



Sindh

INDUSTRIAL RELATIONS

Act, 2013

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(SINDH ACT NO. XXIX OF 2013)

PROVINCIAL ASSEMBLY OF SINDH

NOTIFICATION

KARACHI, THE 1ST APRIL, 2013

NO.PAS/Legis-B-23/2013- The Sindh Industrial Relations Bill, 2013 having been passed by the Provincial Assembly of Sindh on 15th March, 2013 and assented to by the Governor of Sindh on 28th March, 2013 is hereby published as an Act of the Legislature of Sindh.

AN

ACT

to regulate formation of trade unions, regulation and improvement of relations between employers and workmen

Preamble.— Whereas it is expedient to regulate formation of trade unions and trade union activities, relations between employers and workmen and the avoidance and settlement of any differences or disputes arising between them and ancillary matters;

It is enacted as follows:-

1. Short title, extent, application and commencement.— (1) This Act may be called the Sindh Industrial Relations Act, 2013.

(2) It extends to the whole of the Province of Sindh.

(3) It shall apply to all persons employed in any establishment or industry, including fishing and agriculture but shall not apply to any person employed—

(i) in the Police or any of the Defence Services of Pakistan or any services or installations exclusively connected with or incidental to the Armed

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Forces of Pakistan including an ordnance factory maintained by the Federal Government;

(ii) in the administration of the State other than those employed as workmen by the Railway and Pakistan Post;

(iii) as a member of the security staff of the Pakistan International Airlines Corporation, or drawing wages in pay group, not lower than group V, in the establishment of that Corporation as the Government may, in the public interest or in the interest of security of the Airlines, by notification in the official Gazette, specify in this behalf;

(iv) by the Pakistan Security Printing Corporation or the Security Papers Limited;

(v) by an establishment or institution for the treatment or care of sick, infirm, destitute or mentally unfit persons excluding those run on commercial basis;

(vi) as a member of the watch and ward, security or fire service staff of an oil refinery or an airport;

(vii) as a member of the security or fire service staff of an establishment engaged in the production, transmission or distribution of natural gas or liquefied petroleum gas; and

(viii) in an establishment or institution providing education or emergency services excluding those run on commercial basis.

(4) It shall come into force at once.

2. Definitions.— In this Act-

(i) "Arbitrator" means a person appointed as an Arbitrator under this Act;

(ii) "award" means the determination by a Labour Court, Arbitrator or Tribunal of any industrial dispute or any matter relating thereto and includes an interim award;

(iii) "collective bargaining agent" in relation to an establishment or group of establishments or industry, means the trade union of the workmen which under

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section 24 is the agent of workmen in the establishment or group of establishments or industry, in the matter of collective bargaining;

(iv) "collective bargaining unit" means those workers or class of workers of an employer in one or more establishments falling within the same class of industry whose terms and conditions of employment are, or could appropriately be, the subject of collective bargaining together;

(v) "conciliation proceedings" means any proceedings before a conciliator;

(vi) "conciliator" means a person appointed as conciliator under section 36;

(vii) "Council" means the Workers Management Council set up under section 29;

(viii) "employer" in relation to an establishment, means any person or body of persons, whether incorporated or not, who or which employs workmen in the establishment under a contract of employment and includes—

(a) an heir, successor or assignee of such person or body;

(b) Any person responsible for the management, supervision and control of the establishment;

(c) in relation to an establishment run by or under the authority of any department of the Federal Government or the Government, the authority appointed in this behalf or, where no authority is so appointed, the head of the department;

(d) in relation to an establishment run by or on behalf of a local authority, the officer appointed in this behalf, or where no officer is so appointed, the chief executive officer of that authority;

Explanation.— For the purpose of distinction from the category of "workers" or "workmen", officers and employees of a department of the Federal Government or the Government or local authority who belong to the superior, managerial, secretarial, directorial, supervisory or agency staff and who have been notified for this purpose in the official Gazette shall be deemed to fall within the category of "employers"; and

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(e) in relation to any other establishment, the proprietor of such establishment and every director, manager, secretary, agent or officer or person concerned with the management of the affairs thereof;

(ix) "establishment" means any office, firm, factory, society, undertaking, company, shop, premises or enterprise in the Province of Sindh, which employs workmen directly or through a contractor for the purpose of carrying on any business or industry and includes all its departments and branches, whether situated in the same place or in different places having a common balance sheet and except in section 25 includes a collective bargaining unit, if any, constituted in any establishment or group of establishments;

(x) "executive" means the body, by whatever name called, to which the management of the affairs of a trade union is entrusted by its constitution;

(xi) "Government" means the Government of Sindh;

(xii) "group of establishments" means establishments belonging to the same employer and the same industry;

(xiii) "illegal lock-out" means a lock-out declared, commenced or continued otherwise than in accordance with the provisions of this Act;

(xiv) "illegal strike" means a strike declared, commenced or continued otherwise than in accordance with the provisions of this Act;

(xv) "industrial dispute" means any dispute or difference between employers and employers or between employers and workmen or between workmen and workmen which is connected with the employment or non-employment or the terms of employment or the conditions of work of any person, and is not in respect of the enforcement of such right guaranteed or accrued to him by or under any law other than the Act, or any award or settlement for the time being in force;

(xvi) "industry" means any business, trade, manufacture, calling, service, including fishing, mining, agriculture, extraction, exploration, processing, print and electronic media, employment or occupation of producing goods or services for sale excluding those set up for charitable purposes;

(xvii) "inspector" means an inspector appointed under this Act;

(xviii) "Labour Court" means a Labour Court established under section 45;

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(xix) "lock-out" means the closing of place of employment or part of such place, or the suspension, wholly or partly, of work by an employer, or refusal, absolute or conditional, by an employer to continue to employ any number of workmen employed by him, where such closing, suspension or refusal occurs in connection with an industrial dispute or is intended for the purpose of compelling workmen employed to accept certain terms and conditions of or affecting employment;

(xx) "office-bearer" in relation to a trade union, means any member of the executive thereof but does not include an auditor or legal adviser;

(xxi) "organization" means any organization of workers or of employers for furthering and defending the interests of workers or of employers;

(xxii) "prescribed" means prescribed by rules;

(xxiii) "public utility service" means any of the services specified in the Schedule;

(xxiv) "registered trade union" means a trade union registered under this Act;

(xxv) "Registrar" means a Registrar appointed under section 14;

(xxvi) "rules" mean the rules made under this Act;

(xxvii) "Schedule" means Schedule to this Act;

(xxviii) "settlement" means a settlement arrived at in the course of conciliation proceeding, and includes an agreement between an employer and his workmen arrived at otherwise than in the course of any conciliation proceeding, where such agreement is in writing, has been signed by the parties thereto in such manner as may be prescribed and a copy thereof has been sent to Government, the conciliator and such other person as may be prescribed;

(xxix) "strike" means a cessation of work by a body of persons employed in any establishment acting in combination or a concerted refusal, or refusal under a common understanding of any number of persons who are or have been so employed to continue to work or to accept employment;

(xxx) "trade union" means any combination of workmen or employers formed primarily for the purpose of regulating the relations between workmen and employers, or workmen and workmen or employers and employers, or for imposing restrictive

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conditions on the conduct of any trade or business and includes a federation of two or more trade unions and a confederation of two or more federations;

(xxxi) "Tribunal" means a Labour Appellate Tribunal constituted under section 48; and

(xxxii) "worker" and "workman" mean a person not falling within the definition of employer who is employed (including employment as a supervisor or as an apprentice) in an establishment or industry for hire or reward either directly or through a contractor whether the terms of employment be expressed or implied, and, for the purpose of any proceedings under this Act in relation to an industrial dispute includes a person who has been dismissed, discharged, retrenched, laid-off or otherwise removed from employment in connection with or as a consequence of that dispute or whose dismissal, discharge, retrenchment, lay-off, or removal has led to that dispute but does not include any person who is employed mainly in managerial or administrative capacity.

3. Trade unions and freedom of association.— Subject to the provisions of this Act and notwithstanding any other law-

(i) workers without distinction whatsoever, shall have the right to establish and subject to the rules of the organization concerned, join trade union and associations of their own choice without previous authorization:

Provided that in the establishment where women are also employed, the trade union shall include the women in the executive and office bearers of the said trade union with the same proportion in which they are employed in the establishment;

(ii) a worker shall not be entitled to be a member of more than one trade unions at any one time and on joining another trade union, his earlier membership of the other trade union shall stand cancelled;

(iii) employers may establish and, subject to the rules of the organization, may join associations of their own choice without previous authorization;

(iv) every trade union and employers association shall frame its own constitution and rules to elect its representatives in full freedom to organize its administration and activities and to formulate its programmes; and

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(v) workers' or employers' organizations may establish and join federations and confederations and any such organization, federation or confederation may affiliate with international organizations and confederations of workers' or employers' organizations.

4. Application for registration.— Any trade union may, under the signatures of its President and Secretary, apply to the Registrar for registration of the trade union under this Act.

5. Requirements for application.— Every application for registration of trade union shall be made to the Registrar and shall be accompanied by—

(a) a statement showing –

(i) the name of the trade union and the address of its head office;

(ii) date of formation of the trade union;

(iii) the titles, names, ages, addresses and occupations of the office-bearers of the trade union;

(iv) statement of total paid membership;

(v) the name of the establishment or group of establishments, or the industry to which the trade union relates along with a statement of the total number of workers employed therein;

(vi) the names and addresses of the registered trade unions in the establishment or group of establishments or industry to which the trade union relates;

(vii) in case of a federation of trade unions, the names, addresses and registration numbers of member trade unions; and

(viii) in case of a confederation of federations, the names, addresses and registration numbers of member-federations;

(b) three copies of the constitution of the trade union together with a copy of the resolution by the members of the trade union adopting such constitution bearing the signature of the chairman of the meeting;

(c) a copy of the resolution by the members of the trade union authorizing its president and the secretary to apply for its registration;

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(d) in case of a federation of trade unions, a copy of the resolution from each of the constituent trade union agreeing to become a member of the federation; and

(e) in case of a confederation of federations, a copy of the resolution from each of the constituent federation agreeing to become a member of the confederation.

