

THE OPEN UNIVERSITY OF SRI LANKA  
LL.B. DEGREE PROGRAMME – LEVEL 6  
1<sup>ST</sup> ASSIGNMENT TEST – 2006  
LABOUR LAW – LWU 4323 / 4314/ 3323  
DURATION - 40 MINUTES



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Date: 8<sup>th</sup> September 2006 Time: 1.30 p.m. 2.10 p.m.

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**Illegible handwriting will be penalized**

**Answer One question only.**

1. (a) "The employer is the sole judge who decides whether the services of a probationer are satisfactory or not"

Do you agree with this statement? Give reasons for your answer.

- (b) Namal has been employed as an Assistant Accounts clerk of Parakum & Company since 1<sup>st</sup> January 2006. His appointment is subject to a six months probationary period. The six months lapsed on 1<sup>st</sup> July 2006 but Namal has neither been made permanent nor has been asked to vacate his post.

Advise Namal with regard to his position in Parakum & Company.

2. In recent times courts have devised 'mixed' or 'multiple' test in order to determine the difference between a contract of services and a contract for services. This new test has successfully overcome the shortcomings which existed in previous tests used for this purpose.

Comment on this statement in the light of applicable case law.

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