



RIARA SCHOOL OF BUSINESS
NURTURING INNOVATORS
JANUARY – APRIL 2023 TRIMESTER
EXAMINATION
DEGREE IN BUSINESS ADMINISTRATION
DAY PROGRAM
UNIT CODE: RHR 301
UNIT TITLE: EMPLOYMENT LAW

DATE: APRIL 2023

TIME: 2 HOURS

GENERAL INSTRUCTIONS:

Students are NOT permitted to write on the examination paper during reading time.
This is a closed book examination. Textbooks/References are not permitted.

SPECIAL INSTRUCTIONS:

- 1 Write your REGISTRATION NO. Clearly on the answer booklet(s).
- 2 Answer Question One and ANY other TWO questions.
- 3 Questions in all sections should be answered in answer booklet(s).
- 4 Marks allocated to each question are shown at the end of the question.
- 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 them.
- 7 Write your answers in paragraph form unless stated otherwise.
- 8 Keep your phone(s) SWITCHED OFF at the front of the examination room.
- 9 Keep ALL bags and caps at the front of the examination room and do not refer to any unauthorized material before or during the course of the examination.
- 10 You are only allowed to leave the examination room 30 minutes before the end of the Examination.

QUESTION ONE

CAUSE E049 OF 2022.

Mr. Orori was employed as a Personal Assistant to the Governor through a letter dated 2 January 2018 for a period of 3 years. On 4 December 2020, the contract was extended for a further 3 years. However, on 5 September 2022, the County Secretary notified Mr, Orori that his contract had been varied and had ended on 31 August 2022. This was as a result of his hiring being irregular. Mr Orori did not take this kindly and went to the Employment Court and sued the County government for unfair termination of employment.

The County Government objected by stating that it followed procedure.

- County government Act 2021, Sections 74,75,75; states that the County Public service Commission regulates the appointments of persons and may revoke them if deemed irregular.
- Public Service Commission Act, Sections 85,86,87; provides that one of the functions of PSC is to hear appeals in respect of any decision relating to the engagement of any person in a County Government before the matter is heard anywhere else.
- Constitution Article 234 (2)(i), gives the PSC appellate jurisdiction over decisions of the County PSC.

http://kenyalaw.org/caselaw/cases/view/250416/?utm_source=pdf&utm_medium=footer

- a) Explain the type of termination that Mr Orori underwent. **(2 marks)**
- b) Elaborate on the termination procedure that Mr. Orori should have gone through. **(8 marks)**
- c) From the case above, defend on the dispute settlement procedure available to Mr. Orori, **(10 marks)**
- d) As the Employment Court judge, justify the verdict you would give to this case. **(10 marks)**

QUESTION TWO

- a) Expound on the FIVE contract specifications for working abroad. **(2 marks)**

- b) Employment law has evolved over time. Highlight FIVE changes that have occurred (10 marks)

QUESTION THREE

- a) Employment Law is used to regulate the relationship between the employer and employee. Using examples distinguish the FIVE powers that the employer and employee have. (10 marks)
- b) Employees enjoy basic human rights even within the workplace. Assess the FIVE areas within the Right to Privacy. (10 marks)

QUESTION FOUR

- a) Distinguish THREE components of Civil law from Criminal law. (12 marks)
- b) Discuss the FOUR Freedom of contract components. (8 marks)

*****END*****