6. Requirements for registration.— (1) A trade union shall not be entitled to registration under this Act unless the constitution thereof provide for the following matters—

(a) the name and address of the trade union;

(b) the objects for which the trade union has been formed;

(c) the purposes for which the general funds of the union shall be utilized;

(d) the number of persons forming the executive which shall not exceed the prescribed limit and shall include not less than eighty percent from amongst the workmen actually engaged or employed in the establishment or group of establishments or the industry for which the trade union has been formed;

(e) the conditions under which a member shall be entitled to any benefit assured by the constitution of the trade union and under which any fine or forfeiture may be imposed on him;

(f) the maintenance of a list of the members of the trade union and of adequate facilities for the inspection thereof by the office-bearers and members of the trade union;

(g) the manner in which the constitution shall be amended, varied or rescinded;

(h) the safe custody of the funds of the trade union, its annual audit, the manner of audit and adequate facilities for inspection of the account books by the office-bearers and members of the trade union;

(i) the manner in which the trade union may be dissolved;

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(j) the manner of election of office-bearers by the general body of the trade union and the term, not exceeding two years, for which an office-bearer may hold office upon his election or re-election;

(k) the procedure for expressing no confidence in any office-bearer of the trade union; and

(l) the meeting of the executive and of the general body of the trade union so that the executive shall meet at least once in every three months and the general body at least once in a year.

(2) Without prejudice to the provisions of sub-section (1), a trade union of workmen shall not be entitled to registration under this Act—

(a) unless all its members or workmen actually engaged or employed in the establishment or group of establishments or industry with which the trade union is connected; and

(b) where there are two or more registered trade unions in the establishment, group of establishments or industry with which the trade union is connected, unless it has as its members not less than one-fifth of the total number of workmen employed in such establishment, group of establishments or industry.

7. Disqualification for being an office-bearer of a trade union.— Notwithstanding anything contained in the constitution or rules of a trade union, a person who has been convicted of offence under section 70 or heinous offence under the Pakistan Penal Code 1860 (XLV of 1860) shall be disqualified from being elected as, or from being, an office-bearer of a trade union.

8. Registered trade union to maintain register.— Every registered trade union shall maintain in such form as may be prescribed—

(a) a register of members showing particulars of subscriptions paid by each member;

(b) an accounts book showing receipts and expenditure; and

(c) a minute book for recording the proceedings of meetings.

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9. Registration.— (1) The Registrar, on being satisfied that the trade union has complied with all the requirements of this Act, shall register the trade union in a prescribed register and issue a registration certificate in the prescribed form within a period of fifteen days from the date of receipt of the application.

(2) In case the application is found by the Registrar to be deficient in a material respect, he shall communicate in writing his objections to the trade union within a period of fifteen days from the receipt of the application and the trade union shall reply thereto within a period of fifteen days from the receipt of the objections.

(3) When the objections raised by the Registrar have been satisfactorily met the Registrar shall register the trade union as provided in sub-section (1) and issue a certificate of registration in the prescribed form within fifteen days of the date of the communication of reply of objections.

(4) In case of further delay, the Registrar may register the applicant trade union provisionally till further orders.

(5) In case the replies to the objections of the Registrar are not satisfactory, the Registrar may reject the application.

(6) In case the application has been rejected or the Registrar has delayed disposal of the application beyond the period of fifteen days provided in the above sub-sections or has not issued a certificate of registration within such period or has not registered the applicant trade union provisionally, the trade union may file an appeal in the Labour Court which may, for reasons to be stated in its judgment, pass an order directing the Registrar to register the trade union and to issue a certificate of registration or may dismiss the appeal.

(7) Notwithstanding anything contained in any other provision of the Act, every alteration or change made in the constitution of a registered trade union and every proceedings of election of its office-bearers or change of its office-bearers or otherwise, the trade union shall, by registered post, notify to the Registrar within fifteen days of such election or change for the approval of the Registrar.

(8) The Registrar may refuse to register such election of office-bearers or change of office-bearers or alteration or change made in the constitution, if it is in contravention of any of the provisions of the Act, or if it is in violation of the constitution of the trade union.

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(9) Subject to the provision of sub-section (8), every inclusion or exclusion of any constituent unit of a federation of trade unions or confederation of federations, the federation or confederation shall, by registered post, notify to the Registrar within fifteen days of such inclusion or exclusion.

(10) In case there is a dispute in relation to the election of the office-bearers or change of office-bearers or alteration made in the constitution of a trade union, the Registrar or any trade union aggrieved by the refusal of the Registrar, any office-bearer or member of the trade union may file an appeal to the Labour Court, which shall within seven days of the receipt of the appeal, pass an order either directing the Registrar to register the change or alteration in the constitution or in the office-bearers of the trade union or may, for reasons to be recorded in writing, direct the Registrar to hold fresh elections of the trade union under his supervision.

10. Transfer of office-bearer of trade union during pendency of application for registration.— Save with the prior permission of the Registrar, no office-bearer of a trade union of workmen shall be transferred, discharged, dismissed or otherwise punished during the pendency of an application for registration of the trade union with the Registrar; provided that the trade union has notified the names of its office-bearers to the employer in writing.

11. Certificate of registration.— The Registrar, on registering a trade union under section 9, shall issue a certificate of registration in the prescribed form which shall be conclusive evidence that trade union has been duly registered under this Act.

12. Cancellation of registration.— (1) The registration of a trade union shall be cancelled, if the Labour Court so directs upon a complaint in writing made by the Registrar that the trade union has—

(a) contravened or has been registered in contravention of any of the provisions of this Act or the rules;

(b) contravened any of the provisions of its constitution; or

(c) made in its constitution any provision which is inconsistent with the Act or the rules.

(2) Where any person who is disqualified under section 7 from being elected as, or from being, an office-bearer of a trade union is elected as an office-bearer of a registered trade union, the registration of that trade union shall be cancelled if the

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Labour Court, upon a complaint in writing made in this behalf by the Registrar, so directs.

(3) The registration of a trade union shall be cancelled by the Registrar, by giving reasons for such cancellation in writing, if, after holding an inquiry, he finds that any trade union has dissolved itself or has ceased to exist.

13. Appeal against cancellation.— Any trade union aggrieved by an order passed—

(a) by the Labour Court under sub-section (1) or sub-section (2) of section 12 may prefer an appeal to the Tribunal within thirty days of the passing of the such order; or

(b) by the Registrar under sub-section (3) of section 12 may prefer an appeal to the Labour Court within thirty days of the passing of the said order.

14. Registrar of trade unions.— For the purpose of this Act, Government shall, by notification in the official Gazette, appoint as many persons as it considers necessary to be the Registrars and, where it appoints more than one Registrars, shall specify in the notification the area within which each one of them shall exercise and perform the powers and functions under this Act.

15. Powers and functions of Registrar.— (1) The Registrar shall have the following powers and functions—

(a) the registration of trade unions under this Act and the maintenance of a register for the purpose;

(b) determination of collective bargaining unit;

(c) to lodge, or authorize any person to lodge, complaints with the Labour Court for action, including prosecution, against trade unions, employers, workers or other persons for any alleged offence or any unfair labour practice or violation of any provision of this Act for expending the funds of a trade union in contravention of the provisions of its constitution;

(d) the determination of the question as to which one of the trade unions in an establishment or group of establishments or an industry is entitled to be certified as the collective bargaining agent in relation to that establishment or group of establishments or industry;

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(e) to inspect the accounts and record of the registered trade unions, or investigate or hold such inquiry in the affairs of the trade unions as he deems fit either by himself or through any officer subordinate to him and to authorize him in writing in this behalf; and

(f) such other powers and functions as may be prescribed.

(2) Government may, by general or special order, authorize a Registrar to exercise the following powers—

(a) registration of industry-wise trade unions, federations of such trade unions and federations at the provincial level;

(b) registration of trade unions within the collective bargaining units;

(c) determination of collective bargaining agent from amongst the industry-wise trade unions, federations of such trade unions or federations at the provincial level; and

(d) determination of collective bargaining agent from amongst the trade unions registered within a collective bargaining unit; and

16. Incorporation of registered trade union.— (1) Every registered trade union shall be a body corporate by the name under which it is registered, shall have perpetual succession and a common seal and the power to contract and to acquire, hold and dispose of property, both movable and immovable, and shall, by the said name, sue or be sued.

(2) The Societies Registration Act, 1860 (XXI of 1860), the Cooperative Societies Act, 1925 (VII of 1925) and the Companies Ordinance, 1984 (XLVII of 1984), shall not apply to any registered trade union and the registration of any trade union under any of these laws shall be void.

