



KHYBER PAKHTUNKHWA

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GOVERNMENT OF KHYBER PAKHTUNKHWA LABOUR DEPARTMENT

NOTIFICATION

Dated Peshawar, the 29th June, 2021

F. No: RO (LD)/8-10/2020-21/Law & Rules/VoLIV:-In exercise of the powers conferred by section 81 of the Khyber Pakhtunkhwa Industrial Relations Act, 2010 (Khyber Pakhtunkhwa Act No. XVI of 2010), the Government of Khyber Pakhtunkhwa is pleased to make the following rules, namely:

THE KHYBER PAKHTUNKHWA INDUSTRIAL RELATIONS RULES, 2021

CHAPTER-I **PRELIMINARY**

1. Short title and commencement. — (1) these rules may be called the Khyber Pakhtunkhwa Industrial Relations Rules, 2021.

(2) They shall come into force at once.

2. Definitions. —In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say,-

- (a) "Act" means the Khyber Pakhtunkhwa Industrial Relations Act, 2010 (Act No. XVI of 2010);
- (b) "Balloting Officer" means an officer appointed as Balloting Officer under sub-rule (3) of rule 19 of these rules;
- (c) "Director Labour" means the Director Labour, Khyber Pakhtunkhwa.
- (d) "Federation" means a federation of trade unions, to which a Registrar appointed under the Act is empowered to register;
- (e) "Form" means a Form appended to these rules;
- (f) "Polling Officer" means an officer appointed as Polling Officer under sub-rule (3) of rule 19 of these rules;
- (g) "Schedule" means schedule appended to these rules;
- (h) "Secret ballot" or "ballot" means secret ballot held under the Act;
- (i) "Section" means a section of the Act; and
- (j) "Voter" means a person whose name is included in the list of voters verified by the Registrar under sub-section (7) of section 9 and sub-section (5) of section 24 of the Act, as the case may be.

CHAPTER-II
REGULATION OF TRADE UNIONS
(Sections 5, 6, 8, 9, 10, 11 and 22)

3. **Application for registration.**—(1) Every application for registration of—
- (a) a trade union under section 5 shall be made in Form-A;
 - (b) a federation of trade unions under section 22 shall be made in Form-D; and
 - (c) a confederation of federations under section 22 shall be made in Form-BB.
- (2) The name of a trade union, federation or the confederation shall not—
- (a) be identical with that by which a registered trade union, federation or confederation already exists in the same establishment, group of establishment or the industry;
 - (b) be deceptive or designed in a manner, which in the opinion of the Registrar is inappropriate to exploit or offend the religious susceptibilities of the people;
 - (c) contain any words suggesting, calculating or procuring impression of patronage or connection with any Provincial Government or Federal Government in general or any department thereof in particular; and
 - (d) contain any words suggesting, calculating or procuring impression of patronage or connection with any foreign government or head of state thereof.
4. **Maintenance of registers of members, account, books, minutes books, etc.**—
- (1) An application for the membership of a trade union shall be made 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 and a confederation shall maintain a register in Form-E showing all moneys received by it.
- (4) Every registered trade union, federation or confederation shall maintain an account book in Form-F showing its receipt and expenditure. The account book shall be a bound register and all pages shall be numbered serially.
- (5) Every registered trade union, federation and confederation 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.
- (6) All expenses incurred by a trade union, federation and confederation shall be supported by vouchers in original.

(7) Every registered trade union, federation or a confederation shall maintain a minutes book. The minutes shall be kept in a bound register, its every page shall be numbered serially, and shall contain the following particulars, namely:

- (a) Date, place and time at which the meetings of the general body or of the executive body of the trade union or federation of trade unions or confederation of federations, as the case may be, were held;
- (b) Detail of all points discussed and all resolutions passed; and
- (c) In the case of meetings of the general body, the number of members who attended the meeting.

(8) Minutes of all the meetings shall be signed by the General Secretary and the President or the Officer presided over the meetings as per constitution of the trade union.

(9) All minutes shall be confirmed in the subsequent meeting after reading out loudly and taking consent of all members present in the executive body meeting or general body meeting as the case may be of whom attendance shall be marked by names, office held in executive body and putting their signatures or thumb impression against each.

(10) The registers and records required to be kept under this rule for the effective application of the Act shall be preserved by the trade union for at least ten years after the last entry made therein.

5. Maximum number of members of the executive. ---(1) The maximum number of members of the executive of a trade union shall be as specified below:

| No. of members | No. of executives |
|---|-------------------|
| (a) where the total members of a trade union does not exceed 50; | 5 |
| (b) where the total members of a trade union exceeds 50 but does not exceed 100; | 8 |
| (c) where the total members of a trade union exceeds 100 but does not exceed 200; | 10 |
| (d) where the total members of a trade union exceeds 200 but does not exceed 300; | 12 |
| (e) where the total members of a trade union exceeds 300 but does not exceed 400; | 14 |

| | |
|---|----|
| (f) where the total members of a trade union exceeds 400 but does not exceed 500; | 16 |
| (g) where the total members of a trade union exceeds 500 but does not exceed 600; | 18 |
| (h) where the total members of a trade union exceeds 600 but does not exceed 1000; | 20 |
| (i) where the total members of a trade union exceeds 1000 but does not exceed 5000; and | 25 |
| (j) where the total members of a trade union exceeds 5000; | 30 |

Provided that, notwithstanding the members, whose number is specified in the above table, there shall be at least one officer in the executive from amongst the workers employed in every establishment of the industry, if a trade union is formed in an industry and where trade union is formed in group of establishments, it shall have at least one officer in the executive from amongst the workers employed in each establishment in the group.

