

The Open University of Sri Lanka
MASTER OF BUSINESS ADMINISTRATION IN HRM
Final Examination – November 2019
MCP2139/MSP9339 –Industrial Law and Relations
Duration: 03 Hours



Date: 30 November 2019

Time: 1.30 p.m. to 04.30 p.m.

No. of Questions: 08

No. of Pages: 08

Instructions: Answer any FIVA (05) questions.
Please note that illegible hand writing will result in loss of marks.

1. Nawala Taxis (Pvt) Ltd provides taxi services in and around Colombo area. The Company owns about fifteen taxis, and engages fifteen persons as drivers since the commencement of its business in 2014. The Company provides T-Shirts and Caps to the drivers to wear during their working hours. The Company pays for the maintenance of the vehicles. The Company has allocated areas to the drivers to undertake hires. The taxi fares are determined by the Company. The Company does not pay any fixed payment to the drivers, but it pays only a commission calculated on the basis of a formula introduced by the Company. The drivers wish to know whether they are workmen or independent contractors. Advise

(20 Marks)

2. Magis Super Market employs Ram as a casual workman with effect from 01-05-2014 without any appointment letter. Ram provides his services as cleaner, and attends for work every day. His wages are calculated on daily basis, and paid once in two weeks. Ram wishes to know whether the nature of his employment is casual or permanent. Advise him.

(20 Marks)

3. Health Lanka Ltd collects and disposes hospital waste in Colombo and other main cities. The sole trade union in the Company had commenced a strike action demanding a salary increase. The strike action immensely affects collection and disposal of waste in the Hospitals. Explain the powers of the Commissioner and the Minister to intervene to settle the dispute.

(20 Marks)

4. Jeeva worked in Fruitzon Lanka Ltd as a packaging assistant in the store of the Company since 2010. The Company exports fruits to many countries, and supplies fruits to Super Markets in Colombo. On 24 October 2019, security officers of the Company found that she had taken some damaged fruits in her bag without any permission. The Management of the Company had terminated her services for the misconduct. Jeeva wishes to seek relief against termination of her services. Advise Jeeva.

(20 Marks)

5. Lanka Business Bank commenced its business in 2009. The Bank employs 300 employees from the commencement of its business. The Bank has computerized many of its procedures. It resulted in termination of employment of twenty employees who had worked in the Bank since the commencement of its business. The employees had rejected the compensation package offered by the Bank for termination of their employment. The employees wish to seek relief against termination of their employment. Advise them.

(20 Marks)

6. Explain the important aspects of the Payment of Gratuity Act with special reference to payment of gratuity and forfeiture of gratuity.

(20 Marks)

7. Lanka Metals Ltd employed Nihal in its factory since 2008. On 08-10-2019, while Nihal was cutting a metal sheet, a blade in a metal cutting machine had cut-off his hands beyond wrist. Nihal wishes to know whether he is entitled to any compensation. Advise him. Would your answer be different if Nihal was under the influence of liquor at the time of the accident? Explain.

(20 Marks)

8. Explain the important legal aspects relating to the following:

- (a) Registration, immunities and rights of the trade unions.
- (b) Collective bargaining and collective agreement.

(Each part carries 10 Marks.)

(Total 20 Marks)