17. Unfair labour practices on the part of employers.— (1) No employer or trade union of employers and no person acting on behalf of either shall—

(a) impose any condition in a contract of employment seeking to restrain the right of a person who is a party to such contract to join a trade union or continue his membership of a trade union;

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(b) refuse to employ or refuse to continue to employ any person on the ground that such person is, or is not a member or office-bearer of a trade union;

(c) discriminate against any person in regard to any employment, promotion, condition of employment or working condition on the ground that such person is, or is not, a member or office-bearer of a trade union;

(d) dismiss, discharge, remove from employment or transfer or threaten to dismiss, discharge or remove from employment or transfer a workman or injure or threaten to injure him in respect of his employment by reason that the workman—

(i) is or proposes to become, or seeks to persuade any other person to become, a member or office-bearer of a trade union; or

(ii) participates in the promotion, formation or activities of a trade union;

(e) induce any person to refrain from becoming, or to cease to be a member or office-bearer of a trade union, by conferring or offering to confer any advantage on, or by procuring or offering to procure any advantage for such person or any other person;

(f) compel or attempt to compel any office-bearer of the collective bargaining agent to arrive at a settlement by using intimidation, coercion, pressure, threat, confinement to a place, physical injury, disconnection of water, power and telephone facilities and such other methods;

(g) interfere with or in any way influence the balloting provided for in section 24;

(h) recruit any new workman during the period of a notice of strike under section 37 or during the currency of a strike which is not illegal except where the conciliator having been satisfied that complete cessation of work is likely to cause serious damage to the machinery or installation, has permitted temporary employment of a limited number of workmen in the section where the damage is likely to occur;

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(i) close down the whole of the establishment in contravention of Standing Order 11-A of the Industrial and Commercial Employment (Standing Orders) Ordinance, 1968 (VI of 1968); or

(j) commence, continue, instigate or incite others to take part in, or expend or supply money or otherwise act in furtherance or support of, an illegal lock-out.

(2) Nothing in sub-section (1) shall be deemed to preclude an employer from requiring that a person upon his appointment or promotion to managerial position shall cease to be, and shall be disqualified from being, a member or office-bearer of a trade union of workmen.

18. Unfair labour practices on the part of workmen.— (1) No workman or other person or trade union of workmen shall –

(a) persuade a workman to join or refrain from joining a trade union during working hours;

(b) intimidate any person to become, or refrain from becoming, or to continue to be, or to cease to be a member or office-bearer of a trade union;

(c) induce any person to refrain from becoming, or cease to be a member or office-bearer of a trade union, by intimidating or conferring or offering to confer any advantage on, or by procuring or offering to procure any advantage for such person or any other person;

(d) compel or attempt to compel the employer to accept any demand by using intimidation, coercion, pressure, threat, confinement to, or ouster from a place, dispossession, assault, physical injury, disconnection of telephone, water or power facilities or such other methods; or

(e) commence, continue, instigate or incite others to take part in, or expend or supply money or otherwise act in furtherance or support of, an illegal strike or a go-slow.

Explanation.— In clause (e) the expression 'go-slow' means an organized, deliberate and purposeful slowing down of normal output, or the deterioration of the normal quality of work by a body of workmen acting in a concerted manner, but does not include the slowing down of normal output, or the deterioration of the normal

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quality of work which is due to mechanical defect, breakdown of machinery, failure or defect in power supply or in the supply of normal materials and spare parts of machinery.

(2) It shall be an unfair practice for a trade union to interfere with a ballot held under section 24 by the exercise of undue influence, intimidation, impersonation or bribery through its executive or through any person acting on its behalf.

19. Law of conspiracy limited in application.— No office-bearer or member of a registered trade union or a collective bargaining agent as certified by the Registrar shall be liable to punishment under sub-section (2) of section 120-B of the Pakistan Penal Code 1860 (XLV of 1860), in respect of any agreement made between the members thereof for the purpose of furthering any such object of the trade union as is specified in its constitution referred to in section 6, unless the agreement is an agreement to commit an offence, or otherwise violates any other law.

20. Immunity from civil suit in certain cases.— (1) No suit or other legal proceedings shall be maintainable in any civil court against any registered trade union or a collective bargaining agent or any office-bearer or member thereof in respect of any action done in contemplation or furtherance of an industrial dispute to which the trade union is a party on the ground only that such act induces some other person to break a contract of employment, or that it is an interference with the trade, business or employment of some other person or with the right of some other person to dispose of his capital or of his labour.

(2) A trade union shall not be liable in any suit or other legal proceedings in any civil court in respect of any tortious act done in good faith in contemplation or furtherance of an industrial dispute by an agent of the trade union if it is proved that such person acted without the knowledge of, or contrary to express instructions given by the executive of the trade union.

21. Enforceability of agreement.— (1) Notwithstanding anything contained in any other law, an agreement between the members of a trade union shall not be void or voidable by reason only that any of the objects of the agreement are in restraint of trade.

(2) Nothing in this section shall enable any civil court to entertain any legal proceedings instituted for the express purpose of enforcing, or recovering damages for the breach of any agreement concerning the conditions on which any member

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of a trade union shall or shall not sell his goods, transact business or work, employ or be employed.

22. Registration of federation of trade unions and confederation.— (1) Any two or more registered trade unions may, if their respective general bodies so resolve, constitute a federation by executing an instrument of federation and apply to the Registrar for the registration of the federation.

(2) Any two or more registered federations may, if their respective federated trade unions so resolve, constitute a confederation by executing an instrument of confederation and apply to the Registrar for the registration of the confederation.

(3) A trade union of workmen shall not join a Federation which comprises a trade union of employers; nor shall a trade union of employers join a federation which comprises a trade union of workmen.

(4) A federation of trade unions of workmen shall not join a confederation which comprises a federation of employers; nor shall a federation of employers join a confederation which comprises a federation of workmen.

(5) An instrument of federation or confederation referred to in sub-section (1) and sub-section (2) shall, among other things, provide for the procedures to be followed by the federated trade unions and federations, the rights and responsibilities of the federation or confederation and the federated trade unions or federations.

(6) An application for the registration of a federation of trade unions shall be signed by the presidents of all the trade unions constituting the federation or by the office-bearers of these trade unions respectively authorized by the trade unions in this behalf and shall be accompanied by three copies of the instrument of federation referred to in sub-section (1).

(7) An application for the registration of a confederation shall be signed by the presidents of all the federations constituting the confederation or by the office-bearers of these federations respectively authorized by the federations in this behalf and shall be accompanied by three copies of the instrument of confederation referred to in sub-section (2).

(8) Subject to this section, the provisions of this Act shall, so far as may be and with the necessary modifications, apply to a federation of trade unions and to a confederation, as they apply to a trade union.

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23. Returns.— (1) A registered trade union shall annually send to the Registrar, on or before such date as may be prescribed, a general statement, audited in the prescribed manner, of all receipts and expenditure of the trade union during the year ending on the 31st day of December, next preceding such prescribed date, and of the assets and liabilities of the trade union existing on such 31st day of December, as may be prescribed.

(2) Together with the general statement there shall be sent to the Registrar a statement showing all changes of office-bearers made by the trade union during the year to which the general statement refers, together also with statement of the total paid membership and a copy of the constitution of the trade union corrected up to the date of the dispatch thereof to the Registrar.

(3) A copy of every alteration made in the constitution of a registered trade union and of a resolution of the general body having the effect of a provision of the constitution, shall be sent to the Registrar within fifteen days of the making of the alteration or adoption of the resolution.

(4) In case the registered trade union is member of a federation, the name of the federation shall be given in the annual statement.

(5) In case the registered federation is member of a confederation, the name of the confederation shall be given in the annual statement.

24. Collective bargaining agent.— (1) Where there is only one registered trade union in an establishment or a group of establishments or industry, that trade union shall, if it has as its members not less than one-third of the total number of workmen employed in such establishment or group of establishments, or industry upon an application made in this behalf, be certified by the Registrar in the prescribed manner to be the collective bargaining agent for such establishment or group of establishments or industry.

(2) Where there are more than one registered trade unions in an establishment or a group of establishments, or industry, the Registrar shall upon an application made in this behalf by any such trade union which has as its members not less than one-fifth of the total number of workmen employed in such establishment or group of establishments or industry or by the employer or Government, hold within fifteen days from the making of the application, a secret

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ballot to determine as to which one of such trade unions shall be the collective bargaining agent for the establishment or group of establishments or industry.

(3) The Registrar may, in the case of a large establishment having its branches in more than one towns, hold the secret ballot within thirty days from the making of the application.

(4) The Registrar shall not entertain any application under sub-section (2) in respect of an establishment or group of establishments, consisting of, or including, a seasonal factory within the meaning of section 4 of the Factories Act, 1934 (XXV of 1934), unless such application is made during the month in which the number of workmen employed in such factory in a year is usually the maximum.

(5) Upon receipt of an application under sub-section (2), the Registrar shall, by notice in writing, call upon every registered trade union in the establishment or group of establishments or industry to which the application relates –

(a) to indicate whether it desires to be a contestant in the secret ballot to be held for determining the collective bargaining agent in relation to such establishment or group or industry; and

(b) if it so desires, to submit to him within the time specified in the notice a list of its members showing, in respect of each member, his parentage, age, the section or department and the place in which he is employed, his ticket number and the date of his becoming a member and if union is a federation of trade unions, a list of its affiliated trade unions together with a list of members of each such trade union showing in respect of each such member the said particulars.

(6) Every employer shall –

(a) on being so required by the Registrar, submit a list of all workmen employed in the establishment or group of establishments or industry excluding those whose period of employment in the establishment or group of establishments or industry is less than three months and showing, in respect of each workman, his parentage, age, the section or department and the place in which he is employed, his ticket number and the date of his employment in the establishment or group of establishments or industry; and

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(b) provide such facilities for verification of the lists submitted by him and the trade unions as the Registrar may require.

(7) In computing the period of three months referred to in sub-section (6) in the case of a workman employed in a seasonal factory within the meaning of section 4 of the Factories Act, 1934 (XXV of 1934), the period during which he was employed in that factory during the preceding season shall also be taken into account.

(8) The Registrar shall, after verification of the lists submitted by the trade unions, prepare a list of voters in which shall be included the name of every workman whose period of employment as computed in accordance with sub-section (6), is not less than three months and who is a member of any of the contesting trade unions and shall, at least four days prior to the date fixed for the poll, send to each of the contesting trade unions a certified copy of the list of voters so prepared.