(2) The maximum number of members of the executive of a federation and a confederation shall be as specified below:

| No. of members | No. of executives |
|--|-------------------|
| (a) where the total members of the federated trade unions does not exceed 50; | 5 |
| (b) where the total members of the federated trade unions exceeds 50 but does not exceed 100; | 8 |
| (c) where the total members of the federated trade unions exceeds 100 but does not exceed 200; | 10 |
| (d) where the total members of the federated trade unions exceeds 200 but does not exceed 300; | 12 |
| (e) where the total members of the federated trade unions exceeds 300 but does not exceed 400; | 14 |

| | |
|--|----|
| (f) where the total members of the federated trade unions exceeds 400 but does not exceed 500; | 16 |
| (g) where the total members of the federated trade unions exceeds 500 but does not exceed 600; | 18 |
| (h) where the total members of the federated trade unions exceeds 600 but does not exceed 1000; | 20 |
| (i) where the total members of the federated trade unions exceeds 1000 but does not exceed 5000; and | 25 |
| (j) where the total members of the federated trade unions exceed 5000: | 30 |

Provided that, notwithstanding the members, whose number is specified in the above table, there shall be at least one officer in the executive from amongst the federated trade unions or the federations as the case may be if the number of constituent unions or constituent federations of a confederation exceeds the aforementioned limit.

6. Register of trade unions, federation and confederations of trade unions.---The Registrar shall maintain registers of trade unions, federations and confederations registered by him in Form-G, Form-H and Form-HH respectively.

7. Certificate of registration.--- A certificate of registration of a trade union or federation or confederation, as the case may be, shall be in Form-I.

CHAPTER-III
ELECTION OF OFFICERS
[Sections 9 (4), (5), (6) and (7)]

8. Election.--- On the direction of a Labour Court to the Registrar to hold a fresh election of a trade union under sub-section (7) of section 9, he shall proceed to hold the said election immediately.

9. Procedure for election. --- (1)The Registrar of trade unions or any officer authorized by him shall call upon the trade union to send a list of paid membership and nomination papers of the intending officers of the trade union who want to contest the election, within ten (10) days after the receipt of direction from the Labour Court.

(2) Soon after the receipt of nomination papers and list of paid membership, the Registrar or any other officer authorized by him shall call upon the contesting parties of trade union to produce all relevant record showing the names of the persons, who are regular members of the trade union and after verification, a voters list shall be prepared containing the names of those workers in the establishment, whose membership of the trade union has been confirmed and a copy of such list shall be given to the contesting parties at least four (4) days before holding the election.

(3) The Registrar or any other officer authorized by him shall fix the date and time for holding election in the establishment.

(4) The employer shall not create any hindrance in the holding of such election. In case of violation of this sub-section, the accused may be proceeded as per the provisions of Pakistan Penal Code, 1860.

(5) On receipt of result from the Polling Officers, the Registrar shall notify the officers of a trade union, who has received the highest number of votes for the next term or the remaining term of their offices as per its constitution.

(6) After the Notification issued under sub-section (5), the existing officers, responsible for the maintenance and custody of the record of trade union, shall handover such record to the officers so notified within a week.

(7) The violation of sub-rule (6) may render the defaulting officers of a trade union liable to be disqualified to become an officer of any trade union for a period as determined by the Registrar on a complaint made by the notified officers of such trade union.

10. Expenditure for the election.--- All the expenditures for holding the election under these rules shall be jointly borne by the officers of the trade union contesting the election and they shall also provide all other necessary facilities to the Registrar for holding the election.

11. Application of rules.--- The provisions of rules 18 to 29 shall *mutatis mutandis* apply to an election held under this Chapter.

CHAPTER-IV
REGISTRAR OF TRADE UNIONS
(Sections 14 and 15)

12. Powers and functions of Registrar.--- (1) The Registrar may enter the office of any trade union, federation or confederation or any other premises, which he has reason to believe to be used as an office of a trade union or a federation or a confederation, as the case may be, 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 may, while inspecting the office of a trade union or federation or confederation, as the case may be, call for any register or document and inspect the same.

(3) The Registrar may inspect the account books of a trade union or a federation or a confederation, as the case may be, and call for any clarification or obtain any information in writing from the officers of the executive of such trade union or federation or confederation 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 document maintained by the employer and take such evidence of any person as he deems necessary for carrying out the purposes of the Act.

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

(6) The Registrar shall notify a list of "symbols" for conducting secret ballot for election of officers of a trade union and determination of collective bargaining agent in terms of sub-section (7) of section 9 and sub-section (2) of section 24, respectively.

CHAPTER-V
RETURNS

(Section 23)

13. Auditors.—(1) Save as provided in sub-rules (2) and (3), the accounts of a registered trade union or a registered federation or a registered confederation shall be audited annually by a Chartered Accountant within the meaning of the Chartered Accountants Ordinance, 1961 (Ordinance No. X of 1961).

