

committed by a member or official of the trade unions or federation in violation of rights and property of trade union federation.

**99. Conspiracy in relation with a trade dispute**

- (1) No action shall be entertained in respect of any act done pursuant to an agreement between two or more persons if done in contemplation or instigation of trade dispute.
- (2) Any activity that constitutes an offense against state security, integrity or basic rules in accordance with the laws in force shall be exception to sub section (1).
- (3) For the purposes of this section, an offence means any act which exposes the offender to penalty of imprisonment whether absolutely or at the direction of the court.

**100. Public Official Subject to Penalty**

Nothing in this Bill shall be construed as exempting from disciplinary measures for any public official who breaks his or her duties in completion of trade dispute.

**101. Immunity from Actions for inducing breach of contract**

No action shall be instituted in the civil courts against any employer or employee because of his or her doing any act in contemplation or furtherance of a trade dispute.

**102. Intimidation and Annoyance**

No person shall be compelled any person to do or refrain from doing any act which such person has a legal right to do or refrain from doing the same through:

- (a) the use of violence or provocation or insulting of such person or his wife or his children or damaging his or her property;
- (b) following such person from one place to another;
- (c) concealing any tools or clothes or any property owned or used by such person or depriving him or her of use thereof;
- (d) Watching or annoying any person at his or her home or any other place where a resident or in any road leading to such home or place.

**Chapter XIII**

**Stages of Settlement of Disputes**

**103. Negotiation**

- (1) In case of a trade dispute arising between the parties to the dispute they shall, within a period not exceeding two weeks, enter into amicable negotiation for settlement of such dispute, provided that the period of negotiations shall not exceed three weeks after the date of commencement of negotiations, and provided further that subject to agreement of the parties, the period of negotiation may be extended for other two weeks;
- (2) The competent authority or any person acting on his or her behalf may attend the negotiation of any trade dispute. It shall not take part in negotiation save by agreement of the parties;

- (3) An agreement shall be drawn in three copies signed by the parties each party shall keep a copy and the third copy shall be sent to the competent authority within 15 days after the date of signature.

#### **104. Mediation**

- (1) In case of failure of the parties to the dispute to reach an agreement for settlement of the dispute under section ( ), each party may, by him or herself or through his or her representative, apply to the competent authority, to endeavor to settle the dispute or their representatives, their addresses, the subject and circumstances of the dispute and the names of the negotiators, provided that the number of the representative of each party shall not exceed three persons.
- (2) Whenever one of the parties to the dispute applies for intervention of the competent authority, the other party shall be bound by such intervention.
- (3) If neither of the parties to the dispute applies for mediation, the competent authority may issue a decision to refer the dispute for mediation without obtaining their consent the two parties shall be bound by such decision.

#### **105. Attendance of Representative of Ministry of Finance for Session of Negotiation and Mediations**

In case where the dispute relating to requirements of workers employment arise between parties as public corporations, public entities or companies, where the government owns 50% of its shares or more, the National Minister of Finance shall appoint a representative to attend the session of negotiations and mediation on his or her behalf.

#### **106. Condition of Application**

If the application is submitted by the employer it shall be signed by him or her or by authorized agent, if it is submitted by the Chairperson of the trade Union which they belong subject to approval of the executive committee of the Trade Union or half the number of the workforce or officials if they have no trade union.

#### **107. Settling the Dispute**

The competent authority shall within a period not exceeding three weeks after the date on which it receives an application endeavor to settle a dispute amicably guided by the information and documents presented by the parties to the dispute.

#### **108. Amicable Settlement of a Dispute**

If a dispute is amicably settled, the agreement shall be reduced to a document, three copies shall be made thereof, one to be signed by the competent authority and the

representative of the parties and to be given to them during the period of its continuance in force.

**109. The Period of Continuance in Force of an Agreement**

The period of continuance in force shall be included in the agreement, provided that it shall not exceed three years unless the agreement deals with fixing of wage and working hours in such case the period may extend to a period not exceeding five years.

**110. Reference of the Dispute to Arbitration**

If the competent authority becomes unable to settle a dispute amicably within the period referred to in section 107, it shall refer the dispute to an arbitration tribunal without the approval of the parties to the dispute whenever it deems necessary.

