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KIRIRI WOMENS' UNIVERSITY OF SCIENCE AND TECHNOLOGY
UNIVERSITY EXAMINATION, 2022/2023 ACADEMIC YEAR
FOURTH YEAR, SECOND SEMESTER EXAMINATION
FOR THE DEGREE OF BACHELOR OF SCIENCE
(BUSINESS ADMINISTRATION)

Date: 28th July, 2022
Time: 11.30am –1.30pm

KHR 409 - INDUSTRIAL RELATIONS

INSTRUCTIONS TO CANDIDATES

ANSWER QUESTION ONE (COMPULSORY) AND ANY OTHER TWO QUESTIONS

QUESTION ONE (30 MARKS) QUESTION ONE (30 MARKS)

Read the following case study and answer question 1(a) to 1(f).

RECOGNIZING WORKERS RIGHTS

Engagement in collective bargaining requires a “collective” approach. Workers thus need to be organized in some way. The 1988 International Labour Organization (ILO) Declaration on fundamental principles and rights at work recognizes both freedom of association and the right to organize as fundamental rights and principles. All ILO member states are required to respect, promote, and realize such rights and principles regardless of whether they have ratified the relevant conventions.

All workers are entitled to freedom of association and the right to organize. The entitlement exists – whether they are employees, self-employed or have some other status in employment. To enforce this, many countries including Kenya have labour laws that regulate employment relationship and helps in maintaining harmonious industrial relations. Beyond the legal context, there are a range of internal challenges that informal sector workers face in organizing and in collective bargaining process. These includes: the difficulty of sustaining both organizing and paid-up membership; problems with paid-up membership, which in turn mean that the organization have limited resources on which to draw.

There are good practices that can be explored in organizing informal sector workers. These includes: organizing from the informal association; partnership model (union-informal sector association labour movement; participation and involvement in public policy; affordable and flexible paid-up membership; advocating for well standardized designated business centres with state of the art and customer oriented; clean business environment, provision of affordable and universal health care services; fair and flexible business licensing charges.

- a) Define Collective Bargaining Agreement in reference to the Labour Relations Act 2007. (2 marks)
- b) Evaluate the essential pre-requisites of effective of collective bargaining. (4 marks)
- c) Evaluate some of the good practices that can be explored in organizing informal sector workers. (6 marks)
- d) Describe IVE fundamental principles and rights of the workers as stipulated in Employment Act 2007 revised in 2012. (6 marks)
- e) Analyze the role of Trade Unions in protecting the rights of workers as stipulated in Kenya's Industrial Relations Charter of 1984 as a legal instrument enforced by the labour market actors. (6 marks)
- f) Explain the features of collective bargaining that makes it unique as compared to other bargaining models. (6 marks)

QUESTION TWO (20 MARKS)

- a) Using examples, discuss five good practices that enhances harmonious industrial relations at the workplace. (10 marks)
- b) The Employment and Labour Relations Court Act No. 20 of (2011) revised in 2016 is an Act of parliament to establish the Employment and Labour Relations Court to hear and determine disputes relating to employment and labour relations and for connected purposes. The act stipulates clearly the jurisdiction of the Employment and Labour Relation Court in Kenya. Explain the jurisdictions of the Court. (10 marks)

QUESTION THREE (20 MARKS)

- a) Evaluate the factors that influence the success of collective bargaining. (10 marks)
- b) Examine disciplinary procedure and actions that can be taken by employer against an indisciplined employee. (10 marks)

QUESTION FOUR (20 MARKS)

- a) Representative participation is key in maintaining harmonious employment relationship. Assess the various forms of employee representation and participation you can adopt in your organization. (10 marks)
- b) The Salaries and Remuneration Commission is established under Article 230 of the Constitution of Kenya, 2010. Article 230(4) of the Constitution gives the Commission powersto advise the National and County governments on the remuneration and benefits of public officers. This is evidence that the Commission plays a critical role in industrial relations. Explain the functions of Salaries and Remuneration Commission. (10 marks)

QUESTION FIVE (20 MARKS)

- a) Explain five agreed responsibilities of government, employers and workers as stated in the Industrial Relations Charter of 1984. (12 marks)
- b) Participation in public policy discourse involves negotiation which is a key role of the tripartite in industrial relations. Summarize four key strategies for negotiating solutions to difficult public issues that affect workers. (8 marks)