(2) Where the membership of a registered trade union or membership of affiliated registered trade unions of a federation or membership of affiliated registered federations (in terms of its affiliated unions membership) of a confederation does not exceed five hundred (500) the annual audit of the accounts may be conducted by: -

- (a) Any examiner of Local Fund Account; or
- (b) Any auditor appointed by Government or by Registrar of Co-operative Societies or by any Provincial Co-operative Organization recognized by Government for this purpose to conduct the audit of any Co-operative Society; or
- (c) Any Local Fund Auditor appointed by the Government; or
- (d) Any person, who, has been appointed in any public Audit or Accounts Department not below the rank of BS-16 and is in receipt of pension.

(3) Where the membership of a registered trade union or membership of affiliated registered trade unions of a federation or membership of affiliated registered federations (in terms of its affiliated unions membership) of a confederation do not at any time during the year exceed two hundred (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 trade union, federation or the confederation as the case may be.

14. Submission of general statement.— The general statement which a registered trade union or registered federation or registered confederation, as the case may be, 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-VI
DETERMINATION OF COLLECTIVE BARGAINING AGENT
(Section 24)

15. Sole trade union to be certified as collective bargaining agent.---(1) An application submitted for determination of collective bargaining agent under sub-section (1) of section 24 shall be accompanied by 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 of the trade union, to the Registrar.

(2) On receipt of application under sub-rule (1), the Registrar or an Officer of the Government authorized in writing by him shall call upon the employer to submit a list of workmen employed in the establishment, group of establishments or industry, excluding those having less than three months service showing in respect of each workmen, his parentage, age, section or department, job, ticket number and date of employment at the establishment.

(3) Where a sole trade union in an establishment group of establishments or industry has applied under sub-rule (1), the Registrar shall issue a certificate in Form-K, after satisfying himself about one third membership of the trade union.

16. Submission of list of members.---(1) Where, there are more than one registered trade unions in an establishment, group of establishments or industry, the trade union applying for determination of collective bargaining agent under sub-section (2) of section 24 shall submit 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 of the trade union, to the Registrar.

(2) Similarly, the other registered trade unions, who want to be a contestant in the secret ballot, on a notice from the Registrar under sub-section (3) of section 24, shall submit membership list to him as per sub-section (3) of clause (b) of section 24 of the Act immediately.

17. Fixing of date and place for balloting and allotment of symbols.---(1) The Registrar shall fix the place, date and hours during which the ballot shall be held, under intimation to the contesting trade unions and the employer.

(2) The Registrar shall, after consultation with the duly authorized representatives of the contesting trade unions, allot different symbols to the contesting trade unions for the ballot from the list of "symbols" notified by him under sub-rule (6) of rule 12.

(3) If a trade union fails to indicate the symbol, the Registrar may allocate any symbol to such trade union and his decision shall be final and binding on the trade union concerned.

(4) In case of a dispute between the contesting trade unions about the allotment of symbols, the decision of the Registrar shall be final and binding on all the contesting trade unions.

(5) The facilities to be provided by the employer for conduct of poll as per provisions of sub-section (7) of section 24 shall, amongst others, be the following,-

- (a) preparation of polling booths;
- (b) provision of polling material;
- (c) actual expenses incurred on the printing of ballot papers, stationery, expenses of staff on duty ; and
- (d) submission of list of all workmen as required under sub-section (4) of section 24 and verification thereof by the Registrar.

(6) Non-submission of list of all workmen by the employer shall not vitiate the proceedings conducted by the Registrar for the holding of secret ballot under sub-section (2) of section 24.

18. Form of ballot paper and ballot boxes.—(1) The votes shall be cast by means of a ballot paper which shall be in Form-L.

(2) The employer shall provide to the Registrar, at least three days before the ballot as many wooden boxes as may be required which shall be of the size 18"x18"x36".

19. Polling stations, polling booths and appointment of polling staff.—(1) The Registrar shall decide the number and location of polling stations and number of polling booths at each polling station to be provided for the ballot.

(2) The polling booth may be in accordance with the specification given in the sketch as provided in Form-M.

(3) The Registrar may appoint as many polling officers, balloting officers and other staff as deemed necessary for conducting and supervising the ballot who shall perform all such duties and exercise all such powers as may be assigned to the Registrar under these rules.

20. 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 that failure to nominate an agent shall not delay the commencement or affect the conduct of the secret ballot.

(2) The polling agents shall witness the voting and assist the Polling Officer in identification of voters.

21. Conducting of ballot.—(1) Before commencement of balloting, 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-N.

(2) The Polling Officer may require the voter to produce any evidence of identification before issuing the ballot paper to him.

(3) Ballot paper shall be issued to a voter only after his name and other particulars have been verified from the list of voters approved by the Registrar.

(4) When a ballot paper issued to a voter, he shall mark by putting a cross (X) mark on the portion bearing the name and symbol of the trade union of his choice.

(5) The marking of the ballot paper under sub-rule (4) shall be done in a segregated / screened compartment provided for this purpose in the polling booth.

(6) 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.

