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PART-I

LABOUR & HUMAN RESOURCES DEPARTMENT

No.L-II-2-9/2018 Karachi dated the 31st May, 2021

NO.L-II-2-9/2018:- In exercise of the powers conferred by sub-section (1) of section 78 of the Sindh Industrial Relations Act, 2013 (Sindh Act No. XXIX of 2013), the Government of Sindh are pleased to make the following rules, namely:-

CHAPTER-I
GENERAL

1. **Short rules and commencement.**;- (1) These rules may be called the Sindh Industrial Relations Rules, 2021.

(2) The shall come into force at once.

2. **Definitions.**- (1) In these rules, unless there is anything repugnant in the subject or context-

(a) "Act" means the Sindh industrial Relation Act, 2013 (Sindh Act No. XXIX of 2013);

(b) "agriculture and fisheries" means establishments primarily engaged in growing crops, raising animals, and harvesting fish and other animals from a farm, ranch, or their natural habitats;

(c) "agriculture worker" means a worker employed in agriculture and fisheries for growing crops, raising animals, and harvesting fish and other animals from a farm, ranch, or their natural habitats, and a share cropper who pays rent with a portion of the crop he raises; or in any other kind of work whatsoever, incidental to or connected with the agriculture and fisheries but does not include the landlord or owner of the Agriculture and fisheries business;

(d) "landlord" means a person who is legitimate owner of the land or tenant or other person legally and lawfully authorized by the owner or any other person who engage workers to perform work of growing crops, raising animals, and harvesting fish and other animals from a farm, ranch, or their natural habitats or sharecropper;

(e) "Balloting Officer" means an officer appointed as Balloting Officer under rule 25;

(f) "Directorate of Labour" means the Directorate of Labour headed by the Director General Labour Sindh;

(g) "Federation" means a federation of trade unions which a Registrar appointed by Government is empowered to register;

(h) "Form " means a Form appended to these rules;

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

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(j) "Polling Officer" means an officer appointed as Polling Officer under rule 25;

(k) "section" means a section of the Act;

(l) "secret ballot" or "ballot" means secret ballot held under section 24;

(m) "Trade Union" or "Union" means a trade union or union registered under section 9; and

(n) "voter" means a person whose name is included in the list verified by the Registrar under sub-section (8) of section 24.

(2) All other words and expressions used but not defined in these rules shall have the same meaning as assigned to them in the Act.

3. **Application for registration.—** (1) Every application for registration of trade union under section 4 shall be made in Form 'A'.

(2) When employer of an establishment or a group establishments, for which registration of the union being sought, fails to submit the list of its employees employed in such establishment or group of establishments, so being required by the Registrar, every trade union moving application under section 4, shall file an affidavit of every member of the union subject to section 6 (1)(d) on stamp paper of rupees twenty that he is actually employed in such establishment or group of establishments.

(3) Every application for registration of a Federation of trade unions made under section 22 shall be in Form 'B'.

4. **Maintenance of registers of members, account, books, minutes books, etc.—** (1) An application for the membership of a trade union shall be in Form 'C'.

(2) Every registered trade union shall maintain a register of members in Form 'D' showing particulars of subscription paid by each member.

(3) Every registered federation shall maintain a register in Form 'E' showing the receipts and expenditures of all moneys received by it.

(4) Every registered trade shall maintain an account book in Form 'F' showing the receipts and expenditure. The account book shall be a bound register and all pages shall be numbered serially.

Provided that a member of the union or federation who has not paid his fee for six consecutive months shall cease to be a member of such union or federation, as the case may be.

(5) The minutes book of a registered trade union or registered federation shall be kept in a bound register, whose every page shall be numbered serially, and shall contain the following information, namely:

(a) date, place and time at which the meetings of the general body or the Executive committee of the trade union or federation of trade unions are held;

(b) details of all points discussed and all resolutions passed;

(c) in the ease of meetings of the general body, the approximate number of workers who attended the meeting and, in the case of meetings of the Executive Committee, the names and signatures of the officers of the executive, who attended the meeting.

