

THE TRADE DISPUTES (AMENDMENT) ACT, 1954.

[ACT No. LXXIII OF 1954.]

It is hereby enacted as follows :—

1. (1) This Act may be called the Trade Disputes (Amendment) Act, 1954.

(2) It shall come into force on such date as the President may, by notification, appoint in that behalf.

2. In the Trade Disputes Act, hereinafter referred to as the said Act, after section 2 the following *shall be inserted* as section 2A, namely :—

" 2A. (1) In the case of any industry in which fifty or more workmen are employed or have been employed on any day in the preceding twelve months, the President of the Union may by general or special order require the employer to constitute in the prescribed manner Works Committee or Committees consisting of representatives of employers and workmen engaged in the industry so however that the number of representatives of workmen on the Works Committee shall not be less than the number of representatives of the employer. The representatives of the workmen shall be chosen in the prescribed manner from among the workmen engaged in the industry and in consultation with their trade union, if any, registered under the Trade Unions Act.

(2) It shall be the function of the Works Committees to secure the greater measure of co-operation between the management and the employees with a view to its increased efficiency and the well-being of the employees and also to provide means whereby the employees can be kept informed of the state of the industry and particularly in—

- (a) questions concerning the safety, health and welfare of the employees ;
- (b) recreation of the employees, at or away from place of work ;
- (c) questions of education and training of the employees ;
- (d) related personnel problems, including any individual grievance which the Works Committee may decide to consider ;
- (e) improvements in methods of production, such as efficient use of the maximum number of production hours and economy in the use of materials ;
- (f) provision of the best means for utilising the ideas and suggestions of the employees and encouragement of them to put forward ideas and suggestions ; and
- (g) any matter affecting the industry concerned which it shall decide to take into its consideration.

(3) The President of the Union may, by order, direct that his power under sub-section (1) shall, in such circumstances and under such conditions, if any, as may be specified in the order, be exercised by any officer or authority subordinate to him."

3. In section 3 of the said Act, the words "between an employer and any of his workmen" shall be deleted.

4. In section 13 of the said Act, (i) for clause (d) the following shall be substituted as clause (d), namely :—

"(d) where a party referred to in clause (a) or clause (b) is, composed of workmen, all workmen who were employed in the undertaking or part of the undertaking, as the case may be, to which the dispute relates on the date of the dispute and all workmen who subsequently become employees in that undertaking or part of the undertaking."

(ii) clause (e) shall be deleted.

5. In section 14A of the said Act, the words "the declaration or" shall be deleted.

6. After section 14A of the said Act, the following shall be inserted as section 14B, namely :—

"14B. No workman who is employed in any industry shall go on strike or continue a strike and no employer of any such workmen shall declare a lock-out in breach of contract :—

(i) during the pendency of conciliation proceedings before a Board or Conciliation Officer and seven days after the conclusion of such proceedings; or

(ii) during the pendency of proceedings before an Industrial Court and two months after the conclusion of such proceedings; or

(iii) during any period in which a settlement or award is in operation, in respect of any of the matters covered by the settlement or award, in respect of any matter, which has been the subject of consideration in such conciliation proceedings or before the Industrial Court as proceedings are referred to in clauses (i) and (ii)."

7. For the existing section 14B and its proviso, the following shall be substituted as section 14C and section 14D, namely :—

"14C. When the matter in dispute relating to the discharge, retrenchment or reduction of workmen has been referred to the Industrial Court, the employer shall not, pending the award by the Industrial Court, discharge, retrench or reduce any workman in his employment, except for reasons unconnected with the dispute under reference and anything done or any action taken by the employer contrary to the provisions of this section shall be illegal, and he shall be punishable with simple imprisonment which may extend to three months, or with fine which may extend to two hundred kyats or with both :

Provided that where the employer committing an offence under this section is a corporation, company or other association of persons, any secretary, director, or other officer or person concerned with the management thereof shall be deemed to have committed the offence unless he proves that the offence was committed without his knowledge or his consent.

14D. During the pendency of any proceedings before an Industrial Court, the employer shall not alter, to the prejudice of the workmen concerned in such a dispute, the conditions of service applicable to them immediately before the commencement of such proceedings."

8. For sub-section (3B) of section 27 of the said Act, the following shall be substituted, namely :—

" (3B) Every Conciliation Officer shall have the power to serve notice on any party to a trade dispute requiring such party either to attend in person or to send an accredited representative or representatives to attend and participate in the conciliation proceedings before him, if he is satisfied that there is no likelihood of such dispute being settled between the parties concerned without his intervention.

If any party to a trade dispute who is duly served with such notice fails without good causes shown to attend in person or to send an accredited representative or representatives to attend and participate in the conciliation proceedings before the Conciliation Officer within such time as may be specified by him such defaulting party shall be punishable with simple imprisonment which may extend to one month or with fine which may extend to one hundred kyats or with both."

9. After section 27 of the said Act, the following shall be inserted as section 27A, namely :—

#### " DUTIES OF CONCILIATION OFFICERS.

- 27A. (1) Where any industrial dispute exists or is apprehended the Conciliation Officer, may, or where the dispute relates to a public utility service shall hold conciliation proceedings in the prescribed manner.
- (2) The Conciliation Officer shall, for the purpose of bringing about a settlement of the dispute, without delay investigate the dispute and all matters affecting the merits and the right settlement thereof and may do all such things as he thinks fit for the purpose of inducing the parties to come to a fair and amicable settlement of the dispute.
- (3) If a settlement of the dispute or of any of the matters in dispute is arrived at in the course of the conciliation proceedings the Conciliation Officer shall send a report thereof to the President of the Union or to the authority appointed by him in that behalf together with a memorandum of the settlement signed by the parties to the dispute.

(4) If no such settlement is arrived at, the Conciliation Officer shall, as soon as practicable after the close of the investigation, send to the President of the Union or to the authority appointed by him in that behalf, a full report setting forth the steps taken by him for ascertaining the facts and circumstances relating to the dispute and for bringing about a settlement thereof, together with a full statement of such facts and circumstances, and the reasons on account of which, in his opinion, a settlement could not be arrived at.

(5) A report under this section shall be submitted within a week of the termination of the conciliation proceedings or within such shorter period as may be fixed by the President of the Union."

10 In section 28 (2) of the said Act, the following *shall be inserted* as clause (a 3), namely :—

"(a 3) the powers of Conciliation Officers and the procedure to be followed by them ;"