(7) Only one ballot box shall be used at a time in each of the polling booths. If, during the course of polling, one ballot box has been filled to its 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 provided under sub-rule (2) of rule 22 and provide a new ballot box in the manner as laid down in sub-rule (1).

22. Commencement and closure of ballot.---(1) No person shall be given the ballot paper before or after the hours fixed for ballot, except those persons who are within the polling booth at the closing time, they 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-O.

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 already 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. Unsealing of the ballot box and counting of votes.---(1) After the ballot box/ boxes have been sealed as provided under sub-rule (1) of rule 21 or sub-rule (2) of rule 22, the Polling Officer shall unseal it in the presence of the polling agents and record a certificate to this effect in Form-P. However, absence of a polling agent shall not affect or delay the unsealing of the ballot boxes.

(2) After the ballot box / boxes have 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 alongwith a certificate in Form-Q 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.

25. Decision on objections.--- All objections raised by the contesting trade unions whether before or at the time of ballot, shall be given in writing by the authorized representatives of the trade union to the Polling Officers, who shall give his decision at the spot which shall be final.

26. Invalid ballot papers.--- The Polling Officer shall give a decision about challenged votes at the spot and the decision shall be binding on the contesting trade union.

27. Challenging of votes.---When a vote is challenged by any of the polling agents during the course of the ballot, a fee of Rs. 100/- for every challenged vote shall be deposited with the Polling Officer. The amount of such fee shall be paid in cash and a

receipt in Form-R 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 relevant Head of Account.

28. Ballot Paper Account.---(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 unissued and spoiled ballot papers and prepare a certificate in Form-S.

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

29. Declaration of Collective Bargaining Agent.---(1) 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 pursuance of clause (e) of sub-section (9) of section 24 and issue a certificate to this effect in Form-T.

(2) If no trade union indicates under clause (a) of sub-section (3) of section 24, that it desires to be a contestant in the secret ballot, the Registrar shall certify the trade union, which has made an application under sub-section (2) of section 24 to be Collective Bargaining Agent and issue a Certificate in this effect in Form-U.

30. Repeat of ballot.---(1) Notwithstanding the provisions of rule 29, if the number of votes received by the winning trade union is less than one third of the total number of workmen employed in the establishment, such trade 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.

(2) In case the contesting trade unions receive equal number of votes, the secret ballot shall be held afresh on such date and time as may be fixed by the Registrar.

31. 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 reference and all ancillary matters thereto may be determined to suit the requirements of the occasion by the Registrar or his authorized officer, under intimation to the contesting trade unions.

CHAPTER-VII
SHOP STEWARDS
(section 29)

32. Nomination of Shop Stewards.---(1) Every employer to whom sub-section (1) of section 29 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 as Shop Stewards to the Director Labour and the Registrar within one month of such nomination or election as the case may be.

(3) 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.

(4) Every employer to whom clause (b) of sub-section (1) of section 29 applies shall arrange for the election of the Shop Stewards within three months of the coming into force of these rules, in the manner provided under rule 33 and shall send a report thereof to the Director Labour and the Registrar within one month of the said election.

33. Procedure for election.—(1) For the purpose of elections under rule 32, 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 indicate,-

- (a) the number of Shop Stewards in each shop, section or department;
- (b) a date at least seven days after the date of such notice for filing nomination papers; and
- (c) 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.

(2) If the number of candidates who intend to contest the office of the Shop Steward in a shop, Section or department 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.

(3) 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, the voting shall take place on the day fixed for election.

(4) In the event of a Shop Steward ceased to be employed in the establishment, Section or department or resigned his office, the vacancy shall be filled in the manner provided under this rule or by nomination under clause (a) of sub-section (1) of section 29 and the successor shall hold office for the remaining term of the vacancy.

(5) The employer shall afford opportunities to the Shop Stewards to fulfill their obligations under the Act and in this regard may meet the Shop Stewards as often as necessary.

CHAPTER-VIII **WORKERS PARTICIPATION IN MANAGEMENT** (section 30)

34. Management Committee. --- (1) Every employer to whom sub-section (1) of section 30 applies shall notify a Management Committee, which shall consist of the workers representatives, nominated or elected in the manner provided under rule 38 and such representatives of the employer working for the time being as employer in the same establishment or group of establishments and shall also specify the number of its members.

(2) The employer shall nominate persons falling within the definition of 'employer' as defined in the Act, who are directly connected with the management of the affairs of the establishment or group of establishments to the extent of fifty (50) percent of the total number of members of such committee, and communicate their names,

designations to collective bargaining agent and if there is no such collective bargaining agent, exhibit its list on Notice Board at the entrance of the office/offices of the establishment or group of establishments within three months of the coming into force of these rules.

(3) The employer shall also notify the maximum number of workers representatives required to participate in the management to the extent of fifty (50) percent of total number of such Management Committee to collective bargaining agent and in its absence shall exhibit such list at the entrance of the office / offices of the establishment or group of establishments within three months of the coming into force of these rules.

35. Workers participation. --- (1) The collective bargaining agent shall communicate the names of the workers representatives under clause (a) of sub-section (2) of section 30 to the employer within one month of the notification by employer under sub-rule (1) of rule 34.

(2) Where there is no collective bargaining agent in an establishment or group of establishments, the employer shall make all necessary arrangements to hold elections and bear all expenses thereon to elect the workers representatives to the seats notified by him under rule 34.