(6) All minutes shall be confirmed in the subsequent meeting after reading out aloud and taking consent of all members present.

(7) Every registered trade union or registered federation shall issue printed receipts for all moneys received and shall maintain printed receipt books, every page of which shall be numbered serially, and an account of all such receipt books shall be maintained.

(8) All expenses to be incurred by a trade union or federation of trade unions shall be supported by vouchers in original.

5. **Limit of members of the executive.** (1) The number of members of the executive of a trade union in an establishment shall be as under:-

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Column (1)		Column (2)	
Where the total number of workers employed is not more than		maximum number of person's forming the executive of the trade union shall be	
Ditto	50	Ditto	5
Ditto	100	Ditto	8
Ditto	200	Ditto	10
Ditto	300	Ditto	12
Ditto	400	Ditto	14
Ditto	500	Ditto	16
Ditto	600	Ditto	18
Ditto	1000	Ditto	20
Ditto	5000	Ditto	25

Provided where the total number of workers employed in an establishment is more than 5,000 the maximum number of persons forming the Executive of the Trade Union shall not exceed 30.

(2) The provisions of sub-rule (1) shall mutatis mutandis apply to a trade union whose membership extends to more than one establishment; provided that there shall be one member from amongst the workers employed in every such establishment who may be in addition to the number specified in column (2) of sub- rule (1).

6. **Register of trade unions and federation of trade unions.** The Registrar shall maintain a register of trade unions or federations registered by the Registrar in Form 'G' and Form 'H' respectively.

CHAPTER-III
ELECTION

7. **Election under supervision of Registrar.** - On the direction of a Labour Court to the Registrar Trade Unions to hold a fresh election of a union, the Registrar will proceed to hold the said election immediately in the manner hereinafter prescribed.

8. **Procedure for election.**— The Registrar of Trade Unions or any officer authorized by him not below the rank of an officer of BPS-16 shall call upon the union to send a list of paid membership and nomination papers of the intending officers of the union who want to contest the election, within ten (10) days after the receipt of direction from the Labour Court.

9. **Preparation of Voters List.**— Soon after the receipt of nomination papers and list of paid membership the Registrar of trade unions or any other officer (not below the rank of officer of BPS 16) authorised by him shall call upon the contesting parties of union to produce all relevant record showing the names of the persons who are regular members of the union and after verification, a voters list shall be prepared containing the names of those workers in the establishment, whose membership of the union has been confirmed and a copy of such list shall be given to the contesting parties at least 4 days before holding the election.

10. **Registrar to Fix date and time of election.** The Registrar or any other officer authorised by him shall fix the date and time holding election in the establishment.

11. **Expenditure for the election.**- All the expenditures for holding the election under rule 7 shall be jointly borne by the officers of the union contesting the election and they shall also provide all other necessary facilities to the Registrar Trade Unions for holding the election.

12. **Application of rules.**- The provisions of Chapter-III of these rules shall mutatis mutandis apply to an election held under this Chapter.

13. **Protection under section 60.**- Any other change, before or after such election, in the office-bearers of the unions shall be intimated with full particulars of the changed office-bearers to the employer and Registrar Trade Unions to make them entitled to the protection under section 60.

14. **Certificate of Registration.** — A certificate of trade union or federation of trade unions shall be in Form 'I'.

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15. **Powers and functions of Registrar.** (1) Without prejudice to the powers of Registrar under section 14, the Registrar may enter the officer of any trade union or federation of trade unions or any other premises, which the Registrar has reason to believe to be used as an office of a trade union or a federation of trade unions or a confederation of federations and make such inspection of the office or premises and of any register or documents and take such evidence of any person as he may deem necessary for carrying out the purposes of the Act.

(2) The Registrar, while inspecting the office of a trade union or federation of trade unions or a confederation of federations may call for any register or document and inspect the same.

