

PARLIAMENT OF CEYLON

1st Session 1956-57



Industrial Disputes (Amendment) Act, No. 14 of 1957

Date of Assent: March 28, 1957

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*Industrial Disputes (Amendment) Act,
No. 14 of 1957*

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L. D.—O. 24/56.

AN ACT TO AMEND THE INDUSTRIAL DISPUTES ACT,
No. 43 of 1950.

[Date of Assent: March 28, 1957]

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. 14 of 1957:

Short title.

2. Section 10 of the Industrial Disputes Act, No. 43 of 1950, is hereby amended as follows:—

Amendment of
section 10 of
Act No. 43 of
1950.

(1) by the repeal of sub-sections (1) and (2) of that section and the substitution therefor of the following sub-sections:—

“(1) Where the parties to a collective agreement that is in force are one or more trade unions consisting of employers in any industry and one or more trade unions consisting of workmen in such industry, then, if the Minister considers that those parties are sufficiently representative—

(a) of the employers and the workmen,
or

(b) of a class of employers and a class of workmen, or

(c) of the employers and a class of workmen, or

(d) of a class of employers and the workmen,

in such industry in such district, or in such industry in Ceylon, he may make an Order under sub-section (2) in respect of every employer, or of every employer of such class of employers, in such industry in such district or in such industry in Ceylon, on whom such agreement is not binding as provided in section 8.

(2) In accordance with the provisions of sub-section (1), the Minister may, in respect of any industry to which any such collective agreement as is referred to in sub-section (1) relates, make an Order that

every employer, or every employer of any class, in such industry in any district or in Ceylon, on whom that agreement is not binding as provided in section 8, shall observe either the terms and conditions set out in that agreement (hereinafter referred to as the "recognised terms and conditions") or terms and conditions which are not less favourable than the recognised terms and conditions.";

(2) by the renumbering of sub-section (3) of that section as sub-section (9);

(3) by the insertion, immediately after sub-section (2) of that section, of the following new sub-sections:—

“(3) Every Order under sub-section (2) shall be published in the *Gazette* and in one Sinhala newspaper, one Tamil newspaper and one English newspaper, and shall, upon such publication, have the force of law.

(4) Before an Order under sub-section (2) is made—

(a) the Commissioner shall cause a notice of the intention of the Minister to make such Order to be published in the *Gazette* and in one Sinhala newspaper, one Tamil newspaper and one English newspaper, and such notice shall specify a date on or before which objections to the proposed Order may be made in writing to the Commissioner, and

(b) the objections received by the Commissioner shall be submitted by him with his observations thereon to the Minister for consideration.

(5) The Minister shall consider all objections to the proposed Order and may either not make the Order, or make the Order with or without any limitation as to its applicability.

(6) A party to any such collective agreement as is referred to in sub-section (1) may make an application in writing to the Commissioner for the making of an Order under sub-section (2) in respect of that agreement.

(7) An Order made under sub-section (2) may be rescinded if the Minister considers it necessary.

(8) An Order made under sub-section (2) shall cease to be in force when the collective agreement to which it relates ceases to be in force as provided in section 7.”;

(4) in renumbered sub-section (9) of that section—

(i) by the substitution, for the words “ in any district ”, of the words “ in any district or in Ceylon ”; and

(ii) by the substitution, for all the words from “ shall be final,” to the end of that sub-section, of the words “ shall be final.”;

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

“(10) An extract from the *Gazette* containing an Order made under sub-section (2) or a notice of the intention to make an Order under that sub-section and purporting to have been printed by the Government Printer, or a copy of such Order or notice purporting to have been certified to be a true copy by the Commissioner may be produced in any court in proof of such Order or notice.”; and

(6) by the substitution, for the marginal note to that section, of the following marginal note:—

“ Orders in respect of employers on whom certain collective agreements are not binding as provided in section 8.”.