



**RIARA LAW SCHOOL
UNIVERSITY OF EXAMINATION FOR BACHELOR OF LAWS (LLB) DEGREE
AND
PRE-KENYA SCHOOL OF LAW CORE COURSES COMPLIANCE PROGRAM
AUGUST 2023
RLB 304: LABOUR LAW
INSTRUCTOR: WASHINGTON ODONGO OMBIS
INSTRUCTIONS**

1. This is the final examination in Labour Law. You will earn **70%** of your final grade from this final examination and **30%** from Continuous Assessment Assignments.
2. This examination has questions. Please answer **QUESTIONS 1, 2 & 3 ARE COMPULSORY, ANSWER A TOTAL OF 4 QUESTIONS**
3. The examination has 4 pages, including this one.
4. Time allocated for this examination is **TWO HRS** (2) hours. You must stop writing when time is called.
5. Please sign the roll sheet when you turn in your answer sheet. If you fail to sign the roll sheet, we shall have no way of establishing that you sat for this examination and your marks will not be reported.
6. This is a **CLOSED BOOK** examination. This means you are **NOT PERMITTED TO BRING ANY** hard or soft materials to the examination room. You are also **NOT ALLOWED TO ACCESS** materials stored in computers, electronic gadgets or the internet. You should not bring to the examination room any of the following: cell phones, tablets, computers, statutes, notes, outlines, or books. Neither should you bring to the examination room books or materials unrelated to this course. If you need to have medicine or food items with you, please let the invigilator know before the examination begins.
7. This examination is governed by **Riara University Academic Honesty Regulations**. Students who violate those regulations will be penalized. Students have an obligation to report to the invigilator any incidences of academic dishonesty compromising the integrity of this examination.

QUESTION THREE

“[A]s I have had occasion to state in several decisions in the past, the Employment Act 2007 has caused a radical and fundamental shift in both the jurisprudence and practice in employment law in Kenya. The doctrine of natural justice or procedural fairness is now an essential part of the employment relationship. An employer must comply with the procedures set out in section 41 of the Act even in circumstances where summary dismissal or what the Respondent referred to as instant dismissal is contemplated.”¹ – Justice Radido

Considering the above, using authorities and examples, discuss:

- a) Procedural justification in termination. **(10 Marks)**
- b) Substantive justification in termination. **(5 Marks)**

QUESTION FOUR

- a) Constructive dismissal. **(3 Marks)**
- b) What are the principles behind constructive dismissal. **(7 Marks)**

QUESTION SIX

Discuss the impact of the employment amendment bill 2022. **(10 Marks)**

¹ Cause No 1050 of 2011 (*Loice Otieno v Kenya Commercial Bank Ltd 2013 e KLR*)