(3) The Register may inspect the account books of a trade union or a federation of trade unions and call for any clarification or obtain any information in writing from the officers of the executive of such trade union or federation of trade unions relating to the maintenance of accounts.

(4) The Registrar may, at any time during working hours, enter the office or premises of any establishment and make such examination of any register and documents maintained by the employer and take such evidence of any person as the Registrar deems necessary for carrying out the purposes of the Act.

(5) The Registrar shall, for carrying out his functions under the Act, have the power to seize any record, register or other documents of any registered trade union or registered federation with such acknowledgement as he may consider necessary.

(6) The Registrar may authorise in writing an officer of Directorate of Labour to perform any or all of his functions under this rule.

16. **Auditors.**— (1) Save as provided in sub-rules (2) and (3), the accounts of a registered trade union or a registered federation shall be audited annually.

(2) Where the membership of a registered trade union or as affiliated registered trade union does not exceed 1000, the annual audit of the accounts may be conducted by -

(a) any Local Fund Auditor appointed by Government; or

(b) any qualified Accountant who is member of Karachi Tax Bar; or

(c) any retired Officer of Local Fund Audit Department or Directorate of Labour Sindh not below BPS-17; or

(d) Any person, who, having held an appointment not below BPS-17 under Government in Audit Department.

(3) Where the membership of a registered trade union or an affiliated registered trade union, or a registered federation did not at any time during the year exceed 200, the annual audit of the accounts may be conducted by any of the two members of the registered trade union other than its officers:

Provided that no person who, at any time during the year concerned was entrusted with any part of the funds or securities belonging to the registered trade union, shall be eligible to audit the accounts of the union.

17. **Submission of general statement/Annual Returns.**— The General Statement/Annual Returns which a registered trade union or registered federation is required to send annually to the Registrar under sub-section (1) of section 23, shall be sent in Form "J" on or before the 31st March of the year next following the year to which the statement relates.

CHAPTER-III
DETERMINATION OF COLLECTIVE BARGAINING AGENT

18. **Supply of list of members.**— The trade union applying for determination of Collective Bargaining Agent shall submit lists 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 of the union.

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19. **Fixing date and place for ballot.**— The Registrar shall fix the place, date and hours during which the ballot shall be taken, under intimation to the contesting trade unions and the employer:

Provided that the date or hours so fixed may be advanced or postponed by the Registrar if, for reasons recorded in writing, the ballot cannot be held at such date or hours.

20. **Allotment of symbols.**— The Registrar shall, after consultation with the duly authorised representatives of the contesting unions, allot different symbols to the contesting trade unions for the ballot:

Provided that if a union fails to indicate the symbol, the Registrar may allocate any symbol to such union and his decision shall be final and binding on the union concerned:

Provided further that in case of a dispute between the contesting unions about the allotment of symbols, the decision of the Registrar shall be final and binding on all the contesting unions.

21. **Form of Ballot Paper.**— The votes shall be cast by means of a ballot paper which shall be in Form 'K'.

22. **Supply of Ballot Boxes.**— The employer shall provide to the Registrar, at least three days before the ballot, as many wooden boxes as may be required to him, which shall be of the size 18"x18"x36".

23. **Stoppage of ballot.**— If at any time, the ballot at any polling station is interrupted or obstructed for any reason, the Registrar may stop ballot and cancel the votes cast. In that case, the Registrar shall, as soon as possible, appoint another date, time and place for such fresh ballot for that polling station on the basis of the list of voters already verified.

24. **Number of polling booths.**— The Registrar shall decide the number and location of the booths to be provided for the ballot. The booth may be in accordance with the specification given in the sketch in Form 'L'.

25. **Appointment of Polling Officers and Balloting Officers, etc.**— The Registrar may appoint as many Polling Officers and balloting officers and such other staff as deemed necessary for conducting and supervising the ballot who shall perform all such duties and exercise all such powers as are assigned to the Registrar under these rules.

