



Kasarani Campus

Off Thika Road  
Tel. 2042692 / 3

P. O. Box 49274, 00100

NAIROBI

Westlands Campus

Pamstech House  
Woodvale Grove  
Tel. 4442212  
Fax: 4444175

**KIRIRI WOMEN'S UNIVERSITY OF SCIENCE AND TECHNOLOGY**  
**UNIVERSITY EXAMINATION, 2023/2024 ACADEMIC YEAR**  
**FIRST YEAR, SECOND SEMESTER EXAMINATION**  
**FOR THE DIPLOMA IN HUMAN RESOURCE MANAGEMENT**  
**DHR 1110: LABOUR LAWS**

Date: 8<sup>TH</sup> AUGUST 2023

Time: 2:30PM-4:30PM

**INSTRUCTIONS TO CANDIDATES**

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

**SUMMARY DISMISSAL**

Susy (Pseudo name), an employee at Tendawema Ltd applied for 10 days leave being part of her annual leave entitlement. She proceeded on leave and did not return to work as expected after having spent all her leave days away from work. The Human Resource Manager called to find out why she did not report to work as expected. Unfortunately, she did not answer the call. This prompted the Human Resource Manager to terminate her contract without notice for absconding duty. Susy reported to work after 5 days, with a medical report explaining why she was away. Her contract was also terminated while she was away and another employee has taken up her job. As you are aware, an employee is summarily dismissed when the contract of employment is terminated without the requisite notice as per the terms of the contract or statutory provision as a result of a fundamental breach of contractual terms. Summary dismissal can only be lawful and justifiable if the conduct resulting in dismissal falls within the Act's definition of Gross misconduct. However, the employee is allowed to challenge and dispute the facts and reasons provided by the employer for the dismissal, as well as challenge the legality of the decision. The termination of an employee has to be both substantively and procedurally fair, failure to which such termination will be considered as unlawful and unfair termination. In cases where the employee has been dismissed without just cause the employee may: present a complaint to the labour officer or institute a claim in the Employment and Labour Relations Court in Kenya. Should a determination be made whether by the labour office or a court of law that the dismissal was unjustified, the employee should be compensated.

**Required:**

- a) Citing the relevant section of the law, provide an elaborate definition of summary dismissal.  
(6 Marks)
- b) With reference to Section 44 of the Employment Act 2007, outline any six offences that amounts to employee's summary dismissal.  
(6 Marks)
- c) Highlight the remedies available under the law, should the court rule in favour of Susy for unfair dismissal.  
(6 Marks)

- d) In the above case, it is the responsibility of Susy to defend herself. Assume you are Susy, draft a letter to be submitted to the Human Resource Manager. (6 Marks)
- e) Using examples from the case study, state the rights of Susy. (6 Marks)

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

- a) Assume that you have been invited to give a talk on the responsibility of the employees in regard to workplace safety and health. Discuss the key issues that you will include in your presentation. (8 Marks)
- b) Explain the purpose of Employment Act 2007(amended in 2021). (8 Marks)
- c) All employers are required to remit the statutory deductions monthly. Examine the significance of National Social Security Fund. (4 Marks)

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

- a) 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. Explain the jurisdictions of the Employment and Labour Relations Court. (8 Marks)
- b) Stacy was working at Tenda Wema Manufacturers as a cleaner. She was injured while on duty and suffered a temporary disablement that led to her arm being amputated. She intends to seek for compensation. Advise her in accordance with Section 10 of the Work Injury Benefits Act 2007. (8 Marks)
- c) Explain some of the ways in which labour laws, provide protection to employees. (4 Marks)

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

- a) Tenda Wema Manufacturing Company has 300 unionisable employees. A total of 100 employees have shown no interest in joining a union within their industry. The employer is willing to allow their employees to exercise their right to freedom of association in accordance with the provision of Labour Relations Act 2007. Explain the purpose of Labour Relations Act 2007. (8 Marks)
- b) At the end of your coursework, you will be required to proceed for attachment. The National Industrial Training Authority (NITA) will be of great help to you! In accordance with the provision of Section 3A of the Industrial Training Act, Cap 237 (Revised 2011), examine the functions NITA. ( 8 Marks)
- c) Using examples, explain the difference between procedural agreement and recognition agreement. ( 4 Marks)

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

a) In accordance with Section 7(1), analyse the functions of the National Labour Board.

**(8 Marks)**

b) International labour standards exist to ensure that worker rights are protected. The standards are aligned with the Conventions and Recommendations. All our labour laws are aligned with the Convention. Having studied and acquired skills in labour laws, explain how international labour standards are created.

**(8 Marks)**

c) Using examples, explain the fundamental rights of an employee.

**(4**

**Marks)**