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KIRIRI WOMENS' UNIVERSITY OF SCIENCE AND TECHNOLOGY
UNIVERSITY EXAMINATION, 2022/2023 ACADEMIC YEAR
FOR THE DIPLOMA IN HUMAN RESOURCE MANAGEMENT
DHR 1110-LABOUR LAW

Date: 20th April 2022
Time: 2.30pm -4.30pm

INSTRUCTIONS TO CANDIDATES

ANSWER QUESTION ONE (COMPULSORY) AND ANY OTHER TWO QUESTIONS

QUESTION ONE (30 MARKS)

Malau was at all an employee of Dew Millers Ltd. working as a motor vehicle electrician from 8th October 2012 to 13th June 2021 when his services were terminated. At the point of employment, Malau was not issued with an employment contract by Dew Millers Ltd. Yet he was earning a monthly salary of KSh. 25,000.

Malau's working hours were 08.00 hours to 17.00 hours seven days a week, though at times he worked till 20.00 hours. He was a diligent performer who carried out his duties well until 13th June 2021 when his services were terminated after being acquitted in a criminal case which was filed by his employer due to the loss of two motor vehicle batteries worth KSh. 30,000.

Before his acquittal, Malau was released on bail but as he resumed work, he was verbally told by the gate security guards to go home and not to report back to work as he was no longer an employee of Dew Millers Ltd.

Malau did not receive any communication from his supervisor and all attempts to reach the supervisor or management failed as none was answering his calls. After the hearing of the case, Malau was later acquitted but the employer never accepted him back. The security guards at the gate later informed him that he was terminated and a new employee had been hired to do his previous work.

- a) As a labour law student, outline the reasons Malau can use to challenge the termination through industrial and labour court (6 marks)
- b) Advise the management of Dew Millers Ltd. on the correct procedure for employee termination that they should have adopted (6 marks)
- c) Highlight the Remedies provided by Industrial Court for cases on wrongful termination (6 marks)

- d) As a labour law student, advise the management of Dew millers ltd. On the contents of the employment contract which was to be issued to Malau (6 marks)
- e) Malau worked seven days a week and at times worked up to 20.00 hours. What does the labour law say about overtime and rest days (6 marks)

QUESTION TWO (20 MARKS)

- a) Explain the lawful deductions an employer can make on an employee's salary. (8 Marks)
- b) Examine the reasons for summary dismissal according to employment Act,2007 laws of Kenya (6 Marks)

Termination of employment can be initiated by either of the parties to a contract of employment (Employment Act, section 35 (1)). Lawful termination of employment under common law includes:

- c) Analyse the requirements for registering of a trade union according to the labour relations act, 2007 (6 Marks)

QUESTION THREE (20 MARKS)

- a) Explain the orders that can be made by the employment and labour relations court in Kenya regarding industrial disputes (10 Marks)
- b) Employment and Labour Relations Court has the powers to declare strike legal or illegal. Explain the Prohibited strikes and lock outs according to laws relating to disputes in Kenya (10 Marks)

QUESTION FOUR (20 MARKS)

- a) Section 32 of the Occupational Health and Safety Act spells out the powers of an Occupational Safety and Health Officer. Explain the powers granted to the officer (10 marks)
- b) Examine the reasons for joining a trade union (10 Marks)

QUESTION FIVE (20 MARKS)

- a) Discuss the various sources of labour laws of Kenya. (10 marks)
- b) Describe the procedure for reporting accidents according to Kenyan labour laws. (10 marks)