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2nd Session 1966-67



Industrial Disputes (Amendment) Act, No. 27 of 1966

Date of Assent : October 11, 1966

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Industrial Disputes (Amendment) Act,
No. 27 of 1966

L. D.—O. 34/66.

AN ACT TO AMEND THE INDUSTRIAL DISPUTES ACT.

[Date of Assent: October 11, 1966]

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. 27 of 1966. Short title.

2. The heading of Part II of the Industrial Disputes Act, hereafter in this Act referred to as the "principal Act", is hereby amended, by the substitution, for the expression "BY ARBITRATION OR", of the expression "BY ARBITRATION OR BY ADJUDICATION OR". Amendment of the heading of Part II of Chapter 131.

3. The following new section is hereby inserted immediately after section 4, and shall have effect as section 4A, of the principal Act:— Insertion of new section 4A in the principal Act.

"Reference of industrial disputes for settlement by adjudication."
4A. The Minister may, by an order in writing, refer any industrial dispute for settlement by adjudication to the appropriate labour tribunal."

4. Part III of the principal Act is hereby amended by the insertion in that Part, immediately after section 21, of the following new sub-heading, and the following new sections which shall have effect as section 21A, section 21B, section 21C, and section 21D, of that Act:— Insertion of new sub-heading and new sections in Part III of the principal Act.

“(D) SETTLEMENT BY ADJUDICATION.

Statement specifying matters in dispute.

21A. Every order of the Minister under section 4A referring a dispute for settlement by adjudication to a labour tribunal shall be accompanied by a statement prepared by the Commissioner setting out each of the matters which to his knowledge is in dispute between the parties.

Duties and
powers of a
labour tribunal
in settling a
dispute by
adjudication.

21B. (1) It shall be the duty of a labour tribunal to which any industrial dispute is referred for settlement by adjudication to make all such inquiries and hear all such evidence as the tribunal may consider necessary, and thereafter make such award as may appear to the tribunal just and equitable.

(2) A labour tribunal shall give priority to the proceedings for the settlement of any industrial dispute that is referred to the tribunal for settlement by adjudication.

(3) Subject to such regulations as may be made in that behalf under section 39 (1) (f), a labour tribunal conducting an inquiry under this section may lay down the procedure to be observed by such tribunal in the conduct of the inquiry.

(4) Save as otherwise expressly provided by regulations made in that behalf under section 39 (1) (f), the regulations made in respect of the procedure to be observed by an arbitrator shall, *mutatis mutandis*, apply to a labour tribunal conducting any inquiry under this section.

(5) Reference shall be made in every award of a labour tribunal to the parties and trade unions to which, and the employers and workmen to whom, such award relates.

Publication
of the award.

21C. (1) The award of a labour tribunal shall be transmitted to the Commissioner who shall forthwith cause it to be published in the *Gazette*.

(2) Every award of a labour tribunal shall come into force on the date of the award or such date, if any, as may be specified therein, not being earlier than the date on which the industrial dispute to which the award relates first arose.

Effect of an
award of a
labour tribunal.

21D. Every award of a labour tribunal made in an industrial dispute and for the time being in force shall, for the purposes of this Act, be binding on the parties, trade unions, employers and workmen referred to in that award, and the terms of the award shall be implied terms in the contract of employment between the employers and workmen bound by the award."

5. Section 31H of the principal Act is hereby amended as follows:—

Amendment of
section 31H of
the principal
Act.

(a) in paragraph (c) of that section, by the substitution, for the expression "court for settlement," of the expression "court for settlement, or"; and

(b) by the insertion, immediately after that paragraph, of the following new paragraph:—

"(d) by the Minister to a labour tribunal for settlement by adjudication,".

6. Section 34 of the principal Act is hereby amended as follows:—

Amendment of
section 34 of
the principal
Act.

(a) in sub-section (1) of that section, by the substitution, for the expression "or of an order made", of the expression "or of an award or order made"; and

(b) in the marginal note to that section, by the substitution, for the expression "or an order", of the expression "or an award or order".

7. Section 35 of the principal Act is hereby amended as follows:—

Amendment of
section 35 of
the principal
Act.

(a) by the substitution, for the expression "court involves", of the expression "court or labour tribunal involves";

(b) by the substitution, for the expression "arbitrator shall", of the expression "arbitrator or tribunal shall"; and

(c) in the marginal note to that section, by the substitution, for the expression "court not", of the expression "court or labour tribunal not".

Amendment of
section 39 of
the principal
Act.

8. Section 39 of the principal Act is hereby amended in sub-section (1) of that section by the substitution, in paragraph (f) of that sub-section, for the expression "arbitrator the", of the expression "arbitrator, or labour tribunal (other than in proceedings under Part IVA), the".

Amendment of
section 40 of
the principal
Act.

9. Section 40 of the principal Act is hereby amended in sub-section (1) of that section as follows:—

(a) by the substitution, in paragraph (a) of that sub-section, for the expression "court, does", of the expression "court or a labour tribunal, does";

(b) by the substitution, in paragraph (b) of that sub-section, for the expression "court, keeps", of the expression "court or a labour tribunal, keeps";

(c) by the substitution, in paragraphs (e), (f) and (ff) of that sub-section, for the expression "court and" wherever it occurs in such paragraphs, of the expression "court or a labour tribunal and";

(d) by the substitution, in paragraph (k) of that sub-section, for the expression "arbitrator, or", of the expression "arbitrator or a labour tribunal, or";

(e) by the substitution, in paragraphs (l), (m) and (o) of that sub-section, for the expression "arbitrator, but" wherever it occurs in such paragraphs, of the expression "arbitrator, or for settlement by adjudication to a labour tribunal, but"; and

(f) by the substitution,—

(i) in paragraph (p) of that sub-section, for the expression "arbitrator, but", of the expression "arbitrator, or for settlement by adjudication to a labour tribunal, but";

(ii) in sub-paragraph (i) of the said paragraph (p), for the expression "arbitrator, any", of the expression "arbitrator or tribunal, any"; and

- (iii) in sub-paragraph (ii) of the said paragraph (p), for the expression "arbitrator;", of the expression "arbitrator or tribunal;".

10. Section 43 of the principal Act is hereby amended in sub-section (2) of that section by the substitution, for the expression "arbitrator as", of the expression "arbitrator or labour tribunal as".

Amendment of section 43 of the principal Act.

11. Section 47c of the principal Act is hereby amended as follows:—

Amendment of section 47c of the principal Act.

(a) by the substitution, in paragraph (a) of that sub-section, for the expression "arbitrator and", of the expression "arbitrator or for settlement by adjudication to a labour tribunal and";

(b) by the substitution, in paragraph (b) of that sub-section, for the expression "arbitrator to", of the expression "arbitrator or tribunal to"; and

(c) by the substitution, in paragraph (c) of that section, for the expression "arbitrator such", of the expression "arbitrator or tribunal such".

12. Section 48 of the principal Act is hereby amended by the insertion, immediately after the definition of "appointed date", of the following new definition:—

Amendment of section 48 of the principal Act.

"appropriate labour tribunal" means the labour tribunal, for the time being, having jurisdiction, for the purposes of Part IVA of this Act, over an area in which the establishment of the employer is situated;.