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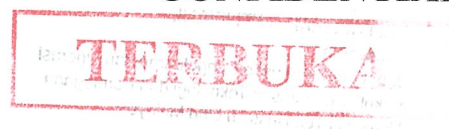
UNIVERSITI TUN HUSSEIN ONN MALAYSIA

**FINAL EXAMINATION
SEMESTER I
SESSION 2018/2019**

COURSE NAME : INDUSTRIAL RELATIONS
COURSE CODE : BPC 42803
PROGRAMME CODE : BPB
EXAMINATION DATE : DECEMBER 2018/ JANUARY 2019
DURATION : 3 HOURS
INSTRUCTION : ANSWER ALL QUESTIONS

THIS QUESTION PAPER CONSISTS OF **FOUR (4)** PAGES

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- Q1** (a) When peaceful methods fail to settle a dispute, the trade union may attempt to use more aggressive method.
- Differentiate picketing and lockout. (8 marks)
- (b) It is common for one of the parties to be unwilling to negotiate with the other to find an acceptable solution.
- Discuss **TWO (2)** methods available for settling disputes. (8 marks)
- (c) There are several methods available to preserve industrial harmony in unionized environment.
- Propose **THREE (3)** proactive and positive steps to avoid industrial dispute. (9 marks)
- Q2** (a) Employers have the right to take disciplinary action against employees and this action may lead to the dismissal of the employee or the imposition of some other punishment.
- Determine **TWO (2)** situations that employers should take disciplinary action against employees. (4 marks)
- (b) As the Production Manager, Ong had warned Zaki verbally for arriving late for work twice in a week time. Further action taken by Ong as the Production Manager was to issue a warning letter to Zaki for not abiding by the verbal warning given before.
- Prepare a warning letter to Zaki. (6 marks)

- (c) After receiving complaints, the management started to conduct an investigation and found a prima facie in the accusation where Zaki was found guilty for giving a fake medical certificate in order to get him a leave.

Prepare a show cause letter to Zaki.

(15 marks)

- Q3** (a) The Employment Act, Section 14, states that an employee can be dismissed on the grounds of misconduct after “due inquiry”. This section of the law was interpreted to mean that a formal trial, called a domestic inquiry, should be held in the workplaces before imposing the penalty of dismissal.

- (i) Define domestic inquiry.

(2 marks)

- (ii) List **THREE (3)** purposes of conducting domestic inquiry.

(3 marks)

- (iii) Explain **SEVEN (7)** main stages of a domestic inquiry.

(14 marks)

- (b) Once the inquiry has been held and the employee was found to be guilty, the employer must decide on a suitable penalty.

Discuss **THREE (3)** mitigating factors employer should consider before deciding on the penalty.

(6 marks)

Q4 Every employer should design a clear procedure so that supervisor and managers know how to handle problematic employee whose performance is not satisfactory.

(a) Discuss **THREE (3)** procedures to be followed before dismissing an employee on the grounds of poor performance.

(12 marks)

(b) Frustration of contract is a common law doctrine which applies to all types of contracts, including employment contracts.

Explain frustration of contract.

(4 marks)

(c) Discuss **THREE (3)** possibilities leading to frustration of contract.

(9 marks)

-END OF QUESTIONS -

