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**Presidency University**

**Bengaluru**

 **School of Management**

**Make-up End-Term Examination - July 2024**

**Date**: 01 JULY 2024

**Time**: 9:30AM-12:30PM

**Max Marks**: 100

**Weightage**:

**Semester: III**

**Course Code**: **MBA3008**

**Course Name**: **INDUSTRIAL RELATIONS AND LABOUR LAWS**

**Department: SOM**

 **Instructions:**

1. *Read the all questions carefully and answer accordingly.*
2. *Do not write any information on the question paper other than roll number.*
3. *Question paper consists of 3 parts.*

**PART A**

**Answer any 10 Questions. Each question carries 3 marks. (10Qx 3M= 30)**

1. State the popular approaches to industrial relations. (CO:01 Knowledge)
2. All the three actors in Industrial Relations cannot act independently. They need the support of each other for successful industrial relations practice. Describe three actors of Industrial Relations (CO:01 Knowledge)
3. Describe two aspects (features) of Industrial relations. (CO:01 Knowledge)
4. Describe the reasons for workers to join the trade unions.   (CO:02 Knowledge)
5. There is big loss due to strikes and lockouts in public and private sectors. List the primary causes of poor industrial relations?  (CO:02 Knowledge)
6. Collective bargaining involves mutual negotiations. Describe the nature and requirement of collective bargaining a method used by trade unions. (CO:02 Knowledge)
7. Define “industrial dispute” as given in Industrial Disputes Act 1947. (CO:03 Knowledge)
8. Define “adolescent” as per section 2 (b) of Factories Act 1948. (CO:03 Knowledge)
9. Describe the ‘accounting year’ and “calendar year’ as per Payment of Bonus Act 1965. (CO:04 Knowledge)
10. The Minimum Wages Act, 1948, is the first labour legislation in the country dealing with the fixation of minimum rates of wages for workers. Describe the scope of The Minimum Wages Act, 1948. (CO:04 Knowledge).
11. To take care about the welfare of employees is the responsibility of the respective employer. List the welfare provisions as given in the Factories Act 1948. (CO:03 Knowledge).
12. The Minimum Wages Act, 1948, is the first labour legislation in the country dealing with the fixation of minimum rates of wages for workers. Describe the scope of The Minimum Wages Act, 1948.

**PART B**

**Answer any 4 Questions. Each question carries 10 marks. (4Qx 10M= 40)**

1. An approach is a perspective (i.e., view) that involves certain assumptions (i.e., beliefs) about a concept or theory. Demonstrate the three popular approaches to Industrial Relations (CO:01 Application)
2. Illustrate the role of three parties to IR (ACTORS IN INDUSTRIAL RELATIONS) (CO:01Application)

1. Mr. Reddy is the trade union leader in company XYZ, He finds it very difficult to bring the participation of its members to fight for the legal rights of employees. There are many reasons like low education, fear of management, more migrated labour and low motivation. Illustrate the possible measures to strengthening the trade union.  (CO:02 Application)
2. There are different **methods that help trade unions to achieve their goals**. The classic description of trade union methods by the Webbs consisting of (i) *mutual Ansurance*, (ii) *collective bargaining* and (iii) *legal enactment*. Interpret the statement in your words. (CO:02 Application)

1. Illustrate the concept of ‘Set on and set off of allocable surpluses as given in the Sec 15 of Payment of Bonus Act- 1965. (CO:03 Application)
2. Payment of Gratuity Act 1972 is a prominent act to provide social security of employees in India. Illustrate the salient features and calculation of gratuity in India.(CO:04 Application)

**PART C**

**Answer the following Questions. (2Qx 15M= 30)**

1. (CO:02Analysis)

