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**THE OPEN UNIVERSITY OF SRI LANKA  
FACULTY OF MANAGEMENT STUDIES  
MASTER OF BUSINESS ADMINISTRATION IN HUMAN RESOURCE  
MANAGEMENT  
FINAL EXAMINATION - FEBRUARY 2025  
HRP9339/MSPA9339/MCP2139 – INDUSTRIAL LAW AND RELATIONS  
DURATION – 03 HOURS**

**Number of Questions: 08**

**DATE: 16<sup>th</sup> February 2025**

**Time: 1.30pm - 4.30pm**

**ANSWER ANY FIVE (5) 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. Jaffna Cabs Ltd provides taxi services in Jaffna. The Company owns ten cars, and engages ten persons as drivers since the commencement of its business in 2021. The agreement between the Company and the drivers provides that the drivers are not workers of the Company. The cars are maintained by the Company. The Company provides uniform to the drivers to wear during their working hours. The Company has supervisory control and disciplinary control over the drives. The Company does not pay any fixed payment to the drivers, but it pays a monthly retention fees and a commission calculated on the basis of hires undertaken by them during the month. The drivers cannot undertake any work for any other person. The drivers wish to know whether they are workmen or independent contractors. Advise them.

**(20 Marks)**
  
2. Explain the important aspects of the Shop and Office Employees' Act including working hours, payment of wages, leave entitlements in the light of the provisions of the Act.

**(20 Marks)**
  
3. Roshan worked in a carpentry workshop. A wood cutting machine has cut-off his right hand beyond wrist because of his negligence. Would he be entitled to compensation under

the Workmen's Compensation Ordinance? Would your answer be different if he was under the influence of liquor at the time of the accident? Explain.

**(20 Marks)**

4. Lanka Agro Chem Ltd has monopoly in distribution of agro-chemicals in the country. A trade union in the Company has commenced a strike action demanding a risk allowance. The strike action affects agricultural activities in the country. Explain the methods available to the Commissioner and the Minister to settle the dispute under the Industrial Disputes Act.

**(20 Marks)**

5. Vege Lanka Ltd exports vegetables to many countries. The Company employed Thevi as a cleaning staff in its packaging division since 2017. On 10 January 2025, security officers of the Company found that she had taken some damaged vegetables from the discarded lot of vegetables without any permission. She has not committed any other misconduct during the eight-year period of her service. However, the Company had terminated her services for the misconduct. Thevi wishes to seek relief against termination of her services. Advise Thevi.

**(20 Marks)**

6. Tokyo Land Ltd commenced its business in car sales in 2010. The Company employed thirty workmen from the commencement of its business. The business of the Company has been affected because of the regulations in importation of vehicles. Therefore, the Company had terminated the employment of five workmen without any consent or approval. The workmen seek your advice as to the relief available to them. Advise them.

**(20 Marks)**

7. Colombo Finance Ltd employs thirty workmen since the commencement of its business in 2015. The Company employed Vasu as an Accountant in its sales division since 2015. On 08 – 01 - 2025, the Company terminated the services of Vasu for a fraud committed by him. The Company informed Vasu that his gratuity would not be paid because of the misconduct committed by him. Vasu seeks your advice relating to his entitlement to gratuity. Advise Vasu.

**(20 Marks)**

8. Explain the interpretations given to the following types of employment in the Minimum Retirement Age of Workers Act (2021):

- (a) Probationary Employment;
- (b) Fixed Term Employment;
- (c) Casual Employment;
- (d) Seasonal Employment

(Each part carries equal marks)

**(20 Marks)**

**(Total = 100 Marks)**

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