



**MAASAI MARA UNIVERSITY
REGULAR UNIVERSITY EXAMINATIONS
2024/2025 ACADEMIC YEAR
FIRST YEAR FIRST SEMESTER**

**SCHOOL OF BUSINESS AND ECONOMICS
MBA- HUMAN RESOURCE MANAGEMENT**

**COURSE CODE: MBA 8247
COURSE TITLE: ADVANCE INDUSTRIAL RELATION AND
EMPLOYMENT LAWS**

DATE: DECEMBER 2023

TIME:

INSTRUCTIONS TO CANDIDATES

- 1. Answer Question ONE and any other THREE questions**
- 2. All Examination Rules Apply**

This paper consists of 2 printed pages. Please turn over.

QUESTION ONE (30 MARKS)

Industrial relations or employment relations is the multidisciplinary academic field that studies the employment relationship; that is, the complex interrelations between employers and employees, labor/trade unions, employer organizations, and the state. It has its roots in the industrial revolution which created the modern employment relationship by spawning free labour markets and large-scale industrial organizations with thousands of wage workers. As an expert in Human Resource Industrial Relation, explain to the Management of Maasai Mara University industrial issues based on;

- a) The history of industrial revolution in Kenya **(10 Marks)**
- b) The role of various industrial labor actors in Kenya. **(10 Marks)**
- c) The role of trade unions in industrial Relation and employee laws implementation. **(10 Marks)**

QUESTION TWO

Definition of Labour law refers to a body of legal rules which regulates the relationship between:- an employer and a worker an employer and workers employer(s) and trade union representing workers employers' organization and trade unions the state, employers, workers, unions and employer organizations. In line to this definition, explain the various sources of Employment Laws in Kenya. **(15 MARKS)**

QUESTION THREE

The management of Lelian Safaris invited you as an expert in industrial disputes resolution mechanisms to train its newly appointed management and staff on the same. Discuss each of the available mechanisms and elaborate the use of each. **(15 MARKS)**

QUESTION FOUR Kenya embarked on review of its labour legislation form 2001 New legislation consisting of five pieces of statutes were enacted by parliament in 2007. As a lead Consultant, discuss the five new legislation enacted after the review and the application of each to the management of the labor sector in Kenya. **(15 MARKS)**

QUESTION FIVE

Kenya labor laws originates from the ratification of International Labour Organization Conventions. To understand the key provisions of the Kenya employment Act 2007, one needs to first understand the key ILO Conventions ratified by the Kenya Government. Explain the provision of five ILO Conventions ratified between 1964 – 1980 **(15 MARKS)**

MAASAI MARA UNIVERSITY

SCHOOL OF BUSINESS AND ECONOMICS

MBA;__ADVANCED INDUSTRIAL RELATION AND EMPLOYMENT LAWS

COURSE OUTLINE

Course Overview

Industrial Relations(IR) is the collaborative academic field that analyses the employment relationship between employers and employees, labour & trade unions, employer organisations and the state. It includes “non-industrial” employment relationships. IR scrutinizes various employment situations, but ones with a unionized workforce. IR supports and improves the mechanism of the employment relationship to protect workers’ rights. IR is an amalgam of shared interests and conflicts of interests. It concerns grievance processes, employee voice mechanisms, works committees and trade unions, collective bargaining, and labour–management alliances. IR engenders not only economic efficiency but also employee equity and voice.

Trade Unions are a substantial aspect of labour relations providing job security to workers while ensuring fair reimbursement. Union diplomats propose elevated pay in barter for workers to accept repetitive job design or risky working conditions. Unions are critical in offering insurance and guarantee to employee’s job position to remain unaffected and rewarded; job security, suitable compensation, job design, retraining and reskilling, and health and safety.

Course Objectives

Industrial relations have been an area which has attracted researchers, industry leaders, HR managers and so on. While we talk of IR another important facet that surfaces are labor laws that managers come across as and when they deal with the IR issues. This course in Industrial relation and Labor laws aims to provide understanding of industrial relation problems, labor laws and a framework for analysis of such problems.

When one works in an industry understanding trade unions, collective bargaining and industrial conflict becomes inevitable. The course focuses on the managerial perspectives needed to understand industrial relation issues, labor laws and generate alternative decision making.

Topics/Course Outline

Topic 1: Introduction to Labour and Industrial Relations

- 1.1. Meaning of labour and industrial relations
- 1.2. Historical development of labour law
- 1.3. History of labour movement in Kenya
- 1.4. Scope of labour laws
- 1.5. Contents of the labour relations bill in Kenya

Topic 2: Industrial Relations

- 2.1. Meaning of Industrial Relations
- 2.2. Need for good industrial relations in an organisation
- 2.3. Historical background of industrial relations in Kenya
- 2.4. Factors influencing industrial relations in Kenya

Topic 3: Parties in Industrial Relations

- 3.1. Parties in industrial relations
- 3.2. Role of government in industrial relations
- 3.3. Role of workers in industrial relations
- 3.4. Role of employers in industrial relations

Topic 4: Industrial Court

- 4.1. Definition of Industrial Court
- 4.2. Historical Development of the industrial court
- 4.3. Structure of the industrial court in Kenya

