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UNIVERSITY EXAMINATIONS

MAIN EXAMINATION

2017/2018 ACADEMIC YEAR

FIRST YEAR SECOND SEMESTER

**FOR THE DEGREE OF MASTER OF SCIENCE IN
HUMAN RESOURCE MANAGEMENT**

COURSE CODE: HRM 819

COURSE TITLE: LEGAL ENVIRONMENT OF EMPLOYMENT IN KENYA

DATE:

TIME: 3 HOURS

INSTRUCTIONS TO CANDIDATES

- Answer question **ONE** (compulsory) and any other **THREE** questions
- Question **ONE** attracts **40 marks**
- Time allowed is **THREE** hours
- All other questions attract equal marks (**20 marks**)

QUESTION ONE

- a) Mr. Sitima has emphasized the need for employers to maintain up to date employment records. As a HR practitioner, discuss the contents of one such document, the employment contract, as outlined in Section 10 of the Employment Act, 2007(10 marks)
- b) Employees may seek redress in the Employment and Labour Relations Court for unfair dismissal. Examine grounds of termination that the court may consider unfair. (10 marks)
- c) Examine the jurisdiction of the Employment and Labour Relations Court. (10 marks)
- d) Assume an employee has presented himself before the Employment and Labour Relations Court and is disowned by the employer's firm. Explain the distinguishing tests that can be done to determine whether he was an employee under a contract of service. (10 marks)

QUESTION TWO

- a) Briefly describe the global challenges in discipline management (10 marks)
- b) Examine what legally constitutes sexual harassment at a workplace. (10marks)

QUESTION THREE

- a) Critically examine the various sources of Labour Laws. (10marks)
- b) Discuss the requirements to be fulfilled by a trade union seeking registration under the Labour Relations Act, 2007. (10 marks)

QUESTION FOUR

- a) Discuss the duties placed on the Employer by the law towards employees. (10 marks)
- b) Describe ways in which a contract of employment may be terminated. (10 marks)

QUESTION FIVE

- a) Discuss some of the Health and Safety issues that promote a safe work environment at the workplace addressed by the Occupational Safety and Health Act, 2007. (10 marks)
- b) Discuss rules relating to payment and protection of wages of employees as outlined in the Employment Act, 2007. (10 marks)