26. **Appointment of Polling Agents.**— (1) The contesting trade unions may appoint one Polling Agent at a time for each booth and give notice thereof in writing to the Polling Officer half an hour before the commencement of the polling, provided, however, that failure to nominate an agent shall not delay the commencement or affect the conduct of the secret ballot.

(2) The Polling Agents will witness the voting and assist the Polling Officer in identification of voters.

27. **Commencement of ballot.**— Before commencement of ballot, the Polling Officer shall in the presence of all the Polling Agents, satisfy himself that the ballot box is empty. The Polling Officer shall then seal the ballot box in the presence of the Polling Agents and record a certificate to this effect in Form 'M'.

28. **Identification of voters.**— The Polling Officer may require the voter to produce any evidence of identification before issuing the ballot paper to him.

29. **Issuance of ballot paper.**- Ballot paper shall be issued to a voter only after his name and other full particulars have been verified from the list of voters approved by the Registrar.

30. **Marking of ballot paper and casting of vote.**- (1) After a voter has been issued a ballot paper, he will mark by putting a cross (X) mark on the portion bearing the name and symbol of the Union of his choice.

(2) The marking of the ballot paper under sub-rule (1) shall be done in a segregated area provided for this purpose in the polling booth.

(3) After marking the ballot paper, the voter shall fold and drop it in the ballot box which is to be kept before the Polling Officer.

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31. **The Ballot Box.-** (1) Only one ballot box shall be used at a time in each one of the polling booths.

(2) If, during the course of the polling, one ballot box has been filled to, capacity and, in the opinion of the Polling Officer, can no longer be used for polling, the Polling Officer shall seal it in the manner prescribed under sub-rule (2) of rule 32 and provide a new ballot box in the manner laid down in rule 27.

32. **Commencement and closure of ballot.—** (1) No person shall be given the ballot paper before or after the hours fixed for ballot, excepting those persons who are within the polling booth at the closing time who shall be given the ballot papers and allowed to vote.

(2) After all the persons present within the polling booths at the closing time have cast their votes, the Polling Officer shall forthwith seal the opening provided for dropping the ballot paper in the ballot box in the presence of the polling agents and shall record a certificate to this effect in Form 'N'.

33. **Unsealing of the ballot box and counting of votes.** (1) After the ballot box has been sealed as provided under rule 32, the Polling Officer shall unseal it in the presence of the Polling Agents and record a certificate to this effect in Form '0':

Provided that absence of a Polling Agent shall not affect or delay the unsealing of the ballot boxes.

(2) After the ballot box has been unsealed as provided under sub-rule (1), the Polling Officer shall in the presence of Polling Agents, count the votes and record the result of counting along with a certificate in Form `P' duly signed by the Polling Agents.

(3) If a Polling Agent refuses to sign, the result sheet and the certificate under sub- rule (2), this fact shall be recorded by the Polling Officer on the result sheet in the presence of two witnesses.

34. **Decision on objections.—** All objections by the contesting union whether before or at the time of ballot, shall be given in writing by the authorised representatives of the trade union to the Polling Officers who shall give his decision at the spot which shall be final and binding on the parties and shall not be called in question by or before any authority including a court of law.

35. **Invalid Ballot papers.—** The Poling Officer shall give a decision about challenged votes at the spot and the decision shall be binding on the contesting trade union.

36. **Challenging of votes.—** When a vote is challenged by any of the Polling Agents during the course of the ballot, a fee of rupees fifty for every vote challenged, shall be deposited with the Polling Officer. The amount of such fee shall be paid in cash and a receipt in Form `Q' shall be issued by the Polling Officer who shall submit full account of the amount so received to the Registrar and deposit the same in the Government Treasury under the Head of Account to be notified later by the Directorate of Labour in consultation with the Finance Department, Government of Sindh.

37. **Duties of Polling Officer.—** (1) The Polling Officer shall prepare a ballot paper account showing the number of blank ballot papers prepared for this purpose and the number of ballot papers taken out of the ballot boxes. He shall also count the number of un-issued and spoiled ballot papers and prepare a certificate in Form 'R.'.

