



MASENO UNIVERSITY
UNIVERSITY EXAMINATIONS 2016/2017

**FOURTH YEAR SECOND SEMESTER EXAMINATION FOR
DEGREE OF BACHELOR OF BUSINESS ADMINISTRATION
WITH INFORMATION TECHNOLOGY**

CITY CAMPUS – EVENING

ABA 436: INDUSTRIAL AND LABOUR LAW

Date: 29th November, 2016

Time: 5.30 - 8.30pm

INSTRUCTIONS:

- Answer Question ONE (Compulsory) and any other TWO.



QUESTION ONE

Messrs Peter Nono and ADRIAN Madu were employed by Z.B Ltd as motor mechanics. They were dismissed on 14.09.2016, after working for the company for 10 years.

The events leading to their dismissal were that some time in July 2016, it was alleged that the two employees had accused the company's management of not remitting the workers contributions to NSSF and NIHF. It was further alleged that early September 2016, they wrote a defamatory and libelous letter against the management to the ministry of labour calling the manager thieves. The employees still maintain they were fighting for their rights and that they are innocent. They strongly felt that the action the management took to dismiss them was repugnant to justice and morality. They demanded to be reinstated without any victimization from the management. On the other hand the management has clearly stated that the action they took to dismiss the two employees is final.

- a) As an industrial relations manager, explain how you would go about determining this case. (10 marks)
- b) If other employees threaten to go on strike in sympathy with dismissed colleagues, what advice would you give management? (10 marks)
- c) Explain FIVE grounds of termination or dismissal from employment as provided for in the employment act. (10 marks)

QUESTION TWO

- a) Describe THREE causes of poor employee relations. (10 marks)
- b) Highlight THREE ways to improve employee relations. (10 marks)

QUESTION THREE

- a) The employment act no. 11 of 2007 provides for the basic minimum terms and conditions of contract of service.
Outline and explain FIVE rights of an employee under the employment act. (10 marks)
- b) Elucidate factors taken into consideration when fixing minimum wages. (10 marks)

QUESTION FOUR

- a) Explain THREE principles of grievance settling procedure. (10 marks)
- b) Describe THREE kinds of mediators in grievance settling procedure. (10 marks)

QUESTION FIVE

The industrial court act no. 20 of 2011 confers jurisdiction on the court with respect to employment and labour relations and connected purposes.

Explain i) the composition of industrial court.

(10 marks)

ii) Outline the jurisdiction of the court.

(10 marks)