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KIRIRI WOMEN'S UNIVERSITY OF SCIENCE AND TECHNOLOGY
UNIVERSITY EXAMINATION, 2023/2024 ACADEMIC YEAR
FIRST YEAR, SECOND SEMESTER EXAMINATION
FOR THE DIPLOMA IN HUMAN RESOURCE MANAGEMENT
DHR 1110: LABOUR LAWS

Date: 5TH DECEMBER 2023

Time: 2:30PM-4:30PM

INSTRUCTIONS TO CANDIDATES

ANSWER QUESTION ONE (COMPULSORY) AND ANY OTHER TWO QUESTIONS

QUESTION ONE (30 MARKS)

INTERNATIONAL LABOUR LAWS

Kenya is a member of the United Nations and its specialized agency, the International Labour Organization (ILO). The state bound by the international law has to carry out its international obligation irrespective of the contents of its constitutional legislation. A state own constitution may indicate what measures have to be taken with regard to the implementation of its international obligations to enhance employment relationship. Monism and dualism are the terms used to describe the legal framework within which governments carry out their international obligations. Specifically, monist theory prioritizes the desirability of a formal international legal order to establish the rule of law among nations, while dualist theory prioritizes the notions of individual self-determination and sovereignty at the state level. Kenya is essentially a dualist country, which means that treaties have to be translated or transformed into legislation before they can become operative. The constitution of the ILO recognizes that labour is not a commodity and affirms that all human beings irrespective of race, or sex have the right to pursue both their material well-being and their spiritual development in working conditions, freedom and dignity of economic security and equal opportunity. Since its inception in case the main concern of the ILO has been the formation of international labour standards and the effective implementation of those standards. The ILO meets annually and has developed a series of conventions and recommendations many which deal with such human rights problems as prohibited forced labour, protection of freedom of association including trade union rights, elimination of discrimination in employment and occupation, the application to all workers, the principle of equal remuneration for men and women workers for work of equal value and the promotion of full employment, fair and safe conditions of employment and social security. The ILOs general systems of periodic routine supervision of compliance with its labour standards operates on the basis of reports requested from governments with a view to ascertaining what measures they have taken to give effect to ILO conventions and recommendations.

- a) Outline **SIX** types employment relationship regulated by Labour Laws. **(6 Marks)**
- b) The constitution of the ILO recognizes that labour is not a commodity and affirms that all human beings irrespective of race, or sex have the right to pursue both their material well-being. Section 5 and 6 of the Employment Act 2007 (amended) 2021 protects all employees. State the provision of the sections. **(6 Marks)**
- c) Highlight **SIX** the fundamental rights of the employees as explained in the above case study. **(6 Marks)**
- d) Using examples from the case study, explain the difference between monist theory and dualist theory. **(6 Marks)**
- e) Explain the following concepts in international labour laws. **(6 Marks)**
- i. International labour standards. **(2 Marks)**
 - ii. Conventions **(2 Marks)**
 - iii. Recommendations, **(2 Marks)**

QUESTION TWO (20 MARKS)

- a) Explain the provision of Section 44 of the Employment Act 2007 Revised in 2021. **(8 Marks)**
- b) Section 7 of Occupational Safety and Health requires that every employer must formulate and implement occupational safety and health policy. Using a table, explain the representation of workers in occupational safety and health committees that meets the OSHA guidelines with a clear indication of specific section of the Act. **(8 Marks)**
- c) An employee at ABC company was injured at the workplace. The injury led to incapacitation due to broken legs. Identify the type of disablement and explain the difference between any two forms of disablement as stated in Work Injury Benefits Act 2007. **(4 Marks)**

QUESTION THREE (20 MARKS)

- a) Provide an elaborate content of contract of service as stipulated in the Employment Act 2007 (amended) 2021. **(8 Marks)**
- b) When an employee is declared redundant, the employer should facilitate peaceful and harmonious separation process. Explain the benefits that an employee who has been lawfully declared redundant is entitled to. **(8 Marks)**
- c) As an aspiring human resources management professional, enlighten your fellow students on the functions of the Institute of Human Resource Management as stipulated in Section 6 of the Human Resource Management Act No 52 of 2012. **(4 Marks)**

QUESTION FOUR (20 MARKS)

- a) Every employee has a responsibility to ensure safety at the workplace. Explain how every employee should ensure safety at the workplace with reference to Section 13 of OSH Act 2007. **(8 Marks)**
- b) Explain the purpose of the Labour Relations Act 2007. **(8 Marks)**
- c) In management of businesses, you are supposed to demonstrate understanding of both labour laws and business law. Examine the features of the labour law. **(4 Marks)**

QUESTION FIVE (20 MARKS)

- a) With reference to the legal provisions under Section 7 (1) of the Labour Institutions Act 2007, explain the functions of National Labour Board. **(8 Marks)**
- b) An employee at XYZ company informed the human resource officer that he would like to include his children from his second and third wife. According to the HRO, company only recognizes the children from the first wife as the dependents as per their policy. Provide an elaborate description of a dependants as stipulated in WIBA 2007. **(8 Marks)**
- c) The Wages Council is key stakeholder in industrial relations framework in Kenya. Explain FOUR key functions of wages council in Kenya as stipulated in Section 44 of the Labour Institution Act 2007. **(4 Marks)**