

PARLIAMENT OF CEYLON

2nd Session 1957



Industrial Disputes (Amendment) Act, No. 62 of 1957

Date of Assent : December 30, 1957

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Industrial Disputes (Amendment) Act, 3
No. 62 of 1957

L. D.—O. 24/56.

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

[Date of Assent: December 30, 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. 62 of 1957.

Short title.

2. Section 3 of the Industrial Disputes Act, No. 43 of 1950, (hereafter in this Act referred to as the "principal Act"), as amended by Act No. 25 of 1956, is hereby further amended, in sub-section (1) of that section, by the substitution, in paragraph (d) of that sub-section, for all the words from "to the District Judge" to the end of that sub-section, of the following:—

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

"to an arbitrator appointed by the Commissioner or to a Labour Tribunal."

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 Section 4 of the principal Act is hereby repealed and the following new section substituted therefor:—

Replacement of section 4 of the principal Act.

"Powers of the Minister in regard to industrial disputes.

4. (1) The Minister may, if he is of the opinion that an industrial dispute is a minor dispute, refer it, by an order in writing, for settlement by arbitration to an arbitrator appointed by the Minister or to a Labour Tribunal, notwithstanding that the parties to such dispute or their representatives do not consent to such reference.

(2) The Minister may, by an order in writing, refer any industrial dispute to an Industrial Court for settlement."

4. Section 5 of the principal Act is hereby amended by the substitution, for sub-section (1) of that section, of the following sub-section:—

Amendment of section 5 of the principal Act.

(1) In this Act, "collective agreement" means an agreement—

(a) which is between—

- (i) any employer or employers, and
- (ii) any workmen or any trade union or trade unions consisting of workmen, and

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(b) which relates to the terms and conditions of employment of any workmen, or to the privileges, rights or duties of any employer or employers or any workmen or any trade union or trade unions consisting of workmen, or to the manner of settlement of any industrial dispute.’

Amendment of
section 6 of
the principal
Act.

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

(a) by the substitution, for the words “relating to the terms and conditions of employment of any workmen in”, of the words “in respect of”;

(b) by the substitution, for the words “any trade union or employer”, of the words “any such party or any trade union or employer”; and

(c) by the substitution, for all the words from “Commissioner, if” to “in the Gazette.”, of the following:—

“Commissioner shall forthwith cause such agreement to be published in the *Gazette*:

Provided that where such agreement contains provisions relating to the terms and conditions of employment of any workmen in such industry, the Commissioner shall not cause such agreement to be so published unless he is satisfied that those terms and conditions are not less favourable than those applicable to any other workmen in the same or a similar industry in such district.”

Amendment of
section 8 of
the principal
Act.

6. Section 8 of the principal Act is hereby amended as follows:—

(a) by the renumbering of that section as sub-section (1) of section 8; and

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

“(2) Where there are any workmen in any industry who are bound by a collective agreement, the employer in that industry shall, unless there is a provision to the contrary in that agreement, observe in

respect of all other workmen in that industry terms and conditions of employment which are not less favourable than the terms and conditions set out in that agreement. ”.

7. The following new sections are hereby inserted immediately after section 10, and shall have effect as sections 10A and 10B, of the principal Act:—

Insertion of
new sections
10A and 10B in
the principal
Act.

“ Interpretation
of collective
agreements.

10A. If any question arises as to the interpretation of any collective agreement, any party to such agreement may, in the absence of any provision in that agreement as to who should interpret such question, refer such question for decision to the Commissioner and the Commissioner shall decide such question.

Duty of
employer bound
by a collective
agreement to
exhibit notice
containing
provisions of
the agreement.

10B. Every employer who is bound by a collective agreement shall keep exhibited conspicuously in the place where the industry to which that agreement relates is carried on a notice setting out the provisions of that agreement in the Sinhala, Tamil and English languages. ”.

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

Amendment of
section 11 of
the principal
Act.

(1) in sub-section (2) of that section by the substitution, for the word “ inquiry ”, wherever that word occurs in that sub-section, of the word “ investigation ”;

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

“ (3) Every investigation for the purpose of settling an industrial dispute by conciliation shall be concluded within one month after the commencement of such investigation:

Provided that the Commissioner may extend the period within which such investigation shall be concluded. ”; and

(3) in the marginal note to that section by the substitution, for the words “ of conciliation. ”, of the words “ of conciliation and time limit for conclusion of investigations into industrial disputes. ”.