36. Procedure for election.---(1) For the purpose of election under sub-rule (2) of rule 35, the employer shall, by notice affixed on the Notice Board and by giving adequate publicity, call upon the workmen to elect their representatives under clause (b) of sub-section (2) of section 30, and indicate: -

- (a) the number of members of Management Committee;
- (b) a date at least seven (7) days after the date of such notice for filing nomination papers; and
- (c) a date which shall not be more than ten (10) days after the date of receipt of nomination papers as the date for holding of elections.

(2) 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.

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

(4) In the event of a member ceased to be employed in the establishment or group of establishments, or resigned his office, the vacancy shall be filled in the manner provided under this rule or by nomination under clause (a) of sub-section (2) of section 30 and the successor shall hold office for the remaining term of the vacancy.

(5) The employer shall communicate the names of members of the Management Committee to the Director Labour and the Registrar within a week after its constitution.

CHAPTER-IX
JOINT MANAGEMENT BOARD
(section 31)

37. Constitution of the Joint Management Board.---(1) Every employer to whom sub-section (1) of section 31 applies shall constitute within thirty days of coming into force of these rules, a Joint Management Board, comprising the representatives of the workers to the extent of thirty percent to be nominated or elected and the rest of the seventy percent of the members of the Board would be nominated by the employer from amongst the Directors or the Senior Executives, as the case may be.

(2) The employer shall determine the number of the workers representatives required to participate in the Joint Management Board under sub-rule (1) and shall communicate it to the collective bargaining agent, and in its absence shall exhibit such list at least for three days at the entrance of the office of the factory or the company.

(3) Within one month of the receipt of the information from the employer under sub-rule (2), the collective bargaining agent shall communicate to the employer the names of the workers' representatives.

(4) The list of the members nominated by the employer under sub-rule (1) giving the names and the designation of the members shall be communicated to the collective bargaining agent if any, and shall also be exhibited on the Notice Board at the entrance of the office of the factory or the company at least for three days.

(5) Where there is no collective bargaining agent in a factory or a company, the workers' representatives in the Joint Management Board shall be elected from amongst the workers. The procedure of election laid down under rule 36 shall mutatis mutandis apply for the election of workers' representative members in the Joint Management Board.

(6) The term of office of the Joint Management Board shall be two years from the date of its constitution. The new Board shall be constituted within thirty days of the expiry of the term of office of the previous Board. However, the previous Board shall continue till the constitution of the new Board.

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

38. Meetings of the Management Board. --- (1) The meetings of the Management Board shall be held at least once in three months. Meeting of the Management Board may also be called as often as required.

(2) The employer shall provide accommodation and all necessary facilities for carrying out of the functions of the Management Board and all the proceedings of the meetings shall be recorded and signed by the members present.

(3) At least fifty (50) percent representatives of the workers and employees shall constitute quorum of the meeting.

CHAPTER-X
WORKS COUNCIL
(sections 35 and 36)

39. Constitution of Works Council. ---(1)The Employer shall constitute Works Council in pursuance of sub-section (1) of section 35. The number of members of the Works Council shall not be less than ten (10) and not more than twenty (20) and shall be so fixed by the employer in consultation with the collective bargaining agent, if any, as to afford representation to the various categories, groups and classes of workmen engaged in, and to the sections, shops or departments of the establishment.

(2) In an establishment, where there is a collective bargaining agent, such agent shall communicate the names and particulars of the workers' representatives in the Works Council to the employer.

(3) Within seven days of the receipt of nominations from the collective bargaining agent under sub-rule (2), the employer shall constitute the Works Council by a notice to be exhibited on the Notice Board and furnish copies thereof to the collective bargaining agent, the Director Labour and the Registrar.

(4) The collective bargaining agent may, make fresh nomination in respect of any representative of the workmen on the Works 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 receipt of such nomination, reconstitute the Works Council with such new representative.

(5) The term of office of the Works Council shall be two years from the date of its constitution. The new Work Council shall be constituted within thirty days of the expiry of the term of office of the previous Work Council, however, the previous Work Council shall continue till the establishment of new Work Council.

(6) In an establishment or group of establishments, where there is no collective bargaining agent, the employer shall hold election to choose representatives of workmen for the Works Council in the manner laid down under rule 40 and within seven days of such election, the employer shall constitute the Works Council by a notice as laid down under this rule.

40. Procedure of election for choosing workers' representatives for the Works Council.---(1) Where representatives of workmen are to be elected through election, the employer shall make all necessary arrangements for holding election through secret ballot.

(2) Any workman of not less than twenty one (21) years of age and within a service of not less than one year in the establishment or group of establishments may be a candidate for election as a representative of the workmen for the Works Council. The service qualification shall not apply to the first election in an establishment or group of establishments, which have been in existence for less than a year.

(3) All workmen, who have at least three months service in the establishment or group of establishments shall be entitled to vote in the election of the representatives of workmen.

(4) For the purpose of election to choose the representatives of workmen, the employer shall, by notice affixed on the Notice Board and by giving adequate publicity

amongst the workmen, call upon the workmen to elect representatives for the Works Council. The notice shall also specify the number of representatives to be chosen from amongst the various sections, shops or department of the establishment or group of establishments.

