



# The Co-operative University of Kenya

**END OF SEMESTER EXAMINATION DECEMBER-2019**

**EXAMINATION FOR THE DEGREE OF BACHELOR OF CO-OPERATIVE  
BUSINESS**

**UNIT CODE: HCOB 2431**

**UNIT TITLE: INDUSTRIAL RELATIONS**

**DATE: DECEMBER, 2019**

**TIME:**

**INSTRUCTIONS:**

- Answer question **ONE (compulsory)** and any other **TWO** questions

**QUESTION ONE**

Explain the following terms using the views of two scholars:

1. Industrial and labour relations
2. Employee Voice
3. Trade Union

(10 Marks)

**QUESTION 2**

**KQ CEO Undress Senior Communication Manager**

Former senior manager with Kenya Airways has sued managing director Titus Naikuni for forcefully undressing him in public before sacking him. Kepha Bosire, who was the corporate communications manager, accused Naikuni of pulling off his Arsenal football club T-shirt during a party at the Lemek Conservancy in the Maasai Mara on October 5. The party took place after the Kenya Airways Maasai Mara Marathon held earlier that day. Arsenal's attire is branded 'Fly Emirates' as the team is sponsored by Emirates airline. It is believed Naikuni disapproved of the T-shirt that promoted an airline other than Kenya Airways. Naikuni and Kenya Airways, who are named as respondents in the case, are yet to file their reply. Several guests witnessed the incident. However, a journalist from a media house that was the official partner of the marathon says they are unable to speak about it as their employers do not approve of the action, and will not publish the story. Bosire filed the case on Thursday last week through the law firm Musyoki Mogaka and Company. He said Naikuni violated his rights by humiliating him in public. He is also seeking damages for unfair dismissal.

In his witness statement, Bosire said that in the course of the day of the marathon he wore Kenya Airways branded T-shirts. "Once the events were over at about 5pm or shortly thereafter, I sat with some colleagues in the hospitality tent and had a couple of refreshments before going back to my room at Livingstone Lodge an hour later at about 6pm to rest and freshen up," he said. "I had used up all the T-shirts and tops I had carried with me except a T-shirt of a European League soccer team I support, which I changed into, put on a blazer and made out to dance." Bosire said he returned to the hospitality tent at around 9pm and after serving dinner, joined his colleagues to socialize. "At about 10pm I went to the dancing area to enjoy some music and a few minutes thereafter, a person whom I realized was Titus Naikuni, walked into the dancing area. I acknowledged Mr Naikuni as he passed by me and went to dance with my colleague." "After some

time, I suddenly felt someone hold me from behind, pulling at my blazer and on turning I found it was Mr. Titus Naikuni. Not understanding what was going on, I watched him forcefully pull off the blazer I was wearing. He followed this action by grabbing my T-shirt which I was wearing under my blazer," Bosire said.

The former manager said it was then that he realized his boss was after the T-shirt he was wearing. He said he exercised restraint and allowed Naikuni to accomplish his mission, leaving him nude above his waist. "Despite my plea and without utterance he continued to tug at my shirt, this time strengthening his hold on my person; particularly by grabbing me by the neck while attempting to pull off the T-shirt. In a bid to avoid any further excitement of the people at the event as that would look bad for him, I gave in to his move to pull off the T-shirt," Bosire said. He said Naikuni proceeded to throw the blazer at him, "which I painfully put on as many colleagues watched in dismay but rushed to cover my semi-nudity with their scarves and lessos as Mr. Naikuni sauntered away with my T-shirt in his hand." Bosire said he followed Naikuni pleading with him to return the T-shirt.

"He responded by grabbing a Maasai shuka from a lady who I believe was his wife and handed it over to me, ostensibly to cover myself." The former manager said that upon realizing that his MD was not going to give him back his T-shirt, he covered himself with the shuka and rejoined some of his colleagues at the hospitality tent. "I couldn't continue dancing following the heartbreaking incident. I shared my plight with Chris Diaz (KQ marketing manager), who was at the venue and expressed my protest on the untoward and inhuman treatment I had been subjected to in public by the said Naikuni," he said. Bosire said he left the hospitality tent at about 2am when transport was available. The following day, he took the hired group transport back to Nairobi.

He said he called the KQ human resources director Alban Mwendar and explained what had happened. Bosire said a few days later Mwendar summoned him to his office where, on arrival at the airline's premises, he found that his security access card had been deactivated. He was escorted in by a security guard. At Mwendar's office he was allegedly handed a resignation letter prepared in advance with his name as the author, and a certificate of service. "I briefly talked about the incident and he explained to me that Mr. Naikuni had instructed him to fire me and that he (Mr. Mwendar) negotiated with him to have me resign to protect my career, especially since it was Kenya Airways that had looked for me and not I that had looked for a job and that my performance was good," he said.

In view of the fact that I had been humiliated, my presence was no longer tenable and the environment was increasingly hostile, I opted to sign the resignation letter and leave," he said. On his way out, Mwendar handed back to him his Arsenal T-shirt. His lawyers now claim Naikuni sexually assaulted Bosire by exposing his nakedness in public and in full view of colleagues, revelers, hosts, staff and fans. They further charged that Naikuni treated Bosire in a degrading, demeaning and brutal manner thereby subjecting him to loss of esteem, psychological and physical degradation and mental torture. They said that by taking away the Arsenal T-shirt, Naikuni violated Bosire's freedom of conscience and expression as enshrined in the constitution.

The lawyers say Bosire was unfairly dismissed from employment and not given a "show cause" letter or the opportunity to be heard. Bosire now wants a declaration that Naikuni's conduct violated his constitutional rights and that he should pay damages. He also wants the court to find that the manner of his sacking was in breach of their employment contract and award him Sh24 million for lost salary.

### **Task**

- a) Discuss the general environment on behavioural dynamics of the Management on Organization Business. (15 Marks)

- b) Explain various scientific strategic HR options available as an expert in addressing HRM policy issues in the organization. (15 Marks)

### **QUESTION 3**

“Employee voice determines the destiny of any organization’ Discuss

(15 Marks)

### **QUESTION 4**

Discuss the evolution of trade union movement and their importance to employee welfare in Kenya. (15Marks)

### **QUESTION 5**

Write short notes on two of the following:

1. Causes of poor Industrial Relations
2. Dispute handling mechanisms
3. Employee Relations

(15Marks)