Insertion of
new section
15A in the
principal
Act.

9. The following new section is hereby inserted immediately after the heading “(c) Settlement by arbitration” and before section 16, and shall have effect as section 15A, of the principal Act:—

‘ Interpretation
of expression
“ arbitrator ”

15A. In the succeeding provisions of this Act, the expression “ arbitrator ” includes a Labour Tribunal. ’

Amendment of
section 16 of
the principal
Act.

10. Section 16 of the principal Act is hereby amended by the substitution, for all the words and figures from “ Every order ” to “ shall be accompanied ”, of the following:—

“ Every order under section 3 (1) (d) or section 4 (1) referring an industrial dispute to an arbitrator for settlement by arbitration shall be accompanied. ”

Amendment of
section 17 of
the principal
Act.

11. Section 17 of the principal Act is hereby amended, in sub-section (1) of that section, as follows:—

(1) by the substitution, for the expression “ section 3 ”, of the expression “ section 3 (1) (d) or section 4 (1) ”; and

(2) by the substitution, for all the words from “ The arbitrator ” to “ dispute. ”, of the following:—

“ A Labour Tribunal shall give priority to the proceedings for the settlement of any industrial dispute that is referred to it for settlement by arbitration. ”

Amendment of
section 22 of
the principal
Act.

12. Section 22 of the principal Act, as amended by Act No. 25 of 1956, is hereby amended as follows:—

(a) in sub-section (1) of that section, by the omission of all the words from “ Only the following persons ” to the end of that sub-section;

(b) in sub-section (2) of that section by the substitution, for all the words from “ appointment. ” to the end of that sub-section, of the following:—

“ appointment :

Provided that where any such person is on the date of expiry of his period of appointment functioning as a member of an Industrial Court which is conducting an

inquiry under this Act, he shall continue to hold office until that inquiry is concluded and a decision is taken or an award is made.

Any person appointed under sub-section (1) who vacates office by effluxion of time shall be eligible for re-appointment. ”;

(c) by the repeal of sub-section (3) of that section;

(d) by the renumbering of sub-sections (4), (5) and (6) of that section as sub-sections (3), (4) and (5);

(e) in renumbered sub-section (3) of that section by the substitution, for the words “Chairman of the Panel”, of the word “Minister”; and

(f) in renumbered sub-section (4) of that section by the substitution, for all the words from “the Chairman of the Panel” to “by the Chairman, ”, of the words “a member of the Court nominated by the Minister”.

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

Amendment of
section 31 of
the principal
Act.

(a) by the renumbering of sub-section (2) of that section as sub-section (5); and

(b) by the insertion, immediately after sub-section (1) of that section, of the following new sub-sections:—

“(2) Where an Industrial Court consists of more than one person and any such person is unable to function owing to illness or any other reason, the Minister shall, if the person unable to function is the President of the Court, select another person from the Panel and appoint him as the President of the Court in place of the person who is unable to function as such President, and may, if the person unable to function is not the President of the Court, select another person from the Panel and appoint him as a member of the Court in place of the person who is unable to function.

(3) Where an Industrial Court consists of one person and he is unable to function owing to illness or any other reason, the Minister shall re-constitute the Court by selecting another person from the Panel to take the place of the first-mentioned person.

(4) Where a vacancy occurs in an Industrial Court after an inquiry by the Court into an industrial dispute has commenced and the vacancy is filled under sub-section (2) or sub-section (3), the inquiry may be continued from the stage at which it was when the vacancy was filled. "

14. The following new Part is hereby inserted immediately after Part IV, and shall have effect as Part IVA, of the principal Act:—

" PART IVA.

LABOUR TRIBUNALS.

31A. (1) There shall be established for the purposes of this Act such number of Labour Tribunals as the Minister shall determine. Each Labour Tribunal shall consist of one person.

(2) Regulations may be made prescribing the manner in which applications under section 31B may be made to a Labour Tribunal.

31B. (1) A workman or a trade union on behalf of a workman who is a member of that union, may make an application in writing to a Labour Tribunal for relief or redress in respect of any of the following matters:—

(a) the termination of his services by his employer;

(b) the question whether any gratuity or other benefits are due to him from his employer on termination of his services and the amount of such gratuity and the nature and extent of any such benefits;

Insertion of
new Part IVA
in the
principal Act.