(9) Every workman who is a member of any of the contesting trade unions and whose name appears in the list of voters prepared under sub-section (8) shall be entitled to vote at the poll to determine the collective bargaining agent.

(10) Every employer shall provide all such facilities in his establishment as may be required by the Registrar for the conduct of the poll but shall not interfere with, or in any way influence, the voting.

(11) No person shall canvass for vote within a radius of fifty meters of the polling station.

(12) For the purpose of holding secret ballot to determine the collective bargaining agent, the Registrar shall—

(a) fix the date for the poll and intimate the same to each of the contesting trade unions and also to every employer;

(b) on the date fixed for the poll, place ballot boxes in the polling station set up for the purpose, seal the ballot boxes in the presence of the representatives of the contesting trade unions;

(c) conduct the poll at the polling station at which the representatives of the contesting trade unions shall have the right to be present;

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(d) after the conclusion of the poll and in the presence of such of the representatives of the contesting trade unions, as may be present, open the ballot boxes and count the votes; and

(e) after the conclusion of the count, certify the trade union which has received the highest number of votes to be the collective bargaining agent.

(13) A trade union shall not be certified to be the collective bargaining agent for an establishment or group of establishments or industry unless the number of votes received by it is not less than one-third of the total number of workmen employed in such establishment or group or industry.

(14) If no trade union secures such number of votes in the first poll, a run-off poll shall be held between the trade unions which secure the two highest numbers of votes in the first poll and the trade union which secures a majority of the votes cast at the run-off poll shall be certified in the prescribed manner to be the collective bargaining agent.

(15) If the number of votes secured by two or more trade unions securing the highest number of votes is equal, further poll shall be held between them until one of them secures a majority of the votes cast at such further poll.

(16) If no trade union indicates under clause (a) of sub-section (5) that it desires to be a contestant in the secret ballot, the Registrar shall certify the trade union which has made the application under sub-section (2) to be the collective bargaining agent.

(17) A trade union shall be certified to be the collective bargaining agent for an establishment, or group of establishments or industry under sub-section (16) unless it has as its members not less than one-third of the total number of the workmen employed in the establishment or group of establishments or industry.

(18) Where a registered trade union has been certified under clause (e) of sub-section (12) to be the collective bargaining agent for an establishment or group of establishments or industry, no application for the determination of the collective bargaining agent for such establishment or group of establishments or industry shall be entertained within a period of two years from the date of such certification except where the registration of such a registered trade union is cancelled before the expiration of the period.

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(19) A trade union, without prejudice to its own position, may apply for impleadment as a party to any proceedings under this Act, concerning the federation of trade unions of which it is a member.

(20) The collective bargaining agent in relation to an establishment or group of establishments or industry shall be entitled to—

(a) undertake collective bargaining with the employer or employers on matters connected with employment, non-employment, the terms of employment or the conditions of work other than matters which relate to the enforcement of any right guaranteed or secured to it or any workman by or under any law, other than the Act, or any award or settlement;

(b) represent all or any of the workmen in any proceeding;

(c) give notice of, and declare, a strike in accordance with the provisions of the Act; and

(d) nominate representatives of workmen on the board of trustees of any welfare institutions or Provident Funds and of the workers participation fund established under the Companies Profits (Workers Participation) Act, 1968 (XII of 1968).

(21) The Registrar may authorize in writing an officer to perform all or any of his functions under this section.

25. Determination of collective bargaining unit.— (1) Where the Registrar, on an application made in this behalf, by a trade union or a federation of trade unions, or an employer or on a reference made by Government, after holding such inquiry as it deems fit, is satisfied that for safeguarding the interest of the workmen employed in an establishment or group of establishments belonging to the same employer and the same industry, in relation to collective bargaining, it is necessary, just and feasible to determine one or more collective bargaining units of such workmen in such establishment or group, it may, having regard to the distribution of workers, existing boundaries of the components of such establishment, or group, facilities of communication, general convenience, sameness or similarity of economic activity and other cognate factors—

(a) determine and certify one or more collective bargaining units in such establishment or group;

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(b) specify the modifications which, in consequence of the decision under this section, shall take effect in regard to the registration of the trade unions and federations of trade unions affected by such decision and certification of collective bargaining agents among such unions and federations, nomination or election of shop stewards, and workers' representatives for workers management council of the establishments, if any, affected by such decision;

(c) specify the date or dates from and the period, for which all or any of such changes shall take effect but the date so specified shall not be a date falling within the period of two years specified in sub-section (18) of section 24 in its application to a collective bargaining agent certified in respect of an establishment or group of establishments;

(d) stop or prohibit the proceedings to determine collective bargaining agent under section 24 for any establishment or group of establishments which is likely to be affected by a decision under this section; and

(e) take such measures or issue such directions as may be necessary to give effect to such modifications.

(2) After the certification of a collective bargaining unit, no trade union shall be registered in respect of that unit except for the whole of such unit and no certification or proceedings for determination of collective bargaining agent under section 24 shall take place for a part of a collective bargaining unit or a group of collective bargaining units.

(4) An order of the Registrar under this section shall have effect notwithstanding anything to the contrary contained in this Act.

26. Appeals.— (1) Notwithstanding anything contained in this Act or in any other law, any person aggrieved by an order determining a collective bargaining unit passed by the Registrar, may within thirty days of such order prefer an appeal to the Tribunal.

(2) An appeal preferred to the Tribunal under sub-section (1) shall be disposed of by the Tribunal which shall have the power to confirm, set aside, vary or modify such an order.

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27. Check off.— (1) If a collective bargaining agent so requests, the employer of the workmen who are members of a trade union shall deduct from the wages of the workmen such amounts towards their subscription to the funds of the trade union as may be specified, with the approval of each individual workman named in the demand statement furnished by the trade union.

(2) An employer making any deductions under sub-section (1) shall, within fifteen days of the end of the period for which the deductions have been made, deposit the entire amount so deducted by him in the account of the trade union on whose behalf he has made the deductions.

(3) A collective bargaining agent shall maintain with a branch of the National Bank of Pakistan or the Sindh Bank or a Post Office or a Savings Bank, an account to which shall be credited the entire amount deducted by the employer under sub-section (1) from the wages of the workmen.

(4) The employer shall provide facilities to the collective bargaining agent for ascertaining whether deductions from the wages of the workmen are being made under sub-section (1).

28. Shop steward to act as link between labour and management.— (1) In every establishment in which fifty or more workmen are employed, shop stewards, from amongst the workmen in a shop, section or department of the establishment, shall—

(a) where there is a collective bargaining agent in the establishment, be nominated by it, or

(b) where there is no collective bargaining agent in the establishment, be elected at a secret ballot held in the prescribed manner.

(2) The employer shall provide all such facilities in his establishment as may be required for the holding of a ballot under sub-section (1) but shall not interfere with, or in any way influence, the voting.

(3) A shop steward shall hold office for a period of one year from the date of his election or nomination.

(4) Any dispute arising out of, or in connection with the election of a shop steward shall be referred to the Registrar whose decision shall be final and binding on all parties to the dispute.

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(5) The shop steward shall act as a link between the workers and the employer, assist in the improvement of arrangements for the physical working conditions and production work in the shop, section or department for which he is elected or nominated and help workers in the settlement of their problems either connected with work or with any such individual grievance of a workman as is referred to in sub-section (1) of section 34.

29. Workers Management Council.— (1) In every establishment employing fifty persons or more, the management shall set up a Workers Management Council consisting of not less than six members in which the workers' participation shall be fifty percent and the convener of the Council shall be from the management.

(2) The employer's representative in the Council shall be from amongst the directors or their nominees or senior executives and the workers' representatives shall be workmen employed in the same establishment and shall—

(a) where there is a collective bargaining agent in the establishment, be nominated by it, or

(b) where there is no collective bargaining agent in the establishment, be elected by simple majority at a secret ballot by all workmen employed in the establishment.

(3) The workers' representatives shall hold office for a period of two years from the date of their election or nomination.

(4) The workers' representatives shall participate in all the meetings of the Council and all matters relating to the management of the establishment, except commercial and financial transaction, may be discussed in such meetings.

(5) The Council shall function for securing and preserving good labour management relation and shall look after the following matters—

(i) improvement in production, productivity and efficiency;

(ii) fixation of job and piece-rates;

(iii) planned regrouping or transfer of the workers;

(iv) laying down the principles of remuneration and introduction of new remuneration methods;

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(v) provision of minimum facilities for such of the workers employed through contractors as are not covered by the laws relating to welfare of workers;

(vi) endeavor to maintain continuous sympathy and understanding between the employer and the workmen;

(vii) settlement of differences and disputes through bilateral negotiations;

(viii) security of employment for the workmen and conditions of safety, health and job satisfaction in their work;

(ix) measures for facilitating good and harmonious working conditions in the establishment;

(x) provision of educational facilities for children of workmen in secretarial and accounting procedures and their absorption in these departments of the establishment; and

(xi) vocation training within the establishment.

(6) The management shall not take any decision in the following matters without the advice in writing of the workers' representatives—

(a) framing of service rules and policy about promotion and discipline of workers;

(b) changing physical working conditions in the establishment;

(c) in-service training of workers;

(d) recreation and welfare of workers;

(e) regulation of daily working hours and breaks;

(f) preparation of leave schedule; and

(g) matters relating to the order and conduct of workers within the establishment.

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(7) The workers' representatives may, on their own initiative, give advice in writing concerning the matters specified in sub-section (6) and, where they do so, the management shall convene a meeting of the Council within two weeks of the receipt of the advice to discuss its merits.

(8) The management shall give reply to the workers' representatives within six weeks of the receipt of their advice given under sub-section (6) or sub-section (7) and any such advice shall not be rejected except by the person holding the highest position in the management of the establishment.

