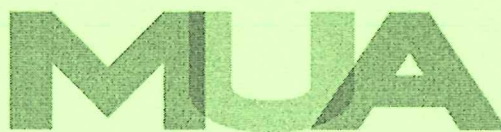


The
Management
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POST GRADUATE UNIVERSITY EXAMINATIONS

SCHOOL OF MANAGEMENT AND LEADERSHIP

DEGREE OF MASTER OF BUSINESS ADMINISTRATION

HCO 503: INDUSTRIAL AND LABOUR LAW

DATE: 20TH JULY 2022

DURATION: 3 HOURS

MAXIMUM MARKS: 60

INSTRUCTIONS:

1. Write your registration number on the answer booklet.
2. **DO NOT** write on this question paper.
3. This paper contains **FOUR (4)** questions.
4. Question **ONE** is compulsory.
5. Answer any other **TWO** questions.
6. Question **ONE** carries **30 MARKS** and the rest carry **15 MARKS** each.
7. Write all your answers in the Examination answer booklet provided

QUESTION ONE

Read the Case Study below carefully and answer the questions that follow:

Poland probes Sh10 billion ministry of agriculture project

A row at the Ministry of Agriculture is threatening a Sh10 billion project to empower small scale farmers over claims of irregularities in the tendering processes. Poland opened up investigations into allegations of bribery in the choice of a Polish firm, Contractors SP. Z O. O. to supply equipment, including 900 milk coolers. The regional prosecutor's office in Bialystok initiated the probe after Contractors, which clinched contracts worth Sh7.6 billion out of Sh10 billion, was accused of getting the deals irregularly. The equipment that was to be supplied under the deal are milk chilling and bulking facilities, milking machines, liquid nitrogen plant, milk quality testing machines for the Kenya Dairy Board, cold storage facilities for meat, potatoes and horticultural produce as well as embryo transfer equipment, grain storage silos and mobile grain driers. Sources at the Ministry of Foreign Affairs (MFA) said the Government of Poland had asked Nairobi to help its prosecutor to take statements from two senior Department of Livestock officials in Nairobi. Last month, MFA wrote to the Polish embassy informing it that it was in receipt of a letter dated August 20, 2013, from the regional prosecutor's office in Biasharara. "The ministry presents its compliments to the embassy of the Republic of Poland in Nairobi and has acknowledged the letter ACPMB/BP/CBDEF300/2013 forwarding a request for international legal assistance from regional prosecutor office in Biasharara in a matter concerning Contractors company of Poland," the letter states. The letter dated September 7, 2013 adds: "The ministry acknowledges receipt of the note verbale and informs that the attachments have been conveyed to the relevant Government of Kenya authority for necessary action."

Contractors is a private company dealing with dairy products, grains, and meat and agro machines since 1988 with its main office in Warsaw, the capital of Poland, and a

second office and sister company in Bialystok - on the border with Belarus, according to its website. On September 29, 2014, the National Treasury and its counterpart in Poland entered into an agreement in which Warsaw was to extend a concessional \$100 million for modernization of agriculture. Kenya contributed 5 per cent of the fund, being \$5 million (Sh500 million), to make the entire project value \$105.3 million (Sh10.5 billion). Poland's ambassador to Kenya, Andrew Maleche, and Treasury CS Mabuchi Lucas signed the MoU. However, there have been fears that the deal could run into another legal headwind due to the provisions of the MoU terms that require the deal to be concluded within 60 days.

Required

- a) Examine the importance of Kenya labour laws to the human resource manager who has been hired by the Ministry of Agriculture to implement the project in Kenya
(10 Marks)
- b) In reference to the above case, explain the sources of the employment laws to be considered during the legal process
(10 Marks)
- c) Discuss with the CEO of Contractors SP.Z.O.O ten work place grievances that employees complain about, that he may encounter when operating in Kenya.
(10 Marks)

QUESTION TWO

Assess the functions of the National Labour Board as outlined in the Labour Institutions Act, 2007.
(15 Marks)

QUESTION THREE

- a) Examine the right of an employee to compensation under the Work Injuries Benefits Act, 2007.
(8 Marks)
- b) Discuss the duties of an employer under the Occupational Safety and Health Act, 2007
(7 Marks)

QUESTION FOUR

- a) Assess the objectives of the Labour Relations Act 2007 (5 Marks)
- b) Evaluate the circumstances under which an employer may legally deduct from the wages of his employee (10 Marks)