

2908/202
LABOUR AND INDUSTRIAL LAW
July 2023
Time: 3 hours



THE KENYA NATIONAL EXAMINATIONS COUNCIL
DIPLOMA IN HUMAN RESOURCE MANAGEMENT

LABOUR AND INDUSTRIAL LAW

3 hours

INSTRUCTIONS TO CANDIDATES

This paper consists of SEVEN questions.

Answer any FIVE questions in the answer booklet provided.

All questions carry equal marks.

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) The Industrial Relations Charter provided principles which formed the basics of various labour legislations in Kenya. Outline **six** such principles. (12 marks)
- (b) Outline the information contained in a certificate of service issued to an employee upon termination of employment. (8 marks)
2. (a) Explain the steps that the Cabinet Secretary shall take once a trade dispute has been reported to him. (12 marks)
- (b) The Chief Justice shall make Rules for regulating the practice and procedure of Employment and Labour Relations Court. Outline **four** issues that such Rules provide for. (8 marks)
3. (a) Explain **five** grounds upon which the Registrar shall cancel the registration of a trade union. (10 marks)
- (b) Explain the safety provisions in case of fire which should be adopted at a workplace as per the Occupational Safety and Health Act. (10 marks)
4. (a) Organizations face various challenges related to training schemes for workers. Explain **five** such challenges. (10 marks)
- (b) Explain **five** roles of the regulations guiding the payment of benefits under the National Social Security Fund Act. (10 marks)
5. (a) Matha was employed at a construction site by FILO Enterprises. As he was pushing a wheelbarrow loaded with sand along the available story path, he fell breaking his left arm around the wrist. Upon completing treatment, the company laid him off without compensation.

Matha is aggrieved and intends to sue the company for compensation.

Explain the legal principles applicable in this case. (8 marks)
- (b) Highlight the matters that form the basis of negotiations in a collective bargaining. (12 marks)
6. (a) Outline **six** powers of Occupational Safety and Health Officers. (12 marks)
- (b) Explain **four** objectives of Labour and Industrial Laws. (8 marks)
7. (a) Outline the ways in which an amalgamated trade union succeeds the amalgamating trade unions. (8 marks)
- (b) Explain **six** circumstances under which wages are considered due under the Employment Act. (12 marks)

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