(2) The Polling Officer shall send to the Registrar the result sheet, the used and unused ballot papers, the ticked list of voters and other documents and papers as soon as possible after the counting of votes is completed.

38. **Declaration of Collective Bargaining Agent.-** (1) On receipt of an application from a registered trade union under section 24(1), the Registrar or an officer authorised in writing by him shall call upon the employer to submit a list of workmen/ workers employed in the establishment excluding those having less than three months' service showing in respect of each workmen parentage, age, section or department, job, ticket number and date of employment at the establishment. After satisfying himself about the 1/3rd membership of the applicant union, the Registrar shall issue a certificate in Form 'S'.

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(2) On receipt of the result from the Polling Officer, the Registrar shall certify the trade union which has received the highest number of votes to be the Collective Bargaining Agent in accordance with clause (e) of sub-section (12) of section 24 and issue a certificate to this effect in Form 'S-A'.

(3) The certificate under sub-section (16) of section 24 shall be in Form 'S-B'.

39. **Ballot be repeated in case a trade union receives less than the required number of votes.-** Notwithstanding the provisions of rule 38 if the number of votes received by the winning trade union is less than one-third of the total number of workmen/workers employed in the establishment, such union shall not be declared as Collective Bargaining Agent and the ballot shall be held afresh on such date and time as may be fixed by the Registrar:

Provided that such fresh ballot may be held on the basis of a fresh list of voters to be prepared by the Registrar in the manner provided in section 24.

40. **Ballot to be repeated in case of a tie.-** In case the contesting trade unions receive equal number of votes, the secret ballot shall be held afresh on such date and time at may be fixed by the Registrar.

41. **Additional powers of Registrar.-** Notwithstanding anything contained in these rules, if the ballot is to take place at more than one polling stations located in different areas in one city or more than one cities, the procedure for the referendum and all ancillary matter(s) thereto may be determined to suit the requirements of the occasion by the Registrar or his authorised agent, under intimation to the contesting trade unions.

CHAPTER-IV
SHOP STEWARDS

42. **Communication of the number of shop stewards by employer.** (1) Every employer to whom sub-section (1) of section 28 applies shall communicate by exhibition on the Notice Board, the number of shop stewards to be nominated or elected, as the case may be, from various shops, departments, sections or constituencies of the establishment.

(2) The employer shall communicate the names of the workers nominated by the Collective Bargaining Agent or elected by group of workers as shop stewards to the Directorate of Labour within one month of such nomination or election, as the case may be.

43. **Fixation of number of Shop Stewards.-** The number of shop stewards in an establishment shall be so fixed as to afford representation to the various sections, shops or departments of the establishment:

Provided that if there is more than one shift in an establishment, the shop stewards shall be nominated or elected so as to afford representation to each of the shifts.

44. **Election of shop stewards.-** Every employer to whom clause (b) of sub-section (1) of section 28 applies shall arrange for the election of the shop stewards within three months of the coming into force of these rules, in the manner prescribed in this Chapter and shall send a report thereof to the Directorate of Labour within one month of the said election.

45. **Procedure for election.-** For the purpose of elections under rule 44, the employer shall, by notice affixed on the Notice Board and by giving adequate publicity, call upon the workmen to elect their shop stewards and appoint -

(a) a date at least seven days after the date of such notice for filing nomination papers; and

(b) a date which shall not be more than ten days and not less than seven days after the date of receipt of nomination papers as the date for the holding of the elections.

46. **Voting for election.-** (1) If the number of candidates who intend to contest the office of the shop steward in a shop, section or department of an establishment is equal to the number of shop steward to be elected, the employer shall, by a notice on the Notice Board, declare such candidates to be elected as shop stewards.

(2) If in any shop, section or department, the number of candidates is more than the number of seats allotted to such shop, section or department of an establishment, the voting shall take place on the day fixed for election.

