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**KIRIRI WOMEN'S UNIVERSITY OF SCIENCE AND TECHNOLOGY**  
**UNIVERSITY EXAMINATION, 2022/2023 ACADEMIC YEAR**  
**FIRST YEAR, SECOND SEMESTER EXAMINATION**  
**FOR THE DIPLOMA IN HUMAN RESOURCE MANAGEMENT**  
**DHR 1110: LABOUR LAW**

Date: 13<sup>TH</sup> DECEMBER 2022  
Time: 8:30a.m- 10:30a.m

**INSTRUCTIONS TO CANDIDATES**

**ANSWER QUESTION ONE (COMPULSORY) AND ANY OTHER TWO QUESTIONS**  
**QUESTION ONE (30 MARKS)**

Mwikali was employed by Salcom Ltd as a customer care representative for the last seven months. The employer ensured good working conditions. She had signed a Contract of employment and she executed her work in line with her letter of appointment. For the last seven days, she has not reported to work or contacted her immediate boss on her whereabouts. Her immediate boss Mrs. Eliana has reported the matter to the Human resource who has engaged her family. It was later discovered that she left her home and no member of her family was in contact with her. Having engaged the security team, it was revealed that she had gone for two weeks prayer session at the mountain together with her prayerful friends.

On her return, her manager issued her with a show cause letter for absconding duty. In her defense, she wrote a response letter explaining that she had pending leave days which could be deducted to cater for the days she was absent. She also explained that she could not inform anyone since she did not trust other people yet she had personal problems which required intense prayer.

The company is shocked at the behavior and has approached you as a labour law student to advise them on how to handle this delicate matter.

**Required:**

- a) Advise Mwikali on what the Employment Act, 2007 states about absenteeism. (2 Marks)
- b) Explain to Mwikali on the various types of leaves an employee is entitled to, as per the Employment Act, 2007. (6 Marks)
- c) Advise Mwikali on the responsibilities of an employee as per the labour laws of Kenya. (6 Marks)
- d) Advise the management on the procedure for handling Mwikali's case. (6 Marks)
- e) Inform the management on what constitute gross misconduct according to the employment Act, 2007. (6 Marks)
- f) Advise Mwikali on the various working hours as stipulated by the Regulations of Wages and Conditions of Employment Act, Cap 229. (4 Marks)

## **QUESTION TWO (20 MARKS)**

- a) There are several grounds that an employment can be terminated in Kenya. Using examples, explain the various types of termination of employment under the Kenyan labor laws. (10 Marks)
- b) The Employment Act 2007 regulates the payment of wages to all classes of workers. Examine ways in which the law protects the employee wages . (10 Marks)

## **QUESTION THREE (20 MARKS)**

- a) Explain the various types of contracts recognised by the labour laws of Kenya. (10 Marks)
- b) The employer must provide a clean and safe working environment for the workers. Describe the work environment every factory worker is entitled to as per the Kenyan labour laws. (10 Marks)

## **QUESTION FOUR (20 MARKS)**

- a) Analyse the various powers invested on the Industrial and Labour relations court when handling employment related cases. (10 Marks)
- b) The causes of industrial disputes are many and varied. Discuss the various causes of industrial disputes in Kenya. (10 Marks)

## **QUESTION FIVE (20 MARKS)**

- a) Alternative Dispute Resolution mechanisms in Kenya popularly known as ADR in relation to Article 159 of the constitution of Kenya. Evaluate the various Alternative Dispute Resolution mechanisms in Kenya. (10 Marks)
- b) The application for registration of a trade union is made by filling a form in the schedule of the Act. Describe the requirements for the registration of a trade union. (10 Marks)