**111. Condition of the Arbitration Tribunal**

- (1) the competent authority shall ,by a decision made and constitute an arbitration tribunal as follows:
  - (a) a judge whose grade is not less than High court judge to be nominated by the president of judiciary organ of the State as Chairperson;
  - (b) in case of private sector, an employer who has no connection with the dispute to be nominated by the employer ,and in case of national Government and state Government organs ,representative from the Ministry of Finance.
  - (c) a representative of trade union which has no direct connection with the subject of the dispute to be nominated by the trade union party to the dispute;
  - (d) a representative of the Ministry of labour and Public Service;
  - (e) a person experienced to be nominated by the competent authority.
- (2) subject to the provision of sub section (1),in case where the dispute relating to conditions of workers employment arises between parties such as public corporations, public entities or companies ,where the government owns 50% of its shares or more ,the National Minister of Finance shall appoint a representative to attend ,on his or her behalf ,the arbitration tribunal in cases of state public corporation ,public entities or companies ,the Governor shall appoint a representative to attend the arbitration tribunal.

**112. The First Session of the Arbitration Tribunal and Quorum**

- (1) The Chairperson of an arbitration tribunal shall within a period not exceeding one week from the date of reference of the dispute to arbitration fix a date for hearing.
- (2) The presence of four members including the chairperson shall constitute a quorum of an arbitration tribunal.

**113. The Period for Settlement of a Dispute**

An arbitration tribunal shall consider and decide a dispute referred thereto within a period not exceeding four weeks after the date of reference to arbitration.

**114. Powers of the Arbitration Tribunal**

An arbitration tribunal shall consider have powers to summon witnesses, administer oath to them ,compel them to produce documents and books which it deems necessary to pursue ,summon experts ,move to places of work to take all necessary measures which enable it to determine the dispute without adhering to the means of proof applicable in the civil courts.

**115. Appearance of Advocate and Consultants**

Any of the parties to a dispute may engage an advocate or consultant to represent him or her before an arbitration tribunal.

**116. The Laws to be Applied by the Arbitration Tribunal**

An arbitration tribunal shall apply the laws in force; it may in so doing resort to custom and the principles of equity in accordance with general economic and social conditions in the area.

**117. The Award of the Arbitration Tribunal**

An arbitration tribunal shall make its awards according to the opinion of the majority. Addressing opinion may be given and its reasons shown.

**118. Complicity of the Arbitration Tribunal Award**

- (1) An award of the arbitration tribunal shall be final and shall not be challenged in any manner whatsoever ;
- (2) The chairperson of the arbitration tribunal shall notify the parties to the dispute of the award and give a copy thereof ,he or she shall send a copy of the award with all the kept documents relating to the dispute to the competent authority to kept them, he or she shall give copies to the concerned authorities.

**119. Residence Expenses of the Representatives of Workforce and Unions**

In case an award is made in favour of workforce ,official or Unions ,the arbitration tribunal shall bind the employer to pay the expenses it decides to meet the transportation and residence expenses borne by the representatives of work force ,official or Unions.

#### **120. Rectification for Amendment of any Award**

The competent authority or any of the parties to a dispute may request the arbitration tribunal to explain any matter of confounding or vagueness appearing in award and make its decision in respect thereof. The arbitration tribunal shall make its decision after re-hearing the parties to the dispute or without doing so the subsequent award it makes shall be deemed an amendment of its first award.

#### **121. Remuneration of the Chairperson and Members of an Arbitration Tribunal**

The competent authority shall determine the remuneration of the chairperson and members of an arbitration tribunal and the manner of their payment.

#### **122. Prohibition of Stoppage of Work or Closure of Place of Work**

Workforce and official are prohibited from stoppage of work whether total or partial and no employer shall close up the place of work whether totally or partial by reason of a trade dispute in the following cases-

- (a) Before entering into negotiation;
- (b) Immediately after any party applies for mediation;
- (c) During mediations proceedings;
- (d) Immediately after the decision of the Governor to refer dispute to arbitration;
- (e) During arbitration proceeding;
- (f) After the issue or the announcement of the award of the arbitration tribunal.

### **Chapter XIV Miscellaneous Provisions**

#### **123. Amendment of Schedules**

The Minister may by order to be published in the gazette make any amendment to the schedules attached to this Bill.

#### **124. Offences and Penalties**

- (1) Without prejudice to any sever penalty provided for in any other Act, any person shall be punished with imprisonment for term not exceeding six months or with fine or with both who-
  - (a) Causes or takes steps to incorporate any wrong information in the workers record of service with intention to defraud or causes or permits the delay of payment of the workers entitlements depending on that record knowing of such fraud; or