Establishment
and constitu-
tion of Labour
Tribunals.

Applications
to a Labour
Tribunal.

(c) such other matters pertaining to the relationship between an employer and a workman as may be prescribed,

(2) Where a Labour Tribunal is satisfied after such inquiries as it may deem necessary that the matter to which an application under sub-section (1) relates is under discussion with the employer of the workman to whom the application relates by a trade union of which that workman is a member, the Tribunal shall defer making an order on such application until such discussion is concluded or the Minister has made an order under section 4.

(3) Where an application under sub-section (1) relates—

(a) to any matter which, in the opinion of the Tribunal, is similar to or identical with a matter constituting or included in an industrial dispute to which the employer to whom that application relates is a party and into which an inquiry under this Act is held; or

(b) to any matter the facts affecting which are, in the opinion of the Tribunal, facts affecting any proceedings under any other law,

the Tribunal shall make order suspending its proceedings upon that application until the conclusion of the said inquiry or the said proceedings under any other law, and upon such conclusion the Tribunal shall resume the proceedings upon that application and shall, in making an order upon that application, have regard to the award or decision in the said inquiry or the said proceedings under any other law.

(4) Any relief or redress may be granted by a Labour Tribunal to a workman upon an application made

under sub-section (1) notwithstanding anything to the contrary in any contract of service between him and his employer.

(5) Where an application under sub-section (1) is entertained by a Labour Tribunal and proceedings thereon are taken and concluded, the workman to whom the application relates shall not be entitled to any other legal remedy in respect of the matter to which that application relates, and where he has first resorted to any other legal remedy, he shall not thereafter be entitled to the remedy under sub-section (1).

(6) Notwithstanding that any person has ceased to be an employer,—

(a) an application claiming relief or redress from such person may be made under sub-section (1) in respect of any period during which the workman to whom the application relates was employed by such person, and proceedings thereon may be taken by a Labour Tribunal,

(b) if any such application was made while such person was such employer, proceedings thereon may be commenced or continued and concluded by a Labour Tribunal, and

(c) a Labour Tribunal may on any such application order such person to pay to that workman any sum as wages in respect of any period during which that workman was employed by such person, or as compensation as an alternative to the reinstatement of that workman or as any gratuity payable to that workman by such person, and such order may be enforced against such person in like manner as if he were such employer.

Duties and
powers of a
Labour
Tribunal in
regard to
applications
under
section 81a.

31c. (1) Where an application under section 31b is made to a Labour Tribunal, it shall be the duty of the Tribunal to make all such inquiries into that application as the Tribunal may consider necessary, hear such evidence as may be tendered by the applicant and any person affected by the application, and thereafter make such order as may appear to the Tribunal to be just and equitable.

(2) Subject to such regulations as may be made under section 39 (1) (ff) in respect of procedure, a Labour Tribunal conducting an inquiry may lay down the procedure to be observed by it in the conduct of the inquiry.

Appeal to
the Supreme
Court on
question of
law arising
out of the
order of a
Labour
Tribunal.

31d. (1) Save as provided in subsection (2) an order of a Labour Tribunal shall be final and shall not be called in question in any court.

(2) Where the workman who, or the trade union which, makes an application to a Labour Tribunal or the employer to whom that application relates is dissatisfied with the order of the Tribunal on that application, such workman, trade union or employer may, by written petition in which the other party is mentioned as the respondent, appeal to the Supreme Court from that order on a question of law.

(3) Every petition of appeal to the Supreme Court shall bear uncanceled stamps to the value of five rupees and shall be filed in the Supreme Court within a period of fourteen days reckoned from the date of the order from which the appeal is preferred.

(4) In computing the time within which an appeal must be preferred to the Supreme Court the day on which the order appealed from was made shall be included, but all Sundays and public holidays shall be excluded.

(5) The provisions of Chapter XXX of the Criminal Procedure Code shall apply *mutatis mutandis* in regard to all

Amendment of
section 33 of
the principal
Act.

matters connected with the hearing and disposal of an appeal preferred under this section.”.

