



MACHAKOS UNIVERSITY

University Examinations for 2019/2020 Academic Year

SCHOOL OF BUSINESS AND ECONOMICS

DEPARTMENT OF BUSINESS ADMINISTRATION

..... YEAR SECOND SEMESTER EXAMINATION FOR

MASTER OF BUSINESS ADMINISTRATION

BBA 830: INDUSTRIAL RELATIONS AND LAW

DATE:

TIME:

INSTRUCTIONS:

Answer Question **One and Two (compulsory)** and any **other two** Questions

QUESTION ONE

Organisation Conflict

Rose Jack was the personal Assistant to commissioner in the federal Public Service. The Commissioner had the major role of employing workers into the public service as he always chair all Board interviews for employment.

Because of the sensitive nature of his position, all manner of men and woman visit his office daily including from his aged but highly educated parents who were constantly under pressure to secure jobs for relations and family friends who were taking advantage of their son's position.

Others were his colleagues, friends, former class mates fellow alumnus, seniors and highly placed government officials and those from the organized private sector, all of these were soliciting for one favour or the other from the commission.

Many of them often refuse to go through the official protocol as they usually crash into his office in twos or more without invitation or due respect to office procedure. Some weeks past, he had reprimanded his personal Assistant (Rose) for complacency. Accusing her of being too weak and undiplomatic.

In his words: “Rose, I will give you the boot very soon for allowing people bump into my office like bandits”. He seriously blamed her and gave a stern warning to curtail lapses. He left this instruction: “Nobody and i repeat, nobody should be allowed into my office without filling the visitors note which must be passed to me for approval.” He repeated that even his parents should not be treated like sacred cows again. Concluding, he reiterated that any further violation could cost her, her job.

Two weeks after, a highly placed officer in the presidency came with some vital information and classified documents for his action. A mild drama ensued at the commissioner’s reception as Rose insisted that the official must follow the usual protocol. The visitor said he would not fill any form before seeing old John, his classmate in the University with whom he squatted for three years due to accommodation problems. Besides, they belong to the same fraternity.

As the drama continued, he was angered to a point that he made up his mind to go back to his boss to register his ordeal with the personal Assistant to the commissioner. His boss- The Secretary to the Government of the Federation- was fully disappointed by the attitude to work of the Personal Assistant to the Commissioner.

A week after, the Commissioner received a query from the office of the Head of Service of the Federation demanding to know why he should not be transferred to states offices for failing to deal with matters of urgent attention from the Presidency which was sent to his office and was thwarted by him.

The Commissioner who was unaware of the development in his reception some weeks back invited Personal Assistant for a brief investigation and it was then that he got to know the reason for the query.

He contemplated “firing” his Personal Assistant who, he was convinced, got him involved in that mess and concluded to fake that Rose revealed official secret to her uncle who was penciled down for compulsory retirement with twenty others because of their Union activities.

He finally booted her out of the public service via a letter of dismissal from service accusing her of divulging classified information. Based on unofficial investigation, it was discovered that the information got out of the Commissioner’s office through the commissioner’s messenger who confessed to his pastor for atonement of his sin.

The Union came in defense of Rose and issued a forty-eight hour ultimatum for her immediate recall back to duty or face the worst union crisis ever in the history of the Commission; a strike.

From Grapevine, workers came to know the real cause of Rose problems and mounted serious pressure on the authorities of the Commission to recall Rose with an unreserved apology.

The management in respect of the Head of Service has mandated you to carry out a detailed investigation into the case.

REQUIRED:

- a) Identify any four causes of conflict in this case and discuss how these conflicts could be resolved. (8 marks)
- b) highlight any 6 manifestations of conflicts in organizations. (3 marks)
- c) Briefly explain any three modes or styles of conflict resolution showing when appropriate and some of the skills applied when using them. (12 marks)
- d) Discuss the views about conflicts and the proposed strategies for dealing with the conflicts in each view. (6 marks)
- e) the employee union is threatening to call for a strike should rose not be recalled. in view of this statement;
 - i. What conditions must be fulfilled for a strike to be lawful according to the Labour Relations Act, 2007 (3 marks)
 - ii. Discuss the assertion “strikes are a necessary evil” (8 marks)

QUESTION TWO**KOPO KOPO CO. LTD**

Kopo Kopo Company Limited was until 2009 a department of the Ministry of Finance and Planning Development, when it was privatized. Being a public service department then, its employees had no union representing them as civil servants were not unionsable at the time. After privatization the employees became interested in union matters. As a result, they started pushing for union representation. In response, the management held a meeting at which it was resolved to permit the employees to form and join a union of their choice. This approval was welcomed with jubilation by the employees who held an impromptu meeting and elected interim union officials namely Chairman, Secretary General and organizing secretary. The officials were tasked with the registration of their proposed union christened KOPO KOPO WORKERS UNION. The secretary general soon after presented the documents to the registrar of trade unions for registration. The registrar, thereafter, duly registered the Trade Union and presented the Secretary General with the Certificate of Registration.

Required:

- a) Advise Kopo Kopo Ltd on the benefits they may derive by accepting the formation of the trade union. (4 marks)

- b) Analyse the provisions of Labour Relations Act, 2007 that the interim officials of Kopo Kopo Workers Union can borrow with regard to formation, registration and dissolution of trade unions (10 marks)
- c) Outline six reasons why a registrar of trade unions would refuse to register a trade union or a probationary trade union. (3 marks)
- d) In each case highlight three roles of trade unions towards the society and the employer. (3 marks)

QUESTION THREE

- a) Discuss **eight** pre-conditions for successful negotiation (8 marks)
- b) State and explain four requirements for effective and efficient conduct of principled negotiation. (8 marks)
- Argue for and against positional negotiation (4 marks)

QUESTION FOUR

The provisions of The International Labour Organization's (ILO) and those of the Industrial Relations Charter (IRC) among others provide the framework of Kenyan labour Laws and labour relations. In few of this statement

- a) Name the principal organs of the ILO and state three functions of each organ (9 marks)
- b) Explore five functions of ILO. (5 marks)
- c) Highlight any six clause of the charter (6 marks)

QUESTION FIVE

Grievances and misconducts are common features in industrial settings and can derail efficiency if they are not managed effectively. As a labour relations consultant;

- a) Explain any six features of a good grievance procedure (6 marks)
- b) Argue for and against the use of the open door policy. (6 marks)
- c) Highlight six grounds for summary dismissal according to employment Act, 2007 (3 marks)
- d) Under what circumstances would the dismissal of an employee be declared unfair by an industrial court (3 marks)
- e) Analyse the remedies for unfair dismissal (2 marks)