

UNIVERSITY OF COLOMBO
FACULTY OF GRADUATE STUDIES

**Final Examination in Post Graduate Diploma in Labour Relations and
Human Resources Management – Semester II**
2020 Online Open Book Examinations

PG Dip (LRHRmgt) – 5201: Industrial Relations and Labour Law

Three (03) Hours

Total Number of Questions: 08

Answer **FIVE** questions and no more.

(Illegible handwriting will lead to reduced marks.)

-
1. Colombo Pharma Ltd. is a Pharmaceutical Company. The Company provides delivery service of its pharmaceutical items to its customers in Colombo. The Company engages three delivery persons to deliver the pharmaceutical items since the lock down of Colombo in March 2020. The delivery persons use the motor-bikes provided by the Company for their work. The agreement between the Company and the delivery persons has a clause which states: “Your agreement with the Company will not construe employer-employee relationship. However, you cannot engage in any other work during the existence of your contract with the Company”. The Company does not pay wages to the delivery persons, but it pays only a commission calculated on the basis of 15% of the total value of the pharmaceutical items delivered during the month.

Discuss whether the delivery persons are workmen or independent contractors of the Company.

(20 Marks)

2. You have been requested to make a presentation at a Seminar on the theme “Mechanisms for Settlement of Industrial Disputes under the Industrial Disputes Act”. Explain the key points that you would include in your presentation.

(20 Marks)

3. Colombo Business Bank employed Jeeva as a Junior Executive with effect from 01-01-2020 subject to a probationary period of one year. Jeeva provided her services to the satisfaction of her superiors. She received very high rating from the customers of the Bank. Her brother had a personal dispute with the Human Resource Manager of the Bank relating to a love affair. The Bank terminated her services at the end of her probationary period without giving any reason. Jeeva wishes to know whether she could seek any relief against termination of her services. Advise her.

(20 Marks)

4. Wuhan Hospital is a Private Hospital, and it is the only Private Hospital which provides Covid-19 vaccine in the Country. The Nurses' Trade Union in the Hospital has given notice to commence strike action demanding an allowance. The discussions between the Management of the Hospital and the Trade Union to resolve the dispute have failed. Could the Commissioner and the Minister intervene to settle the dispute? Explain.

(20 Marks)

5. Explain the important aspects of the Termination of Employment of Workmen (Special Provisions) Act in the light of job security with regard to non-disciplinary terminations.

(20 Marks)

6. Coyid Company employs thirty workmen since the commencement of its business in 2012. The Company employed Varuna also from the commencement of its business, and terminated his services for sexual harassment at workplace. The Management of the Company has decided not to pay his gratuity because of the misconduct. Discuss the correctness of the decision made by the Company.

(20 Marks)

7. Explain the important legal aspects relating to disciplinary termination in the private sector in Sri Lanka.

(20 Marks)

8. Explain the important aspects of the following legislation:

(a) Trade Unions Ordinance

(b) Shop and Office Employees' Act

(Each question carries **10 Marks**)

(Total 20 Marks)