15. Section 33 of the principal Act is hereby amended as follows:—

(1) in sub-section (1) of that section—

(a) by the substitution, for the words “under this Act, the award”, of the words “under this Act or in any order of a Labour Tribunal, such award or such order”;

(b) in paragraph (a) of that sub-section, by the substitution, for the words “the award”, of the words “such award or such order,”; and

(c) in paragraph (c) of that sub-section, by the substitution, for the words “arbitrator or Industrial Court”, of the words “arbitrator, Industrial Court or Labour Tribunal”;

(2) in sub-section (2) of that section—

(a) by the substitution, for the word “award”, wherever that word occurs in that sub-section, of the words “award, or order of a Labour Tribunal”; and

(b) by the omission of the words “supported by a certificate of the Commissioner”;

(3) in sub-section (3) of that section, by the substitution, for the word “award”, wherever that word occurs in that sub-section, of the words “award, or order of a Labour Tribunal”;

(4) in sub-section (5) of that section, by the substitution, for the words “arbitrator or Industrial Court”, wherever those words occur in that sub-section, of the words “arbitrator, Industrial Court or Labour Tribunal”;

(5) in sub-section (6) of that section—

(a) by the substitution, for the words “Industrial Court”, of the words “Industrial Court or a Labour Tribunal”;

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(b) by the substitution, for the word "award", of the words "award or order"; and

(c) by the substitution, for the words "Court or", of the words "Court, Tribunal or"; and

(6) in the marginal note to that section, by the substitution, for the word "award", of the words "award, or order of a Labour Tribunal".

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

(1) by the substitution, for sub-section (1) of that section, of the following sub-section:—

" (1) If any question arises as to the interpretation of any award made under this Act by an arbitrator or by an Industrial Court, or of an order made under this Act by a Labour Tribunal, the Commissioner or any party, trade union, employer or workman, bound by the award or order, may refer such question for decision to such arbitrator or the person or persons who constituted such Industrial Court or to such Labour Tribunal, and if such reference is not possible for any reason whatsoever, may refer the question for decision to an Industrial Court; and the arbitrator to whom, or the Industrial Court or the Labour Tribunal to which, the question has been referred shall decide such question after hearing the parties, or without such hearing if the consent of the parties has been first obtained:

Provided that no employer or workman who is a member of any trade union shall, independently of such union, refer a question for decision under the preceding provisions of this sub-section. "; and

(2) in the marginal note to that section, by the substitution, for the word "award", of the words "award by an arbitrator or an Industrial Court, or an order of a Labour Tribunal".

Amendment of
section 34 of
the principal
Act.

Amendment of
section 36 of
the principal
Act.

17. Section 36 of the principal Act is hereby amended as follows:—

(a) in sub-section (1) of that section—

(i) by the substitution, for all the words from “For the purposes” to “have power,” of the following:—

“Any Industrial Court, Labour Tribunal, arbitrator or authorised officer or the Commissioner shall, for the purposes of this Act, and the Commissioner or an Inspector of Labour shall, for the purpose of promoting a settlement of any industrial dispute by means other than those referred to in this Act, have power,”;

(ii) in each of the paragraphs (a), (b) and (c) of that sub-section by the substitution, for the word “Court,” of the words “Court, Tribunal,” and by the substitution, for the word “Commissioner”, of the words “Commissioner or that Inspector”;

(iii) by the insertion, immediately after paragraph (a) of that sub-section, of the following new paragraph:

“(aa) to require the parties or the representatives of the parties to an industrial dispute which is being investigated or inquired into by that Court, Tribunal, arbitrator or authorised officer or the Commissioner or that Inspector to be present for interrogation in regard to that dispute on such date and at such time and place as may be notified to them;”;

(b) in sub-section (2) of that section by the substitution, in paragraph (b) of that sub-section, for the words “the Court, arbitrator, officer or Commissioner,” of the

words " the Industrial Court, Labour Tribunal, arbitrator, authorised officer, Commissioner or Inspector of Labour," ;

(c) in sub-section (4) of that section by the substitution, for the word " Court, ", of the words " Court, Labour Tribunal, " ; and

(d) in sub-section (5) of that section—

(i) by the substitution, for the words " Industrial Court or arbitrator ", of the words " Industrial Court, arbitrator or Labour Tribunal ", and

(ii) by the substitution, for the words " such Court or arbitrator, if the Court or arbitrator ", of the words " such Court, arbitrator or Tribunal, if such Court, arbitrator or Tribunal ".

