

Seat No.: _____

Enrolment No. _____

GUJARAT TECHNOLOGICAL UNIVERSITY
MBA – SEMESTER 03– • EXAMINATION – SUMMER-2018

Subject Code: 2830303
Date:05/05/2018
Subject Name: Management of Industrial Relations and Labour Legislation
Time: 2:30 PM To 5:30 PM
Total Marks: 70
Instructions:

1. Attempt all questions.
2. Make suitable assumptions wherever necessary.
3. Figures to the right indicate full marks.

Q:1 (A) Multiple Choice Questions

6

1	Where -----or more workers are employed in a factory, then there shall be a Safety Committee in the factory	
	a. 100 or more workers	b. 150 or more workers
	c. 200 or more workers	d. 250 or more workers
2	To close down a factory, the occupier has to give ----- days notice to the authorities	
	a. 30 Days	b. 60 Days
	c. 90 Days	d. 14 Days
3	Industry peace and harmony is very important for the ---- of any nation.	
	a. GDP	b. Economic Development
	c. Man Power	d. None of the above
4	----- requires that companies employing more than 100 workers should get government permission to fire a worker or close down a plant.	
	a. Factories Act	b. Industrial Dispute Act
	c. Companies Act	d. Trade Union Act
5	Contract Labor Act, 1970 is to prohibits use of contract laborers for core functions in the company. The purpose was to ensure interests of -----	
	a. Factories	b. Permanent Employees
	c. Trade Union	d. Contract Laborers
6	----- relates to tripartite relationship between employees, employer and union.	
	a. Industrial Relations	b. Collective Bargaining
	c. Individual Labor Law	d. None of the above

Q:1 (B) Define:

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ILO

Conciliation Officer

Q:1 (C) Write a note on process of collective bargaining.

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- Q:2 (A) Explain the term standing orders. Why are they called so? Mention some major items covered in the standing order as per Industrial Employment (Standing Order) Act, 1946. 7
- Q:2 (B) Is there any fundamental rights for strike? Explain provisions of strike and lockouts. 7
- OR**
- Q:2 (B) Explain following terms as per Industrial Dispute Act, 1947 7
- 1) Conciliation and Arbitration
 - 2) Industrial and National Tribunals
- Q:3 (A) Differentiate Layoff, Retrenchment and Closure as per Industrial Dispute Act, 1947 and mention special provisions. 7
- Q:3 (B) Write a note on unfair labour practices. 7
- OR**
- Q:3 (A) Write a note on Contract Labor Act, 1970 in detail 7
- Q:3 (B) Define the "Factory". Explain the provision regarding the health and safety of workers as per the Factory Act, 1948. 7
- Q:4 (A) What is Trade Union? Define role, rights and liabilities of registered trade union as per Trade Union Act, 1926. 7
- Q:4 (B) Write a note on provisions as per Bombay Shop and establishment Act 1948 7
- OR**
- Q:4 (A) What do you mean by discipline? Explain procedure of disciplinary action in case of employees' in disciplinary behavior. 7
- Q:4 (B) Clarify the concept of 'Workers Participation in Management' & give statutory & non statutory forms of WPM. 7
- Q:5 **Case Study: Work place discipline** 14

Liang joined T Company in Guangzhou in May 2007 as the Section Chief of the cartography center. The term of the latest labor contract between the two parties commenced on June 1st, 2011 and was scheduled to end on May 31st, 2014. Clause 14 of Chapter 2, "Work Discipline" of T Company's work rules provided as follows: "Employees shall strictly comply with the Company's work attendance system...2. If an employee is late for a cumulative total of more than half an hour during a single month, a half-day's salary shall be deducted; and if he or she is late for a cumulative total of more than one hour in a single month, a full day's salary shall be deducted.

Liang was late for more than half an hour in May 2013, in response to which T Company deducted a half-day's salary — RMB 69.66 in accordance with the work rules. In August 2013, Liang filed a written dispute over this deduction to T Company, asserting that the deduction of his labor remuneration was illegal and asking for a refund of his salary. Liang sent a resignation letter by email on August 22nd, alleging that since the Company illegally infringed upon his labor rights and interests and since the corresponding system does not conform to the law, he would legally terminate his labor contract.

On August 23rd, 2013 T Company organized a tripartite consultation among the company, Liang and the labor union. During the consultation, T Company agreed to refund Liang the deducted late-arrival penalty of RMB 69.66 to resolve the dispute.

In addition, T Company appointed Liang to a training program from September to December 2010 at its overseas affiliate and the two parties executed a Company Training Contract Record for this purpose. The terms of the Record provided that Liang's term of service would end on December 17th, 2015. They also provided that if Liang violated the Service Agreement, he would be obligated to pay liquidated damages to T Company in accordance with the contractual standard.

On August 26th 2013, T Company notified Liang in writing that if he wanted to leave, he would have to pay the default fine for the training program in accordance with the Service Agreement; otherwise his resignation would not be accepted, and that quitting his job before paying the default fine would be treated as absence from work without due cause. Liang sent his resignation letter and failed to show up for work. On August 29th T Company sent Liang a Notice of Processing of Illegal Departure and dismissed him on the grounds of three consecutive days absent from work.

On August 28th, 2013 Liang filed for arbitration with the Labor Dispute Arbitration Committee, demanding that T Company refund the illegally deducted RMB 69.66 and pay economic compensation in the amount of over RMB 30,000 for terminating their labor relationship with him.

On September 6th, 2013, T Company also filed for arbitration with the Labor Dispute Arbitration Committee and demanded that Liang pay a default fine of over RMB 50,000 for breaching the Service Agreement.

Questions:

1. Whether it was legal for the Company's work rules to impose a deduction from the employee's salary based on cumulative late arrival time;
2. How would you handle dispute if you are Arbitrator/IR Manager.

OR

Q:5

Sexual harassment at work place:

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This morning you receive an anonymous note from a female employee in your Department who has accused John of sexual harassment. The note states that he has placed several calls to this employee's home and asked her out on dates. The employee has refused and has asked John to stop calling her. The employee complaint was anonymous, but because you only have 25 female employees in your area, you have been able to narrow it down to five possibilities, based upon facts you received in the complaint. The complaint also alleges that while the female employee was standing at the copy machine, John made a comment on her.

John is a 56-year old employee who has worked for the Government for 28 years. While John has not been a stellar employee, his performance has been adequate and he has received regular pay increases consistent with his longevity. During the last five years,

John has applied for two promotions and has been turned down both times. On those two occasions, he was disappointed that he was not chosen and made negative comments to his coworkers about affirmative action. However, it did not seem to have a significant impact on his work.

There have been many rumors over the years that John has an alcohol problem and personal life stress. However, since he has a very good attendance record and his performance is adequate, his supervisors decided to respect his privacy and not look into the rumors. John has only a few friends at work. In his spare time, he is an avid hunter and competitive pistol shooter. In fact, he has won several national awards in competitions. To your knowledge, he has never brought a fire arm into the workplace.

Questions:

1. Do you think that every organization should have sexual harassment policy? Justify rights of woman employee subject to gender-specific violence, or sexual harassment in the workplace.
2. If you are IR manager what shall you do now?

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