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**UNIVERSITI TUN HUSSEIN ONN MALAYSIA**

**FINAL EXAMINATION  
SEMESTER I  
SESSION 2019/2020**

COURSE NAME : INDUSTRIAL RELATIONS  
COURSE CODE : BPC 42803  
PROGRAMME CODE : BPB  
EXAMINATION DATE : DECEMBER 2019 / JANUARY 2020  
DURATION : 3 HOURS  
INSTRUCTION : ANSWER ALL QUESTIONS

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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 force a settlement by using aggressive method.

Differentiate between picketing, strike and lockout.

(6 marks)

- (b) Picketing is an industrial action by unionized workers to inform the workers and the public of the existence of dispute with an employer over the terms and conditions of employment.

- (i) State the banning of picket under Industrial Relations Act 196 (Act 177) Section 10 (1)

(3 marks)

- (ii) Explain the implication of illegal picket for the breaching of Section 10 (1) as above.

(6 marks)

- (iii) A dispute arises when workers at Xyz Company represented by trade unions believes their manager is violating an agreement.

Suggest **FIVE (5)** solutions available for settling disputes between both parties.

(10 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.

Discuss **TWO (2)** situations where employers can take disciplinary action against employees.

(4 marks)

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- (b) As the Production Manager, Ally had warned Fakrul verbally for arriving late for work twice in a week time. Further action taken by Ally as the Production Manager was to issue a warning letter to Fakrul for not abiding by the verbal warning given before.

Prepare a warning letter to Fakrul in the form of a memo.

(6 marks)

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

Prepare a show cause letter demanding an explanation for Fakrul behavior.

(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 where the employee if found guilty, the employer must decide on a suitable penalty.

Discuss **THREE (3)** mitigating factors employer should take into consideration

(6 marks)

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**Q4**

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

- (a) As a Human Resource Manager, Fatimah was responsible for ensuring that appropriate action was taken against Ali who showed poor performance.

Discuss **THREE (3)** procedures to be followed by Fatimah before firing Ali for 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 -**

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