

THE OPEN UNIVERSITY OF SRI LANKA
 FACULTY OF HUMANITIES AND SOCIAL SCIENCES
 DEPARTMENT OF LEGAL STUDIES
 LL.B DEGREE PROGRAMME – LEVEL VI
 FINAL EXAMINATION 2023/2024
 LABOUR LAW –LLU6715/LWU4323
 DURATION – 03 HOURS



Date: 14th May 2025

Time: 1.30 p.m. – 4.30 p.m.

Total number of questions – 08

Answer FIVE (5) questions only.

Candidates will be penalized for illegible handwriting.

1. “It is common place that with respect to industrial relations the common law of master and servants has fallen into disuse. Disputes about the conditions of the employment are not usually settled by the Courts in accordance with the terms, expressed or implied of the contract of service...The law has therefore had to make new entry into the field of industrial relations.”

Lord Devlin in *United Engineering Workers Union v. Devanayagam* (1967) 69 NLR 289

Do you agree with the above statement?

Give reasons to your answer with special reference to the evolution of contract of employment from the classical laissez-faire state to the modern welfare state framework.

(20 Marks)

2. (a) Sarath is working as a manager of the SID Shoes (Pvt) Ltd, Nugegoda branch. He was recruited in January 2020 under one - year contract. Since the company has renewed his contract several times, Sarath expected that he could continue his position until his retirement. However, SID Shoes (Pvt) Ltd has decided to terminate his services after the current contractual period.

Advise Sarath.

(10 Marks)

- (b) During the peak of the tourist season, the management of the Grand Hill Hotel in Nuwara Eliya hired Suresh as a tourist guide. Due to the increased tourist arrivals, Suresh worked continuously for two months. However, at the end of the season, the hotel informed him that his services would be terminated since the tourist season is over.

Advise Suresh.

(10 Marks)

3. "The legislature has in its wisdom left the matter in the hands of the tribunal, presumably with the confidence that the discretion would be duly exercised. To my mind some degree of flexibility in that regard is both desirable and necessary if a tribunal is to make a just and equitable order"

Wijethunga J in *Up Country Distributors (Pvt) Ltd v. Subasinghe* (1996) 2 SLR 330 at 335

Comment on the above statement with special reference to the powers and functions of Labour Tribunals established under the Industrial Disputes Act No. 43 of 1950 (as amended) in Sri Lanka. Your answer should be supported with relevant authorities.

(20 Marks)

4. (a) Bright Shine Apparel (Pvt) Ltd has announced the retrenchment of 50 employees, due to the ongoing economic crisis in the country. One of the affected employees, Chandana, was terminated without any prior notice. He is now seeking legal advice regarding the statutory protections available to him against his termination and the possible remedies he may pursue.

Advise Chandana.

(10 Marks)

(b) Critically examine the role of the Commissioner of Labour under the Termination of Employment of Workmen (Special Provisions) Act, No. 45 of 1971 (as amended) in Sri Lanka. How does the Commissioner's intervention serve to safeguard the rights of employees in cases of termination?

(10 Marks)

5. Beauty Secrets (Pvt) Ltd, a leading cosmetic manufacturer in the country, currently employs 350 workers. Around 75 percent of these employees are members of a trade union known as the "United Workers Union" (UWU). Chathurika, an active member of UWU, announced her candidacy for the upcoming Local Government Election. The members of the UWU unanimously decided to provide financial assistance for her election campaign. However, the management of Beauty Secrets (Pvt) Ltd strongly opposed this decision and instructed the union members to refrain from engaging in political activities through the union. However, the UWU members continued their support for Chathurika. In response, the company suspended five employees, including Chathurika, who were actively involved in the political campaign. Since the management refused to negotiate with the trade union regarding this suspension, all the members of the UWU decided to declare a strike. During the strike, they conducted a picket to show their

displeasure with the management's decision. At the picketing, some picketers (protesters) caused damage to the company's property, including the security system, a company vehicle, and two production machines. Subsequently, the company announced its intention to initiate legal action against those responsible for the damage.

Identify the legal issues in the above situation and advise the relevant parties regarding relevant statutory provisions and case law. **(20 Marks)**

6. Critically examine the adequacy of the legal framework governing child labour in Sri Lanka. To what extent is it compatible with international labour standards, and what legal reforms, if any, are necessary to strengthen the protection of child workers?

Support your answer with relevant legal authorities. **(20 Marks)**

7. Saman plans to open a chain of restaurants and bakeries in key locations across Colombo. As he prepares to recruit new employees for his business, he wishes to know the relevant labour laws that will govern their employment. Specifically, he seeks legal advice on the regulations relating to working hours, holidays, remuneration, and social security entitlements such as the Employees' Provident Fund (EPF), and Employees' Trust Fund (ETF).

Advise Saman with reference to the applicable legislation governing these aspects of employment in Sri Lanka. **(20 Marks)**

8. Explain the legal aspects relating to any **TWO** of the following

- (a) Collective agreements
- (b) Probationary employment
- (c) Industrial Courts
- (d) ILO core conventions

(10x2 = 20 Marks)

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