

NOTIFICATION.

Dated Quetta, the 21st October, 2015.

No.PAB/Legis:V(18)/2015. The Balochistan Industrial Relations (Amendment) Bill, 2015, (Bill No. 18 of 2015) having been passed by the Provincial Assembly of Balochistan on 09th October, 2015 and assented to by the Governor, Balochistan on 16th October, 2015 is hereby published as an Act of Balochistan Provincial Assembly.

**THE BALUCHISTAN INDUSTRIAL RELATIONS (AMENDMENT)
Act, 2015(Act No. XV OF 2015)**

**AN
ACT**

to further amend the Balochistan Industrial Relations Act, 2010 (Act No.XIII of 2010)

Preamble.

WHEREAS, it is expedient to further amend the Balochistan Industrial Relations Act, 2010 (Act No. XIII of 2010), in the manner hereinafter appearing;

It is here by enacted as follows:

Short title and commencement.

1. (1) This Act shall be called the Balochistan Industrial Relations (Amendment) Act, 2015.

Amendment of Section I Act No. XIII of 2010

(2) It shall come into force at once.

2. In the Balochistan Industrial Relation Act, 2010 (Balochistan Act No, XIII of 2010) here in after referred as the said Act, in section 2 sub-section 4 after the world “ or Industry” “ the world including Fishing and Agriculture shall be inserted.

Amendment of section 2, Act; XIII of 2010.

3. In the said Act, in section 2,--

(a) clause (e) shall be omitted;

(b) in clause (g), in sub-clause (i), for the word “Commission” the words “Labour Court” shall be substituted;

(c) in clause (h), in sub-clause (iii), the words “Federal Government or” shall be omitted; *and*

(d) in clause (h), under sub-clause (iv), in explanation, the words “Federal Government or” shall be omitted.

Amendment of section 15, Act XIII of 2010.

4. In the said Act, in section 15, in clause (b) the words “or Commission” shall be omitted.

Omission of section 25 and 26, Act XIII of 2010.

5. In the said Act, sections 25 and 26 shall be omitted.

Amendment of section 27, Act XIII of 2010.

6. In the said Act, for section 27 with marginal heading, the following shall be substituted, namely:—

“27. Authorization of certain powers to the Registrar.— Government may, by general or special order authorize a Registrar to exercise the following powers:

- (a) registration of Industry wise trade unions, federation of such trade unions of federations at the provincial level, including--
 - i) registration of trade unions within the collective bargaining units;
 - ii) determination of collective bargaining agent from amongst the industry wise trade unions federation of such trade unions, or as the case may be, federation at the Provincial; *and*
 - iii) determination of collective bargaining agent from amongst the trade unions registered within collective bargaining unit; *and*
- (b) any other power which the Government may deem necessary to exercise.”

Amendment of section 28, Act XIII of 2010.

7. In the said Act, for section 28, the following shall be substituted, namely:—

“28. 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 labour Court may within thirty days of such order prefer an appeal to the Labour Appellate Tribunal. (2) An appeal preferred to the Labour Appellate Tribunal under sub-section (1) shall be disposed of by the labour Appellate Tribunal which shall have the power to confirm, set aside, vary or modify such an order.”

Omission of section 29, Act XIII of 2010.

8. In the said Act, section 29 shall be omitted.

Amendment of section 30, Act XIII of 2010.

9. In the said Act, for section 30 with marginal heading, the following shall be substituted, namely:—

“30. Determination of collective bargaining unit.— (1) Where the Labour Court, on an application made in this behalf, by a trade union or a federation of such trade unions or an employer or on a reference made, by the 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;
- (b) specify the modifications which, in consequence of the decision under this section, will 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 steward, and workers' representative for workers management council of the establishment, 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 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 establishment which is likely to be affected by a decision under this section; *and*
- (e) take such measures or issues any directions to a Registrar as may be necessary to give effect to such modifications.

(2) Where the Labour Court issues any directions to a Registrar under this section, the Registrar shall comply with them within such period as the Labour Court may determine from time to time.

(3) After the certification of a collective bargaining union, no trade union shall be registered in respect of that union 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 coactive bargaining units.

(4) Any order of the Labour Court under this section shall have effect notwithstanding anything to the contrary contained in this Act."

**Omission of
section 31,
Act XIII of 2010.**

10. In the said Act, section 31 shall be omitted.

**Amendment of
section 48,
Act XIII of 2010.**

11. In the said Act, in section 48,—

(a) in the proviso under sub-section (3), the words and comma “in consultation with the Commission,” shall be omitted; *and*

(b) in sub-sections (4), (5) and (6) the words and commas “Commission or, as the case may be, the”, wherever it appears, shall be omitted.

**Amendment of
section 49,
Act XIII of 2010.**

12. In the said Act, in section 49, in sub-section (1), for the word “Commission”, wherever it appears, the words Labour Court shall be substituted.

**Amendment of
section 51,
Act XIII of 2010.**

13. In the said Act, in section 51, in sub-section (1) and (2), for the word “Commission”, wherever it appears, the words Labour Court shall be substituted.

(MUHAMMAD AZAM DAWI)
Secretary
Balochistan Provincial Assembly