BUH3313 Labour Law

Instructions

i) **This exam paper contains SIX questions**

ii) **Answer Question 1 (COMPULSORY) and any other THREE questions**

iii) **Read each question carefully before attempting.**

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QUESTION ONE

a) Read the Case Study and answer the questions that follow

Tom has been working as a sales manager at a retail company in Kenya for the past five years. Due to the economic downturn caused by the COVID-19 pandemic, the company is facing financial difficulties and has decided to downsize its workforce. Tom was informed that his position is being eliminated, and he will be terminated with immediate effect. Tom considers the termination is unjust filed a suit with the Industrial Court for unfair termination.

i. Identify three things that the Industrial Court will consider in determining if the termination was just and equitable. (6 Marks)

ii. Advise Tom on two remedies that he can get once the case is concluded. (4 Marks)

b)

i. Ladders should meet certain requirements to ensure the safety of the employees as stipulated on the Occupational Safety and Health Act 2007. Identify three of these requirements (6 Marks)

ii. Examine two rights of Trade Unions as stipulated in the Labour Relations Act, 2007. (4 Marks)

QUESTION TWO

i. In reference to the Industrial Training Act, 2007, identify two persons qualified for industrial attachment. (4 Marks)

ii. In reference to the Work Injury Benefits Act, 2007, highlight three cases in which an employee is not entitled to compensation (6 Marks)

QUESTION THREE

i. Using examples, assess two roles played by labour laws in enhancing good industrial relations (4 Marks)

ii. Analyze three requirements that should be met before a foreign contract certified by a labour officer in accordance with the provisions of the Employment Act, 2007. (6 Marks)

QUESTION FOUR

i. Identify two persons who are recognized as dependants of an employee under the Work Injury Benefits Act, 2007. (4 Marks)
ii. Describe three duties of an employer under the Occupational Safety and Health Act, 2007. (6 Marks)

QUESTION FIVE

i. Examine two reasons that may lead to the deregistration of trade unions as provided for in the Labour Relations Act, 2007. (4 Marks)
ii. Explain three precautions that should be observed in places where dangerous chemicals are handled under the Occupational Safety and Health Act, 2007. (6 Marks)