



# 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 LAWS

END OF SEMESTER EXAMINATION

**SERIES:** AUGUST2019

**TIME:** 2HOURS

**DATE:** Pick Date Aug2019

## 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: (Compulsory)

- a) Mr. Kaluma a senior military officer of KAMWANA Defence forces in a very agitated mood walks into your office with his pay slip by which he yieldingly says to you, "My employer had the audacity to deduct my salary without a reason". Mr. Kaluma further requests for your advice on the matter in order to pursue legal action against the employer. Advise Mr. Kaluma on provisions relating to wages deductions and the law applicable (15 Marks).
- b) Discuss the contribution of common law as a source of law in Kenya ( 10 Marks)
- c) Explain **FIVE** conditions an employer must comply with in declaring redundancy ( 5 Marks)

## QUESTION TWO:

- a) Discuss the consequences of non-registration of a trade union ( 10 Marks)
- b) Explain the role and mechanisms of the International Labour Organization in promoting fair trade and ensuring worker protection from exploitation. (10 Marks)

**QUESTION THREE:**

- a) Aided by relevant provisions of the law, discuss the circumstances under which a strike or lockout may be declared unlawful. (10 Marks)
- b) Explain the powers of the salaries and remuneration commission ( 10 Marks)

**QUESTION FOUR:**

- a) Discuss the types of contracts of service recognized under the Employment Act, 2007 (10 Marks)
- b) Guided by relevant provisions of the law, discuss the law relating to sexual harassment in a working place ( 10 Marks)

**QUESTION FIVE:**

- a) Discuss the remedies which the Employment and Labour relation court can issue in an employment dispute (10 Marks)
- b) Aided by relevant provisions of the law and case law discuss how a contract of employment may be created ( 10 Marks)