(9) In case the advice of the workers' representatives is rejected by the management of the establishment, the matter may, within fifteen days of the advice being so rejected, be taken up by the collective bargaining agent for bilateral negotiations and thereupon the provisions of section 35 shall apply as they apply to the settlement of an industrial dispute in relation to which the views of the employer or the collective bargaining agent have been communicated to the Council under sub-section (1) of that section.

(10) The Council may call for reasonable information about the working of the establishment from its management and the management shall supply the information called for by the Council.

(11) The Council shall meet at such intervals as may be prescribed.

(12) A collective bargaining agent or workers in relation to an establishment may lodge a complaint to the Registrar regarding non setting up or improper functioning of the Council.

30. Workers participation in management.— (1) In every factory employing fifty persons or more there shall be elected or nominated workers' representatives participate to the extent of fifty percent in the management of the factory: Provided that there shall be elected or nominated at least one worker's representative to participate in the management of such factory: Provided further that, for the purpose of determining the number of workers' representatives in the management of a factory, fractions equal to, or greater than one half shall be regarded as one and lesser fractions shall be ignored.

(2) The workers' representatives shall be workmen employed in the same factory and shall—

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(a) where there is a collective bargaining agent in the factory, be nominated by it; or

(b) where there is no collective bargaining agent in the factory, be elected by simple majority at a secret ballot by all workmen employed in the factory;

(3) The workers' representatives shall hold office for a period of two years from the date of their election or nomination, as the case may be.

(4) The workers' representatives shall participate in all the meetings of management committee constituted in the prescribed manner and all matters relating to the management of the factory, except commercial and financial transaction may be discussed in such meetings.

(5) The management shall not take any decision in the following matters without the advice in writing of the workers' representatives, namely:-

(a) framing of services rules and policy about promotion and discipline of workers;

(b) changing physical working conditions in the factory;

(c) in-service training of workers;

(d) recreation and welfare of workers;

(e) regulation of daily working hours and breaks;

(f) preparation of leave schedule; and

(g) matters relating to the order and conduct of workers within the factory.

(6) The workers' representatives may on their own initiative give advice in writing concerning the matters specified in sub-section (5) and, where they do so, the management shall convene a meeting within two weeks of the receipt of the advice to discuss its merits with them.

(7) The management shall give reply to the workers' representatives within six weeks of the receipt of their advice given under sub-section (5) or sub-section (6) and

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any such advice shall not be rejected except by the person holding the highest position in the management of the factory.

(8) In case the advice of the workers' representatives is rejected by the management of the factory, the matter may, within fifteen days of the advice being so rejected, be taken up by the collective bargaining agent in the Works Council for bilateral negotiations and thereupon the provisions of section 42 shall apply as they apply to the settlement of an industrial dispute in relation to which the views of the employer or the collective bargaining agent have been communicated to the Works Council under sub-section (1) of that section.

31. Inspector.— (1) The inspectors appointed under section 10 of the Factories Act, 1934 (XXV of 1934), and such other persons, not being conciliators appointed under this Act, as Government may, by notification in the official Gazette appoint, shall be inspectors for ensuring compliance with the provisions of sections 29 and 30 within the local limits assigned to each inspector.

(2) The inspector may—

(a) at all reasonable hours enter on any premises and make such examination of any register and document relating to the provisions of sections 29 and 30 and take on the spot or otherwise such evidence of any person, and exercise such other powers of inspection, as he may deem necessary for discharging his duty;

(b) call for such information from the management as he may deem necessary for the discharge of his functions and the management shall provide the information called for within such period as may be specified by the inspector; and

(c) make a report in writing to the Registrar.

(3) Every inspector shall be deemed to be a public servant within the meaning of section 21 of the Pakistan Penal Code 1860 (XLV of 1860).

32. Penalty for obstructing inspector.— A person who wilfully obstructs an inspector in the exercise of any power under section 31, or fails to produce on demand by an inspector any register or other document in his custody relating to the provisions of sections 29 and 30 or the rules, or conceals or prevents any worker in an

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establishment from appearing before or being examined by an inspector, he shall be punished with fine which may extend to one hundred thousand rupees.

33. Penalty for contravening section 29 and 30.— (1) A person who contravenes the provisions of sections 29 and 30, he shall be punished with fine which may extend to two hundred thousand rupees.

(2) The Labour Court shall not take cognizance of the offence punishable under sub-section (1) except upon a complaint in writing made by the Registrar.

34. Redress of individual grievances.— (1) A worker may bring his grievance in respect of any right guaranteed or secured to him by or under any law or any award or settlement to the notice of his employer in writing, either himself or through his shop steward or collective bargaining agent within three months of the day on which the cause of such grievance arises.

(2) Where a worker brings his grievance to the notice of the employer, the employer shall, within fifteen days of the grievance being brought to his notice, communicate his decision in writing to the worker.

(3) Where a worker brings his grievance to the notice of his employer through his shop steward or collective bargaining agent, the employer shall, within seven days of the grievance being brought to his notice, communicate his decision in writing to the shop steward or the collective bargaining agent.

(4) If the employer fails to communicate a decision within the period specified in sub-section (2) or sub-section (3) or if the worker is dissatisfied with such decision, the worker or the shop steward may take the matter to the collective bargaining agent or the Labour Court.

(5) The collective bargaining agent may take the matter to the Labour Court, and where the matter is taken to the Labour Court, it shall give a decision within ninety days from the date of the matter being brought before it as if such matter was an industrial dispute.

(6) A worker may, within a period of sixty days from the date of the communication of the employers' decision or from the date of the expiry of the period mentioned in sub-section (2) or sub-section (3), take the matter to the Labour Court.

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(7) In adjudicating and determining a grievance under this section, the Labour Court shall go into all the facts of the case and pass such orders as may be just and proper in the circumstances of the case.

(8) Subject to the decision of the Tribunal, if a decision under this section given by the Labour Court is not given effect to or complied with within seven days or within the period specified in the decision, shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to five hundred thousand rupees or with both.

(9) A person shall not be prosecuted under sub-section (8) except on a complaint in writing by the workman if the decision in his favour is not implemented within the period specified in that sub-section.

(10) For the purposes of this section, workers having common grievance arising out of a common cause of action may make a joint application to the Labour Court.

35. Negotiations relating to differences and disputes.— (1) If at any time, an employer or a collective bargaining agent finds that an industrial dispute has arisen or is likely to arise, the employer or the collective bargaining agent, may communicate his or its views in writing either to the Council or to the other party and if the views are communicated to the Council, a copy of the views shall also be sent to the other party.

(2) On receipt of the communication under sub-section (1), the Council or the party receiving it, shall try to settle the dispute by bilateral negotiations within ten days of receipt of the communication or within such further period as may be agreed upon by the parties and, if the parties reach a settlement, a memorandum of settlement shall be recorded in writing and signed by both the parties and a copy thereof shall be forwarded to the conciliator and the authorities mentioned in clause (xxvii) of section 2.

(3) Where a settlement is not reached between the employer and the collective bargaining agent or, if the views of the employer or collective bargaining agent have been communicated under sub-section (1) to the Council, there is a failure of bilateral negotiations in the Council, the employer or the collective bargaining agent may, within seven days from the end of the period referred to in sub-section (2), serve on the other party to the dispute a notice of lock-out or strike as the case may be, in accordance with the provisions of this Act.

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36. Conciliator.— Government shall, by notification in the official Gazette, appoint as many persons as it considers necessary to be the conciliators for the purposes of this Act and shall specify in the notification the area within which, or the class of establishments or industries in relation to which, each one of them shall perform his functions.

37. Notice of strike or lock-out.— The period of a notice of lock-out or strike given under sub-section (3) of section 35 shall be fourteen days.

38. Conciliation after notice of strike or lock-out.— Where a party to an industrial dispute serves a notice of strike or lock-out under section 37, it shall, simultaneously, with the service of such notice, deliver a copy thereof to the conciliator who shall proceed to conciliate in the dispute and also forward a copy of the notice to the Labour Court.

39. Proceedings before conciliator.— (1) The conciliator shall, as soon as possible, call a meeting of the parties to the dispute for the purpose of bringing about a settlement.

(2) The parties to the dispute shall be represented before the conciliator by persons nominated by them and authorized to negotiate and enter into an agreement binding on the parties.

(3) If in the opinion of the conciliator, the presence of the employer or any office bearer of the trade union connected with the dispute is necessary in a meeting called by him, he shall give notice in writing requiring the employer or such office-bearer to appear in person before him at the place, date and time, specified in the notice and it shall be the duty of the employer or the office-bearer of the trade union to comply with the notice.

(4) The conciliator shall perform such functions in relation to a dispute before him as may be prescribed and may, in particular, suggest to either party to the dispute such concessions or modifications in its demand as are in the opinion of the conciliator likely to promote an amicable settlement of the dispute.

(5) If a settlement of the dispute or of any matter in dispute is arrived at in the course of the proceedings before him, the conciliator shall send a report thereof to Government together with a memorandum of settlement signed by the parties to the dispute.

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(6) If no settlement is arrived at within the period of the notice of strike or lock-out, the conciliation proceedings may be continued for such further period as may be agreed upon by the parties.

40. Arbitration.— (1) If the conciliation fails, the conciliator shall try to persuade the parties to agree to refer the dispute to an Arbitrator.

(2) In case the parties agree to refer the dispute to an Arbitrator, they shall appoint an Arbitrator and refer the dispute to the Arbitrator by agreement in writing.

(3) The Arbitrator to whom a dispute is referred under sub-section (2) may be a person borne on a panel to be maintained by Government or any other person agreed upon by the parties.

