

RIARA LAW SCHOOL
UNIVERSITY EXAMINATION FOR BACHELOR OF LAWS (LLB) DEGREE
AND
PRE-KENYA SCHOOL OF LAW CORE COURSES COMPLIANCE PROGRAMME
LABOUR LAW: RLB 304
EXAMINER: Ms. ELIZABETH GITARI-MITARU

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 THREE questions. Please answer ALL THREE QUESTIONS.
3. Time allocated for this examination is TWO (2) hours.
4. Write your REGISTRATION NO. Clearly on the answer booklet(s). Questions in all sections should be answered in answer booklet(s)
5. PLEASE start the answer to EACH question on a NEW PAGE.
6. For the questions, write the number of the question on the answer booklet(s) in the order you answered.
7. Write on both sides of each leaf and indicate the number of each question at the top of each page.
8. All rough work must be done on the answer booklet and crossed through!
9. Use supplementary pages only when you have exhausted those in this book.
10. Fasten the supplementary pages to the inside back cover of this booklet.
11. This examination is governed by the Riara University Academic Honesty Regulations. Students who violate those regulations will be penalised. Students have an obligation to report to the course instructor any incidences of academic dishonesty compromising the integrity of this examination.

QUESTION ONE (30 MARKS)

Alice, a highly skilled software developer, has been working at TechInnovate Ltd., a leading technology company in Nairobi, for the past three years. Despite her excellent performance reviews and contributions to major projects, Alice has noticed several concerning issues:

1. Alice discovered that her male colleague, John, who was hired at the same time and holds the same position, earns 20% more than she does. Both Alice and John have similar qualifications, experience, and responsibilities.
2. Alice has also observed that promotions within the company seem to favor male employees, even when female employees have equivalent or superior qualifications and performance records. Recently, a less experienced male colleague was promoted to a managerial position over Alice.
3. Additionally, Alice feels that she is frequently assigned less challenging tasks compared to her male counterparts, limiting her professional growth and opportunities within the company.

Alice has approached you, a labour law expert, for advice on;

1. The relevant provisions under Kenyan labour law that address workplace discrimination and ensure equal pay for equal work.
2. The types of evidence Alice would need to gather to support her claims of discrimination and pay inequality.
3. The internal and external dispute resolution mechanisms available to her, including approaching the HR department, filing a complaint with the Ministry of Labour, and seeking recourse through the Employment and Labour Relations Court.

QUESTION TWO (20 MARKS)

The employees of Kibo Manufacturing Ltd. are members of the Workers' Union of Kenya. They have been negotiating with the management for better working conditions and a wage increase. However, the negotiations have reached a deadlock, and the union is considering calling for a strike. Advise the union on;

1. The legal requirements and procedures for calling a lawful strike,
2. The potential legal and economic consequences of industrial action for both the employees and the employer.

QUESTION 3 (20 Marks)

Paul has been working as a sales manager at a retail company, Maridadi Swag Ltd., for five years. Recently, Paul was terminated without prior notice or a valid reason provided by the employer. Paul believes that his termination was unfair and unlawful, as he had not been subject to any disciplinary actions or performance issues. Advise Paul on;

1. The steps he should take to challenge his termination
2. The possible remedies and compensation Paul could claim if his termination is found to be unfair.