



**KARATINA UNIVERSITY  
UNIVERSITY EXAMINATIONS**

**SECOND YEAR, SECOND SEMESTER EXAMINATIONS  
2023/2024 ACADEMIC YEAR**

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

**COURSE CODE: BHR 223**

**COURSE TITLE: LABOUR RELATIONS**

**DATE: 19/4/2024**

**TIME: 3.00PM – 5.00PM**

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**INSTRUCTION TO CANDIDATES**

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## **INSTRUCTIONS**

Answer Question one and any other three questions

### **QUESTION ONE**

**Read the following case study and answer the questions that follow**

#### **UNFAIR TERMINATION**

On 26<sup>th</sup> November, 2010, the Respondent received a letter from the Appellant terminating his employment through its Group Managing Director, invoking the Respondent's contract of employment of 5<sup>th</sup> September, 1996. That letter was to the effect that the Respondent's employment would be terminated with effect from 1<sup>st</sup> December 2010, having been given one-month notice. He was also informed that he would be paid his salary for the month of December 2010 in lieu of notice.

Aggrieved by the termination, the Respondent filed **Cause No. 146 of 2013** against the Appellant in the former Industrial Court (now Employment and Labour Relations Court) alleging that the termination of his employment was illegal, wrongful, unfair and discriminatory; that there was no justifiable reasons for the termination; that he was not given a hearing before the termination; and that the termination was actuated by the Appellant's intention to replace him with a Belgian national. As a result, the Respondent contended that the amount of Kshs.3,258,245 paid as his terminal dues was grossly low as it did not take into consideration an existing practice in the Appellant company where full-time directors/employees whose employments were terminated would be paid terminal dues inclusive of 2 month's (as opposed to 15 day's) salary for each year worked with the Appellant. In that regard, the Appellant sought the Court to declare his dismissal unfair, unlawful and a nullity, reinstate him, and order payment of his salary for the period between November, 2010 and the date of his reinstatement. In the alternative to his reinstatement, he sought payment of his full salary plus 14 % per annum interest thereon from the date of dismissal until the date of his retirement at the age of 60 years, 12 months' salary for unfair termination, in addition to terminal dues equivalent to two months' salary for each year worked, plus interest at 14% per annum effective 26<sup>th</sup> November, 2011 until payment in full, costs and interest.

Required:

- a) Justify five reasons why you think the employee was unfairly terminated (**10 marks**).
- b) State five reasons why employees of the above company would want to join a trade union (**5 marks**).

- c) If you were the expert called to mediate the parties, describe the stages you would follow **(10 Marks)**.

### **Question Two**

- a) Explain the functions of the following departments in COTU
  - i) Child labor **(3 marks)**
  - iii) Women affairs **(2marks)**
- b) Argue five internal factors that affect union management relationships **(5 marks)**.
- c) Describe five conditions necessary for successful Collective Bargaining **(5 marks)**

### **Question Three**

- a) Discuss ten problems facing trade unions in Kenya **(10 marks)**
- b) Describe five principles of Bargaining range theory of Prof A.C. Pigou **(5 marks)**

### **Question Four**

- a) Discuss the four types of collective bargaining **(8 marks)**
- b) Explain seven recommendations that can be put in place for strengthening of the trade union movement in Kenya **(7 marks)**

### **Question Five**

- a) After obtaining a certificate from the registrar of trade unions, the trade union may apply for registration within six months if they have meet certain conditions. Elucidate these conditions **(8 marks)**.
- b) Explain the steps involved in the process of collective bargaining **(7 marks)**

### **Question Six**

- a) Discuss the subjects of collective bargaing agreements **(9 marks)**
- b) Contrary to its belief that unionism is wrong, explain to the management six benefits of CBAs to employers **(6 marks)**.