

Name _____

Index No. _____ / _____

2908/202

LABOUR AND INDUSTRIAL LAW

November 2012

Time: 3 hours

Candidate's Signature _____

Date _____



THE KENYA NATIONAL EXAMINATIONS COUNCIL

DIPLOMA IN HUMAN RESOURCE MANAGEMENT

MODULE II

LABOUR AND INDUSTRIAL LAW

3 hours

INSTRUCTIONS TO CANDIDATES

Write your name and index number in the spaces provided above.

Sign and write the date of the examination in the spaces provided above.

This paper consists of SEVEN questions.

Answer any FIVE questions in the spaces provided in this question paper.

All questions carry equal marks.

For Examiner's Use Only

Question	1	2	3	4	5	6	7	TOTAL
Marks								

This paper consists of 16 printed pages.

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

1. (a) Explain **four** characteristics of colonial labour laws. (8 marks)
- (b) Explain how the courts apply the multiple test to distinguish between a contract of service and a contract for service. (12 marks)
2. (a) Explain **five** sources of labour laws in Kenya. (10 marks)
- (b) The members of Waswa Trade Union have had their licence cancelled by the Labour Minister. They have liabilities and some property. They wish to know the consequences of the cancellation of their licence. Advise them on **five** consequences of the cancellation of their licence. (10 marks)
3. (a) In relation to Employment Act, explain **six** deductions that an employer may lawfully make from the wages of his employee. (12 marks)
- (b) Explain **four** powers the Industrial Court may exercise in order to obtain evidence regarding a matter before it. (8 marks)
4. (a) Explain **five** grievances which may cause industrial action. (10 marks)
- (b) Explain **five** provisions that govern the registration of a Collective Bargaining Agreement. (10 marks)
5. (a) Explain the role of the Industrial Relations Charter in Kenya. (10 marks)
- (b) Explain the duties of an employer towards an employee under a contract of employment. (10 marks)
6. (a) Explain **six** merits of arbitration as a means of settling disputes. (12 marks)
- (b) In relation to the law governing factories, outline **four** powers that can be exercised by factory inspectors. (8 marks)
7. (a) In relation to the law governing Trade Disputes, explain circumstances under which the Minister may declare a lockout unlawful. (10 marks)
- (b) Explain the factors that hampered the growth of Trade Unions Movements in Kenya before independence. (10 marks)