In a large-scale steel plant, the grievance procedure in operation specifies the subjects coming under the purview of the procedure. These include: amenities and services, compensation, fines, increment, leave, misconduct, discharge and dismissal, promotion, safety appliances, transfer, victimization and increment.
The procedure provides for three stages through which grievances could be processed. In the first stage, the employee having a grievance is required to meet their supervisor/foreman and talk it over with them. If the worker is satisfied, the matter ends here. If they are not satisfied, they have to place the grievance in writing in the prescribed form to the supervisor/foreman who is required to give a written answer within three days.
If the worker is still dissatisfied, they may place his grievance in writing before the head of the department concerned. The head of the department is required to discuss the issue with the employee and the supervisor/ foreman concerned and send a reply within three days of the receipt of the complaint.
If the worker is not satisfied with the outcome at this stage, they may appeal in writing to the zonal works committee within 15 days of the receipt of the complaint. Unanimous decision of the zonal works committee is final. If no unanimity is reached in the committee, the worker is free to take any constitutional measure open to them.

Q1. Interpret the significance of setting a time limit at every stage of the grievance procedure. (5 Marks)

Q2. Illustrate at which of the stages are the union’s representatives involved in the deliberations.  (5 Marks)

Q3. Interpret the status of arbitration in the procedure.  (5 Marks)

1. (CO:04Analysis)

The intent and application of the overtime pay law seems perfectly clear.  The Fair Labour Standards Act(FLSA) of 1938 requires workers to be paid time and a half for any hours worked beyond 40 each week.  The 70-year old law should be well understood.  Yet over the last 10 to 15 years, the number of employee lawsuits alleging violation of the overtime laws has grown tremendously.   Indian companies pay out more than $1billion annually to settle the claims.  A former defense attorney in wage cases, J. Ramanath Kidwi, switched to the plaintiff side.  “I was amazed at how prevalent the violations were and the size of the settlement,” says Kidwi.
The FLSA aided the country’s recovery from the Great Depression by encouraging workers to work longer hours and for employers to hire additional workers.  The modern workforce and business environment have changed so much since the 1930’s, however, that the justification for the law is no longer so straightforward.  In 1938, there was a clear distinction between white collar workers (exempt from overtime pay) and blue-collar labour (eligible for overtime).  White-collar jobs were seen as easier and less in need of legal protection.  By the 1960’s however, professionals worked more hours on average than working-class employees.  Today, there is blurred distinction between “management” and “workers.”
Employers must judge whether an employee is exempt from overtime, based on the uses of “discretion and independent judgement.”  But as businesses become more standardized and controlled, fewer and fewer workers work independently.  If an accountant’s work consists primarily of entering data or checking facts, then he or she is not acting independently.  Computer programmers “get to pick whatever code they want to write, but [only to] implement someone else’s desires,” says Thiermany, a labour attorney.
Some companies simply cheat their employees.  For example, Bollywood Video had to pay $7.2 million in damages to workers who had been required to punch out their time cards before closing the cash register nightly.  The ‘off the clock’ time was documented by store surveillance cameras.  Companies also make good faith mistakes in classifying employees as exempt or non-exempt because of the complex and changing nature of work.  When does the workday begin for utility workers who download their day’s schedule from home computers every morning?  Do workers who check e-mail remotely deserve overtime?  Can an employee claim overtime for working at home or during lunch?  What about flight time, on-cal time, time-spent entertaining, or time spent on continuing education?
Many industries and workers are affected.  86% of the workforce, 115 million workers is covered by overtime laws.  This enormous number of affected workers makes this issue potentially much more damaging than other class action matters.  White collar workers often resist the idea of claiming overtime pay.  They associate it with a labour pool that is valued for brawn rather than brains,” suggest Business Week.  Yet the FLSA applies to employees paid either wages or salaries, regardless of income, education, or job title.  “You don’t have to be stupid to get overtime,” says Thiermany.  “In fact you are stupid if you don’t get overtime.”
As professionals become more aware of and comfortable with their rights to overtime pay, organizations may have to come up with billions more in compensation.  One middle manager declared the new attitude toward overtime pay.  “If a company wants my knowledge 24/7, they should have to pay for it, whatever they use it.  No different from using the muscles of any assembly-line worker.”

 Q1. According to the Payment of Wage act 1936, how do you contrast the differences between salaried managers and hourly employees?  (07 marks)

 Q2. Examine what does it suggest about equity between workers in the same organizations and across different organizations? (08 Marks)