



# TECHNICAL UNIVERSITY OF MOMBASA

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SCHOOL OF BUSINESS

DEPARTMENT OF BUSINESS ADMINISTRATION

**UNIVERSITY EXAMINATION FOR:**

DEGREE IN BACHELOR OF BUSINESS ADMINISTRATION, BACHELOR OF  
COMMERCE

BHR: 4405: LABOUR LAW

END OF SEMESTER EXAMINATION

**SERIES: DECEMBER 2016**

**TIME: 3 HOURS**

**DATE:** Pick Date Dec 2016

## Instructions to Candidates

You should have the following for this examination

-Answer Booklet, examination pass and student ID

This paper consists of **FIVE** questions. Attempt question ONE (Compulsory) and any other TWO questions.

**Do not write on the question paper.**

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## Question ONE

Mr. Njoroge, the secretary general of pilots association of the Republic of Kuto is aggrieved by the top management of Kuto airways for alleged mismanagement of funds and recurrent losses.

On 21<sup>st</sup> October, 2016, Mr. Njoroge in a very agitated mood gave a three days notice to Kuto government for a national wide strike if the top managers of Kuto airways are not sacked.

Kuto government lawyers approached the Employment and Labour relations court for orders declaring the strike illegal of which they were granted. Mr. Njoroge, in total disregard of the court orders led the strike occasioning delay and cancellation of several flights.

- Citing relevant provisions of the constitution of Kenya of 2010 and labour legislations, advice Mr. Njoroge on the legality of his action (12 Marks).
- Define the term "sexual harassment" and its penalties under the employment Act. (10 Marks).
- Discuss the provisions relating to employment of children (8 Marks)

## **Question TWO**

- a) Aided by relevant provisions of the law discuss the minimum requirements of a contract of service (10 Marks)
- b) Explain the contributions of trade unions in Kenya in advocating for employees rights (10 Marks).

## **Question THREE**

- a) Discuss the circumstances under which an employee may be dismissed on grounds of gross misconduct ( 10 Marks)
- b) Explain the international dimension of employment relation (10 Marks)

## **Question FOUR**

- a) Discuss the role of the International Labour Organization in promoting employees protection (10 Marks).
- b) Discuss the powers of the cabinet secretary of labour in excluding the application of the employment Act in Kenya (10 Marks)

## **Question FIVE**

- a) Explain the procedure in collective bargaining ( 12 Marks)
- b) Discuss the jurisdiction of the employment and labour relation Court (8 Marks)