(4) The Arbitrator shall give his award within a period of thirty days from the date on which the dispute is referred to him under sub-section (2) or such further period as may be agreed upon by the parties to the dispute.

(5) After he has made an award, the Arbitrator shall forward a copy thereof to the parties and to Government which shall cause it to be published in the official Gazette.

(6) The award of the Arbitrator shall be final and no appeal shall lie against it, and it shall be valid for such period as may be specified in the award but not exceeding two years.

41. Strike and lock-out.— (1) If no settlement is arrived at during the course of conciliation proceedings and the parties to the dispute do not agree to refer it to an Arbitrator under section 40, the workmen may go on strike, the employer may declare a lock-out, on the expiration of the period of the notice under section 37 or upon a declaration by the conciliator that the conciliation proceedings have failed, whichever is later.

(2) The party raising a dispute may, at any time, either before or after the commencement of a strike or lock-out make an application to the Labour Court for adjudication of the dispute.

(3) Where a strike or lock-out lasts for more than thirty days, Government may, by order in writing, prohibit the strike or lock-out.

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(4) Government may, by order in writing, prohibit a strike or lock-out at any time before the expiry of thirty days, if it is satisfied that the continuance of such a strike or lock-out is causing serious hardship to the community or is prejudicial to the national interest.

(5) In any case in which Government prohibits a strike or lock-out, it shall forthwith refer the dispute to the Labour Court.

(6) The Labour Court shall, after giving both the parties to the dispute an opportunity of being heard, make such award as it deems fit, as expeditiously as possible, but not exceeding thirty days from the date on which the dispute was referred to it.

(7) The Labour Court may also make an interim award on any matter in dispute.

(8) Any delay by the Labour Court in making an award shall not affect the validity of any award made by it.

(9) An award of the Labour Court shall be for such period as may be specified in the award which shall not be more than two years.

42. Strike or lock-out in public utility services.— (1) Government in the case of a strike or lock-out relating to an industrial dispute in respect of any of the public utility services may, by order in writing, prohibit a strike or lock-out at any time before or after the commencement of the strike or lock-out.

(2) The provisions of section 41 shall also apply to an order made under subsection (1) as they apply to an order of Government made under that section.

43. Application to Labour Court.— Any collective bargaining agent or any employer may apply to the Labour Court for the redressal of any grievance or enforcement of any right guaranteed or secured to it or him by or under any law or any award or settlement.

44. Raising of industrial dispute by federation.— (1) Notwithstanding anything contained in this Act, a federation of trade unions may, if it is a collective bargaining agent, raise an industrial dispute affecting all employers or workers of the establishments represented by that federation before the Tribunal and a decision of the Tribunal shall be binding on all such employers and workers.

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(2) No collective bargaining agent shall, at any time when a decision of the Tribunal in respect of any matter is effective, be entitled to raise a demand relating to that matter.

45. Labour Court.— (1) Government may, by notification in the official Gazette, establish as many Labour Courts as it considers necessary and, where it establishes more than one Labour Court, shall specify in the notification the territorial limits within which or the industries or classes of cases in respect of which, each one of them shall exercise jurisdiction under this Act.

(2) A Labour Court shall consist of one presiding officer appointed by Government.

(3) A person shall not be qualified for appointment as presiding officer unless he has been or is a District Judge or an Additional District Judge.

(4) A Labour Court shall—

(a) adjudicate and determine an industrial dispute which has been referred to, or brought before it under the Act;

(b) enquire into and adjudicate any matter relating to the implementation or violation of a settlement which is referred to it by the Government;

(c) try offences under the Act and such other offences under any other law as the Government may, by notification in the official Gazette, specify in this behalf;

(d) try offences punishable under section 65;

(e) to deal with cases of unfair labour practices specified in sections 17 and 18 on the part of employers, workers, trade unions, of either of them or persons acting on behalf of any of them, whether committed individually or collectively, in the manner laid down under section 34 or section 44 or in such other way;

(f) exercise and perform such other powers and functions as are or may be conferred upon or assigned to it by or under the Act or any other law; and

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(g) grant such relief as it may deem fit including an interim relief.

(4) An interim order passed by a Labour Court shall stand vacated on the expiration of twenty days unless, for reasons to be recorded in writing, it is, from time to time for a period not exceeding twenty days, extended by the Labour Court.

46. Procedure and powers of Labour Court.— (1) Subject to the provisions of this Act, while trying an offence, a Labour Court shall follow as nearly as possible summary procedure as prescribed under the Code of Criminal Procedure, 1898 (V of 1898).

(2) A Labour Court shall, for the purpose of adjudicating and determining any industrial dispute, be deemed to be a Civil Court and shall have the same powers as are vested in such Court under the Code of Civil Procedure, 1908 (V of 1908), including the powers of –

(a) enforcing the attendance of any person and examining him on oath;

(b) compelling the production of documents and material objects;
and

(c) issuing commissions for the examination of witnesses or documents.

(3) A Labour Court shall, for the purpose of trying an offence under this Act or the Industrial and Commercial Employment (Standing Orders) Ordinance, 1968 (VI of 1968), or any other law for the time being in force which Government may in official gazette notify, have the same powers as are vested in the Court of a Magistrate of the first class empowered under section 30 of the Code of Criminal Procedure, 1898 (V of 1898).

(4) No court fee shall be payable for filing, exhibiting or recording any document in a Labour Court.

(5) If the parties to a case, at any time before a final order is passed by the Labour Court, satisfy the Labour Court that the matter has been resolved by them amicably and that there are sufficient grounds for withdrawing the case, it may allow such withdrawal.

47. Awards and decisions of Labour Court.— (1) An award or decision of a Labour Court shall be given in writing and delivered in open Court and two copies thereof shall be forwarded, forthwith to Government, provided that if the Federal

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Government is a party, two copies of the award or decision shall be forwarded to that Government as well.

(2) Government shall, within a period of thirty days from the receipt of the copies of the award or decision, publish it in the official Gazette.

(3) Any party aggrieved by a final award, decision or sentence under section 34, section 43 or section 45, except an interim order, may, within thirty days of the communication of the final award, decision or sentence, prefer an appeal to the Tribunal, whose decision thereon shall be final.

(4) Save as otherwise expressly provided in this Act, all awards, decisions and sentences of a Labour Court shall be final and shall not be called in question in any manner by or before any Court or other authority.

48. Labour Appellate Tribunal.— (1) Government may, by notification in the official Gazette, constitute as many Tribunals consisting of one member as it may consider necessary and, where it constitutes more than one Tribunals, it shall specify in the notification the territorial limits within which or the class of cases in relation to which, each one of them shall exercise jurisdiction under this Act.

(2) The member of the Tribunal shall be a person who is or has been a Judge or an Additional Judge of the Sindh High Court and shall be appointed on such terms and conditions as Government may determine.

(3) The Tribunal may, on appeal, confirm, set aside, vary or modify the award, decision or sentence given or passed under section 34, section 43 or section 45 and shall exercise all the powers conferred by this Act to the Court, save as otherwise provided.

(4) The decision of the Tribunal shall be delivered as expeditiously as possible, within a period of one hundred and twenty days following the filing of the appeal, provided that such decision shall not be rendered invalid by reason of any delay.

(5) The Tribunal may, on its own motion at any time, call for the record of any case or proceedings under this Act in which a Labour Court within its jurisdiction has passed an order for the purpose of satisfying itself as to the correctness, legality, or propriety of such order, and may pass such order in relation thereto as it thinks fit.

(6) No order under sub-section (5) shall be passed revising or modifying any order adversely affecting any person without giving such person a reasonable opportunity of being heard.

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(7) The Tribunal shall follow such procedure as may be prescribed.

(8) The Tribunal may punish for contempt of its authority, or that of any Labour Court subject to its appellate jurisdiction, as if it is a High Court.

(9) Any person convicted and sentenced by the Tribunal under sub-section (8) to imprisonment for any period, or to pay a fine exceeding fifteen thousand rupees, may, within thirty days, prefer an appeal to the Sindh High Court.

(10) A Tribunal may, on its own motion or on the application of a party, transfer any application or proceeding from a Labour Court subject to its appellate jurisdiction to any other such Labour Court.

(11) Notwithstanding anything contained in sub-section (3), if in an appeal preferred to it against the order of a Labour Court directing the reinstatement of a workman and the Tribunal makes an order staying the operation of the order of the Labour Court, the Tribunal shall decide such appeal within ninety days.

(12) If an appeal under sub-section (11) is not decided within the period of ninety days, the interim order of the Tribunal shall stand vacated on the expiration of that period.

49. Settlements and awards on whom binding.— (1) A settlement arrived at in the course of a conciliation proceedings, or otherwise between the employer and the collective bargaining agent or an award of an Arbitrator prescribed under section 40, or an award or decision of a Labour Court delivered under section 47 or the decision of the Tribunal under section 48 shall—

(a) be binding on all parties to the industrial dispute;

(b) be binding on all other parties summoned to appear in any proceedings before a Labour Court as parties to the industrial dispute, unless the Court specifically otherwise directs in respect of any such party;

(c) be binding on the heirs, successors or assignees of the employer in respect of the establishment to which the industrial dispute relates where an employer is one of the parties to the dispute; and

(d) where a collective bargaining agent is one of the parties to the dispute, be binding on all workmen who were employed in the establishment or industry to which the industrial dispute relates on the date on which the dispute first arose or who are employed therein after that date.

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(2) Where a collective bargaining agent or a trade union performing the functions of a collective bargaining agent under section 64 exists, the employer shall not enter into a settlement with any other trade union, and any contravention of this provision shall be deemed to be an unfair labour practice under section 17.

(3) A settlement arrived at by agreement between the employer and a trade union otherwise than in the course of conciliation proceedings shall be binding on the parties to the agreement.

