

K. J. SOMAIYA INSTITUTE OF MANAGEMENT STUDIES AND RESEARCH

Program: PG/ MMS - HR (Batch 2018-2020)

Subject: Labour Legislations
(IV TRIM - Examination)

Maximum Marks: 50

Duration: 3 hours

Date: 20/09/2019

Please answer either of (a) or (b) of Questions 1. It is compulsory. It carries 20 marks.

Q1. (a)

1. A Factory has been set up in Thane area for manufacturing of soaps and toiletries about a year ago. During the last six months due to expansion of its business, around 100 workmen have been engaged in three batches @ the rate of 50,25 and 25 numbers of workmen on 01/01/2011 , 01/04/2011 and 01/11 respectively.

Mr. Hemraj , Mr. Monappa and Ms. Hema are three of the workmen who are among the workmen who have been engaged. Hemraj, 21 years old works as a Cash Clerk was appointed in the first batch; Monappa , 17 years old works, who came in the third batch, works as a Fitter in the Maintenance Department and Hema, 22 years old , who came in the second batch, works in the production department. Their emoluments are as under:

Basic Wages: Rs. 5000

Dearness Allowance (Flat rate): Rs.2500

HRA: Rs. 1500.

All the workmen also receive a monthly quota of 10 soaps at 25% discount (the normal rate being Rs. 10 per cake). Hema also earns a production bonus of Rs. 1000 per month for working in production department.

Questions :

- a. When will they be eligible to avail of their Annual Leave with wages?
- b. What will be the rate of leave wages during the leave period?
- c. What will be the quantum of Annual Leave with Wages for each of them?

Q.1 (b)

The Electricity Board is a statutory Board, with one of its primary functions being the supply of power to urban and rural areas in the State through its various plants and stations. In order to keep the said plants and stations clean and hygienic, the Board, awards contracts to contractors who undertake the work of keeping the same clean and hygienic One such contract was awarded to one Kashmir Singh, for 'proper, complete and hygienic cleaning, sweeping and removal of garbage from the Main Plant Building at the rate of Rs.33, 000 per month with a stipulation to engage

minimum 42 safai karamcharis.

After one year the Board terminated the contract and discontinued the services of the Safai Karamcharis, who immediately raised an Industrial dispute for permanent absorption alleging that they had worked for more than 240 days in the year 1987 with the Board. The dispute was referred to the Conciliation Officer culminating however in an order of reference by the State Government on 27.12.1988 to the Labour Court.

During the proceedings before the Labour Court, the following facts were established:

1. The workers worked for more than 240 days in the year.
2. The number of employees required for the work was specified in the contract itself.
3. The work was carried on under the supervision of the officials of the Board.
4. The wages were paid by the Board, who supervised and controlled not only the attendance but also discipline of the workmen in the discharge of their duties.
5. Shri Kashmira Singh was not a licensed contractor.
6. The Board was not registered as principal employer under the Contract Labour Regulation and Abolition Act.

Question

What would the Labour Court decide?

Q2. Please explain the following terms (any three) in 3-4 sentences. 15 Marks

- a. Award.
- b. Conciliation.
- c. Hazardous Process Industry.
- d. Allocable Surplus.
- e. Sickness Benefit.
- f. Standing Order.
- g. Conciliation Officer
- h. Protected Workmen.
- i. Retrenchment.
- j. Principles of Natural Justice.
- k. Notional Extension of Time and place.
- l. Permanent Disablement.

Q3. Indicate True or False for any five statements, with one sentence explanations: 15 marks.

- a. A workman has raised an Industrial Dispute with regard to date of birth. It is not admissible as an ID.
- b. A contract labour cannot raise a dispute after being terminated.
- c. An Apprentice can raise an ID on being terminated.
- d. Before introducing VRS in an industry a notice of change is mandatory.

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- e. The action of a Bank in withdrawing relief concession extended to union office bearers for union work during office hours is legal.
- f. The appointment of a mechanic was for a fixed period of two years. The termination at the end of two years do not amount to retrenchment.
- g. A Confidential Assistant can be required to work beyond normal working hours in a Factory without being paid Overtime.
- h. In Mumbai, the Factories Act allows a women worker is allowed to work between 7 pm and 6 am in a factory.
- i. The definitions for 'workmen' are the same in ESI Act and the Payment of Bonus Act.
- j. The Principal employer has no role in payment of Gratuity to the contract labour.
- k. The employer can deduct part of the bonus when a Watchman is guilty of sleeping on duty.
