



**University of Colombo, Sri Lanka**  
**Institute of Human Resource Advancement (IHRA)**

**Masters Degree in Human Resource Management**  
*(1<sup>st</sup> Semester Examination – December 2012)*

**MHRM 02 – Labour Law**

**Instructions to the Candidates**

- (1) *Answer any five (05) questions only.*
- (2) *Time allocated for the examination is three (03) hours.*
- (3) *Total number of questions is nine (09).*
- (4) *Total number of pages is three (03).*
- (5) *If a page or a part of this question paper is not printed properly, please inform the Supervisor immediately.*
- (6) *Use of any equipment/item such as mobile phones is prohibited, and rules & regulations of University examinations should be strictly followed.*

01. "Sections 26 and 27 of the Trade union Ordinance in Sri Lanka grant protection to trade unions, their officers and members against the civil actions and tortuous acts done in furtherance of a trade dispute".

Critically discuss the above statement with regard to the following aspects.

- i. Reasons for this privilege
- ii. Recommendations to amend these sections in order to promote Sri Lanka as the best investment center in Asia.
- iii. Other areas (if any) you feel which would be beneficial to Sri Lanka for the amendment of the current Trade Union Ordinance.

**(20 Marks)**

02. The Shop and Office Employees Act No. 19 of 1954 seems now outdated and it hardly addresses the employment and socio-economic issues faced by employees in the 21<sup>st</sup> century. Therefore, it is an urgent need to amend this act or propose a new act in replacement of the existing legislation.

Critically evaluate the outdated provisions in the Shop and Office Employees Act and propose your recommendations to the Sri Lanka Law Commission Department to do the necessary changes.

**(20 Marks)**

03. A resource person attached to a Labour Consultancy Institute has been assigned the task of explaining to the participants at a workshop, the meaning of "grievance" and the approaches of the Legal Contract School and the Human Relations School, reflecting the attitude of management and employees to the grievance machinery.

Explain the main points that the resource person should highlight in this assignment.

**(20 Marks)**

04. i Explain what 'employee misconduct' means and give reasons for identifying such misconduct.
- ii Araliya Garments Ltd. recruited Saman as a supervisor with effect from 01.01.2010. On 01.06.2012, his service was terminated by the company for harassing a female employee by him. The company did not conduct any inquiry before the termination of his service. Saman alleges that the termination was as victimization of his involvement in the trade union activities in the company.

Saman wishes to know whether he could seek any relief against the termination of his service. Advise him.

**(20 Marks)**

05. i Briefly explain the different types of termination of employment/services.
- ii Lal was employed as a store keeper by Wickrama Company Ltd. with effect from 01.01.2011. His contract of employment provided that his probationary period would be for a six month period. After this six month period, his probationary period was further extended by a period of three months. The company terminated the service of Lal at the end of the extended period of his probation. Advise Lal.

**(20 Marks)**

06. i What is an Industrial Dispute? What are the major reasons for such a dispute?
- ii Briefly explain the different methods available to resolve an industrial dispute with the advantages of each method according to the Industrial Dispute Act.

**(20 Marks)**

07. Write short notes on the followings.

- i Payment of Gratuity
- ii Employee Trust Fund Act
- iii Constructive Termination
- iv Independent Contractor
- v Industrial Court

**(20 Marks)**

08. Both Des and Eric were employed by a bus company as a bus driver and a conductor respectively. Eric has always showed an ambition to be a driver and Des has on occasion let Eric drive a bus around the depot before the other employees who turned up for work. Last week, while Eric was having a drive around the yard, he knocked Alex who was riding his motor bike in the yard at a speed of 40 kilometers per hour.

Discuss the liability of Eric and the bus company pertaining to this incident.

**(20 Marks)**

09. Explain with reference to the case laws, how the courts make distinction between a contract of service and a contract for services. What is the importance of this distinction?

**(20 Marks)**

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