

2908/202

LABOUR AND INDUSTRIAL LAW

July 2019

Time: 3 hours

**THE KENYA NATIONAL EXAMINATIONS COUNCIL****DIPLOMA IN HUMAN RESOURCE MANAGEMENT****MODULE II****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.

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.

1. (a) The Employment and Labour Relations court has power to make certain orders in relation to disputes referred to it. Outline **five** such orders. (10 marks)
- (b) Outline **five** obligations of the Federation of Kenya Employers (FKE) under the Industrial Relations charter. (10 marks)
- ✓2. (a) Explain **five** ways in which the contract of employment may be terminated. (12 marks)
- (b) Employees contemplating to strike are required to follow the prescribed statutory procedure in order for the strike to be protected. Explain the circumstances where such requirements may not be necessary. (8 marks)
- ✓3. (a) Outline **five** rights of a registered trade union. (10 marks)
- (b) Explain the measures that should be taken to ensure safe means of access within the place of employment. (10 marks)
- ✓4. (a) Explain **six** reasons that may justify the cancellation of registration of a trade union by the Registrar. (12 marks)
- (b) Outline **four** categories of persons who are referred to as dependants of an employee under the Work Injury Benefit Act. (8 marks)
- ✓5. (a) The National Industrial Training Authority (NITA) may establish training schemes for regulating the training of persons undergoing training in any trade. Explain the challenges facing these schemes. (10 marks)
- (b) Explain the ways in which the Retirement Benefit Authority (RBA) protects the retirements benefits of its members. (10 marks)
- ✓6. (a) Warsaw Limited manufactures and sells cloths. Glado has been the manager in the company's retail shop for the last three years. The organization has decided to close the retail shop and concentrate solely on manufacturing. Glado has been informed that her services are no longer required. Her efforts in seeking compensation for the loss of her job have been futile. Glado is aggrieved and intends to sue the company for redundancy payment. Explain the legal principles applicable in this case. (10 marks)
- (b) Outline **five** objectives that labour laws seek to achieve in an economy. (10 marks)

7. (a) The management committee of Nguvu policy party hired a cinema hall to be used for a convention of all its branches in the country. The facility had a sitting capacity of 500 people but the convention was attended by more than 1500 delegates. To accommodate the large numbers, additional seats were placed in the isles in the arena as well as in the balcony. The circle overflow rooms were also filled with seats and delegates stared on every other available space. The final session of the convention was preserved for voting. The announcement of the results of the vote was followed by so much celebration that the circle wall collapsed. The owner of the theatre intends to institute legal proceedings against the political party. Explain the legal principles applicable in this case. (10 marks)
- (b) Explain the ways in which a conciliator may exercise his power when resolving a trade disputes. (10 marks)

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