



**KARATINA UNIVERSITY**  
**UNIVERSITY EXAMINATIONS**  
**THIRD YEAR, FIRST SEMESTER EXAMINATIONS**  
**2023/2024 ACADEMIC YEAR**

**FOR THE DEGREE OF:**  
**BACHELOR OF HUMAN RESOURCE MANAGEMENT**

**COURSE CODE: BHR 315**

**COURSE TITLE: LABOUR LAWS**

**DATE: 11/12/2023**

**TIME: 11.00 -1.00 PM**

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**INSTRUCTION TO CANDIDATES**

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## **INSTRUCTIONS**

Answer question one and any other three questions

### **QUESTION ONE- COMPULSORY**

#### **Kenyan Vulnerable Workers' Access to Justice**

Kenya is the number one producer of cut flowers for European consumption. A few European colonizers started flower cultivation before Kenya gained independence from the United Kingdom. Kenya's first President Jomo Kenyatta (1964-1978) further stimulated the floriculture industry when prices for coffee and tea were falling. The Kenyan floriculture industry is labour-intensive. Workers are reportedly expected to work up to sixteen hours a day. It is estimated that floriculture corporations currently directly employ around 90,000 people.

The number of floriculture jobs has doubled over the last decade, while the number of jobs in other industries has stagnated. While many of the issues that floriculture workers face exist also for other agricultural workers in Kenya, they face particular challenges. They are exposed to extreme temperatures in the greenhouses and cold rooms, and to a plethora of toxic chemicals, including those that are illegally imported. Exposure to those chemicals produces cancer, neurologic diseases, birth defects and other reproductive illnesses, sometimes long after workers have left their jobs.

According to the United Nations Guiding Principles on Business and Human Rights, a 'bouquet' of preventive, redressive and deterrent remedies should be available to rights holders who claim that their rights are violated by corporations.

- a) According to the Labour laws, explain the hours workers are supposed to work **(5marks)**.
- b) According to the case, state any five diseases workers in the floriculture industry are exposed to **(5marks)**.
- c) Elucidate ten human rights of these employees are entitled to as per Kenyan labour laws **(10marks)**.
- d) State five steps that the floriculture industry can take to ensure employee health and safety **(5marks)**.

### **QUESTION TWO**

- a) State the components of a written contract of service **(7 marks)**.
- b) Discuss eight unfair reasons of terminating an employee that can lead to an employer being sued **(8 marks)**.

### **QUESTION THREE**

- a) Elucidate the safety provisions in case of fire as per the Occupational Safety and Health Act, 2007 **(10marks)**
- b) State five reasons why countries need labour laws **(5marks)**.

### **QUESTION FOUR**

- a) In the labour law context, explain how wages are fixed in Kenya **(5 marks)**.
- b) According to the Work Injury Benefits Act, 2007, explain how compensation for temporary total or partial disablement is done **(5 marks)**.
- c) Elucidate five functions and duties of the NSSF board. **(5 marks)**.

### **QUESTION FIVE**

- a) Discuss eight reasons that may disqualify a person from being appointed as a trustee in the NSSF **(8 marks)**.
- b) Elucidate duties of an employee in regards to his/her safety while at the work place **(7 marks)**.

### **QUESTION SIX**

- a) Under section 17 of the Employment Act, explain eight reasons why summary dismissal may be justified **(8 marks)**.
- b) State any seven functions of the NHIF Board **(7 marks)**.