47. **Vacancies.**- .In the event of a shop steward ceasing to be employed in the shop, section or department of an establishment or resigning his office, his successor shall hold office for the remaining term of the vacancy.

48. **Facilities.**— The employer shall afford opportunities to the shop stewards to fulfill their obligations under the Act and shall meet them as often as may be necessary.

CHAPTER –V

WORKERS MANAGEMENT COUNCIL

49. **Workers Management Council.** The Workers Management Council to be constituted under section 29 of the Act shall have equal representation from employer and workers.

50. **Constitution of the First Council.** The Management shall setup a Workers Management Council under Section 29 in accordance with these Rules within 30 days of the coming into force of this rule.

51. **The Constitution of Council.**- (1) The representation of the management on the Workers Management Council set up under section 29 shall be nominated by the management and the representatives of the workers shall be nominated by the Collective Bargaining Agent.

(2) In an establishment where there is a Collective Bargaining Agent, such Agent shall communicate the names and particulars of the representatives of the workers on the Workers' Management Council to the employer in Form 'T'.

(3) Within seven days of the receipt of nominations from the Collective Bargaining Agent, the employer shall constitute the Workers Management Council and send all record of the Workers Management Council to the Registrar of Trade Unions for its approval. Having obtained approval form registrar, the employer shall hang such approval on the Notice Board immediately and send Copy thereof to the Collective Bargaining Agent:

Provided that the Collective Bargaining Agent may make fresh nominations in respect of any representative of the workers on the Workers Management Council at any subsequent time where the Collective Bargaining Agent has reasons to believe that any such representative has lost his representative character, and the employer shall, within seven days of the receipt of such nominations, reconstitute the Workers Management Council with such new representatives and seek approval as provided under sub-rule(3).

(4) In an establishment where there is no Collective Bargaining Agent, the worker's representatives shall be elected through secret ballot, which shall be conducted by the Employer and results of the secret ballot within seven days of its conduct, shall be sent by employer to the Registrar of Trade unions for approval.

(5) The Registrar, upon receiving reference from employer for approval under sub-rule (4), shall call upon the contesting candidates and record their objections if any regarding election for the Workers Management Council and either accord approval or reject within a period of fifteen days from the date of receipt of the application or reference under sub-rule (4). Having obtained approval from the registrar, the employer shall hang such approval on the Notice Board immediately.

(6) In case, any party in the application or reference under sub-rule (4) is found dissatisfactory with the decision of the Registrar regarding accepting the approval or rejection under sub-rule (5), the aggrieved party may move representation to the Registrar for reviewing the decision and the Registrar may

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decide same within 15 days of the receipt of representation. In such circumstances, the registrar may delegate his authority to any of his officer to conduct election for the representative of workers for the Workers Management Council.

52. **Qualifications of Candidates for election.**– Any worker of not less 21 year of age and with a service not less 6 months in the establishment may be candidate for election as a representative of the worker on the Workers Management Council:

Provided that the services qualification shall not apply to the first election in an establishment.

53. **Qualifications of votes.–** All workers who have put not less than three months service in an establishment shall be entitled to vote in the election of the representatives of workers.

54. **Procedure for election. -** (1) For the purpose of election to choose the representatives of workers, the employer, shall by notice affixed to the Notice Board and by giving adequate publicity amongst the workers, call upon the workers to elect representatives for the Workers Management Council.

(2) As soon as may be after workers have been called upon to elect representatives of the Workers Management Council under sub-rule (1), the employer shall appoint –

(a) a day, at least seven days after the date of such notice, for the nomination of candidates;

(b) a day for the scrutiny of nomination paper;

(c) a day, which shall not be less than three days or more than ten days after the scrutiny day, for the holding of the election.

(3) The notice under sub-rule (2) shall also specify the number of the representatives to be chosen from amongst various groups, sections, shops or departments of the establishment.

55. **Nominations.--** (1) Any voter may, for the purpose of election as representative on the Workers Management Council, propose or second the name of any person who is duly qualified to be elected as such representative.

