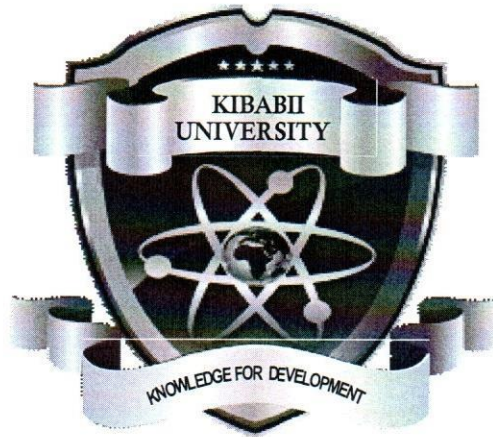


KIBABII UNIVERSITY



UNIVERSITY EXAMINATIONS

**2020/2021 ACADEMIC YEAR
THIRD YEAR SECOND SEMESTER
MAIN EXAMINATION**

**FOR THE DEGREE OF BACHELOR OF EDUCATION
COURSE CODE: BCH 322
COURSE TITLE: LABOUR RELATIONS**

DATE: 08/10/2021

TIME: 9.00 – 11.00AM

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

Read the case below and answer the questions that follow it

THE TEA BREAK SAGA

Maendeleo Manufacturing Company is an old established company that exports its products across Africa. The company specializes in the manufacture of plastics and other synthetic related products. For some time now, the company has been experiencing some difficulties in meeting the delivery dates. There has been an increased case of absenteeism, workers inability to meet deadlines and a lot of time being wasted in unnecessary breaks.

As a result, orders have fallen off despite the advantages of a favourable exchange rate. In an effort to improve the situation, Mr. Wahome Onyango, a management consultant was hired three months ago as the company's operations manager on a three- years contract. Mr Onyango has a reputation for turning companies around in a short time. The hiring of Mr. Onyango resulted into an offshoot on the company's annual budget for the Human Resource Department activities, a move that was questioned by the company's Board of Directors.

Mr Onyango undertook his job with zeal and diligence. He quickly began to tighten up on systems and practices. He introduced new system of production control and quality control coupled with other changes. This began to produce results. Of particular concern to the Productions Manager was the length of the morning and afternoon tea breaks. The two tea breaks had been agreed on in a signed union-management agreement ten years ago. The collective agreement had settled for ten minutes tea breaks but had graciously increased to twenty minutes.

The Operations Manager was not only concerned about the loss of output caused by the extended tea break and the effect on the firm's ability to keep delivery dates but also regarded it as a clear indication that supervision was far too easy going. Mr Onyango firmly believed that supervisors should supervise and that agreements should be kept as agreed upon.

One day, all members of the supervision team were called for a meeting. The Operations Manager informed them of his intentions to have the tea break observed. He made it clear that the supervisors would be held responsible for bringing their own departments into line as quickly as possible. Some managers welcomed the new move while others grumbled about what they termed as the new manager's stubbornness and meanness.

Having done his job properly, as he saw it, by first putting supervisors in the picture, Mr. Onyango sent for Mr. Muteti who was the shop steward and informed him of his decision. Mr Muteti protested that the tea break facilities were inadequate. He warned that there would probably be trouble. Mr. Onyango replied that the shop steward had never complained or even mentioned the tea break facilities to him since he joined the firm. He added that if there were aspects of facilities that needed improvement, he was prepared to discuss them. But the workers must first make every attempt to observe the ten minutes tea break as per the agreement .

Notices were posted on the company notice boards informing the employees that the agreed ten minutes tea break must be observed. He warned that if necessary, disciplinary action would be taken against the offenders. The full content of the memo was outlined as;

MAENDELEO MANUFACTURING CO.

From operations manager

To All personnel

12th November 2021

Subject Observation of tea break hours

As from today. All tea breaks; morning and afternoon. Will be taken in accordance With the agreement made with the trade union. Morning tea break is from 10.20 to 10.30 am. And in the afternoon from 3.20 to 3.30pm. Any increase in the length of These breaks represents a loss in production and in personnel breaking the collective Agreement which should be adhered to by all parties. Any personnel not observing the Agreed length of break will be subject to disciplinary action

Signed



The shopfloor reaction to this notice was immediate. The shopsteward informed Mr. Onyango that unless the notice was withdrawn, there would be a strike. The Operations manager replied that he was operating within his rights in seeking to apply the agreement. He hoped that it would not be necessary to use disciplinary measures but any action taken would be subject to the agreed disciplinary procedure. However, he categorically stated that he would not be party to allowing people to violate agreements, nor to be blackmailed into paying them for not working. Three days later, the strike took place. Mr. Onyango's boss was asked by the company's directors to investigate the matter.

- a) As Mr. Onyango's supervisor, carry out an appraisal of the situation at Maendeleo Construction. (10 marks)
- b) Explain how the management could have handled the problem facing the company without hiring the services of a consultant. (10 marks)

c) Assume that you are a member of the conciliation committee convened to resolve the dispute in the company. Prepare a case convincing the workers to call off the strike.

(10 marks)

QUESTION TWO

a) Industrial relations is tripartite in nature. Justify this kind of relationship.

(10 marks)

b) Mr. Kombo, the Human Resource Manager of Cellular Corporation has been instructed to negotiate the terms of service for employees with the workers union.

Explain the prerequisites required by Mr. Kombo in order to undertake the task successfully.

(10 marks)

QUESTION THREE

a) The employees of Mijengo Construction Agency are threatening to go on strike due to what they term as unfair industrial practices by the management.

Describe the challenges that workers are likely to experience if they carried out the threat.

(10 marks)

b) Informal approaches to solving industrial disputes through regular contracts between management and shop stewards is an alternative strategy to conflict resolution adopted by some organizations.

Analyse the merits of this approach of resolving industrial conflict.

(10 marks)

QUESTION FOUR

a) Explain the responsibilities of a trade union as stipulated in the industrial relations charter

(10 marks)

b) The Industrial Relations charter was signed in Kenya soon after independence. Explain the reasons why the independent Government found it necessary to have the charter signed

(10 marks)

QUESTION FIVE

a) Describe the main categories of membership of the Federation of Kenya Employers (FKE) for the purpose of negotiation

(7 marks)

b) Describe the parties to industrial and labour relations

(6 marks)

c) Explain the role of the Ministry of Labour in industrial relations

(7 marks)