

CHUKA



UNIVERSITY

UNIVERSITY EXAMINATIONS

RESIT/SPECIAL EXAMINATION

EXAMINATION FOR THE AWARD OF DEGREE OF BACHELOR OF COMMERCE

BCOM 462: LABOR LAWS

STREAMS:

TIME: 2 HOURS

DAY/DATE: MONDAY 23/07/2018

11.30 A.M. – 1.30 P.M.

INSTRUCTIONS:

- Answer question one and any other two questions.
- Don't write anything on this question paper.

Question one (Case study Compulsory)

John, 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. James was also an employee of the company for two years as a Cashier/Manager. 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 did Pamoja Limited consider whether a suitable vacancy could be found for John and James. Meanwhile, Jane was recently declared redundant by the company without being given advance notice nor was there any consultation.

Required:

- (a) (i) Explain what is meant by dismissal and unfair dismissal of an employee. (6 marks)
- (ii) Advice John and James on circumstances that constitute unfair dismissal. (8 marks)
- (b) (i) Explain the term redundancy and discuss the procedure required by law to be satisfied before Jane could be declared redundant. (10 marks)
- (ii) Distinguish between retrenchment and lay-off. (6 marks)

Question two

- (a) Outline four lawful activities of the trade union that has gained access to the employer's premise through a recognised agreement. (4 marks)
- (b) Discuss the basic provision of Labour Relations Act 2007 with regard to prohibited strikes or lockouts. (16 marks)

Question three

Discuss the specific obligations of the government, trade unions and employers as stipulated in the Industrial Relations Charter 1984. (20 marks)

Question four

You have been invited as newly employed Human Resource Manager of a manufacturing company in Nairobi to make a presentation on Occupational Safety and Health ACT (OSHA) 2007 to the staff and Board of management. In your presentation:

- (a) Discuss the elements of health general provisions as regards to this Act. (13 marks)
 - (b) Highlight seven specific common law duties of an employee. (7 marks)
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