



Roll No.

**PRESIDENCY UNIVERSITY
BENGALURU**

SCHOOL OF MANAGEMENT

MID TERM EXAMINATIONS

Sem & AY: Odd Sem 2019-20

Course Code: HRM 203

Course Name: INDUSTRIAL RELATIONS AND LABOUR LAWS

Program & Sem: MBA & III

Date: 22.10.2019

Time: 1.30 PM to 3.30 PM

Max Marks: 40

Weightage: 20%

Instructions:

(i) Write Legibly

Part A [Memory Recall Questions]

Answer the Questions. Each Question carries two marks. (3Qx2M=6M)

1. What are the objectives of Trade Union Act? (C.O.NO.2) [Knowledge]
2. What do you mean by Win-Win Dispute Resolution? (C.O.NO.1) [Knowledge]
3. What do you mean by Lay Off? (C.O.NO.2) [Knowledge]

Part B [Thought Provoking Questions]

Answer the Questions. Each Question carries five marks. (4Qx5M=20M)

4. Industrial Relations is characterized by a certain 'balance of Power'. Examine the different forms of Industrial Relations? (C.O.NO.1) [Comprehension]
5. Many Labour Laws were implement any. Evaluate the industrial relations post 1991. (C.O.NO.1) [Comprehension]
6. Trade union provide strength to Workers in many organization. Evaluate the role of trade union and rights of a recognized trade union (C.O.NO.2) [Comprehension]
7. There are many causes of Industrial Disputes. Examine the different causes of Industrial disptues? (C.O.NO.1) [Comprehension]

Part C [Problem Solving Questions]

Answer the Questions. The Question carries fourteen marks. (1Qx14M=14M)

8. Collective Bargaining between General Motors Corporation and the United Auto Workers

A collective bargaining agreement took place between one of the world's leading automobile manufacturers, General Motors Corporation (GMC), USA and the United Auto Workers (UAW) in late 2007. GMC was under tremendous pressure due to its declining market share with the entry of Japanese auto companies in USA. In addition to other financial issues, the company was facing underfunded pension liabilities and rising employee and retiree health costs. A nationwide strike involving 74000 UAW employees was called over job security concerns and retiree health care costs. The work stoppage effected 82 domestic General Motors assembly plants for 2 full days. An agreement was reached on a 4 year contract and workers returned to work the same day. The union ratified the contract with 65% approval. Under the new contract, the company was required to establish a new health care trust to pay for retiree healthcare that would be funded by General Motors and managed by UAW. Employees were required to make quarterly fund contributions. GMC also agreed to stop outsourcing of positions for the duration of the contract. The agreement was seen by the management to be innovative, as it would provide a basis for improved performance.

- a) Examine the role of Collective Bargaining for a harmonious Industrial Relations? problems? [5M]
- b) What are the different levels of Collective Bargaining? [5M]
- c) What are the hindrances to collective bargaining [4M]

(C.O.NO.2) [Analysis]

K = Knowledge Level C = Comprehension Level, A = Application Level

Note: While setting all types of questions the general guideline is that about 60%

Of the questions must be such that even a below average students must be able to attempt, About 20% of the questions must be such that only above average students must be able to attempt and finally 20% of the questions must be such that only the bright students must be able to attempt.

I hereby certify that all the questions are set as per the above guidelines. [Name of faculty]

Reviewer's Comments:

Annexure- II: Format of Answer Scheme



SCHOOL OF MANAGEMENT

SOLUTION

Date: 22nd October 2019

Semester: III

Time: 90 Minutes

Course Code: HRM 203

Max Marks: 40

Course Name: Industrial Relations and Labour Laws

Weightage: 20%

Part A

(3Q x 2M =6 Marks)

Q No	Solution	Scheme of Marking	Max. Time required for each Question
1	<ul style="list-style-type: none">● Conditions governing the registration of trade unions.● Obligations imposed upon a registered trade union.● Rights and liabilities of registered trade unions.	Definition 2 Marks	5 Minutes
2	The win-win approach sees conflict resolution as an opportunity to come to a mutually beneficial result. It includes identifying your opponent's underlying concerns and finding an alternative which meets each party's concerns.	Definition 2 Marks	5 Minutes
3	Lay off is a process where workers have lost or left their jobs because their employer has closed or moved, there was insufficient work for them to do, or their position or shift was abolished (Borbely, 2011). Downsizing in a company is defined to involve the reduction of employees in a workforce	Definition 2 Marks	5 Minutes

Part B

(4Q x 5M = 20 Marks)