(5) As soon after the workmen have been called upon to elect representatives of the Works Council under sub-rule (4), 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 papers; and
- (c) a day, which shall not be less than three days or more than ten (10) days after the scrutiny day, for the holding of the election.

(6) The nomination papers of the candidate willing to contest election as representative of the Works Council have to be proposed or seconded or both by an eligible voter in terms of sub-rule (3). Every proposal shall be made by a separate nomination paper in Form-V which shall be supplied by the employer, and signed by the proposer or seconder or both, and the candidate.

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

(8) The candidates, their proposers and seconders, and one other person authorized in this behalf by each candidate may attend the scrutiny of nomination papers and the employer shall give them reasonable opportunity for examining nomination papers delivered to him under sub-rule (6).

(9) The employer shall, in the presence of the persons attending the scrutiny under sub-rule (8), examine the nomination papers and dispose of any objection raised by any such person to any nomination.

(10) The employer may reject any nomination paper if he is satisfied that,-

- (a) the candidate is disqualified to be a representative of the workmen under sub-rules (2) and (3); or
- (b) any provision of sub-rule (6) has not been complied with.

(11) If the number of candidates who have been validly nominated is equal to the number of representatives to be elected, the employer shall by public notice declare such candidates to be elected.

(12) If in any group, section, shop or department the number of candidates is more than the number of seats allotted to it, voting shall take place on the day fixed for election. The employer shall intimate the date, place and time for the holding of election of members on the Works Council to the Registrar and he may nominate any officer subordinate to him to supervise the election process, which shall be conducted by the employer and shall be held through secret ballot. The employer shall be responsible for making all arrangements in connection with the election.

41. Officers of the Works Council.---(1) The Works Council shall elect its office bearers including one Vice-President and two Joint Secretaries. The President shall be nominated by the employer from amongst the employer's representatives of the Works Council.

(2) The workers' representatives of the Works Council shall elect one Vice President and one Joint Secretary from amongst themselves. Employer's representatives in the Works Council shall elect one Joint Secretary from amongst themselves.

(3) Until the Works Council elects an office bearer or makes some suitable arrangement for keeping records of the meeting, each Joint Secretary shall alternatively maintain the records of the proceedings for six months.

(4) In the event of a workmen's representative ceased to be employed in the establishment or in the event of his resigning the membership of the Works Council, his successor shall be elected from the group, section, shop or department to which the member vacating the seat belonged.

42. Power to co-opt.---The Works Council may co-opt in 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 for the period during which the, particular question is under consideration in the Works Council.

43. Meetings of Works Council.---(1) The Works Council may meet as often as necessary, but not less than once in a month and it is also necessary that no meeting shall be held unless at least fifty percent representatives of the workers are present in deliberations of such meetings.

(2) The employer shall provide accommodation for holding meetings of the Works Council. He shall also provide all necessary facilities to the Council and to the members thereof for carrying out the functions of the Works Council.

CHAPTER-XI
RESOLUTION OF INDUSTRIAL DISPUTES
(sections 38, 39, 40, 41 and 42)

44. Agreement.--- On the demands communicated under sub-section (1) of section 38 by the employer or the collective bargaining agent, as the case may be, an agreement in writing between the employer or the collective bargaining agent or the workers arrived at under sub-section (2) of section 38, otherwise than in the course of conciliation proceedings shall be signed by the representatives of the employer and the workmen or the collective bargaining agent at a meeting and such agreement shall be in Form-W.

45. Notice of strike or lock-out.--- A notice of strike served under sub-section (3) of section 38 shall be in Form-X and a notice of lock-out shall be in Form-Y.

46. Functions of conciliators.---(1) For the purpose of bringing about a settlement of an industrial dispute, a conciliator may:-

- (a) 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; and
- (b) 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) The settlement arrived at during the course and as a result of conciliation proceedings shall be in Form-Z.

CHAPTER-XII MISCELLANEOUS

47. Procedure of the Tribunal.— In exercise of the powers and functions including hearing of appeals under the Act, the Tribunal shall follow the same procedure as is followed by an Appellate Court in hearing of first appeal under the Code of Civil Procedure, 1908 (Act V of 1908).

48. Determination of computed money.— Where any workman is entitled to receive from the employer any benefit under an award or decision, he may apply to the Labour Court or the Tribunal, as the case may be, 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.

49. Penalties.— Any breach of these rules shall be punishable with fine, which may extend upto ten thousand rupees and not less than five thousand rupees.

50. Repeal and saving.— (1) The Khyber Pakhtunkhwa Industrial Relations Rules, 1974 are hereby repealed.

(2) Notwithstanding the aforesaid repeal, anything done, actions taken, orders issued under the repealed rules, shall be deemed to have been done, taken or issued under these rules and shall have effect accordingly.

FORM-A
[see rule 3(1)(a)]

Application for Registration of Trade Union

Dated the 20

To

The Registrar of Trade Unions

.....

