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# KIBABII UNIVERSITY



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

### MAIN EXAMINATION

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

**COURSE CODE: HRM 806**

**COURSE TITLE: EMPLOYMENT PRACTICES**

**DATE: 26/11/2021**

**TIME: 9.00AM – 12 NOON**

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#### INSTRUCTION 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

Read the case study below and answer questions that follow

Joy has been employed by Wema Corporation for the past 12 years as director of business development. Although she is generally happy at Wema Corporation, she was recently passed over for a promotion she believes she deserved and is considering leaving Wema Corporation to pursue another opportunity. Joy receives a call from Timothy, senior vice president of manufacturing for Health Products Inc., a manufacturer and distributor of health products. Health Products Inc. is a large organization with offices throughout the world; it is seeking a director of business development.

Joy meets Timothy to discuss the potential position. Timothy explains that Health Products Inc. has secured a \$15 million investment from a firm in the United States to launch a new product and that Joy would be in charge of the entire marketing campaign. Joy accepts the position with Health Products Inc. and Timothy asks her to start work in two (2) weeks. They verbally agree on the job duties and salary and shake hands. Joy gives two (2) weeks' notice at Wema Corporation and her request considered and accepted.

Shortly after Joy starts working at Health Products Inc., she receives an email from Timothy. He explains that he should have asked Joy to sign a contract. He sends her a contract that outlines the conditions of employment they had discussed. It also contains a provision that limits Joy's entitlement on termination without just cause to the minimum amounts and entitlements set out in the Employment Standards Act, 2000. Joy signs it. Three months after she started, Joy is told she will be terminated without cause. When she asks for an explanation, she is told that the new product is being cancelled. When Joy asks Timothy what happened to the investors, he says they had told him a few days before he hired her that they were not certain about signing the agreement and they "would be looking into other options."

- a) Joy signed a contract with Health Products Inc. What are the differences between contract of service and contract for service? **(10 marks)**
- b) Joy is angry that Timothy had implied that the investment funding had been finalized. She consults a lawyer to determine whether she has a right to legal action. Does Joy have a legal case to pursue? Explain **(10 marks)**
- c) Timothy's manager is not happy with the way Timothy handled Joy's hiring. Specifically, he is concerned that Joy was not provided with Health Products Inc.'s

standard employment contract before her first day of work. Is Timothy liable for disciplinary action? **(10 marks)**

- d) Timothy's manager advises him of the disciplinary measures. Timothy does not take the news well. He says that he has been under a lot of stress lately and that the disciplinary actions are unfair. He leaves and returns a few minutes later with a letter of resignation. He packs up his belongings, leaves his keys, and storms out of the office. The next day, Timothy calls his manager and apologizes, saying that he discussed the resignation with his spouse and he would like to withdraw his resignation and return to work. Timothy's manager does not wish to accept the withdrawal because he is concerned about Timothy's behaviour. Timothy's manager consults Natalie in HR for advice. What should she advise? Discuss **(10 marks)**

### **QUESTION TWO**

- a) Terminating a contract means legally ending the contract before both parties have fulfilled their obligations under the terms of the contract. What are the options available for termination of oral contracts? Discuss **(10 marks)**
- b) Employment law makes it unlawful for the employer to terminate the contract of employment with an employee unfairly. What justifies unfair termination contract of employment? Explain **(10 marks)**

### **QUESTION THREE**

Write brief notes on the following concepts under the nature of working environment:

- a) Telecommuting **(5 marks)**
- b) Compressed Work Weeks **(5 marks)**
- c) Generational Mindset **(10 marks)**

### **QUESTION FOUR**

- a) If it is established that there has been unfair termination of contract of employment the Court or Arbitrator, the employee has many options of benefits from the ruling. What are the remedies for unfair termination? **(10 marks)**
- b) Discuss what constitutes gross misconduct in most forms of employment **(10 marks)**

#### QUESTION FIVE

- a) Dispute resolution or dispute settlement is the process of resolving disputes between parties. Briefly describe the procedure of settlement of dispute under the Industrial Court Act **(10 marks)**
- b) Discuss how you can effectively handle health and safety and emerging workplace issues **(10 marks)**

#### QUESTION FOUR

- c) Successful change management requires commitment from senior management and consultants alike. How would a consultant deal with resistance to change in the organization? **(10 marks)**
- d) Discuss what constitutes gross misconduct in most forms of employment **(10 marks)**

#### QUESTION FIVE

- c) Ethics form the fundamental issues of practical decision making, and its major concerns include the nature of "ultimate value" and the standards by which human actions can be judged. With reference to the above statement, discuss the key ethical issues that are bound to arise during any consultancy assignment and suggest actions that can be taken to mitigate such ethical dilemmas? **(10 marks)**
- d) There are basic strategies to reduce intergroup conflict which include the establishment of goals upon which both groups can agree in order to restore genuine intergroup communication. Discuss the principal methods of resolving interpersonal conflict as summarized by Gordon Lippitt. **(10 marks)**