Q No	Solution	Scheme of Marking	Max. Time required for each Question
4	<p>Psychological Approach: The psychologists are of the view that the problem of industrial relations are deeply rooted in the perception and the attitude of focal participants.</p> <p>Sociological Approach: Industry is a social world in miniature. The management goals, workers' attitudes, perception of change in industry, are all, in turn, decided by broad social factors like the culture of the institutions, customs, structural changes, status-symbols, rationality, acceptance or resistance to change, tolerance etc. Industry is, thus inseparable from the society in which it functions.</p> <p>Human Relations Approach: Among all the areas of management, perhaps one of the most delicate and complex is concerned with human resources management. Their handling is radically different from that of physical, material and financial resources because these are not inanimate or passive but are composed of pulsating human beings having their own emotions, perception, attitude, personality.</p> <p>Socio-Ethical Approach: Though not much widely accepted but one of the often discussed approach to industrial relations is the socio-ethical approach. This approach holds that industrial besides having a sociological base does have some ethical ramifications. As good industrial relations can be only maintained when both the labour and management realize their moral responsibility in contributing to the said task through mutual cooperation and great understanding of each other's problems.</p> <p>Gandhian Approach: Gandhian approach to employer-employee relations is based on the fundamental principles of truth, non-violence and non-possession. If the employers follow the principle of trusteeship, there is no scope for conflict of interests between them and labour.</p>	<p>Concept: 2 Marks Explanation 3 Marks</p>	11 Minutes
5	<ul style="list-style-type: none"> • With the advent of liberalization in 1992, the industrial relations policy began to change. Now, the policy was tilted towards employers. • Employers opted for workforce reduction, introduced policies of voluntary retirement schemes and flexibility in workplace also increased. Thus, globalization brought major changes in <u>industrial relations</u> policy in India. The changes can be summarized as follows: <ul style="list-style-type: none"> • Collective bargaining in India has mostly been decentralized, but now in sectors where it was not so, are also facing pressures to follow decentralization. • In the expansionary economy there is a clear shortage of managers and skilled labor. 	<p>Concept: 2 Marks Explanation 3 Marks</p>	11 Minutes

<p>6</p>	<ul style="list-style-type: none"> • <i>The general funds of a registered Trade Union shall not be spent on any other objects than the following, namely: –</i> • (a) Payment of salaries, allowances and expenses to office-bearers of the Trade Union. • (b) Payment of expenses for the administration and audit. • (c) Prosecution or defense of any legal proceedings for securing or protecting its rights. • (d) The conduct of trade disputes on behalf of the Trade Union or any member thereof; • (e) The compensation of members for loss arising out of trade disputes <p>f) Allowances to members or their dependants on account of death, old age, sickness, accidents or unemployment of such members.</p> <p>(g) The issue of, or the undertaking of liability under, policies of assurance on the lives of members, or (under) policies insuring members against sickness, accident or unemployment.</p> <p>(h) The provision of education, social or religious benefits for members (including the payment of the expenses of funeral or religious ceremonies for deceased members) or for the dependants of members.</p> <p>(i) Publication of labour journals.</p> <p>A registered trade union may constitute separate fund for political purposes from the contributions separately levied for or made to that fund. The contribution to this fund shall not be made compulsory. The purpose for which the political fund may be constituted are as follows:</p> <ul style="list-style-type: none"> (a) The holding of political meetings or distribution of political literature. (b) The registration of electors or the selection of a candidate for any legislative body. (c) The holding of any meeting or the distribution of any literature in support of any candidate or a prospective candidate. (d) The payment of any expenses incurred by a candidate or a prospective candidate for election as a member of any legislative body. 	<p>Concept: 2 Marks Explanation 3 Marks</p>	<p>11 Minutes</p>
<p>7</p>	<ul style="list-style-type: none"> • Employment-related • Nationalisation • Administration-related • Recognition as a bargaining agent • Psychological and social issues • Institutional causes • Political causes 	<p>Concept: 2 Marks Explanation 3 Marks</p>	<p>11 Minutes</p>

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Part C

(1Q x14 M = 14 Marks)

Q No	Solution	Scheme of Marking	Max. Time required for each Question
8	Collective bargaining is concerned with the relations between trade unions & management. Bargaining is collective because chosen representatives of labour & management acts as bargaining agents.	Concept: 2 Marks Explanation 3 Marks	11 Minutes
9	<ul style="list-style-type: none"> ▶ At Plant Level ▶ At Industry Level ▶ At National Level 	Concept: 2 Marks Explanation 3 Marks	11 Minutes
10	<ul style="list-style-type: none"> ▶ Employer's Reluctance ▶ Multiple Unions ▶ Non-Recognition ▶ Weak Unions ▶ Political Interference ▶ Inadequate Interventions. <p>Any four points to discuss by the students</p>	Concept: 2 Marks Explanation 2 Marks	9 Minutes



Roll No

**PRESIDENCY UNIVERSITY
BENGALURU**

SCHOOL OF MANAGEMENT

END TERM FINAL EXAMINATION

Semester: Odd Semester: 2019 - 20

Date: 06 January 2020

Course Code: HRM 203

Time: 1:00 PM TO 4:00 PM

Course Name: INDUSTRIAL RELATIONS AND LABOR LAWS

Max Marks: 80

Program & Sem: MBA & III

Weightage: 40%

Instructions:

(i) Read the all questions carefully and answer accordingly.

