BCOM Y4S2 (ODEL)

TIME: 2 HOURS

DAY/DATE: MONDAY 29/03/2021

11.30 A.M. – 1.30 P.M.

INSTRUCTIONS:

- **Answer question ONE and any other TWO questions.**
- **Do not write on this question paper.**

QUESTION ONE (CASE STUDY COMPULSORY)

Mapesa, an Accounts clerk, has completed a period of one year in employment at Pamoja Limited. His manager has now concluded that he has no aptitude and the employer has dismissed him. Manoti has been also an employee of this company for two years as a cashier. He has been convicted of dishonesty in relation to the funds of a charity of which he is the treasurer. He received a suspension sentence and was dismissed by Pamoja Limited. In neither case, Pamoja Limited did consider whether a suitable vacancy could be found for John and James. Meanwhile, Mrembo was recently declared redundant by the company without being given advance notice as required by law nor was there any consultation.

Required:

- (a) Advise Mapesa and Manoti on circumstances that constitute unfair dismissal. (10 marks)
- (b) Elucidate the conditions provided in the Employment Act 2007 which Pamoja Limited should have complied with before Mrembo could be declared redundant. (10 marks)
- (c) Describe the main sources of Legal norms regulating employment relationships in Kenya. (10 marks)

QUESTION TWO

- (a) Section A of the Act provides that no person shall use or assist any other person in recruiting, trafficking or using forced labour. Highlight the exceptions to this Act. (8 marks)

- (b) Analyze the circumstances under which a strike or a lock-out is considered prohibited in Kenya. (12 marks)

QUESTION THREE

- (a) Distinguish clearly between the following terms as used in Labour law.
- (i) Collective agreement and recognition agreement (4 marks)
 - (ii) Lockout and strike (4 marks)
- (b) Write short notes on the following institutions as provided in the Labour Institutions Act:
- (i) The National Labour Board (6 marks)
 - (ii) The Industrial Court (6 marks)

QUESTION FOUR

- (a) You have been invited as newly employed Human Resource Manager of a manufacturing company in Nairobi to make a presentation on the provisions of Occupational Safety and Health Act (OSHA) 2007 to the staff and Board of management. In your presentation, discuss the elements of health-general provisions as regards to this Act. (12 marks)
- (b) Explain the lawful deductions an employer should make from the salaries of an employee. (8 marks)
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