

THE OPEN UNIVERSITY OF SRI LANKA
 FACULTY OF MANAGEMENT STUDIES
 MASTER OF BUSINESS ADMINISTRATION IN HUMAN RESOURCE
 MANAGEMENT
 FINAL EXAMINATION - SEMESTER 01-MARCH 2024
 HRP9339/MSU9339/MCP2139 – INDUSTRIAL LAW AND RELATIONS
 DURATION - 03HOURS



Number of Questions: 08

DATE: 11th February 2024

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. Explain the provisions of the Trade Unions Ordinance which impliedly recognize right to strike.
(20 Marks)
2. Casurina Hotel has employed twenty employees in managerial positions since the commencement of its business in 2015. The business of the Hotel has been affected because of inefficient management and competition in the business. The Management of the Hotel has terminated the employment of seven Managers with a payment of three months' salary as the Managers are redundant in the Hotel. The Managers have not accepted the termination of their employment and the payment. The seven Managers seek your advice as to the legality of the termination and the relief available to them, if any, under the Termination of Employment of Workmen (Special Provisions) Act. Advise them.
(20 Marks)
3. Explain the tests that the courts have developed to differentiate a workman from an independent contractor.
(20 Marks)
4. Lanka Business Ltd employed Rose as a Junior Executive with effect from 01-06-2023 subject to a probationary period of six months. Rose provided her services to the satisfaction of all her immediate superiors. She never received any adverse comments or warnings about the performance of her duties. She has repeatedly informed the Management of the Company about the mosquito breeding places within the premises of the Company. The Management of the Company was annoyed by the repeated

information provided by Rose about the mosquito breeding places. The Management of the Company has terminated her services at the end of her probationary period without giving any reason. Rose wishes to know whether she could seek any relief against termination of her services. Advise her.

(20 Marks)

5. Explain the salient features of the Employees' Provident Fund Act.

(20 Marks)

6. Lal worked in the Wuhan City Bank as an executive officer since 2016. He committed an examination offence by possession of unauthorized short notes during an examination conducted by an Institute. The Institute cancelled his examination and reported the examination offence to the Bank. The letter of appointment given by the Bank to Lal has a list of misconducts including activities resulting in loss of trust and confidence. The Bank had terminated the services of Lal considering the examination offence. Discuss whether the termination of services of Lal is justified or not.

(20 Marks)

7. Explain the provisions of the Industrial Disputes Act relating to settlement of industrial disputes with special reference to the powers of the Commissioner and Minister.

(20 Marks)

8. Rainbow Paints Ltd employs three hundred workers since the commencement of its business in 2015. The Company employed Ravi as a sales representative since the commencement of its business, and terminated his services on 24 January 2024 for misappropriation of funds belong to the Company. The Company has decided not to pay gratuity to Ravi. Discuss the legal validity of the decision taken by the Company.

(20 Marks)

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