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KIRIRI WOMENS' UNIVERSITY OF SCIENCE AND TECHNOLOGY
UNIVERSITY EXAMINATION, 2023/2024 ACADEMIC YEAR
FOR THE DIPLOMA IN BUSINESS ADMINISTRATION
DBA 1009: LABOUR AND INDUSTRIAL RELATIONS

Date: 14TH DECEMBER 2023

Time: 11:30AM-1:30PM

INSTRUCTIONS TO CANDIDATES

ANSWER QUESTION ONE (COMPULSORY) AND ANY OTHER TWO QUESTIONS

QUESTION ONE (30 MARKS)

ORGANIZING THE INFORMAL SECTOR WORKERS IN KENYA

Most of the informal sector worker, are engaged in precarious, and poor terms and conditions of employment and hence, there is need to organize the sector. For example, many workers in the informal sector work more than 52 hours per week. The general working hours are 52 per week, but the normal working hours usually consist of 45 hours of work per week, that is Monday to Friday 8 hours each under the special Orders for different sectors subsidiary to the Regulations of Wages. This can be achieved through collective bargaining. In order for workers to engage in collective bargaining, there need to have a “collective” approach on their side. Workers thus need to be organized in some way. The 1988, International Labour Organization (ILO) Declaration on fundamental principles and rights at work recognizes both freedom of association and the right to organize as fundamental rights and principles. All International Labour Organisation member states are required to respect, promote, and realize such rights and principles regardless of whether they have ratified the relevant conventions. All workers are entitled to freedom of association and the right to organize as stipulated in the Labour Relations Act 2007. The entitlement exists - whether they are employees, self-employed or have some other status in employment. Many countries including Kenya have labour laws that regulate employment relationship and helps in maintaining harmonious industrial relations. Beyond the legal context, there are a range of internal challenges that informal workers face in organizing and in collective bargaining process. These includes: the difficulty of sustaining both organizing and paid-up membership; problems with paid-up membership, in turn mean that the organization have limited resources on which to draw. There are good practices that can be explored in organizing informal sector workers. These includes: organizing from the informal association; partnership model (union-informal sector association labour movement; participation and involvement in public policy; affordable and flexible paid-up membership; advocating for well standardized designated business centres with state of the art and customer oriented; clean business environment, provision of affordable and universal health care services; fair and flexible business licensing charges.

Required:

- a) All International Labour Organisation member states are required to respect, promote, and realize such rights and principles regardless of whether they have ratified the relevant conventions. All workers are entitled to freedom of association and the right to organize as stipulated in the Labour Relations Act 200. Explain the functions of the Labour Relations Act 2007. **(6 Marks)**
- b) Under the special Orders for different sectors subsidiary to the Regulations of Wages, working conditions as stipulated in the Act. **(6 Marks)**

- c) Using examples, what are some of the good practices that can be explored in organizing informal sector workers as discussed in the case study? **(6 Marks)**
- d) Explain **FIVE** fundamental principles and rights of the workers as stipulated in Employment Act 2007 revised in 2012. **(6 Marks)**
- e) Discuss **FOUR** good practices that enhance harmonious industrial relations in the workplace. **(6 Marks)**

QUESTION TWO (20 MARKS)

- a) Explain some of the jurisdictions of the Employment and Labour Relations Court in Kenya. **(8 Marks)**
- b) Discuss three main approaches in to industrial relations. **(8 Marks)**
- c) Using a well labelled diagram, describe the employee voice initiative. **(4 Marks)**

QUESTION THREE (20 MARKS)

- a) Explain some of the essential pre-requisite of Collective Bargaining. **(8 Marks)**
- b) Using examples from organization of your choice. Discuss the factors influencing the choice and implementation of employee voice initiatives. **(8 Marks)**
- c) Using examples, explain the various types of strikes. **(4 Marks)**

QUESTION FOUR (20 MARKS)

- a) The industrial relations practice recognize that the formal outcomes of collective bargaining are agreements signed between management and unions. Using examples, explain the various types of collective agreements. **(8 Marks)**
- b) C190 is the “Violence and Harassment” Convention, adopted on 21 June 2019 by the International Labour Conference. It establishes the right of everyone to a world of work free from violence and harassment, including gender-based violence and harassment. It is the first international law to do so. Describe those covered and protected by ILO C190. **(8 Marks)**
- c) Using examples, describe four characteristics of precarious work. **(4 Marks)**

QUESTION FIVE (20 MARKS)

- a) State **FOUR** guiding principles of Leadership and Integrity as stipulated in the Constitution of Kenya. **(8 Marks)**
- b) Assume that you are the trade union organizer with a team of new union members who do not understand the role of trade unions. Enlighten your team on the main role of trade Unions. **(8 Marks)**
- c) Describe the components of modern industrial relations. **(4 Marks)**