



TECHNICAL UNIVERSITY OF MOMBASA

School of Business

UNIVERSITY EXAMINATION FOR:

DIPLOMA IN HUMAN RESOURCE MANAGEMENT

BHR 2202: INDUSTRIAL AND LABOUR LAWS

END OF SEMESTER EXAMINATION

SERIES: AUGUST 2019

TIME: 2 HOURS

DATE:

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.

Question ONE

- (a) The employment Act, 2007 has provided for unfair dismissal. What is unfair dismissal and how does it differ from summary dismissal? (10marks)
- (b) The labour Relations Act (2007) combines the previous Trade Disputes Act. In relation to this important statute:
- (i) What are the purposes for which the Trade Union funds may be validly and lawfully used? (10 marks)
- (ii) Outline the dispute resolution machinery. (10 marks)

Question TWO

- (a) International Labour Organization (ILO) has over the years passed conventions that have impacted heavily upon labour laws in Kenya. Select FIVE conventions and discuss their importance to employer/employee relationship. (10 marks)
- (b) Outline the controlling and regulatory nature of the labour statutes. (10 marks)

Question THREE

(a) Employment law and the employment relationship are influenced, created by and dependent upon a number of factors which may be considered to be the sources of Labour Law in Kenya. Outline these sources. (10 marks)

(b) Explain five reasons that may make a Court of Law to reverse an employee's termination of service. (10 marks)

Question FOUR

(a) Outline SIX causes of industrial conflict. (12 marks)

(b) Under the Industrial Relations Charter the government is obliged to observe some things. Discuss any FOUR. (8marks)

Question FIVE

Write short explanatory notes on the following:

(a) Tests for distinguishing employee from contractors (5 marks)

(b) Requirements for a valid contract of employment (5 marks)

(c) Apprentices/ indentured learners. (5 marks)

(d) Content/particulars of employment contract. (5 marks)