Part A [Memory Recall Questions]

Answer all the Questions. Each Question carries 5 marks.

(6Qx5M=30M)

1. Internal and external leadership for trade unions have their own advantage and disadvantages. Comment on this statement (C.O.No 2) [Knowledge]
2. Differentiate between Layoff and Retrenchment? (C.O.No.1) [Knowledge]
3. Explain in brief
 - a) Payment of Maternity in case of death of a woman employee
 - b) Medical Bonus (C.O.No.3) [Knowledge]
4. What are the provisions in Minimum wages Act for offences by the companies (C.O.No.3) [Knowledge]
5. What are the various penalties that may be imposed on an employer for non-compliance under Employee Provident Fund Act, 1952. (C.O.No.3) [Knowledge]
6. What are different types of Negotiation (C.O.No.1) [Knowledge]

Part B [Thought Provoking Questions]

Answer both the Questions. Each Question carries 10 marks.

(2Qx10M=20M)

7. Factories Act 1948 provide special provision on employment of Women and Children in Factories and also on weekly and compensatory holidays. Discuss (C.O.No.3) [Comprehension]
8. Discuss the objectives of Bonus Act 1965. Explain the principle of Set on and Set off of allocable surplus (C.O.No.3) [Comprehension]

Part C [Problem Solving Questions]

Answer all the Questions.

(1Qx30M=30M)

The deceased in this case, working as an assistant cum cleaner of a vehicle, had voluntarily consumed ethyl alcohol in heavy quantity and died of myocardial heart failure inside the vehicle when it was parked. The appellant, brother of deceased, presented a petition for granting him adequate compensation for the death of his brother, arising out and in the course of employment. It was stated that the deceased earned Rupees 2500/- (besides TA, DA) per month as wages. He performed strenuous job in cleaning and loading the vehicle and he had died of cardiac failure due to heavy exhaustion. The first respondent, the owner of the vehicle, admitted the employment of deceased and further stated that he had died of consumption of ethyl alcohol; further, there is no accident at all in the course of employment. Therefore, as per the owner, the claim of compensation was not entertainable. There is however no dispute that death took place in the course of employment.

9. Which section of Workmen's Compensation Act 1923, in your opinion, are relevant in this case?

[7M] (C.O.No.1) [Application]

10. Discuss the applicability of terms "accident" and "arising out of employment" to the case?

[8 M] (C.O.No.3) [Application]

11. Do you think that claim for compensation is justifiable?

[7M] (C.O.No.3) [Application]

12. Examine the role and Power of Commissioner under Workmen's Compensation Act 1923?

[8M] (C.O.No.3) [Application]



SCHOOL OF MANAGEMENT

END TERM FINAL EXAMINATION

Extract of question distribution [outcome wise & level wise]

Q.NO	C.O.NO (% age of CO)	Unit/Module Number/Unit /Module Title	Memory recall type	Thought provoking type	Problem Solving type [Marks allotted]	Total Marks
			[Marks allotted] Bloom's Levels	[Marks allotted] Bloom's Levels		
			K	C	A	
1	2	2	5			
2	1	4	5			
3	3	3	5			
4	3	5	5			
5	3	5	5			
6	1	1	5			
7	3	3		10		
8	3	5		10		
9	3	5			8	
		5			7	
		5			8	
		5			7	
Total Marks						80

K = Knowledge Level C = Comprehension Level, A = Application Level

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Faculty Signature:

Reviewer Comment:

Format of Answer Scheme



SCHOOL OF ENGINEERING

SOLUTION

Semester: Odd Sem. 2019-20
Course Code: HRM 2013
Course Name: Industrial Relations and Labour Laws
Program & Sem: MBA Sem III

Date: 06.1.2020
Time: 3 HRS
Max Marks: 80
Weightage: 40%

Part A

(6Q x 5M = 30Marks)

