

Eastern University, Sri Lanka
Faculty of Commerce & Management

Third Year First Semester Examination in Bachelor of Business Administration
(Specialization in Human Resource Management)

2016/17 (October/November 2018)

(Proper/Repeat)

HRM 3013 Employee Law and Employee Relations

Answer all (five) Questions

Time: Three Hours

Read the below case and answer all the questions.

Mala who was from a rural village in Batticaloa was a machine operator working on casual basis for Garment factory in Colombo. She joined the company first as a helper in the packing division and was promoted to be a machine operator recently. She was engaged to be married a boy, Kamal who was also working in the same factory. Kamal suddenly fell ill one day and was admitted to a hospital. Three days later, he died due to some unknown illness. Mala was devastated by this incident and was suffering from depression for four weeks after Kamal's death. During this time, Mala got to know that she was pregnant with Kamal's Child. As she was not married to Kamal, she kept this as a secret from her work place. Luckily Mala's family agreed to look after the baby for Mala once the baby was born.

When Mala was into her fifth month of pregnancy her supervisor got to know Mala's condition. Supervisor reported the matter to the human resource department of the factory. One day, Mala was called by the HR Manager and was requested to reveal the real story. Tearfully Mala told them that she was pregnant and is expecting her baby in about four months' time. She also pleaded with the manager not to terminate her employment. Mala did not hear from the HR department after that and reported to work as usual. She did not inform the company in writing about her one-month period of expected confinement, as she did not know about the procedure in taking maternity leave. Mala reported to work till the day she gave birth to a baby girl. Her parents took her to their village soon after from the hospital. She asked her friend to deliver the certificate of confinement to the HR department of the Factory within the one week of the delivery. However, about two weeks after the delivery, Mala got a letter from the factory that her service was terminated due to disciplinary reasons. The misconducts that were stated in the letter were:

- a) Delivering an illegitimate baby
- b) Not informing the company about the pregnancy

- c) Not writing to the company one-month prior to the expected confinement and
- d) Absence without approval

Questions:

- a) Can the company take disciplinary action against Mala for the issues in (a), (b) Explain reasons for your answer?
- b) Can Mala demand the rights given to women under the Maternity Benefits Ordinance in the given circumstances?
- c) Can Mala be deprived of EPF and ETF and Gratuity payment as she was a casual employee?

(Total)

Q2. Explain the main provisions of the Industrial Dispute Act with regard to the following:

- a) Define what industrial dispute is? Particularly define the term "dispute" and "subject-matter of dispute".
- b) What are the powers of the Labour commissioner and Minister of Labour to settle industrial disputes?
- c) List out the methods of solving industrial disputes? and explain Conciliation briefly.

(Total)

Q3. Briefly explain the following:

- a) Briefly explain the difference between contract of Service and Contract for Service with an example.

b) Explain collective agreement under Industrial Dispute Act. (07 Marks)

c) Briefly explain the settlement of dispute under Labour Tribunal. (06 Marks)

(Total 20 Marks)

Explain the main provisions of the Employee's Trust Fund Act with regard to the following:

a) What are the key functions of the Employee's Trust Fund Board? (06 Marks)

b) Who are the categories of employees for whom the employer should contribute to the Employee's Trust Fund? (03 Marks)

c) What are benefits provided by the ETF Act? (08 Marks)

d) What is the procedure in paying contributions to the Employee's Trust Fund by an Employer? (03 Marks)

(Total 20 Marks)

Explain the main provisions of the Factories Ordinance with regard to the following:

a) Meaning or the definition of factory, registration of factories and notification of accident. (05 Marks)

b) Main provisions relating to health. (05 Marks)

c) Main provisions relating to safety. (05 Marks)

d) Main provisions relating to welfare. (05 Marks)

(Total 20 Marks)