Dear Sir,

1. We hereby apply for the registration of Trade Union under the name ofwhich is a trade union of workmen/employers.
2. Address of the Head Office of the trade union is.....
3. The Union was formed on.....day of..... 20.....
4. Name of the Establishment, Group of Establishments or the Industry with which the union is connected
5. Total No. of Workers employed in the Establishment, Group of Establishments or the Industry to which the union relates
6. The following documents are attached:--
 - (i) particulars according to **Schedule-I** as required under section 5(a)(iii) of the Khyber Pakhtunkhwa Industrial Relations Act, 2010;
 - (ii) a statement required under section 5(a) (iv) of Khyber Pakhtunkhwa Industrial Relations Act, 2010 showing total paid membership at the time of registration of the union along with a list of members with their names, parentage, age, designation and all enrolment in the establishment /industry and the date of membership of the union;
 - (iii) the statement required under section 5(a) (vi), showing the names and addresses of the registered trade unions in the establishment, group of establishments or the industry, as the case may be, to which the union relates;
 - (iv) three copies of the constitution of the trade union conforming to the provisions of section 6 (1) together with a copy of the resolution mentioned in section 5 (b) and an affidavit to the effect that no officer of the Union has been convicted under section 73 or any other heinous offence under the Pakistan Penal Code 1860;
 - (v) a copy of the resolution mentioned in section 5 (c) of the Khyber Pakhtunkhwa Industrial Relation Act, 2010.

Yours faithfully,

President.....

General Secretary

FORM-B
[see rule 3(1)(b)]

Application for Registration of a Federation

Dated the 20

To

The Registrar of Trade Unions
.....

Dear Sir,

1. We hereby apply for the registration of a federation under the name ofwhich is a federation of trade unions of workmen/employers.
2. Address of the Head Office of the Federation is
3. The Federation was formed on the day of 20.....and hadregistered unions affiliated on the date of application.
4. The name of the group of establishment or the industry to which the federation relates
5. The following documents are enclosed:-
 - (i) three copies of the constitution of the federation;
 - (ii) particulars of affiliated unions in **Schedule-II**;
 - (iii) resolutions of the general bodies of the registered trade unions affiliated to the federation expressing their agreement for joining the federation;
 - (iv) resolution passed in a meeting of the federation duly authorizing the applicants to make this application;
 - (v) particulars of the officers of the federation in **Schedule-III**;
 - (vi) three copies of instrument of federation executed between the federation and each of the affiliated trade unions; and
 - (vii) an affidavit to the effect that no Officer of the federation or the trade unions affiliated to the federation has been convicted under section 73 or any other heinous offence under the Pakistan Penal Code, 1860.

Yours faithfully,

1.....
2.....
3.....
4.....

FORM-BB
[see rule 3(1)(c)]

Application for Registration of a Confederation

Dated the 20

To

The Registrar of Trade Unions
.....

Dear Sir,

1. We hereby apply for the registration of a confederation under the name of which is a confederation of federations of workmen/employers.
2. Address of the Head Office of the Confederation
3. The Confederation was formed on the day of 20..... and hadregistered federations affiliated on the date of application.
4. The name of the group of establishments or the industry to which the confederation relates
5. The following documents are enclosed:-
 - (i) three copies of the constitution of the confederation;
 - (ii) particulars of affiliated federations in **Schedule-IV**;
 - (iii) resolutions passed by the registered federations affiliated to the confederation expressing their agreement for joining the confederation;
 - (iv) resolution passed in a meeting of the confederation duly authorizing the applicants to make this application;
 - (v) particulars of the officers of the confederation in **Schedule-V**;
 - (vi) three copies of instrument of confederation executed between the confederation and each of the affiliated federations; and
 - (vii) an affidavit to the effect that no Officer of the confederation and the affiliated federations and the trade unions have been convicted under section 73 or any other heinous offence under the Pakistan Penal Code, 1860.

Yours faithfully,

1.....
2.....
3.....
4.....

SCHEDULE-I
(see FORM-A serial No. 5(i))

Particulars of Officers of Trade Union

| Sr. No. | Name | Father's name/Husband's name | Post held in the union | Address of Police Station | | Details of employment | | | CNIC No. | Signature or thumb impression |
|---------|------|------------------------------|------------------------|---------------------------|-------------------|--------------------------------------|------------|-------------------------|----------|-------------------------------|
| | | | | Local Address | Permanent Address | Name of establishment where employed | Department | Ticket No. or Token No. | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| | | | | | | | | | | |

SCHEDULE-II

(see FORM-B serial No. 5(ii))
Particulars of Affiliated Unions

| Name of the Union with Address | Registration No. | Name of the President and General Secretary | Name of Establishment in which operating | No. of Members of the Union |
|--------------------------------|------------------|---|--|-----------------------------|
| 1 | 2 | 3 | 4 | 5 |
| | | | | |

Signature:-

President.....
GeneralSecretary.....

Dated,.....

SCHEDULE-III
(see FORM-B serial No. 5(v))
Particulars of Officers of the Federation

| Sr. No. | Name | Father's name/Husband's name | Post held in the Federation | Address of Police Station | | Details of employment | | | CNIC No. | Signature or thumb impression |
|---------|------|------------------------------|-----------------------------|---------------------------|-------------------|--------------------------------------|------------|-------------------------|----------|-------------------------------|
| | | | | Local Address | Permanent Address | Name of establishment where employed | Department | Ticket No. or Token No. | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| | | | | | | | | | | |

Signature:-

President.....

General Secretary.....

Dated.....

