

2908/202

LABOUR AND INDUSTRIAL LAW

July 2016

Time: 3 hours



**THE KENYA NATIONAL EXAMINATIONS COUNCIL**

**DIPLOMA IN HUMAN RESOURCE MANAGEMENT  
MODULE II**

**LABOUR AND INDUSTRIAL LAW**

**3 hours**

**INSTRUCTIONS TO CANDIDATES**

*This paper consists of SEVEN questions.*

*Answer any FIVE questions in the answer booklet provided.*

*Candidates should answer the questions in English.*

**This paper consists of 2 printed pages**

**Candidates should check the question paper to ascertain that both pages are printed as indicated and that no questions are missing.**

1. (a) Explain **six** ways in which trade union funds may be expended. (12 marks)
- (b) Outline the composition of the employment and labour relations court (the Industrial court). (8 marks)
2. (a) In relation to the Occupational Safety and Health Act, 2007, explain **five** duties of the employee in ensuring his own safety and health at the work place. (10 marks)
- (b) Outline **five** privileges of a registered trade union. (10 marks)
3. (a) In relation to the Industrial Training Act cap 237 of the laws of Kenya, explain **four** functions of the training council. (8 marks)
- (b) Describe the procedure that should be followed when an employee suffers serious injuries at the workplace. (12 marks)
4. (a) Explain the arbitration system that existed in Kenya prior to the establishment of the industrial court. (10 marks)
- (b) Hadija is a permanent employee of Sigalame Plantation Limited and works from Monday to Friday, between 8am and 5 pm. Her wages are due. The employer has asked her to meet him at Spring Waters Bar and Restaurant in town at 6 pm for payment of her wages. Her employer has further advised that, incase she arrives late, she will find her wages with the headwaiter. Hadija got late for the 6.00 pm appointment and consequently did not even go to the premises as had been instructed, and does not know what to do.  
Explain the legal principles to this case. (10 marks)
5. (a) Explain the conditions that an employer should comply with when terminating a contract of employment on account of redundancy. (10 marks)
- (b) Explain the circumstances under which compensation for injuries sustained at the workplace may be denied. (10 marks)
6. (a) Outline **six** preventive measures that should be taken to protect an employee from occupational health hazards. (12 marks)
- (b) Explain **four** circumstances under which the court may set aside an arbitration award. (8 marks)
7. (a) Outline **five** grounds of unfair termination of a contract of employment by an employer. (10 marks)
- (b) Explain **five** circumstances under which the minister of labour may order an investigation in an industrial dispute. (10 marks)

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