

The Open University of Sri Lanka  
Master of Business Administration in Human Resource Management  
Final Examination October 2018, Semester I  
MSP9339/MCP2139 – Industrial Law and Relations  
Duration: 03 Hours



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Date: 13<sup>th</sup> October 2018

Time: From 9.30 a.m. to 12.30 p.m.

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No. of Questions: 08

No. of Pages: 02

Instructions: ANSWER **FIVE (05)** QUESTIONS.  
ALL ANSWERS SHOULD BE WRITTEN NEATLY AND FOCUSED.

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1. Blue Lanka Ltd engages fifteen persons in fishing since the commencement of its business in 2010. The fishermen use the fishing boats and nets provided by the Company. The Company pays a commission calculated on the basis of the catch of fish during the month. The agreement between the Company and the fishermen prohibits them from working in any other place. The Company does not consider the fishermen as its workmen. The fishermen wish to know whether they are workmen of the Company or not. Advise them.

(20 Marks)
2. Gem Lanka Ltd employed Julia as a Junior Executive with effect from 01-03-2018 subject to a probationary period of six months. Julia provided her services to the satisfaction of her immediate superiors. She received her allowances and increments for her performance. However, the Management of the Company terminated her services at the end of her probationary period without giving any reason. Julia alleges that a Senior Manager of the Company had induced the management to terminate her services because of a personal conflict between him and her father. Julia wishes to know whether she could seek any relief against termination of her services. Advise Julia.

(20 Marks)
3. Although the employers give the label as 'casual workers', the Courts consider the facts and decide whether the workers are casual workers or permanent workers. Explain.

(20 Marks)
4. Postgraduate Students' Union of the Open University of Sri Lanka intends to publish a Journal, and requests you to write an extended abstract entitled "Settlement of Industrial Disputes under the Industrial Disputes Act." Write the extended abstract.

(20 Marks)

5. Mervin worked in the Lucky Gas Ltd as a junior executive officer since 01 January 2014. The Company's rules prohibit smoking within the premises of the Company. About a month ago, Mervin smoked a cigarette outside the main gate of the Company while he was waiting for a taxi after his working hours. The Company terminated the services of Mervin for smoking cigarette in front of the main gate. Mervin wishes to seek relief against termination of his services. Advise him.

(20 Marks)

6. Vanni Garments Ltd commenced its business in 2010. The Company employs 150 workmen from the commencement of its business. The business of the Company has been affected because of a conflict among the senior managers. Therefore, the Company intends to terminate the employment of fifty workmen who work in the Company from the commencement of its business. The Company seeks your advice with regard to the legal aspects relating to the termination of employment of the fifty workmen. Advise the Company.

(20 Marks)

7. Wagon and Company employs forty workmen since the commencement of its business in 2007. The Company employed David from the commencement of its business, and terminated his services in September 2018 for a fraud committed by false claims for reimbursements. The Human Resource Manager of the Company wishes to know whether the Company should pay his gratuity. Advise him.

(20 Marks)

8. Extract the legal principles from any four important cases in the field of Labour Law, and explain how the legal principles have contributed for development of Labour Law in Sri Lanka.

(20 Marks)

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