



OFFICE OF THE DEPUTY VICE CHANCELLOR
ACADEMICS, RESEARCH AND STUDENT AFFAIRS

UNIVERSITY EXAMINATIONS

2024 /2025 ACADEMIC YEAR

THIRD YEAR SECOND SEMESTER MAIN EXAMINATION

**FOR THE DEGREE OF BACHELOR OF BUSINESS
MANAGEMENT**

COURSE CODE: BBM 362

**COURSE TITLE: LABOUR AND INDUSTRIAL
RELATIONS**

DATE: 9TH APRIL 2025

TIME: 8 TO 11 A.M

INSTRUCTION TO CANDIDATES

- SEE INSIDE

THIS PAPER CONSISTS OF 3 PRINTED PAGES PLEASE TURN OVER

MAIN EXAM

BBM 362: LABOUR AND INDUSTRIAL RELATIONS

STREAM: BBM

DURATION: 3 Hours

INSTRUCTIONS TO CANDIDATES

- i. Answer Question ONE and any other TWO questions.*
- ii. Maps and diagrams should be used whenever they serve to illustrate the answer.*
- iii. Do not write on the question paper.*

QUESTION ONE

Mr. Ejakait was employed by Bamba Auto Garage in 2019 as a mechanic Grade II. He was promoted over the years to attain the position of foreman or chief mechanic. In 2024 Bamba Auto Garage was contracted to service and maintain the Alupe University fleet of buses and Mr. Ejakait was transferred to the Alupe University buses yard as the head of a team of mechanics. Due to increased work at the University buses yard, the owner of Bamba Auto Garage, by then an employee of the University decided to abandon the registered office of Bamba Auto Garage at the Industrial area in Busia town. He however, maintained a skeleton staff at the official site of the Garage and engaged them in different activities other than motor vehicle mechanic. At the University buses yard, Mr. Juma, the owner of Bamba Auto Garage, manipulated the University payroll to accommodate his own employees. These employees were not given any appointment letters and their original contracts of employment was with Bamba Auto Garage.

Due to poor management and lack of accountability the Alupe University yard was forced to a halt hence declaring all its employees at the yard redundant. The employees of Bamba Auto Garage found themselves out of employment. Five of these employees led by their foreman Mr. Ejakait lodged their dispute of unlawful redundancy with the Kenya Engineering Workers Union. The remaining six complained to the Kenya Transport and Allied Workers Union. Unknowingly, both unions reported the existence of a dispute under Section 4 of the Trade Dispute Act to the cabinet secretary for Labour.

The Tripartite committee sat on various dates and approved the two disputes for investigation and conciliation without knowing that they were similar. Subsequently, the Chief Industrial Relations Officer appointed an investigator from Industrial Labour Office in Busia county and a conciliator from the labour office. Mr. Juma did not respond to any of the many letters received from both the investigator and conciliator. This resulted in the submitting of one-sided report from both the conciliator and investigator. Before the Chief Industrial Relations Officer, it did not occur to him that these were two unions pursuing the same dispute. The disputes were processed for the industrial court and were only duly signed by the principle secretary and the labour commission. The industrial court received the dispute and set two different hearing dates prior to the receipt of written memoranda.

- a) As the consultant in Industrial Relations, Mr. Juma has approached you with the above situation and requests you to assist him draft a memorandum to the Industrial Court. Briefly describe your key points of focus **[10 marks]**
- b) Discuss the likely actions that the Cabinet Secretary may have to consider under the grievance handling procedure **[10 marks]**

- c) Mr. Juma wishes to look at these employees as having been employed by Alupe University Fleet of buses since they were on its payroll. Briefly discuss [4 marks]
- d) Briefly describe the grounds upon which the Industrial Court may refuse to entertain such a trade dispute [6 marks]

QUESTION TWO

- a) Briefly explain the meaning of the term 'Collective Bargaining' [2 marks]
- b) Describe the main features of collective bargaining [7 marks]
- c) For collective bargaining to be effective, there are certain essential prerequisites that must be available. Discuss any **five** of these prerequisites [5 marks]
- d) Briefly describe the various forms of collective bargaining [6 marks]

QUESTION THREE

- a) Define the term 'Industrial dispute' [2 marks]
- b) Distinguish between a strike and a lockout [4 marks]
- c) Explain the pre-industrial court procedures of settling a trade dispute as provided for in the trade disputes act cap 234 laws of Kenya [14 marks]

QUESTION FOUR

- a) Define the term Trade Union [3 marks]
- b) Describe the objectives of trade unions [10 marks]
- c) Trade union power in Kenya has been declining steeply. Briefly explain how trade unions can become strong and successful in Kenya [7 marks]

QUESTION FIVE

- a) Briefly explain the general principles set out in the Industrial Relations charter [7 marks]
- b) Discuss the case for and against workers participation in management [8 marks]
- c) Describe the various forms of employee participation [5 marks]