50. Effective date of settlement or award.— (1) A settlement shall become effective—

(a) if a date is agreed upon by the parties to the dispute to which it relates, on such date; and

(b) if a date is not so agreed upon, on the date on which the memorandum of the settlement is signed by the parties.

(2) A settlement shall be binding for such period as is agreed upon by the parties but not exceeding two years, and if no such period is agreed upon for a period of one year from the date on which the memorandum of settlement is signed by the parties to the dispute and shall continue to be binding on the parties after the expiry of the aforesaid period until the expiry of two months from the date on which either party informs the other party in writing of its intention no longer to be bound by the settlement.

(3) An award given under sub-section (1) of section 47 shall, unless an appeal against it is preferred to the Tribunal, become effective on such date and remain effective for such period, not exceeding two years, as may be specified therein.

(4) The Arbitrator, the Labour Court or the Tribunal shall specify dates from which the award on various demands shall be effective and the time limit by which it shall be implemented in each case.

(5) If at any time before the expiry of the period mentioned in sub-section (3) or sub-section (4), any party bound by an award may apply to the Labour Court or the Tribunal for reduction of the said period on the ground that the circumstances in which the award was made have materially changed, the Labour Court or the Tribunal may, by order made after giving to the other party an opportunity of being heard, terminate or reduce the said period.

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(6) A decision of the Tribunal in appeal under sub-section (3) of section 48 shall be effective from the date of the award.

(7) Notwithstanding the expiry of the period for which an award is to be effective under sub-section (3) or sub-section (4), the award shall continue to be binding on the parties until the expiry of two months from the date on which either party informs the other party in writing of its intention no longer to be bound by the award.

51. Commencement and conclusion of proceedings.— (1) A conciliation proceeding shall be deemed to have commenced on the date on which a notice of strike or lock-out is received by the conciliator under section 35.

(2) A conciliation proceeding shall be deemed to have concluded—

(a) where a settlement is arrived at, on the date on which a memorandum of settlement is signed by the parties to the dispute; and

(b) where no settlement is arrived at –

(i) if the dispute is referred to an Arbitrator under section 40 on the date on which the Arbitrator has given his award or otherwise; or

(ii) on the date on which the period of the notice of strike or lock-out expires.

(3) Proceedings before a Labour Court shall be deemed to have commenced—

(a) in relation to an industrial dispute, on the date on which an application has been made under section 41 or section 43, or on the date on which it is referred to the Labour Court by the Government under section 41 or section 42; and

(b) in relation to any other matter, on the date on which it is referred to the Labour Court.

(4) Proceedings before the Tribunal in relation to a dispute referred to it under section 41 or section 42 shall be deemed to have commenced on the date on which the reference is made to it.

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(5) Proceedings before the Tribunal or a Labour Court shall be deemed to have concluded on the date on which the award or decision is delivered under sub-section (1) of section 47.

52. Certain matters to be kept confidential.— (1) There shall not be included in any report, award or decision under this Act any information obtained by a Registrar, conciliator, Labour Court, Arbitrator or Tribunal in the course of any investigation or inquiry as to a trade union or as to any individual business (whether carried on by a person, firm or company) which is not available otherwise than through the evidence given before such authority, if the trade union, person, firm, or company in question has made a request in writing to the authority that such information shall be treated as confidential, nor shall such proceedings disclose any such information without the consent in writing of the secretary of the trade union or the person, firm or company in question.

(2) Nothing contained in sub-section (1) shall apply to disclosure of any such information for the purpose of a prosecution under section 193 of the Pakistan Penal Code 1860 (XLV of 1860).

53. Raising of industrial disputes.— No industrial dispute shall be deemed to exist unless it has been raised in the prescribed manner by a collective bargaining agent or an employer.

54. Prohibition on serving notice of strike or lock-out while proceedings are pending.— No notice of strike or lock-out shall be served by any party to an industrial dispute while any proceeding before a conciliator, an Arbitrator, a Labour Court or an appeal in the Tribunal is pending in respect of any matter constituting such industrial dispute.

55. Powers of Labour Court and Tribunal to prohibit strike.— (1) When a strike or lock-out in pursuance of an industrial dispute has already commenced and is in existence at the time when, in respect of such industrial dispute, there is made to, or is pending before, a Labour Court an application, under section 43, the Labour Court may, by an order in writing prohibit continuance of the strike or lock-out.

(2) When an appeal in respect of any matter arising out of an industrial dispute is preferred to a Tribunal under section 48, the Tribunal may, by an order in writing, prohibit continuance of any strike or lock-out in pursuance of such industrial

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dispute which had already commenced and was in existence on the date on which the appeal was preferred.

56. Illegal strike or lock-out.— (1) A strike or lock-out shall be illegal if—

(a) it is declared, commenced or continued without giving to the other party to the dispute, in the prescribed manner, a notice of strike or lock-out or before the date of strike or lock-out specified in such notice, or in contravention of section 54;

(b) it is declared, commenced or continued in consequence of an industrial dispute raised in a manner other than that provided in section 53;

(c) it is continued in contravention of an order made under sections 41, 42 or 55 or sub-section (3) of section 57; or

(d) it is declared, commenced or continued during the period in which a settlement or award is in operation in respect of any of the matters covered by a settlement or award.

(2) A lock-out declared in consequence of an illegal strike and a strike declared in consequence of an illegal lock-out shall not be deemed to be illegal.

57. Procedure in case of illegal strike or lock-out.— (1) Notwithstanding anything contained in any other provision of this Act or in any other law, an officer of the Government, not below the rank of Assistant Director Labour, in this section referred to as the officer, may make enquiries in such manner as he may deem fit into an illegal strike or illegal lock-out in an establishment or group of establishments and make a report to the Labour Court.

(2) After completing the enquiry, the officer shall serve a notice on the employer and the collective bargaining agent or the registered trade union concerned with the dispute to appear before the Labour Court on a date to be fixed by that Court.

(3) The Labour Court may, within ten days following the day on which it receives a report under sub-section (1), after considering the report and hearing such of the parties as appear before it, order the strike to be called off or the lock-out to be lifted.

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(4) If the employer contravenes the order of the Labour Court under sub-section (3) and the Court is satisfied that the continuance of the lock-out is causing serious hardship to the community or is prejudicial to the national interest, it may issue an order for the attachment of the establishment or group of establishments and for the appointment of an official receiver for such period as it deems fit, and such period as may be varied from time to time.

(5) The official receiver shall exercise the powers of management and may transact business, enter into contracts, give valid discharge of all moneys received and do or omit to do all such acts as are necessary for conducting the business of the establishment or group of establishments.

(6) The Labour Court may, in appointing and regularizing the work of an official receiver exercise the powers of a Civil Court under the Code of Civil Procedure, 1908 (V of 1908).

(7) If the workers contravene the order of the Labour Court under sub-section (3), the Court may pass orders of dismissal against all or any of the striking workers and notwithstanding anything to the contrary contained in this Act, if the Court, after holding such inquiry as it deems fit, records its finding that any registered trade union has committed or abetted the commission of such contravention, the finding shall have the effect of cancellation of the registration of such trade union and debarring all office-bearers of such trade union from holding office in that or in any other trade union for the un-expired term of their offices and for the term immediately following such terms.

(8) The Labour Court may review its order under sub-section (7), if good and sufficient cause is shown by an affected worker within seven days of an order of dismissal.

(9) Subject to any rules made by Government in this behalf, the officer may, for the purpose of enquiry under sub-section (1), within the local limits for which he is appointed, enter with such assistants, if any, being persons in the service of Province, as he thinks fit, in an establishment or group of establishments, where he has reason to believe an illegal strike or lock-out to be in progress, and make such examination of the premises and plant and of any registers maintained therein and take on the spot or otherwise such evidence of persons and exercise such other powers as he may deem necessary for carrying out the purposes of this section.

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(10) The officer may call any party to such dispute to his office or secure his presence in the establishment or group of establishments and may bind any party to the dispute to appear before the Labour Court.

(11) Where a party to an illegal strike or lock-out, on being required or bound under this section to appear before the officer or the Labour Court, does not so appear, the officer or Labour Court may, besides taking such other action as may be admissible under this Act, proceed *ex-parte*.

58. Conditions of service to remain unchanged while proceedings are pending.— (1) No employer shall, while any conciliation proceedings or proceedings before an Arbitrator, a Labour Court or Tribunal in respect of an industrial dispute are pending, alter to the disadvantage of any workman concerned in such dispute, the conditions of service applicable to him before the commencement of the conciliation proceedings or of the proceedings before the Arbitrator, Labour Court or Tribunal nor shall he—

(a) save with the permission of the conciliator, while any conciliation proceedings are pending; or

(b) save with the permission of the Arbitrator, Labour Court or Tribunal, while any proceedings before the Arbitrator, Labour Court or Tribunal are pending;

(c) discharge, dismiss or otherwise punish any workman except for misconduct not connected with such dispute.

(2) Notwithstanding anything contained in sub-section (1), an office-bearer of a registered trade union shall not, during the pendency of any proceedings referred to in sub-section (1), be discharged, terminated, dismissed or otherwise punished for misconduct, except with the previous permission of the Labour Court, however, the terms and conditions of the employment secured by the workers through collective bargaining, agreements, settlements, awards and decisions of Courts shall continue to be binding upon the parties until revised for betterment of workers.

59. Removal of fixed assets.— (1) No employer shall remove any fixed assets of the establishment during the currency of an illegal lock-out or a strike which is not illegal.

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(2) The Labour Court may, subject to such conditions as it may impose, cause to be removed any such fixed assets for safe custody to avoid damage to such assets due to flood, fire, catastrophe or civil commotion.

