



Institute of Human Resource Advancement (IHRA)

University of Colombo, Sri Lanka

Masters Degree in Business Management

Course - No 04 - 3rd Semester Examination

(Held in April 2017)

MBM/ 12 B – Labour Law

Instructions to the Candidates

1. Total number of questions is Eight (08)
2. Answer any Five (05) questions.
3. Time allocated for the examination is Three (03) hours.
4. Total number of pages Three (03).
5. If a page or a part of this question paper is not printed properly, please
Inform it to the Supervisor immediately.
6. Write your index number on all pages of the answer script.

1. Discuss whether the tests that have been developed by the courts are satisfactory to differentiate a workman (contract of service) from an independent contractor (contract for service).

(20 Marks)

2. (a) Explain the legal aspects relating to probationary employment in the private sector in Sri Lanka.

(10 Marks)

- (b) Explain the factors that are considered in deciding whether the nature of the employment of a workman is casual or permanent.

(10 Marks)

(Total 20 Marks)

3. Lucky Baby Foods Ltd has monopoly in supplying baby food items in the country. The sole trade union in the Company commenced a strike action demanding wage increase, and the strike action immensely affects the babies in the country.

- (a) What are the methods available to the Commissioner to settle the dispute? Explain.

(10 Marks)

- (b) If the Commissioner fails in his attempts, would it be possible to the Minister to intervene to settle the dispute? Explain.

(10 Marks)

(Total 20 Marks)

4. Salmon worked in Lotus Printers Ltd as an Office Assistant. One day, on the information received, security officers of Lotus Printers checked a box attached to Salmon's motor bike and found 3-4 bundles of cut-pieces of papers in the box. In the inquiry, it was accepted that the cut-pieces of papers were in a store room to be sent for re-cycling. However, the Management of the Lotus Printers terminated the services of Salmon for the misconduct. Salmon wishes to know whether he could seek any relief against termination of his services. Advise him.

(20 Marks)

5. (a) Explain the extent to which Sri Lankan labour legislation provides job security against non-disciplinary terminations.

(10 Marks)

- (b) Colombo Business Bank commenced its business in 2010. The Bank employs 350 employees from the commencement of its business. The Bank digitized its documents and computerized many of its procedures. It resulted in termination of employment of thirty employees who had worked in the Bank for more than five years. Before the termination of their employment, the Bank offered a package of compensation to the employees. But, the employees had rejected the compensation package. The employees wish to seek relief against termination of their employment. Advise them.

(10 Marks)

(Total 20 Marks)

6. Black Security Services Ltd (BSSL) employs about fifty security officers from the commencement of its business in 1999. The BSSL terminated the services of Lal in December 2016 for sleeping during working hours even after several warnings. Lal had provided the services to BSSL for about fifteen years. However, the BSSL did not pay his gratuity after the termination of his services. Lal wishes to know whether he is entitled to gratuity. Advise him.

(20 Marks)

7. Rhino Metals Ltd employed David as a Metal Cutter. On 03-02-2017 while David was cutting a metal sheet, a blade in a metal cutting machine had cut-off his hands beyond elbow.

(a) David wishes to know whether he is entitled to any compensation. Advise him.

(10 Marks)

(b) If David had violated the instructions given to him with regard to his safety, would your answer be different? Give reasons for your answer.

(10 Marks)

(Total 20 Marks)

8. Write notes on any **TWO** of the following:

(a) Important aspects of the Trade Unions Ordinance

(b) Legal aspects relating to payment, forfeiture and recovery of gratuity in the Payment of Gratuity Act

(c) Conciliation as the best method of settlement of industrial disputes under the Industrial Disputes Act

(d) Powers and functions of a Labour Tribunal.

(Each question carries 10 Marks)

(Total 20 Marks)
