

CHUKA UNIVERSITY

UNIVERSITY EXAMINATIONS

2022/2023 ACADEMIC YEAR

EXAMINATION FOR THE BACHELOR OF LAWS

BLAW 315- LABOUR LAW

Programme Regular

TIME 2 HRS

DAY:

DATE:

INSTRUCTIONS

Answer question one and any other two

Marks will be awarded for well cited authorities

QUESTION ONE

(a) Mr. Kula Kitu was employed as financial controller with Bazuu Investment Ltd in December 2015. Based on his rich experience and skills as noted by the company management, he was entrusted with senior financial control and huge roles in managing the company resources. This continued for duration of 5 years until the time when an external audit firm was appointed to audit the accounts of the company. The audit report presented to the company management established that Mr. Kula Kitu has been misappropriating and misrepresenting the company finances. Immediately James the company director called Mr. Kula Kitu and requested him to tell the truth with a promise of being forgiven. Mr. Kula Kitu admitted how he misappropriated company finances and even produced records of how the misappropriation had happened. A week after, Harry, the company Human Resource manager issues Mr. Kula Kitu with a dismissal letter signed by Mr. James the company director. Mr. Kula Kitu is estranged by that act as he had been promised to be forgiven. He has thus come to you for advice and possibly take a legal action against the director, human resource manager and the company.

Discuss the legal issues arising from the above scenario

(15 marks)

(b) Mundu has been working as a plant operator in Tenda Wema company for the last seven years. Last month while he was operating machine, his hand slid on some rolling turines and as a result he sustained serious injuries in his right hand that ended with his hand being amputated. On investigations it was discovered that Mundu was working without safety gloves that specific day. Further investigations revealed that he was not qualified to operate such machines and he had poor eyesight and a person with good eyesight could have noted and addressed the accident before it happened.

He has now come to you to seek advise and the probable course of action.

Advise him (10 Marks)

(c) Discuss the meaning and the essentials of lay-off (5 marks)

QUESTION TWO

a) Discuss the role of government in labour market (10 marks)

b) Labour plays an important role in the economy of a country. In order to deal with industrial strikes and disputes in the country, the Parliament of Kenya enacted the Labour Relations Act. The Act provides a detailed process of resolving conflicts of such a nature. Based on this, discuss

(i) Meaning of trade dispute under the Act (3 marks)

(ii) The structure and process of resolving dispute as provided in the Act (7 Marks)

QUESTION THREE

a) Critically discuss eight constitutional provisions relating to labour matters in the country (8 Marks)

b) Having been appointed as the labour inspector in the directorate of labour services in Kenya, you are required to explain to a taskforce on labour reform on the history of labour law in Kenya. Examine to them on the origin and development of labour law in Kenya (12 marks)

QUESTION FOUR

a) Collective bargaining is a tool available to stakeholders in the labour market. With use of authorities the meaning and validity of a collective bargaining process. (12 marks)

b) With use of authorities, explain distinctions between a contract of service and contract for services (8 marks)

QUESTION FIVE

(a) Critically examine the role of International Labour Organization in municipal law (12 marks)

(b) Malimali is a manufacturing company in the Republic of Kenya that has a legal framework similar to that of Kenya. Due to the nature of their engagement and to ensure the security of the company, the management has contracted Hatari Security Company. Part of the instructions given by the company to the security company is not to allow any person without a company badge to enter. Having been engaged as a security personnel who is specialized in labour matters, advise the company on their entry restrictions policy (8 marks)