18. Section 37 of the principal Act is hereby amended as follows :—

**Amendment of
section 37 of
the principal
Act.**

(a) by the substitution, for the words " Industrial Court ", of the words " Industrial Court or a Labour Tribunal " ; and

(b) by the substitution, for the words " arbitrator or Court, ", of the words " arbitrator, Court or Tribunal, ".

19. Section 39 of the principal Act is hereby amended, in sub-section (1) of that section, by the insertion, immediately after paragraph (f) of that sub-section, of the following new paragraph :—

**Amendment of
section 39 of
the principal
Act.**

" (ff) in respect of the procedure to be observed by a Labour Tribunal in any proceedings before that Tribunal under Part IVA ; ".

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

**Amendment of
section 40 of
the principal
Act.**

(1) in paragraph (a) of that sub-section by the substitution, for the words " in contravention of ", of the words " in contravention of, or fails to comply with, " ;

(2) in paragraph (c) of that sub-section by the substitution, for the words and figures "contravenes the provisions of section 10 or ", of the words and figures "fails to comply with an order made under section 10 (2) or contravenes the provisions";

(3) by the insertion, immediately after paragraph (f) of that sub-section, of the following new paragraphs:—

"(ff) being bound by a collective agreement or by a settlement under this Act or by an award of an arbitrator or an Industrial Court and being an employer commences a lockout with a view to procuring the alteration of any of the terms and conditions of that agreement, settlement or award;

(fff) takes part in a strike or discontinues employment or work with a view to procuring the alteration of any order made by a Labour Tribunal in respect of any application made to such Tribunal under section 31B;"

(4) in paragraph (g) of that sub-section by the substitution, for the words "fails or refuses to furnish", of the following:—

"fails or refuses without reasonable cause to be present when required to do so under paragraph (aa) of sub-section (1) of section 36, or fails or refuses to answer when interrogated under that paragraph, or to furnish";

(5) in paragraph (l) of that sub-section, by the substitution, for all the words from "in any essential industry after an industrial dispute" to the end of that paragraph, of the following:—

"in any industry after an industrial dispute in that industry has been referred for settlement to an Industrial Court, or for settlement by arbitration to an arbitrator, but before an award in respect of such dispute has been made";

(6) in paragraph (m) of that sub-section by the substitution, for all the words from “ in any essential industry after an industrial dispute ” to the end of that paragraph, of the following:—

“ in any industry after an industrial dispute in that industry has been referred for settlement to an Industrial Court, or for settlement by arbitration to an arbitrator, but before an award in respect of such dispute has been made; ”; and

(7) by the insertion, immediately after paragraph (m) of that sub-section, of the following new paragraphs:—

“ (n) incites a workman to commence, continue or participate in, or do any act in furtherance of, a strike in connection with any industrial dispute in any essential industry in contravention of section 32 (2);

(o) incites a workman to commence, continue or participate in, or do any act in furtherance of, a strike in any industry after an industrial dispute in that industry has been referred for settlement to an Industrial Court, or for settlement by arbitration to an arbitrator, but before an award in respect of such dispute has been made;

(p) being an employer, after an industrial dispute in any industry has been referred for settlement to an Industrial Court, or for settlement by arbitration to an arbitrator, but before an award in respect of such dispute has been made,—

(i) terminates the services of, or punishes in any other way, without the approval in writing of such Court or arbitrator, any workman concerned in such dispute,

for any act or omission connected with, arising from, or constituting or included in such dispute, or

(ii) in regard to any matter connected with such dispute, alters, to the prejudice of any workman concerned in such dispute, the conditions of service applicable to such workman immediately before the reference of such dispute to such Court or arbitrator; or

(q) being an employer, fails to comply with any order made in respect of him by a Labour Tribunal,".

Insertion of
new section
40A in the
principal Act.

21. The following new section is hereby inserted immediately after section 40, and shall have effect as section 40A, of the principal Act:—

" Offence of
contempt
against or in
disrespect of
the authority
of an arbitra-
tor or an
Industrial
Court or a
Labour
Tribunal
or a member
thereof.

40A. (1) Where any person—

(a) without sufficient reason publishes any statement or does any other act that brings any arbitrator, Industrial Court or Labour Tribunal or any member of such Court into disrepute during the progress or after the conclusion of any inquiry conducted by such arbitrator, Court or Tribunal; or

(b) interferes with the lawful process of such arbitrator, Court or Tribunal,

such person shall be deemed to commit the offence of contempt against or in disrespect of the authority of such arbitrator, Court or Tribunal.