(2) Every proposal shall be made by a separate nomination paper in Form 'T' which shall be supplied by the employer, and signed by the proposer, seconder and the candidate.

(3) Every nomination paper shall be delivered on or before the nomination day by the candidate or his proper or seconder to the employer who shall acknowledge in writing the receipt of the nomination paper.

56. **Scrutiny.--** (1) The candidates, their proposers and seconder, and one other person authorized in this behalf by such candidate may attend the scrutiny of nomination papers, and the employer shall give them reasonable opportunity for examining papers, and the employer shall give them reasonable opportunity for examining all nomination papers, delivered to him under rule 55.

(2) The employer shall, in the presence of the person attending the scrutiny under sub-rule (1), examine the nomination paper and dispose of any objection raised by any such person to any nomination.

(3) The employer may reject any nomination paper if he is satisfied that –

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(a) the candidate is disqualified to be representative of the workers under rule 52;

(b) any provision of rule 55 has not been complied with.

57. **Voting in election. --** (1) If the number of candidates who have been validly nominated to equal to the number of representatives to be elected, the employer shall obtained approval from the registrar and after obtaining approval, the employer shall by public notice declare such candidates to be elected.

(2) If any group, section, shop or department, the number of candidates is more than number of seats allotted to it, voting shall take place on the date fixed for election.

(3) The election shall be held through secret ballot and shall be conducted by the employer or in case of dispute of election, it may be conducted by the registrar or his authorized officer.

58. **Arrangement for election.—** The employer shall be responsible for making all arrangements in connection with the election.

59. **Officers of the Workers Management Council.—** (1) The Workers Management Council shall elect office bearers including one Vice-Convener and two Joint Secretaries. The Convener shall be nominated by the employer from amongst the employer's representatives on the Workers Management Council.

(2) The worker's representatives on the Workers Management Council shall elect one Vice-Convener and one Joint Secretary from themselves. Employers representatives in the Workers Management Council shall elect one Joint Secretary from amongst themselves.

(3) Until the Workers Management Council elects an office-bearer or makes some suitable arrangement for keeping record of the meetings such Joint Secretary shall maintain the records of the proceedings for six months alternately.

60. **Term of Office.** — (1) The term of office of the Workers Management Council shall be two years from the date of its constitution.

(2) A member elected or nominated to fill a casual vacancy shall hold office for the remaining term of his successor.

61. **Vacancies.** — In the event of workers representative ceasing to be employed in the establishment or in the event of his resigning the membership in the Workers Management Council his successor shall be elected from the group, section, shop or department to which the member vacating the seat belonged.

62. **Power to co-opt.--** The Workers Management Council shall have the right to co-opt in a consultative capacity. Persons employed in the establishment having a particular or special knowledge of a matter under discussion. Such co-opted members shall not be entitled to vote and shall be present at the meetings only for the period during which the particular question is before the Council.

63. **Meetings of the Workers Management Council.** — The Council shall meet as often as necessary, but also not less than once in three months, and that no meeting shall be held unless at least 50 per cent representatives of the workers and employers are present at such meetings.

64. **Facilities for meetings, etc.—** The employer shall provide accommodation and all necessary facilities for carrying out of the functions of the Council and all the proceedings of the meetings shall be recorded and signed by the members present.

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CHAPTER-VI
WORKERS PARTICIPATION IN MANAGEMENT

65. **Determination of seats.-** (1) For the purpose of section 30 employers shall communicate a list of names and designation of all persons employed in the factory falling within the definition of Employer under the Act to the Collective Bargaining Agent. Where there is no Collective Bargaining Agent, such list shall be exhibited on the Notice Board near the office of the factory.

(2) The employer shall also notify the maximum number of worker's representatives required to participate in the management under Section 30 on the Notice Board.

66. **Workers Representative.-** The Collective Bargaining Agent shall communicate the names of the worker's representatives under section 30 to the employer within one month of the notification by employer under rule 50.

