



INSTITUTE OF HUMAN RESOURCE ADVANCEMENT

UNIVERSITY OF COLOMBO, SRI LANKA

Masters Degree in Human Resource Management - Course No.04

1st Semester Examination

(Held in December, 2013)

MHRM 02 – Labour Law

Instructions to the Candidates

- (1) Total number of pages – Two (02)
- (2) Total number of questions - Eight (08)
- (3) Answer any Fiver (05) questions
- (4) If a page or a part of this question paper is not printed, please inform the Supervisor immediately.
- (5) Time allocated for the examination is three (03) hours.
- (6) Write your index number in all pages of answer script
- (7) Tie up all answer sheets at the end of the examination

1. "Employee" means any person who has entered into or works under a contract with an employer in any capacity, whether the contract is expressed or implied, oral, or in writing.

Do you agree with this statement? Support your answer with decided cases and the tests applied by courts to identify an employee.

(20 Marks)

2. "Any relief or redress may be granted by a Labour Tribunal to a workman notwithstanding anything to the contrary in any contract of employment between him and his employer"

Critically analyze the powers and remedies granted by the Labour Tribunal to a Workman.

(20 Marks)

3. In a Profit Sharing Scheme, employees are given a share in the financial success of the enterprise, but without being provided with any control over the ownership of the enterprise. This could take two forms namely, the bonus scheme and the performance scheme.

With reference to the above argument, state the differences between Employee participation and Employee involvement using practical examples.

(20 Marks)

4. In *Richard Pieris & Co. vs Jayatunga* case it was observed that a period of probation of an employee necessarily entails that the probationer should satisfy the employer before the employer decided to affirm him in his employment which would place the employer under various legal restraints and obligations, and any employer should have the right to discontinue a probationer if he does not come up with expectations of the employer.

- i. Define a Probationary term of an employee. (05 Marks)
- ii. What are the rights of a probationer? (08 Marks)
- iii. Can the employer terminate the service of a probationary employee?
Briefly explain. (07 Marks)

(Total: 20 Marks)

5. "Where any employer terminates the schedule employment of any workman by reason of the punishment imposed by way of disciplinary action, the employer shall notify such workman in writing the reason for the termination of his employment before the expiry of the second working day after the date of such termination."

- i. Briefly explain the formula of employee compensation. (05 Marks)
- ii. Discuss the various methods available to terminate the service of an employee (15 Marks)

(Total: 20 Marks)

6. The Shop & Office Employees Act provides the regulation of hours of employment in the shop & office, regulation of remuneration, fixing of wage periods, authorized deduction from wages, and the matters connected therewith.

Explain different provisions available to protect the rights of an employee under this Act.

(20 Marks)

7. Do you think that sudden Rail and Bus strikes in Sri Lanka lead to violate provisions in the Trade Union Ordinance? Discuss.

(20 Marks)

8. Write short notes on the followings.

- i. Employee Provident Fund
- ii. Employee Trust Fund
- iii. Factory Ordinance
- iv. Wages Board Act

(05*04 = 20 Marks)

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