(2) Every offence of contempt committed against or in disrespect of the authority of any arbitrator or Industrial Court or Labour Tribunal shall be punishable by the Supreme Court or any

5.
Cap. 5.

Judge thereof under section 47 of the Courts Ordinance as though it were an offence of contempt committed against or in disrespect of the Supreme Court.

(3) Every complaint of a contempt committed against or in disrespect of the authority of any arbitrator or Industrial Court or Labour Tribunal shall be communicated to the Chief Justice by letter signed by the arbitrator, or by the President of the Industrial Court or, where such Court consists of one person, by such person, or by the person presiding over such Tribunal.

(4) The Chief Justice may, upon his receiving a communication under sub-section (3), issue a rule *nisi* for contempt of court on the person named in that communication as having committed the offence of contempt referred to in that communication.

(5) A person on whom a rule *nisi* is issued under sub-section (4) shall be liable to be punished unless he shows cause to the satisfaction of the Supreme Court or a Judge thereof.

(6) In any proceedings against any person for the offence of contempt committed against or in disrespect of the authority of any arbitrator or Industrial Court or Labour Tribunal, such arbitrator or any member of such Court or the person presiding over such Tribunal shall not be liable to be summoned as a witness by the first mentioned person, but the Supreme Court may, if it considers it necessary to do so, examine such arbitrator or any member of the Industrial Court or the person presiding over such Tribunal."

22. Section 43 of the principal Act is hereby amended as follows:—

(a) in sub-section (1) of that section by the substitution, for the expression "sub-section (2)", of the expression "sub-section (4)";

(b) by the renumbering of sub-section (2) of that section as sub-section (4);

Amendment of
section 43 of
the principal
Act.

(c) by the insertion, immediately after sub-section (1) of that section, of the following new sub-sections:—

(2) On the conviction of any employer for failure to comply with such term or condition of an award of any Industrial Court or arbitrator as requires the reinstatement of any workman in any service or an order of any Labour Tribunal requiring such reinstatement, such employer shall be liable—

(i) to pay, in addition to any punishment that may be imposed on such employer under sub-section (1), a fine of rupees fifty for each day on which the failure is continued after conviction thereof; and

(ii) to pay such workman the remuneration which would have been payable to him if he had been in such service on each such day, computed at the rate of salary or wages to which he would have been entitled if his services had not been terminated.

Any sum which an employer is liable to pay under paragraph (ii) of this sub-section may be recovered on the order of the court by which he was convicted as if it were a fine imposed on him by that court and the amount so recovered shall be paid to the workman.

(3) Where an employer is convicted by a court for failure to comply with any term or condition of any settlement or award under this Act relating to the payment of wages by such employer to a workman, the court may, in addition to any other sentence that it may impose on such employer, order that such sum of money as may be due to the workman under that settlement or award be paid by such employer within the time specified in the order, and, if such sum of

money is not so paid, it may be recovered on the order of the court as if it were a fine imposed by the court.”; and

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

(i) by the substitution, for the words “Industrial Court”, wherever those words occur in that sub-section, of the words “Industrial Court or a Labour Tribunal”; and

(ii) by the substitution, for the words “arbitrator or Court”, wherever those words occur in that sub-section, of the words “arbitrator, Court or Tribunal”.

23. The following new section is hereby inserted immediately after section 44, and shall have effect as section 44A, of the principal Act:—

Insertion of
new section
44A in the
principal Act.

“Proof of
collective
agreements,
settlements
and awards.

44A. (1) An extract from the *Gazette* containing a collective agreement and purporting to have been printed by the Government Printer, or a copy of such agreement purporting to have been certified to be a true copy by the Commissioner, may be produced in any court in proof of such agreement.

(2) An extract from the *Gazette* containing a memorandum of settlement of an industrial dispute and purporting to have been printed by the Government Printer, or a copy of such memorandum purporting to have been certified to be a true copy by the Commissioner, may be produced in any court in proof of such memorandum.

(3) An extract from the *Gazette* containing an award made under this Act and purporting to have been printed by the Government Printer, or a copy of such award purporting to have been certified to be a true copy by the Commissioner, may be produced in any court in proof of such award.”.

