

PARLIAMENT OF CEYLON

4th Session 1955-56



Industrial Disputes (Amendment) Act, No. 25 of 1956

Date of Assent: February 17, 1956

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AN ACT TO AMEND THE INDUSTRIAL DISPUTES ACT
No. 43 OF 1950.

[Date of Assent: February 17, 1956.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Industrial Disputes (Amendment) Act, No. 25 of 1956.

Short title.

2. Section 3 of the Industrial Disputes Act, No. 43 of 1950, hereinafter referred to as the "principal Act", is hereby repealed and the following new section substituted therefor:—

Replacement
of section
3 of Act
No. 43 of 1950.

" Powers of
Commissioner
in regard to
industrial
disputes.

3. (1) Where the Commissioner is satisfied that an industrial dispute exists in any industry or where he apprehends an industrial dispute in any industry, he may—

- (a) if arrangements for the settlement of disputes in that industry have been made in pursuance of any agreement between organisations representative respectively of employers and workmen engaged in that industry, cause the industrial dispute to be referred for settlement by means of such arrangements, or
- (b) endeavour to settle the industrial dispute by conciliation, or
- (c) refer the industrial dispute to an authorised officer for settlement by conciliation, or
- (d) if the parties to the industrial dispute or their representatives consent, refer that dispute, by an order in writing, for settlement by arbitration to an arbitrator nominated jointly by such

parties or representatives, or, in the absence of such nomination, to the District Judge of the district in which that dispute exists or is apprehended.

(2) Where an industrial dispute is not settled in consequence of action taken by the Commissioner under any of the paragraphs (a), (b), (c) and (d) of sub-section (1), he may, if he considers it expedient to do so, take action, as often as he considers it necessary so to do, in respect of that dispute under any of those paragraphs."

Replacement
of section
4 of the
principal
Act.

3. Section 4 of the principal Act is hereby repealed and the following new section substituted therefor:—

" Power of
Minister
in regard
to
industrial
disputes.

4. The Minister may, by an order in writing, refer an industrial dispute to an Industrial Court for settlement if such dispute is in an essential industry or if he is satisfied that such dispute is likely to prejudice the maintenance or distribution of supplies or services necessary for the life of the community or if he thinks that it is expedient to do so."

Amendment
of section
12 of the
principal
Act.

4. Section 12 of the principal Act is hereby amended as follows:—

(1) in sub-section (4) of that section, by the addition, at the end of that sub-section, of the following:—

" In the settlement recommended reference shall be made to the parties and trade unions to which, and the employers and workmen to whom, such settlement relates.";

(2) in sub-section (6) of that section, by the substitution, for all the words from "major dispute" to the end of that sub-section, of the words "major dispute."; and

(3) by the addition, at the end of that section, of the following new sub-section:—

" (7) (a) Where a report is prepared under sub-section (4), then, if in endeavouring to settle the industrial dispute to which that report relates the officer who prepared

that report had not submitted his recommendation for the settlement of that dispute to both the parties or to the representatives of both the parties to that dispute for their consideration, the Commissioner shall transmit a copy of that report to such parties or representatives and shall require them to state in writing to him, within fourteen days after such date as he shall specify in that behalf, whether they accept or reject the settlement recommended in that report. If no reply is received from such parties or representatives within the aforesaid fourteen days, such settlement shall be deemed to be accepted by them.

(b) Where the recommended settlement referred to in paragraph (a) of this subsection is accepted or is deemed under that paragraph to be accepted by both the parties to the industrial dispute to which that settlement relates or by their representatives,—

- (i) the Commissioner shall cause to be published in the *Gazette* the report in which that settlement is set out and the statement of acceptance made by such parties or representatives or, if the acceptance is deemed under the aforesaid paragraph (a), a statement by the Commissioner that the acceptance is so deemed, and
- (ii) that settlement shall have effect as though it were a settlement signed by both the parties to the industrial dispute to which that settlement relates or by their representatives, and accordingly section 13 shall apply to the report in which that settlement is set out as though that report were a memorandum of settlement, and section 14 shall apply to that settlement as though the reference in that section, to section 12 (2) were a reference to section 12 (4).

(c) Where the recommended settlement referred to in paragraph (a) of this subsection is neither accepted nor deemed under

that paragraph to be accepted by both the parties to the industrial dispute to which such settlement relates or by their representatives, then, if the Commissioner is of the opinion that such report should be published, the Commissioner shall cause such report to be published in the *Gazette* together with a statement that the settlement recommended in such report has neither been accepted nor deemed under paragraph (a) of this sub-section to be accepted by such parties or representatives."

Amendment
of section
16 of the
principal
Act.

5. Section 16 of the principal Act is hereby amended by the substitution, for the words " a trade dispute ", of the words " an industrial dispute ".

Amendment
of section 22
of the
principal
Act.

6. Section 22 of the principal Act is hereby amended in sub-section (1) of that section by the substitution, for all the words from " No person " to the end of that sub-section, of the following:—

" Only the following persons shall be eligible for for appointment to such Panel:—

Persons who have retired from service under the Crown having held office as Judge of the Supreme Court or District Judge.

Public servants who are holding office the basic salary of which is not less than Rs. 15,600 per annum and retired public servants who have held office the basic salary of which was not less than Rs. 15,600 per annum."

Amendment of
section 40
of the
principal
Act.

7. Section 40 of the principal Act is hereby amended, in sub-section (1) of that section, by the substitution, in paragraph (l) of that sub-section, for the word " trade ", of the word " industry ".

Insertion
of new
section 46A
in the
principal
Act.

8. The following new section is hereby inserted immediately after section 46, and shall have effect as section 46A, of the principal Act:—

" Protection
of action
taken under
this Act.

46A. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any regulations made thereunder."