

THE OPEN UNIVERSITY OF SRI LANKA  
LL.B. DEGREE PROGRAMME - LEVEL 6  
FINAL EXAMINATION 2008  
LABOUR LAW - LWU 3323/4314/4323  
DURATION : THREE (03) HOURS



DATE : 01<sup>st</sup> April 2008

TIME : 9.30 a.m. - 12.30 p.m.

Answer FIVE questions only.

**Illegible handwriting will be penalized.**

01. Ajith hired his car for Jet Cab & Co. which provides Cab Services in Colombo. Ajith maintained the car and his payment was calculated on the basis of the hires he undertook during the month. He had to paint the car in company's colours with the logo of the company. He was required to wear company's uniform. He had to use the car exclusively for company's service.

Jet Cab & Co. terminated the contract with Ajith without adducing any reasons.

Discuss whether Ajith is entitled to any relief as an employee of the company.

02. "The Labour Laws of Sri Lanka adequately protect the female employees from economic exploitation and sexual abuse"

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

03. Waruni worked as an executive officer at Boteju and Co. Ltd. From 1<sup>st</sup> June 2000. She supervised the work of about forty employees. On 23<sup>rd</sup> of September 2007 while returning to her office after an official duty she met with an accident and was admitted to hospital. As she was under medication, she could not report for work for one month. During the period of her illness, the company did not pay her salary.

When Waruni returned to work she found that Krishanthi, the daughter of a director of the company has also been appointed in the same capacity. Krishanthi constantly undermined Waruni's authority and severely criticized her in the presence of other staff including minor staff.

Waruni informed the management her dissatisfaction with regard to the working environment in the company. The management did not take any action and the situation became worse and intolerable.

Waruni suffered from migraine, a work related stress and did not like to go to office. When she consulted a doctor, he prescribed medicine. Waruni wrote to the management giving all the details of the situation and indicated that she would consider resigning from her services if the situation continues. Krishanthi became more and more hostile towards her.

After struggling for a further period of one month Waruni resigned from her post with effect from 10<sup>th</sup> March 2008.

Waruni wishes to know whether she could claim any relief and/or benefits from the company.

Advise her.

04. "The right to strike is one of the basic rights enjoyed by the employees and their unions. It is an integral part of their rights to defend their collective economic and social interests"

Explain whether Sri Lanka has a satisfactory legal regime to protect the right/rights which you could identify in the above statement.

05. 'Glu Fix' company recruited Nimal and Sunil as casual labourers with effect from 01.03.2007. The company terminated their services on 01.03.2008. The company re-employed Sunil as a probationer with effect from 03.03.2008. The company terminated the services of Sunil on 21.03.2008 for inefficiency and incompetence.

During the one year period both Nimal and Sunil reported to work on all working days. The company employed ten employees during their period and Nimal and Sunil were very friendly with other employees. Their superior officer was satisfied with their work and he recommended a salary increment for both of them.

Nimal and Sunil wish to claim relief against termination of their services.

Advise them.

06. "Industrial Dispute Act No.43 of 1950 provides satisfactory mechanism for resolving industrial disputes and maintaining harmonious industrial relations"

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

07. Cey-Fruits Ltd. A company established for the purpose of manufacturing fruit juice and jam intends to recruit four make employees for its office.

The management of the company seeks your advice as to the terms and conditions of employment applicable to the employees and the statutory benefits available to such employees under labour legislation.

Advise with reference to relevant provisions in the legislation.

08. Write notes on the following:

- a. the development which have changed the nature of contract of employment;
- b. the principles embodied in the core conventions of the International Labour organization.