67. **Election of Workers Representatives.-** Where there is no Collective Bargaining Agent in a factory, the employer shall make all necessary arrangements to hold elections and bear all expenses incurred thereon to elect the worker's representatives to the seats notified by him under rule 50.

68. **Procedure for election.-** For the purpose of election under rule 67, the employer shall, by notice affixed on the Notice Board and by giving adequate publicity, call upon the workers to elect their representatives under section 30 and appoint -

(a) a date at least 7 days after the date of such notice for filing nomination papers; and

(b) a date which shall not be more than 10 days after the date of receipt of nomination papers as the date for holding of elections.

69. **Voting for elections.-** (1) If the number of candidates who have been validly nominated is equal to the number to be elected by workers, the employer shall exhibit a notice on the Notice Board declaring such candidates to be elected.

(2) If the number of candidates to be nominated is more than the number of workers to be elected, the voting shall take place on the date fixed for elections.

70. **Vacancies.-** In the event of a workers' representative, whether elected or nominated, ceasing to be employed in the factory or in the event of his resigning his office, his successor shall be elected or nominated, as the case may be, for the remaining term of office in accordance with the manner and procedure laid down in this Chapter.

CHAPTER-VII
JOINT CONSULTATION, MEDIATION AND CONCILIATION

71. **Functions of Conciliators.—** (1) For the purpose of bringing about a settlement of an industrial dispute, a Conciliator -

(a) may call for and inspect any register, certificate or notice which he has reason to believe to be relevant to the dispute and may, in case of failure of the person to produce it in time, seize it;

(b) may enter the premises occupied by any establishment to which the dispute relates, and require any person whom he finds in the establishment to give such information relating to the dispute as is in his knowledge.

(2) Every Conciliator shall keep records of the conciliation proceedings in such manner as he deems fit.

(3) Every Conciliator shall act as Officer of the area for the purpose of paragraph (10) of Standing Order 16 of the Sindh Terms of Employment (Standing Orders) Act. 2015, if authorized by Inspector authorized in this behalf as defined in clause (o) of Sindh Factories Rules, 2020.

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72. **Notice of strike or lock-out.-** A notice of strike served under sub-section (3) of section 35 shall be in Form 'U' and a notice of lock-out shall be in Form 'V'

73 **Settlement.** The settlement arrived conciliation proceedings shall be in Form 'W'.

74. **Agreement.** An agreement in writing between the employer and his workers arrived at otherwise than in the course of conciliation proceedings shall be signed by the representatives of the employer and the workers at a meeting and such agreement shall be in Form 'X'.

75. **Employer to send information of strike or lockout.** Every employer shall send information about strike or lockout in his establishment immediately on phone and in form-Y to the conciliator of the area concerned within two hours of the occurrence of the strike or lockout.

CHAPTER-VIII
MISCELLANEOUS

76. **Procedure of the Labour Appellate Tribunal.-** In hearing an appeal against an award, the Labour Appellate Tribunal shall follow the same procedure as is followed by an Appellate Court in hearing a first appeal under the Code of Civil Procedure, 1908 (Act V of 1908).

77 **Determination of computed money-** Where any worker is entitled to receive from the employer any benefit under an award or decision, he may apply to the Labour Court which gave the award or to the Labour Appellate Tribunal which gave the decision for computation of the benefit in terms of money. The Labour Court or the Tribunal, as the case may be, shall determine the amount at which such benefit shall be computed after hearing the parties to the dispute.

78. **Maintenance of Record in Electronic Form.** All documents records, registers to be maintained under the Act may also be maintained in electronic form subject to conditions that such record is maintained in prescribed manner and strictly in accordance with the provisions of Electronic Transactions Ordinance, 2002 or any other Federal or provincial law enacted for the purpose.

79. **Repeal.-** The Industrial Relations (Sind) Rules, 1973, on commencement of these rules, shall stand repealed.

ABDUL RASHEED SOLANGI
SECRETARY TO GOVT. OF SINDH

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