

# KIBABII UNIVERSITY

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## UNIVERSITY EXAMINATIONS 2020/2021 ACADEMIC YEAR THIRD YEAR SECOND SEMESTER

### MAIN EXAMINATION

**FOR THE DEGREE OF BACHELOR OF COMMERCE**  
**COURSE CODE: BCH 323**  
**COURSE TITLE: LABOUR LAW**  
**DATE: 06/10/2021**                      **TIME: 9.00AM-11.00AM**

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#### INSTRUCTION TO CANDIDATES

- 1) The paper contains **FIVE** questions
- 2) Attempt **THREE** questions
- 3) Question **ONE** is Compulsory

**TIME: 2 Hours**

**KIBU observes ZERO tolerance to examination cheating**

### QUESTION ONE (30 MARKS)

Baraka was employed as an Artisan by Abitha Limited Company and worked for a period of six years without being given an employment letter. He never took his annual leave because he feared losing his employment and income, as the company was not paying leave and allowance for such cadre like Artisans. After 7 years of working with the company Baraka was served with a letter of appointment which clearly stipulated his terms and conditions of employment that he should not be a member of a trade union. Baraka accepted the offer and thereafter joined the trade union representing some certain cadre of which artisans were eligible to become members. Later two colleagues were alleged to have stolen the employer's property. On the basis of such illegalities, the Human resource manager advised the company management to summarily dismiss Baraka which was done and Baraka was not paid his benefits. Dissatisfied with the summary dismissal, Baraka intends to sue Abitha Company Limited.

Required:

- a) Discuss particulars which might have been included in Baraka's letter of appointment (12 marks)
- b) Write explanatory notes on unfair dismissal (5 marks)
- c) Write explanatory notes on duties of an employer (5 marks)
- d) Advise Baraka on the possibility of success in the intended suit (8 marks)

### QUESTION TWO (20 MARKS)

- a) Explain circumstances under which an employer may refuse to compensate an injured workman (10 marks)
- b) Discuss the legal procedure for redundancy (10 marks)

### QUESTION THREE (20 MARKS)

With reference to the industrial court Act of 2011, discuss the establishment, composition and jurisdictions of industrial courts of Kenya (20marks)

**QUESTION FOUR (20 MARKS)**

a) Discuss deductions that can lawfully be made from wages under the Employment Act of 2007 (10 marks)

b) Critically examine circumstances and instances when a strike can be considered lawful (10 marks)

**QUESTION FIVE (20 MARKS)**

a) Employees are seeking redress in the industrial court for wrong termination of their employment. Discuss instances where the court may deem such termination unfair (10 marks)

b) Briefly discuss various types of employment (10 marks)