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UNIVERSITI TUN HUSSEIN ONN MALAYSIA

**FINAL EXAMINATION
SEMESTER I
SESSION 2014/2015**

COURSE NAME : INDUSTRIAL RELATIONS
COURSE CODE : BPC 42803
PROGRAMME : 4 BPB
EXAMINATION DATE : DECEMBER 2014/ JANUARY 2015
DURATION : 2 HOURS 30 MINUTES
INSTRUCTION : ANSWER ALL QUESTIONS

THIS QUESTION PAPER CONSISTS OF **THREE (3)** PAGES

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Q1 Section 12 of the Employment Act 1955 says:

- (1) Either party to a contract of service may at any time give to the other party notice of his intention to terminate such contract of service.
- (2) The length of such notice shall be the same for both employer and employee and shall be determined by a provision made in writing for such notice in the terms of the contract of service, or, in the absence of such provision in writing, shall not be less than:
 - four weeks' notice if the employee has been so employed for less than two years on the date on which the notice is given;
 - six weeks' notice if he has been so employed for two years or more but less than five years on such date;
 - eight weeks' notice if he has been so employed for five years or more on such date.

(a) Discuss **THREE (3)** implications from the above act. (9 marks)

(b) Explain **THREE (3)** main sections of the Employment Act 1955 which relate to the payment of wages. (6 marks)

(c) Suggest **TWO (2)** arguments for or against the law being amended so that domestic servants are given complete protection and all the benefits provided under the Employment Act. (10 marks)

Q2 (a) Explain **THREE (3)** factors affecting bargaining strength of a union. (6 marks)

(b) Compare **TWO (2)** bargaining levels in a bargaining procedure that could be undertaken in the industry. (4 marks)

(c) Illustrate the collective bargaining procedure with a diagrammatic form. (15 marks)

Q3 (a) In 2000, Mr. Amin was employed as a senior marketing executive in Burger Queen Sdn. Bhd. His primary duties among others are coordinating and supervising the marketing strategies all over Malaysia. He was at that time located in the headquarters. After some years, he was transferred to

Kelantan branch office for two years where he found that it was the end of his entire career. The company contended that the purpose of the transfer was for him to share and exchange his vast experience in the branch office. On the other side, Mr. Amin slammed the management and refused to accept the transfer on the ground that it was demotivated him to work and felt insulted as the myriad of tasks given were primarily clerical in nature. The management took an action to dismiss him due to his absenteeism. Mr. Amin approached you and sought for your advice.

Advise Mr. Amin on the law of dismissal. *given*

(15 marks)

- (b) In Malaysia, the right to terminate the employment contract is regulated by several legislations among others the Employment Act 1955, the Industrial Relations Act 1967 and the Employment (Termination and Lay-Off Benefits Regulations 1980. Further, the termination itself may take place in several forms.

Discuss the following:

- (i) Termination by the expiry of time. (5 marks)
- (ii) Termination due to the frustration of contract. (5 marks)

- Q4** (a) (i) Define misconduct. (2 marks)
- (ii) List **TWO (2)** examples of major misconduct. (2 marks)
- (iii) List **TWO (2)** examples of minor misconduct. (2 marks)

- (b) Eddie works as a production worker in a food manufacturing factory. He was found to commit an offence of theft in his workplace. However, the company's management decided to retain him.

Evaluate the consequences of this scenario to both parties.

(10 marks)

- (c) Illustrate the stages in conducting a domestic inquiry. (9 marks)

- END OF QUESTION -