

THE TRADE UNIONS (AMENDMENT) ACT, 1959*1.

[Act No. XXXVIII OF 1959.]
(The 29th September 1959.)

It is hereby enacted as follows: —

1. (1) This Act may be called the Trade Unions (Amendment) Act, 1959.

(2) It shall come into force on such date as the President may, by notification, appoint in this behalf².

2. In section 2 of the Trade Unions Act, hereinafter referred to as the said Act—

(a) the following *shall be inserted* as clause (a); namely:—

“(a) ‘craftsman’ includes any carpenter, mason, cabinet-maker, blacksmith, riveter, welder, electric welder, fitter, plumber, iron moulder, brass moulder, engine mechanic, pump mechanic, mill-wright, electrician, electrical equipment repairer, process machine operator and any other person whom the President of the Union, by notification, declares to be a craftsman;”

(b) the existing clause (a) *shall be re-lettered* as clause (aa);

(c) for clause (g), the following *shall be substituted* as clause (g); namely:—

“(g) ‘trade dispute’ means a trade dispute as defined in clause (j) of section 2 of the Trade Disputes Act, and ‘workman’ means all persons employed in trade or industry, whether or not in the employment of the employer with whom the trade dispute arises; and”

3. For section 4 of the said Act, the following *shall be substituted* as section 4; namely:—

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1. မြန်မာနိုင်ငံပြန်တမ်း၊ အပိုင်း - ၁၊ ၁၉၅၉ ခုနှစ်၊ အောက်တိုဘာလ (၁၇) ရက်၊ စာမျက်နှာ - ၁၉၉၀။
 2. ဤအက်ဥပဒေသည် ၁၉၅၉ ခုနှစ်၊ ဒီဇင်ဘာလ (၁၅) ရက်နေ့တွင် စတင်အာဏာတည်သည်။ (အလုပ်သမား ဝန်ကြီးဌာန၊ အလုပ်သမားဌာနခွဲ (၁)၏ ၁၂-၁၂-၅၉ ရက်နေ့စွဲပါ အမိန့်ကြော်ငြာစာအမှတ် ၁၃၀။) (မြန်မာနိုင်ငံပြန်တမ်း၊ အပိုင်း-၁၊ ၁၉၅၉ ခုနှစ်၊ ဒီဇင်ဘာလ (၁၉) ရက်၊ စာမျက်နှာ - ၂၄၇၈။)

- “4. (1) Any Trade Union having 10 or more members may, provided they comprise more than 50 per cent of the total number of employees of an establishment or an undertaking, apply for registration as a Registered Trade Union under this Act.
- (2) A Trade Union registered under this Act shall report to the Registrar whenever the number of its members falls below 50 per cent of the employees of the establishment or the undertaking.
- (3) The Registrar shall de-register a Trade Union registered under this Act whenever its membership falls below 50 per cent of the total number of employees of the establishment or the undertaking.
- (4) The Registrar shall have the power to check the number of members of any Trade Union registered under this Act.
- (5) For the purpose of registration under this Act, a Trade Union of Craftsmen shall consist of a minimum number of fifty members. Provided that the Registrar may register a Trade Union of Craftsmen with less than fifty members.”

4. In sub-section (1) of section 5 of the said Act—

- (a) the word “and” at the end of clause (c) shall be deleted;
- (b) for the period (.) at the end of clause (d), a semi-colon (;) shall be substituted, and thereafter the word “and” shall be inserted; and
- (c) after clause (d) the following shall be inserted as clause (e); namely:—
- “(a) the total number of persons in the establishment or undertaking eligible for membership of the Trade Union at the date of application.”

5. In section 6 of the said Act —

- (a) for clause (e), the following shall be substituted as clause (e), namely:—
- “(e) the admission of ordinary members who shall be persons actually engaged or employed in an establishment or undertaking with which the Trade Union is connected, and the election of officers as required under section 22 to form the executive of the Trade Union;” and

(b) in clause (h), for the semi-colon (;) at the end, a colon (:) shall be substituted, and the following shall be inserted as provisos thereto; namely:—

“Provided that a member of the Trade Union who has been dismissed for an offence involving moral turpitude, either from any establishment or undertaking, or who has been convicted under section 32A(1) for three times, shall not be eligible to be a member of the executive or an official of the Trade Union;

Provided further that any official of the Trade Union who is an executive member of any political party shall cease to be an official of that Trade Union,”

6. In section 10 of the said Act —

- (a) for the colon (:) at the end of clause (b), a semi-colon (;) shall be substituted, and thereafter the word “or” shall be inserted; and
- (b) after clause (b), the following shall be inserted as clauses (c) and (d); namely:—

“(c) if the membership of the Trade Union falls below 50 per cent of the total number of employees of the establishment or undertaking provided in sub-section (1) of section 4; or

(d) if, in the case of a Trade Union or Craftsmen, its membership falls below the number provided in sub-section (5) of section 4.”

7. Section 16 of the said Act, shall be deleted.

8. In section 20 of the said Act, for the period (.) at the end, a comma (,) shall be substituted, and thereafter the words “or by the Registrar.” shall be inserted.

