



KENYATTA UNIVERSITY

EXAMINATION FOR THE DEGREE OF BACHELOR OF LAWS

LPL 400: LABOUR LAW

2ND SEMESTER 2020/2021

TIME: 2 HOURS

INSTRUCTIONS:

1. ALL QUESTIONS ARE COMPULSORY
2. Support your answer with illustrations from relevant case laws, statutory provisions and any other applicable references wherever necessary.
3. Write neatly and legibly.
4. Your answer script must bear your student registration number.
5. Do not scribble or draft answers on the inner or outer cover pages of your answer booklets.
6. Do not write anything except your registration number on this question paper

On 4th January 2020, Ms. Beta was recruited by Zumalia Pvt. Ltd. (Kenya) as its Assistant Accountant - II on a four-year contract commencing on 5th January 2020 at the initial monthly gross salary of Ksh. 110,000, amongst other benefits. Within eight months she had worked so well that she was promoted to Assistant Accountant - I with an additional Ksh. 23,000 as car allowance.

On 23rd September 2020, Ms. Beta joined the Kenyazuma Union of Accountants (a recognized union by the employer) and was subsequently elected as the union Assistant Secretary General. Ms. Beta's cordial relationship with her employer begun waning in the succeeding months until 2nd July 2021 when her employment contract was summarily terminated.

According to Zumalia Pvt. Ltd. Ms. Beta had committed an act of gross misconduct and insubordination at a top level meeting of the company held on 12th April 2021 (in which she was not invited) where she created a scene and left in a huff. There was also a complaint made on the 15th May 2021 by the Kenyazuma Union of Accountants that she had not only harassed and abused fellow accountants but also declined to submit essential documents to facilitate change of name of the Union.

Taking into account the above scenario:

- (a) Discuss the factors that the Employment and Labour Relations Court will consider in deciding whether it was just and equitable for Zumalia Pvt. Ltd to terminate Ms. Beta's employment contract. (8 marks)
- (b) For Kenyazuma Union of Accountants to successfully change its name, analyze the process involved if it receives the required documents from Ms. Beta. (10 marks)
- (c) In case the employer decides to instead transfer Ms. Beta to work at Zumalia Pvt. Ltd. Branch located in Burundi, draft her letter of appointment. (12 marks)

2. "Committed negotiation, conclusion, registration and implementation of a collective bargaining agreement are very important exercises that promote industrial peace". University of Nairobi v Kenya Universities Staff Union & 3 Others [2018] eKLR.

With the help of relevant case laws, constitutional and statutory provisions, comment upon the above statement highlighting the process of registration and implementation of collective bargaining agreements in promoting harmonious labour relations in Kenya.

(20 marks)

3. "In 2019, the World Health Organization declared Corona Virus Disease (COVID-19) a global pandemic. The drastic measures introduced by the Government to counter the pandemic after the first case of the disease was confirmed in Kenya have compelled most employers to make significant adjustments at their work places resulting in colossal losses among employers thus making them unable to sustain a number of their employees" – R. T., 2020.

In the light of the above statement and with the support of relevant case laws, discuss the efficacy of the existing labour laws in safeguarding employees' rights to health and safety amid COVID-19 pandemic.

(20 marks)