



**THE OPEN UNIVERSITY OF SRI LANKA
FACULTY OF MANAGEMENT STUDIES
MASTER OF BUSINESS ADMINISTRATION IN HUMAN RESOURCE
MANAGEMENT
FINAL EXAMINATION - SEMESTER 01-MARCH 2023
HRP9339/MSU9339 – INDUSTRIAL LAW AND RELATIONS
DURATION - 03HOURS**

Number of Questions: 08

DATE: 12th March 2023

Time: 1.30pm - 4.30pm

ANSWER ANY FIVE QUESTIONS. ALL QUESTIONS CARRY EQUAL MARKS (20 MARKS PER EACH)

ALL ANSWERS SHOULD BE WRITTEN NEATLY AND FOCUSED. CANDIDATES WILL BE PENALIZED FOR ILLEGIBLE HANDWRITING.

1. Mummy Pizza Ltd provides home delivery service of its pizza items in Colombo. The Company engages ten persons to deliver the pizza items since the commencement of its business in 2018. The delivery persons use the motor-bikes and mobile phones provided by the Company to provide their services. They have to wear Company uniform during their service hours. The agreement between the Company and the delivery persons has a clause which states: "You cannot engage in any other work during the subsistence of your agreement with the Company, and the agreement between the Company and you would not construe employer-employee relationship." The Company pays only a commission once a month based on the deliveries they undertake during the month. The delivery persons wish to know whether they are workmen of the Company or independent contractors. Advise them.

(20 Marks)

2. Explain the legal aspects relating to the following types of employment in the private sector in the light of the provisions of the Minimum Retirement Age of Workers Act:
 - (a) Probationary employment
 - (b) Casual employment

(Each part carries 10 Marks.)

(Total 20 Marks)

3. Doctec Lanka Ltd has monopoly in sale of surgical instruments in the country. The sole trade union in the Company had commenced a strike action demanding travelling allowance. The strike action affects surgeries in the hospitals. Explain the powers of the

Commissioner and the Minister to intervene to settle the dispute under the Industrial Disputes Act.

(20 Marks)

4. Explain the important aspects of the Shop and Office Employees' Act.

(20 Marks)

5. Malkanthy worked in Lanka Orchid Ltd as a packaging assistant in the store of the Company since 2015. The Company exports flowers to many countries. On 10 February 2023, security officers of the Company found that she had taken some damaged flowers in her hand bag without any permission. At the inquiry relating to the misconduct, it was established that the flowers had no economic value to the Company. Malkanthy had not committed any other misconduct in the past. However, the Company had terminated her services for the misconduct. Malkanthy wishes to seek relief against termination of her services. Advise Malkanthy.

(20 Marks)

6. Vasu worked as a steel cutter in a Company called Steel Lanka Ltd. A steel cutting machine had cut off his hand beyond elbow. Vasu wishes to know whether he is entitled to compensation under the Workmen's Compensation Ordinance. Advise him. Would your answer be different if Vasu was under the influence of drugs at the time of the accident?

(20 Marks)

7. Costa Tours Ltd commenced its business in 2015. The Company employed 25 workmen from the commencement of its business. The business of the Company had been affected due to the economic crisis in the country. The Company terminated the employment of five workmen on 01 February 2023 as the workmen were redundant in the Company. The Company had not obtained any consent or approval for the termination of their employment. The workmen wish to seek relief against termination of their employment. Advise them.

(20 Marks)

8. Right to strike is not an absolute right, and it has many statutory limitations.

Explain the limitations to right to strike in Sri Lanka.

(20 Marks)

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