



MASENO UNIVERSITY
UNIVERSITY EXAMINATIONS 2016/2017

**FOURTH YEAR FIRST SEMESTER EXAMINATIONS FOR THE
DEGREE OF BACHELOR OF BUSINESS ADMINISTRATION WITH
INFORMATION TECHNOLOGY**

HOMA-BAY CAMPUS

ABA 436: INDUSTRIAL AND LABOUR LAW

Date: 10th June, 2017

Time: 2.00 - 5.00 pm

INSTRUCTIONS:

- Answer question ONE and any other THREE questions.



QUESTION ONE

Aluchio Liboi is a sales manager for a large steel company in Kenya. On 10th June 2016, he asked the sales director whether the steel tubes he had released to the market had been adequately tested. He maintained that the tubes, designed to be used under high pressure in any industry posed a serious danger to any one around them. The sales director told him to just follow orders and sell the tubes as before. Aluchio expressed his doubts to the deputy managing director in the firm who he knew personally. As a consequence, the firm re-tested the tubes and withdrew them from the market. The sales director was not amused with Aluchio's unbecoming conduct of reporting the episode to the Deputy Managing Director, and as a result Aluchio was fired by his boss- the sales director.

- a) What do you understand by the concept of 'Industrial Dispute'? (4 marks)
- b) In your opinion, does the case constitute an industrial dispute? Explain (8 marks)
- c) As an independent arbitrator resolve the issue. (5 marks)
- d) Explain any other FOUR causes of industrial disputes. (8 marks)

QUESTION TWO

- a) Describe FIVE forms of separation in employment relationship. (10 marks)
- b) Explain the duties of employers in employment relationship. (5 marks)

QUESTION THREE

- a) With examples differentiate between an employee's duties and rights. (5 marks)
- b) Under what circumstances, would employment relationship be terminated by the employer without notice? (10 marks)

QUESTION FOUR

- a) Elucidate the scope of industrial and labour law. (7 marks)
- b) There are provisions in labour law against sexual harassment. Describe FOUR forms of sexual harassment. (8 marks)

QUESTION FIVE

- a) Explain the content of Industrial Relations Charter (6 marks)
- b) State THREE weaknesses of trade union movement in Kenya (9 marks)

QUESTION SIX

- a) Explain various types of leaves entitled to an employee. (6 marks)
- b) Describe major steps in resolving industrial dispute. (9 marks)