



INSTITUTE OF HUMAN RESOURCE ADVANCEMENT
UNIVERSITY OF COLOMBO, SRI LANKA
Masters Degree in Business Management - Course No.01
3rd Semester Examination
(Held in January, 2014)
MBM 12 – Labour Law

Instructions to the Candidates

- (1) Total number of pages – Two (02)
- (2) Total number of questions - Eight (08)
- (3) Answer any Five (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. Since 1980s, there has been mere emphasis on the term 'employee involvement' than 'employee participation'. Employee involvement is described as a mean used to harness the talents and cooperation of the workforce and to share common interests with the management. Discuss.

(20 Marks)

2. "If the conduct of an employer seems to breach the root of the contract of employment or he no longer to be bound by one or more essentials terms of the contract, the employee is entitled to treat himself as discharged from any further performance of such contract. If he does so, then he terminates the contract by reason of the employer's conduct. He is constructively dismissed then."

(Lord Deming in *Western Excavating (ECC) Ltd v. Sharp* 1978 Q.B. 761 at 769)

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

(20 Marks)

3. An "inquiry helps to establish the bona-fide act of the employer, where of the dismissal of an employee without an inquiry may sometimes be indicative that the employer has acted arbitrarily."

(S.R. De Silva, *The legal framework of industrial Relations in Ceylon*, at 538)

- i. What is meant by a Domestic Inquiry?

(06 Marks)

- ii. Briefly explain the procedure of the Domestic Inquiry?

(14 Marks)

(Total: 20 Marks)

4. Describe how to identify an employee in a private sector organization, citing various tests applied by the courts with decided cases.

(20 Marks)

5. Write short notes on the followings

- i. Employees Provident Fund Act
- ii. Employee Trust Fund Act
- iii. Gratuity Payment Act
- iv. Factory Ordinance

(04*05 Marks)

(Total: 20 Marks)

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

Explain the main features of Shop and Office Employees Act.

(20 Marks)

7. In *Richard Pieris & Co. v. Jayatunga*, case it was observed that a period of probation necessarily entails that the probationer should satisfy the employer before the employer decides 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 to the expectations of the employer. Discuss.

(20 Marks)

8. i. What are the main provisions in Employee Termination (special) Provision Act.

(10 Marks)

- ii. Critically analyse the 'employee compensation formula'.

(10 Marks)

(Total: 20 Marks)