Q No	Solution	Scheme of Marking	Max. Time required for each Question
1	<p>Elected representatives from among the workers are called as internal leaders in Trade union.</p> <p>The advantages are</p> <ol style="list-style-type: none">1. They understand the grass root issues of the employees2. Align towards the management needs and make organization more effective3. Workers representative unlike external leaders. <p>Leaders representing from political parties are called as external trade unions.</p> <p>The main reason for this trend is that the Trade Unions Act, 1926,[India] itself provided the scope for outside leadership. Section 22 of the Act requires that ordinarily not less than half of the officers of the re-registered union shall be actively engaged or employed in an industry to which the union relates. Thus, this provision provides the scope for outsiders to the tune of 50% of the office bearers.</p> <ol style="list-style-type: none">1. Outside leadership undermined the purposes of Trade Unions and weakened their authority. Personal benefits and prejudices sometimes weighed more than unions.2. Outside leadership has been responsible for the slow growth of Trade Unions.3. Most of the leaders cannot understand the worker' problems	2.5 Marks Each	12 mts

	as they do not live the life of a worker.		
2	Layoff. Retrenchment. Meaning. Lay-off refers to the provisional termination of the employee, at the instance of the employer. Retrenchment means involuntary separation of an employee due to the replacement of labor by machines or the close of the department.	2.5 Marks Each	12 mts
3	where a woman dies during this period, the maternity benefit shall be payable only for the days up to and including the day of her death: 1*[Provided further that where a woman, having been delivered of a child, dies during her delivery or during the period immediately following the date of her delivery for which she is entitled for the maternity benefit, leaving behind in either case the child, the employer shall be liable for the maternity benefit for that entire period but if the child also dies during the said period, then, for the days up to and including the date of the death of the child.] Payment of medical bonus.- Every woman entitled to maternity benefit under this Act shall also be entitled to receive from her employer a medical bonus of 1*[two hundred and fifty rupees], if no pre-natal confinement and post-natal care is provided for by the employer free of charge.	2.5 Marks Each	12 mts
4	Offences by companies (1) If the person committing any offence under this Act is a company every person who at the time the offence was committed was in charge of and was responsible to the company for the conduct of the business of the company as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly : Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence. (2) Notwithstanding anything contained in sub-section (1) where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on the part of any director manager secretary or other officer of the company such director manager secretary or other officer of the company shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.	Concept 2 Marks Explanation 3 Marks	12 mts
5	Penalties (6) Whoever, for the purpose of avoiding any payment to be made by himself under this Act [the Scheme, the [Pension] Scheme] or the Insurance Scheme] or of enabling any other person to avoid such payment knowingly makes or causes to be made any false statement or false representation shall be punishable with imprisonment for a term which may extend to one year, or with fine of five	Concept 2 Marks Explanation 3 Marks	12 mts

	<p>thousand rupees, or with both].</p> <p>(1A) An employer who contravenes, or makes default in complying with, the provisions of section 6 or clause (a) of sub-section (3) of section 17 in so far as it relates to the payment of inspection charges, or para 38 of the Scheme insofar as it relates to the payment of administrative charges, shall be punishable with imprisonment for a term which may extend to [three years] but</p> <p>(a) which shall not be less than [one year and fine of ten thousand rupees] in case of default in payment of employees' contribution which has been deducted by the employer from the employees' wages;</p> <p>(b) which shall not be less than six months and fine of five thousand rupees, in any other case:]</p> <p>PROVIDED that the court may, for any adequate and special reasons to be recorded in the judgment, impose a sentence of imprisonment for a lesser term</p> <p>(1B) An employer who contravenes, or makes default in complying with, the provisions of section 6C, or clause (a) of sub-section (3A) of section 17 in so far as it relates to payment of inspection charges, shall be punishable with imprisonment for a term which may extend to [one year] but which shall not be less than [Six months] and shall also be liable to fine which may extend to [five thousand rupees]:</p> <p>PROVIDED that the court may, for any adequate and special reasons to be recorded in the judgment, impose a sentence of imprisonment for a lesser term]</p> <p>(2) [Subject to the provisions of the Act, the Scheme,] the Pension Scheme or the Insurance Scheme] may provide that any person who contravenes, or makes default in complying with any of the provisions thereof shall be punishable with imprisonment for a term which may extend to [one year, or with fine which may extend to four thousand rupees, or with both].]</p> <p>[(2A) Whoever contravenes or makes default in complying with any provision of this Act or of any condition subject to which exemption was granted under section 17 shall, if no other penalty is elsewhere provided by or under this Act for such contravention or non-compliance, be punishable with imprisonment which may extend to ¹⁴⁶[six months, but which shall not be less than one month, and shall also be liable to fine which may extend to five thousand rupees].]</p>		
6.	<p>Negotiation</p> <p>Arbitration.</p> <p>Conciliation.</p> <p>Mediation</p>	<p>Concept 2</p> <p>Marks</p> <p>Explanation</p> <p>3 Marks</p>	<p>12 mts</p>

