

2908/202

LABOUR AND INDUSTRIAL LAW

July 2018

Time: 3 hours



THE KENYA NATIONAL EXAMINATIONS COUNCIL

DIPLOMA IN HUMAN RESOURCE MANAGEMENT

LABOUR AND INDUSTRIAL LAW

3 hours

INSTRUCTIONS TO CANDIDATES

This paper consists of SEVEN questions.

Answer any FIVE questions in the answer booklet provided.

All questions carry equal marks.

Candidates should answer the questions in English.

Moda

This paper consists of 3 printed pages.

Candidates should check the question paper to ascertain that all the pages are printed as indicated and that no questions are missing.

4. (a) Explain **five** sources of law governing industrial relations in Kenya. (10 marks)
- 20 (b) Explain **five** grounds of termination of employment that may be considered unfair. (10 marks)
2. (a) Outline **five** responsibilities of the National Industrial Training Authority. (10 marks)
- (b) Explain **five** factors that a wage council should take into consideration when fixing the minimum wage. (10 marks)
3. (a) Explain **four** circumstances under which the Employment and Labour Relations Court may refuse to recognise a trade dispute. (8 marks)
- (b) Outline **six** rights of a registered trade union. (12 marks)
4. (a) In relation to the Work Injury and Benefits Act (WIBA), outline the information that should be contained in accident records. (10 marks)
- (b) Outline **five** powers that may be exercised by a factory inspector when discharging his duties. (10 marks)
5. (a) Operations of the trade union at Kikopy University have been difficult. The members as well as officials are divided in two groups. The chairperson as well as the treasurer are considered administration moles who work to frustrate their colleagues. In a recent meeting of the union, the chairperson tabled a motion to dissolve the union. Heated arguments followed but the motion to dissolve the union was passed. Two days later, the chairman submitted an application for dissolution signed by himself and others in his camp. The opposing group is aggrieved and intends to petition the Registrar of Trade Unions to reject the proposed dissolution.
- Explain the legal principles applicable in this case. (10 marks)
- (b) Outline **five** circumstances under which the court may set aside an arbitration award. (10 marks)
6. (a) Outline **six** provisions of the Employment Act 2007, regarding protection of wages. (12 marks)
- (b) Outline **four** ways in which employees may endanger their safety in a factory. (8 marks)
7. (a) Explain **five** circumstances under which strikes and lockouts may be prohibited. (10 marks)

- (b) Musa, a truck driver at Yale Ltd, was recently assigned to transport cargo from Mombasa to Kitale. Just as Musa arrived at the Machakos junction, he received a call informing him that his wife had been admitted unconscious at a hospital in Machakos Town. He decided to drive to the hospital to check on her. On the way to the hospital, Musa lost control of the truck and the truck overturned. The cargo was substantially destroyed. Additionally, Musa injured his spine and was taken to hospital. Yale Ltd has refused to compensate Musa for his injury. He is aggrieved and intends to institute legal proceeding against his employer.

Explain the legal principles applicable in this case.

(10 marks)

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