

PARLIAMENT OF CEYLON

4th Session 1968-69



Industrial Disputes (Amendment) Act, No. 39 of 1968

Date of Assent: October 12, 1968

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Industrial Disputes (Amendment)
Act, No. 39 of 1968

L. D.—O. 22/67.

AN ACT TO AMEND THE INDUSTRIAL DISPUTES ACT.

[Date of Assent: October 12, 1968]

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. 39 of 1968. Short title.
2. The Industrial Disputes Act (as last amended by Act No. 27 of 1966), hereafter referred to as the "principal Act",— Amendment of Chapter 131.
 - (a) is hereby amended in the manner and to the extent specified in Part I of the Schedule to this Act, and such amendments shall be deemed, for all purposes, to have come into operation on October 11, 1966; and
 - (b) is hereby further amended in the manner and to the extent specified in Part II of that Schedule, and such further amendments shall be deemed, for all purposes, to have come into operation on December 30, 1957.

SCHEDULE

PART I.

Amendments to the principal Act.

1. The heading of Part II of the principal Act is hereby amended by the substitution, for the expression " By Arbitration Or By Adjudication Or ", of the expression " By Arbitration Or ".
2. Section 4A of the principal Act is hereby repealed.
3. Part III of the principal Act is hereby amended by the omission of the sub-heading " (D) Settlement By Adjudication " appearing immediately after section 21 of that Act.
4. Sections 21A to 21D (both sections inclusive) of the principal Act are hereby repealed.
5. Section 31H of the principal Act is hereby amended as follows:—
 - (a) in paragraph (c) of that section, by the substitution, for the expression " court for settlement, or ", of the expression " court for settlement,"; and
 - (b) by the omission of paragraph (d) of that section.

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

- (a) in sub-section (1) of that section, by the substitution, for the expression “ or of an order or award made ”, of the expression “ or of an order made ”; and
- (b) in the marginal note to that section, by the substitution, for the expression “ or an award or order ”, of the expression “ or an order ”.

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

- (a) by the substitution, for the expression “ court or labour tribunal involves ”, of the expression “ court involves ”;
- (b) by the substitution, for the expression “ arbitrator or tribunal shall ”, of the expression “ arbitrator shall ”; and
- (c) in the marginal note to that section, by the substitution, for the expression “ court or labour tribunal not ”, of the expression “ court not ”.

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

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 or a labour tribunal, does ”, of the expression “ court, does ”;
- (b) by the substitution, in paragraph (b) of that sub-section, for the expression “ court or a labour tribunal, keeps ”, of the expression “ court, keeps ”;
- (c) by the substitution, in paragraphs (e), (f) and (ff) of that sub-section, for the expression “ court or a labour tribunal and ” wherever it occurs in such paragraphs, of the expression “ court and ”;
- (d) by the substitution, in paragraph (k) of that sub-section, for the expression “ arbitrator or a labour tribunal, or ”, of the expression “ arbitrator or ”;
- (e) by the substitution, in paragraphs (l), (m) and (o) of that sub-section, for the expression “ arbitrator, or for settlement by adjudication to a labour tribunal, but ” wherever it occurs in such paragraphs, of the expression “ arbitrator, but ”; and
- (f) by the substitution,—
 - (i) in paragraph (p) of that sub-section, for the expression “ arbitrator, or for settlement by adjudication to a labour tribunal, but ”, of the expression “ arbitrator, but ”;
 - (ii) in sub-paragraph (i) of the said paragraph (p), for the expression “ arbitrator or tribunal, any ”, of the expression “ arbitrator, any ”; and

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

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

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

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

12. Section 48 of the principal Act is hereby amended by the omission of the definition of the term " appropriate labour tribunal ".

PART II.

Amendments to the principal Act.

1. Section 48 of the principal Act is hereby amended in the definition of " workman " by the substitution, for the words " and, for the purposes of any proceedings under this Act in relation to any industrial dispute, includes any person whose services have been terminated.", of the words " and includes any person whose services have been terminated."

2. The following new section is hereby inserted, immediately after section 50, and shall have effect as section 51, of the principal Act:—

'The Superintendent or manager of an estate to be the employer.

51. (1) Where the employer of any workman employed on any estate is a person who is called or known as the " superintendent ", or the " manager ", it shall be sufficient, for the purposes of any application made under section 31B, or any reference under section 3 or section 4, of this Act, to designate such person in such application or such reference as the " superintendent " of that estate, or the " manager " of that estate, as the case may be, without the addition of the name or any further description of such superintendent, or manager, as the case may be.

(2) No application or reference referred to in sub-section (1) of this section, and no order or award made on such application or reference, shall be invalid for the reason only that the employer has been designated in accordance with the provisions of that sub-section. '