Part B

(0Q x 0M = 0 Marks)

Q No	Solution	Scheme of Marking	Max. Time required for each Question
7	<p>Further restrictions on employment of women.—</p> <p>(1) The provisions of this Chapter shall, in their application to women in factories, be supplemented by the following further restrictions, namely:—</p> <p>(a) no exemption from the provisions of section 54 may be granted in respect of any woman;</p> <p>(b) no woman shall be 1[required or allowed to work in any factory] except between the hours of 6 A.M. and 7 P.M.: Provided that the State Government may, by notification in the Official Gazette, in respect of 2[any factory or group or class or description of factories,] vary the limits laid down in clause (b), but so that no such variation shall authorize the employment of any woman between the hours of 10 P.M. and 5 A.M.; 3[(c) there shall be no change of shifts except after a weekly holiday or any other holiday.]</p> <p>(2) The State Government may make rules providing for the exemption from the restrictions set out in sub-section (1), to such extent and subject to such conditions as it may prescribe, of women working in fish-curing or fish-canning factories, where the employment of women beyond the hours specified in the said restrictions is necessary to prevent damage to, or deterioration in, any raw material.</p> <p>(3) The rules made under sub-section (2) shall remain in force for not more than three years at a time.</p> <p>Prohibition of employment of women and children near cotton openers.— No woman or child shall be employed in any part of a factory for pressing cotton in which a cotton-opener is at work: Provided that if the feed-end of a cotton-opener is in a room separated from the delivery end by a partition extending to the roof or to such height as the Inspector may in any particular case specify in writing, women and children may be employed on the side of the partition where the feed end is situated</p>	<p>Concept 3 Marks Explanation 7 Marks</p>	30 Minutes
8	<p>THE PAYMENT OF BONUS ACT, 1965</p> <p>The Payment of Bonus Act, 1965 provides for the payment of bonus to persons employed in certain establishments, employing 20 or more persons, on the basis of profits or on the basis of production or productivity and matters connected there with.</p> <p>The minimum bonus of 8.33% is payable by every industry and establishment under section 10 of the Act.</p> <p>The maximum bonus including productivity linked bonus</p>	<p>Concept 3 Marks Explanation 7 Marks</p>	30 Minutes

	<p>that can be paid in any accounting year shall not exceed 20% of the salary/wage of an employee under the section 31 A of the Act.</p> <p>Set on and set off of allocable surplus</p> <p>(1) Where for any accounting year, the allocable surplus exceeds the amount of maximum bonus payable to the employees in the establishment under section 11, then, the excess shall, subject to a limit of twenty per cent of the total salary or wages of the employees employed in the establishment in that accounting year, be carried forward for being set on in the succeeding accounting year and so on up to and inclusive of the fourth accounting year to be utilized for the purpose of payment of bonus in the manner illustrated in the Fourth Schedule.</p> <p>(2) Where for any accounting year, there is no available surplus or the allocable surplus in respect of that year falls short of the amount of minimum bonus payable to the employees in the establishment under section 10, and there is no amount or sufficient amount carried forward and set on under sub-section (1) which could be utilized for the purpose of payment of the minimum bonus, then such minimum amount or the deficiency, as the case may be, shall be carried forward for being set off in the succeeding accounting year and so on up to and inclusive of the fourth accounting year in the manner illustrated in the Fourth Schedule.</p> <p>(3) The principle of set on and set off as illustrated in the Fourth Schedule shall apply to all other cases not covered by sub-section (1) or sub-section (2) for the purpose of payment of bonus under this Act.</p> <p>(4) Where in any accounting year any amount has been carried forward and set on or set off under this section, then, in calculating bonus for the succeeding accounting year, the amount of set on or set off carried forward from the earliest accounting year shall first be taken into account.]</p>		
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Part C

(0Q x 0M = 0Marks)

Q No	Solution	Scheme of Marking	Max. Time required for each Question
9	Analysis and Explanation related to Workmens Compensation Act	Concept 3 Marks Explanation 4Marks	15 Minutes
10	Analysis and Explanation related to Workmens Compensation Act	Concept 2 Marks Explanation 6 Marks	15 Minutes

11	Analysis and Explanation related to Workmens Compensation Act	Concept 3 Marks Explanation 4 Marks	15 Minutes
12	Analysis and Explanation related to Workmens Compensation Act	Explanation 6 Marks Concept 2 Marks	15 Minutes