Amendment of
section 46 of
the principal
Act.

24. Section 46 of the principal Act is hereby amended as follows:—

(a) in sub-section (1) of that section—

(i) by the substitution, for the words “arbitrator or Industrial Court”, of the words “arbitrator, Industrial Court or Labour Tribunal”; and

(ii) by the substitution, for the words “Court or Commissioner,”, of the words “Court or Tribunal, or the Commissioner,”;

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

“(2) In any proceedings under this Act other than proceedings before the Commissioner or an authorized officer, an advocate or a proctor may appear on behalf of any party to such proceedings or the representative of such party.”;

(c) in sub-section (3) of that section—

(i) by the substitution, for the words “The persons”, of the words “The person or persons”;

(ii) in paragraph (a) of that sub-section by the substitution, for all the words from “two officers” to the end of that paragraph, of the words “an officer of such union or of each such union”; and

(iii) in paragraph (b) of that sub-section by the substitution, for the words “two officers of each union nominated by such union”, of the words “an officer of such union or of each such union”;

(d) in sub-section (4) of that section by the substitution, for the word "Court.", of the words "Court or a Labour Tribunal."; and

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

"(5) Where any trade union is a party to any proceedings under this Act and acts through a representative in those proceedings, such union shall be bound by any statement or act of such representative in those proceedings."

25. The following new sections are hereby inserted immediately after section 46A, and shall have effect as sections 46B, 46C and 46D, of the principal Act:—

Insertion of
new sections
46B, 46C and
46D in the
principal Act.

"Contracting
out of the
rights or
liabilities
under this
Act or
awards made
thereunder."

46B. Any contract or agreement whereby any right conferred on any worker by or under this Act or by any award made under this Act by an arbitrator or an Industrial Court or a Labour Tribunal is in any way affected or modified to his detriment, or whereby any liability imposed on any employer by or under this Act or by any such award is in any way removed or reduced, shall be null and void in so far as it affects or modifies any such right or removes or reduces any such liability.

46C. All collective agreements referred to in section 5 and all awards and documents made or issued under this Act shall be exempt from stamp duty.

Exemption
from stamp
duty.

46D. Notwithstanding that any person concerned as an employer in any industrial dispute has ceased to be such employer,—

Provisions
relating to
industrial
disputes in
which the
employers
concerned have
ceased to be
such employers.

(a) such dispute may be referred for settlement to an Industrial Court or for settlement by arbitration to an arbitrator and proceedings on such reference may be taken by such Court or arbitrator,

(b) if such dispute was so referred for settlement while such person was such employer, proceedings on such reference may be commenced or continued and concluded by the Industrial Court or arbitrator to which or whom such reference was made, and

(c) in any award made by such Court or arbitrator such person may be ordered to pay to any other person concerned in such dispute as a workman employed by the first-mentioned person while he was such employer any sum whether as wages in respect of any period during which such other person was employed by the first-mentioned person or as compensation as an alternative to the reinstatement of such other person, and such order may be enforced against the first-mentioned person in like manner as if he were such employer."

Amendment of
section 47 of
the principal
Act.

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

(a) by the substitution, for the definition of "employer", of the following definition:—

"employer" means any person who employs or on whose behalf any other person employs any workman and includes a body of employers (whether such body is a firm, company, corporation or trade union) and any person who on behalf of any other person employs any workman; ;

(b) in the definition of “ industry ”—

(i) by the substitution, in paragraph (b) of that definition, for the words “ local authority; and ”, of the following:—

“ local authority, or of a corporation established by or under any written law for carrying on an undertaking whether for the purpose of trade or otherwise; ” ;

(ii) by the repeal of paragraph (c) of that definition and the substitution therefor of the following paragraph:—

“ (c) every occupation, calling or service of workmen; and ” ;
and

(iii) by the insertion, immediately after paragraph (c) of that definition, of the following new paragraph:—

“ (d) every undertaking of employers; ” ;

(c) in the definition of “ industrial dispute ” by the substitution, for the words “ of any person, ”, of the words “ or the termination of the services, or the reinstatement in service, of any person, ” ; and

(d) in the definition of “ workman ” by the substitution, for the words “ particular time. ”, of the words “ particular time, and, for the purposes of any proceedings under this Act in relation to any industrial dispute, includes any person whose services have been terminated. ”