4.4. Procedure of proceedings in the industrial court in Kenya

4.5. Powers of the Industrial Court in Kenya

4.6. Issues in the Labour Institutions Bill

Topic 5: Index Employment Contract

5.1. Definition of terms used in employment contract

5.2. Parties to an employment contract

5.3. Formation of employment contract

5.4. Types of employment contracts

5.5. Process of formulating an employment contract

5.6. Procedure for terminating an employment contract

5.7. Contents of the Employment Bill in Kenya

Topic 6: Trade Disputes Law

6.1. Meaning of trade disputes

6.2. Causes of trade disputes

6.3. Procedure of reporting trade disputes

6.4. Legal provisions governing industrial action

6.5. Procedure for settling trade disputes

Topic 7: Employee Associations

7.1. Meaning of employees associations

7.2. Role of employees associations

7.3. Reasons for formation of trade unions

7.4. Features of a trade union

7.5. Types of trade unions in Kenya

- 7.6. Legal provisions governing trade unions in Kenya
- 7.7. Management-union relationships
- 7.8. Remaining non-union
- 7.9. Potential contribution of a union representative
- 7.10. Advantages of being represented in the union in a workplace

Topic 8: Collective Bargaining

- 8.1. Meaning of collective bargaining
- 8.2. Importance of collective bargaining
- 8.3. Process of collective bargaining
- 8.4. Factors considered in collective bargaining process
- 8.5. Principles of collective bargaining
- 8.6. Legal provisions for conciliation, arbitration and enquiry

Topic 9: Occupational Health and Safety

- 9.1. Meaning of occupational health and safety
- 9.2. Legislations that govern occupational health and safety
- 9.3. Legal provisions regarding health and safety at the workplace in Kenya
- 9.4. Role and powers of authorized officers in ensuring health and safety of workers
- 9.5. Contents of the Occupational Safety and Health Bill in Kenya
- 9.6. Inclusion of people with disabilities in Kenya

Topic 10: Workmen's Compensation

- 10.1. Meaning of terms related to compensation as provided for in the Workman's Compensation Act
- 10.2. Provisions of Workman's Compensation's Act
- 10.3. Contents of work injury benefits bill in Kenya

Topic 11: Law Relating to Training of Workers

11.1. Meaning of terms used in training of workers

11.2. Legal provisions relating to training of workers

11.3. Legal provisions governing appointments in National Industrial Training Authority

11.4. Legal provisions governing acquisition and use of funds

11.5. Training records maintained by an employer

11.6. Powers of inspectors

Topic 12: Law Relating to Remuneration of Workers

12.1. Meaning and terms used in remuneration of workers

12.2. Legal provisions governing remuneration of workers

12.3. Legislation governing social security workers

Topic 13: Factories Act

13.1. Meaning of Factories Act

13.2. Provisions of the Factories Act in regard to safety, health and welfare

13.3. Statutory control of employment

13.4. Protection of women, young persons, disabled, and children

13.5. Provision put in place when an employee gets permanently disabled during the performance of his/her duties

Topic 14: Labour Relations and Industrial Relations Act

14.1. Management-union relationships

14.2. Remaining non-union

14.3. Collective bargaining

14.4. The potential contribution of a union representative

14.5. The advantages of a represented workplace and grievances

Topic 15: Public Officers and Ethics Act

- 15.1. Meaning of terms – Ethics, integrity, and professionalism
- 15.2. Importance of implementing ethical practice in an organisation
- 15.3. Ways of enhancing integrity in an organisation
- 15.4. Causes of unethical practices and behaviours within the public sector
- 15.5. Adverse effect to the public sectors of unethical practices
- 15.6. Measures of eradicating unethical practices in the public sector
- 15.7. Importance of implementing ethical codes of conduct in an organisation'
- 15.8. Role of Kenya Anti-Corruption Commission (KACC) in an organisation management
- 15.9. Components of public officers and ethics Act

Topic 16: Emerging Issues and Trends in Labour and Industrial Law

- 16.1. Emerging issues and trends in industrial law
- 16.2. Challenges of emerging issues and trends in industrial law
- 16.3. Managing challenges of emerging issues and trends in industrial law

READING MATERIALS

Ghosh, P and Nandan, S, Industrial relations and Labour Laws, Mc Graw Hill, 2015.

Monappa, A, Industrial Relations, Tata McGraw-Hill, 2002

Srivastava, S.C, Industrial Relations & Labour Laws, 5th Rev., Vikas Publication House, New Delhi, 2006

Singh B.D, Industrial relations and labor laws, Excel books, 2008

Aluchio, L.P. Trade unions in Kenya: Development and the system of industrial relations. Nairobi, Jomo

Kenyatta Foundation, 1998, pp. 60-70.

Bor, M.K. "The New Labour Laws: An Overview". Paper delivered at a seminar on Responding to the

Challenges of Fair and Ethical Trade. Nairobi, on the 23rd November 2007

Brewster, eds. (2008) *Industrial Relations in Africa*. London, Palgrave Macmillan, 2008, pp 28-38.

Constitution of Kenya, 2010.

COTU Strategic Plan 2007 – 2010.

De Silva, S.R (2005) *Elements of a Sound Industrial Relations System*, ILO ACT/EMP Publications.

Eyraud, F. and Saget, C. (2005) *The fundamentals of minimum wage fixing*. Geneva, ILO.

Fashoyin, T (2007) "Industrial relations in Kenya" in Geoff Wood and C. Brewster, eds., *Industrial Relations in*

Africa. London, Palgrave Macmillan, 2007, pp.39-58.

Hagglund, G. "The development of industrial relations in Kenya" In Wood, G. and Brewster, C. eds., *Industrial*