60. Protection of certain persons.— (1) No person refusing to take part or to continue to take part in any illegal strike or illegal lock-out shall, by reasons of such refusal, be subject to expulsion from any trade union or to any fine or penalty or to the deprivation of any right or benefit which he or his legal representatives would otherwise have been entitled, or be liable to be placed in any respect, either directly or indirectly, under any disability or disadvantage as compared with other members of the trade union.

(2) Any contravention of the provisions of sub-section (1) may be made the subject matter of an industrial dispute, and nothing in the constitution of a trade union providing the manner in which any dispute between its executive and members shall be settled shall apply to any proceedings for enforcing any right or exemption granted by sub-section (1).

(3) In any such proceeding, the Labour Court may, in lieu of ordering a person who has been expelled from membership of a trade union to be restored to membership, order that he be paid out of the funds of the trade union such sum by way of compensation or damages as the Court thinks just.

61. Representation of parties.— (1) A workman who is a party to an industrial dispute shall be entitled to be represented in any proceedings under this Act by an office-bearer of a collective bargaining agent and subject to the provisions of sub-section (2) and sub-section (3) any employer who is a party to an industrial dispute shall be entitled to be represented in any such proceedings by a person duly authorized by him.

(2) No party to an industrial dispute shall be entitled to be represented by a legal practitioner in any conciliation proceedings under this Act.

(3) A party to an industrial dispute may be represented by a legal practitioner in any proceedings before the Labour Court, an Arbitrator or the Tribunal with the permission of the Labour Court, Arbitrator or the Tribunal.

62. Interpretation of settlement and awards.— (1) If any difficulty or doubt arises as to the interpretation of any provisions of an award or settlement, it shall be referred to the Tribunal.

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(2) The Tribunal to which a matter is referred under sub-section (1) shall after giving the parties an opportunity of being heard, decide the matter, and its decision shall be final and binding on the parties.

63. Recovery of money due from an employer under settlement or award.— (1) Any money due from an employer under a settlement, or under an award or decision of the Arbitrator, Labour Court or Tribunal may be recovered as arrears of land revenue or as a public demand if, upon the application of the person entitled to the money, the Labour Court so directs.

(2) Where any workman is entitled to receive from the employer any benefit, under a settlement or under an award or decision of the Arbitrator, Labour Court or the Tribunal, which is capable of being computed in terms of money, the amount at which such benefit shall be computed may, subject to the rules made under this Act, be determined and recovered as provided for in sub-section (1) and paid to the workman concerned within a specified date.

(3) Notwithstanding anything contained in any other law for the time being in force, the legal dues of the workmen shall have priority in case of the liquidation of the establishment.

(4) A Labour Court may exercise the powers of Collector under the Sindh Land Revenue Act 1967 (XVII of 1967) for recovery of an amount due under this Act.

64. Performance of functions pending ascertainment of collective bargaining agent.— Any act or function which is by this Act required to be performed by or has been conferred upon a collective bargaining agent may, until a collective bargaining agent has been certified under the provisions of this Act, be performed by a registered trade union which has been recognized by the employer or employers.

65. Penalty for unfair labour practices.— (1) A person who contravenes the provisions of section 10, he shall be liable to fine which may extend to fifty thousand rupees but not less than twenty five thousand rupees.

(2) A person who contravenes the provisions of section 17, he shall be liable to fine which may extend to one hundred thousand rupees but not less than twenty five thousand rupees.

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(3) A person who contravenes the provisions of section 18, other than those of clause (d) of sub-section (1) thereof, he shall be liable to pay fine which may extend to twenty thousand rupees but not less than five thousand rupees.

(4) An office-bearer of a trade union, a workman or person other than a workman who contravenes or abets the contravention of the provisions of clause (d) of sub-section (1) of section 18 shall be liable to pay fine which may extend to thirty thousand rupees but not less than ten thousand rupees.

(5) Where the person accused of an offence under sub-section (4) is an office-bearer of a trade union, the Labour Court may, in addition to any other punishment which it may award to such person under that sub-section, direct that he shall cease to hold the office of the trade union and be disqualified from holding any office in any trade union during the term immediately following the term in which he so ceases to hold office.

(6) A person who contravenes the provisions of section 58, he shall be liable to pay fine which may extend to fifty thousand rupees but not less than twenty thousand rupees.

66. Penalty for committing breach of settlement.— A person who commits any breach of any term of any settlement, award or decision which is binding on him under this Act, he shall be punished—

(a) for the first offence, with fine which may extend to twenty thousand rupees; and

(b) for each subsequent offence; with fine which may extend to fifty thousand rupees.

67. Penalty for failing to implement settlement.— A person who wilfully fails to implement any term of any settlement, award or decision which it is his duty under this Act to implement shall be punishable with a fine which may extend to twenty thousand rupees and, in the case of continuing failure, with a further fine which may extend to five thousand rupees for every day after the first, during which the failure continues.

68. Penalty for false statement.— Whoever wilfully makes or causes to be made in any application or other document submitted under this Act or the rules made thereunder, any statement which he knows or has reason to believe to be false, or

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wilfully neglects or fails to maintain or furnish any list, document or information he is required to maintain or furnish, under the Act or the rules made there under shall be punishable with fine which may extend to fifty thousand rupees but not less than twenty thousand rupees.

69. Penalty for discharging office-bearer of trade union in certain circumstances.—

Any employer who contravenes the provision of section 58, he shall be punished with fine which may extend to twenty thousand rupees but not less than five thousand rupees.

70. Penalty for embezzlement or misappropriation of funds.—

Any office-bearer or any employee of a registered trade union, guilty of embezzlement or misappropriation of trade union funds, shall be liable to a fine, double the amount found by the Labour Court to have been embezzled or misappropriated and upon realization, the Labour Court may reimburse the amount of fine to the trade union.

71. Penalty for other offences.—

A person who contravenes, or fails to comply with, any of the provisions of this Act shall, if no other penalty is provided by this Act for such contravention or failure, he shall be punished with fine which may extend to five thousand rupees.

72. Offence to be non-cognizable.—

Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (V of 1898), no police officer shall be competent to arrest without warrant an employer or a worker for an offence under this Act other than the offence of illegal strike or illegal lock-out continued in contravention of an order made under sub-section (3) of section 57.

73. Offences by corporation.—

(1) Where the person guilty of any offence under this Act is a company or other body corporate, every director, manager, secretary or other officer or agent thereof shall, unless he proves that the offence was committed without his knowledge or consent or that he exercised all due diligence to prevent the commission of the offence, be deemed to be guilty of such offence.

(2) Where a company has intimated Government in writing the names of any of its directors resident in Pakistan whom it has nominated for the purpose of this section and the offence is committed while such directors continue to be so nominated, only such directors shall be deemed to be guilty in terms of sub-section (1).

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74. Trial of offences.— Save as provided in this Act, no Court other than a Labour Court or that of a Magistrate of the First Class shall try any offence punishable under this Act.

75. Indemnity.— No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rule.

76. Officers to be public servants.— A Registrar, conciliator, presiding officer of a Labour Court and the member of a Tribunal, shall be deemed to be a public servant within the meaning of section 21 of the Pakistan Penal Code 1860 (XLV of 1860).

77. Limitation.— The provisions of section 5 of the Limitation Act, 1908 (IX of 1908), shall apply in computing the period within which an application is to be made, or any other thing is to be done, under this Act.

78. Power to make rules.— (1) Government may make rules for carrying out the purposes of this Act.

(2) The rules made under this section may provide that a contravention thereof shall be punishable with fine which may extend to five thousand rupees.

79. Provision of certified copies.— The Tribunal and the Labour Court appointed under this Act shall provide certified copies of documents, orders or decisions on payment of a prescribed fee.

80. Repeal and savings.— (1) The provisions of the Industrial Relations Act, 2008 (Act IV of 2008), to the extent of its application to the Province of Sindh, hereinafter referred to as the repealed Act, are hereby repealed.

(2) Notwithstanding the repeal of the provisions of the repealed Act—

(a) every trade union registered under the repealed Act shall be deemed to be registered under this Act and any collective bargaining agent status granted under the repealed Act shall be deemed to have been granted under this Act and the Union shall enjoy the status for the period it has been certified as the collective bargaining agent;

(b) anything done, rules made, notification or order issued, officer appointed, Court constituted, notice given, proceedings commenced or other action taken under the repealed Act or purportedly under that Act till

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the coming into force of this Act, shall be deemed to have been done, made, issued, appointed, constituted, given, commenced or taken, under this Act; and

(c) every reference to the repealed Act shall be construed as reference to the Act.

81. Transfer of cases from National Industrial Relations Commission.— (1) All the cases pending before the National Industrial Relations Commission, constituted under the repealed Act shall stand transferred to the Tribunal, Labour Court and Registrar having jurisdiction in the matter.

(2) The said National Industrial Relations Commission shall transfer the record of all the cases and trade unions to the Tribunal, Labour Court or Registrar.

(3) The Tribunal, Labour Court or Registrar may continue the proceedings in a case transferred under this section from the stage at which it was pending before the National Industrial Relations Commission at the time of coming into force of this Act.

82. Removal of difficulties.— If any difficulty arises in giving effect to any of the provisions of this Act, Government may, by notification in the official Gazette, make such order, not inconsistent with the provisions of this Act, as may appear to it to be necessary for the purpose of removing the difficulty.

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SCHEDULE

PUBLIC UTILITY SERVICE

[see section 2(xxvii)]

The generation, production, manufacture, or supply of electricity, gas, oil or water to the public.

1. Any system of public conservancy or sanitation.
2. Hospitals and ambulance service.
3. Fire-fighting service.
4. Any postal, telegraph or telephone service.
5. Railways and Airways.
6. Dry Ports.
7. Watch and ward staff and security services maintained in any establishment.

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