9. After section 20 of the said Act, the following shall be inserted as section 20A; namely:—

<p>“20A. If the Registrar has reasons to believe that the funds of a Trade Resistrar's powers where misappropriation of Trade Union funds is apprehended.</p>	<p>Union are being or has been misappropriated by any person, he may call for a statement of accounts and he shall be competent to inspect</p>
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the accounts and report to the police for appropriate action. For the purpose of this section, the Registrar may require the accounts of the Trade Union to be audited by a qualified auditor nominated by him.”

10. For section 22 of the said Act, the following shall be substituted as section 22; namely:—

“22.(1) The officers of every registered Trade Union shall be employees of the establishment or undertaking for which the Trade Union is formed.
Proportion of employee-officers of the establishment or undertaking.

(2) The employer in respect of whose establishment or undertaking the Trade Union is formed may allow such officers serving whole time on the Executive Committee of the Trade Union, to retain lien on their respective posts in the said establishment or undertaking.”

11. After section 28 of the said Act, the following shall be inserted as sections 28A and 28B; namely:—

“28A. The following shall be deemed to be unfair labour practices on the part of a Trade Union which has been registered under this Act; namely:—
Unfair labour practices of a Trade Union of its officials.

- (a) participation by a majority of its members in a strike which is illegal under the Trade Disputes Act; or
- (b) actively supporting or instigating by its executive a strike which is illegal under the Trade Disputes Act; or
- (c) submitting by any of its officers any return required by or under this Act containing a statement which is false and which he either knows or believes to be false or does not believe to be true.

28B. The following shall be deemed to be unfair labour practices on the part of an employer; namely: —
Unfair labour practices of an employer.

- (a) to declare a lock-out which is illegal under the Trade Disputes Act; or

- (b) to interfere with, restrain, or coerce his workmen in the exercise of their rights to organize, form, join or assist a Trade Union and to engage in concerted activities for the purpose of mutual aid or protection; or
- (c) to discharge, or otherwise discriminate against any officer of a registered Trade Union because of his being such officer; or
- (d) to discharge or otherwise discriminate against any workman because he has made allegations or given evidence in any inquiry or proceedings conducted under the Trade Disputes Act:

Provided that the refusal by any employer to permit his workmen to engage in Trade Union activities during their hours of work shall not be deemed to be unfair labour practice on his part.”

12. After section 32 of the said Act, the following shall be inserted as sections 32A, 32B and 32C; namely:—

“32A. (1) If any registered Trade Union commits any unfair labour practice as enumerated in section 28A every member of the executive thereof shall be punishable with fine which may extend to five hundred kyats.

Commission of unfair labour practice.

- (2) Any employer who commits any unfair labour practice as enumerated in section 28B shall be punishable with fine which may extend to ten thousand kyats.
- (3) The Registrar may institute legal proceedings as provided in section 33 against any person whom he has reason to believe has committed or abetted the commission of any unfair labour practice as enumerated in sections 28A and 28B.

32B. (1) Where the employer is a firm or other association of individuals, any one of the individual partners or members thereof may be prosecuted and punished under this Act for any offence for which the employer is punishable:

Determination of employer in certain cases.

Provided that the firm or association may give notice to the Registrar that it

has nominated one of its members who is resident in the Union of Myanmar to be the employer for the purposes of this Act, and such individual shall so long as he is so resident be deemed to be the employer until further notice cancelling his nomination is received by the Registrar or until he ceases to be a partner or member of the firm or association.

(2) Where the employer is a company, any one of the directors thereof, or, in the case of a private company, any one of the share-holders thereof, may be prosecuted and punished under this Act for any offence for which the employer is punishable:

Provided that the company may give notice to the Registrar that it has nominated a director, or in the case of a private company, a share-holder, who is resident in either case in the Union of Myanmar to be the employer for the purposes of this Act, and such employer or share-holder, as the case may be, shall, so long as he is so resident, be deemed to be the employer until further notice cancelling his nomination is received by the Registrar or until he ceases to be a director or share-holder.

32C. The Registrar may institute legal proceedings as provided in section 33 *Offence in respect of funds of a Trade Union.* against any person whom he has reason to believe has committed or abetted the commission of any offence in respect of the funds of a Trade Union.”

ဖွဲ့စည်းအုပ်ချုပ်ပုံအခြေခံဥပဒေအရ ကျွန်ုပ်လက်မှတ်ရေးထိုးသည်။

ဦးဝင်းမောင်၊

နိုင်ငံတော်သမ္မတ၊

ပြည်ထောင်စုမြန်မာနိုင်ငံတော်။

ရန်ကုန်မြို့၊ ၁၃၂၁ ခုနှစ်၊ တော်သလင်းလပြည့်ကျော် ၁၃ ရက်။

(၁၉၅၉ ခုနှစ်၊ စက်တင်ဘာလ ၂၉ ရက်။)

တစ်နိဒါး

ပါစိန်၊

နိုင်ငံတော်သမ္မတ၏အတွင်းဝန်။