SCHEDULE-IV
(see FORM-BB serial No. 5(iii))
Particulars of Affiliated Federations

| Name of the Federation with Address | Registration No. | Name of the President and General Secretary | Names of Establishments in which operating | No. of affiliated unions | No. of members of affiliated unions |
|-------------------------------------|------------------|---|--|--------------------------|-------------------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 |
| | | | | | |

Signature:-

President.....

General Secretary.....

Dated.....

SCHEDULE-V
(see FORM-BB serial No. 5(v))
Particulars of Officers of the Confederation

| Sr. No. | Name | Father's name/Husband's name | Post held in the Federation | Address of Police Station | | Details of employment | | | CNIC No. | Signature or thumb impression |
|---------|------|------------------------------|-----------------------------|---------------------------|-------------------|--------------------------------------|------------|-------------------------|----------|-------------------------------|
| | | | | Local Address | Permanent Address | Name of establishment where employed | Department | Ticket No. or Token No. | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| | | | | | | | | | | |

Signature;-

President.....

General Secretary.....

Dated.....

FORM-C
[see rule 4(1)]

FORM OF APPLICATION FOR MEMBERSHIP

To

The General Secretary,
Name of the Trade Union

I apply for admission as a member of.....(Name of the Trade Union).

I have carefully read and understood the provisions of the constitution of the Trade Union, which have been understood by me and I hereby agree to abide by them.

I do hereby declare that I am not a member of any other trade union in the establishment, group of establishments or Industry, as the case may be, to which the union relates.

My particulars are given below;-

1. Name with father's/husband's name
2. Age.....
3. Establishment in which employed
4. Department
5. Ticket number, if any.....
6. Whether permanent or temporary.....
7. Date of entry into present employment
9. Address
(i) Percent
- (ii) Permanent.....

Signature or left thumb Impression.....

Dated:

FORM-D
[see rule 4(2)]

Register of Members showing particulars of Subscription

Name of the Trade Union.....

| Name of member | Father's / Husband's name | Address | Designation of the Worker | Monthly Subscription | Department in which | Collection other than | Monthly Subscription | | | | | | | | | | | | Arrears if any | |
|----------------|---------------------------|---------|---------------------------|----------------------|---------------------|-----------------------|----------------------|----------|-------|-------|-----|------|------|--------|-----------|---------|----------|----------|----------------|--|
| | | | | | | | January | February | March | April | May | June | July | August | September | October | November | December | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | |
| | | | | | | | | | | | | | | | | | | | | |

Signature of the General Secretary /
Authorized Officer of the Trade Union

Dated:

FORM-E
[see rule 4(3)]

RECEIPT BOOK

Name and address of the Federation
or Confederation

| Name and particulars of the trade union / federation / any organization from which money is received | Other Amounts | | Monthly Subscription | | | | | | | | | | | | | Grand Total |
|--|-----------------|--------|----------------------|----------|-------|-------|-----|------|------|--------|-----------|---------|----------|----------|-------|-------------|
| | Date of receipt | Amount | January | February | March | April | May | June | July | August | September | October | November | December | Total | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 |
| | | | | | | | | | | | | | | | | |

Signature of the General Secretary/
Authorized Officer of the Federation /
Confederation

Dated.....

FORM-F
[see rule 4(4)]

Account Book

1. Name of the Trade Union/Federation/ Confederation
2. Dated and Number of Registration
3. Name of the month to which the account relates.....

| Receipt (in Rs.) | | | | | | Expenditure (in Rs.) | | | | | Balance |
|------------------|-------------|-------------|------------------|---------|-------|----------------------|-------------|-------------|---------|-------|--------------------------|
| Date | Description | Voucher No. | Previous Balance | Current | Total | Date | Description | Voucher No. | Current | Total | Column 6 minus Column 11 |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| | | | | | | | | | | | |

Signature of the General Secretary/Authorized Officer
of the Trade Union/Federation / Confederation

Dated

FORM-G
(see rule 6)
Register of Trade Unions

| Sr. No. | Name of the Union with address | Registration No. and date | Name of President and Secretary with address | Name and address of Industry / establishment with which connected | No. of members of the Union | Name and address of the federation, if affiliated | Remarks |
|---------|--------------------------------|---------------------------|--|---|-----------------------------|---|---------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| | | | | | | | |

FORM-H
(see rule 6)
Register of Federations

| Sr. No. | Name of Federation with address | Registration No. and date | Name and address of trade / industry / establishment with which federation is connected | Name of the President and Secretary of the Federation with their addresses | Names of Trade Unions affiliated to the Federation | Total No. of members of each of the affiliated trade unions | Remarks |
|---------|---------------------------------|---------------------------|---|--|--|---|---------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| | | | | | | | |

FORM-HH
(see rule 6)
Register of Confederations

| Sr. No. | Name of Confederation with address | Registration No. and date | Name and address of trade / industry / establishment with which confederation is connected | Name of the President and Secretary of the confederation with their addresses | Names of the federations affiliated to the confederation | Total No. of members of each of the affiliated federations | Remarks |
|---------|------------------------------------|---------------------------|--|---|--|--|---------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| | | | | | | | |

FORM-1
(see rule7)

Sr. No

Office of the Registrar of Trade Unions

(Monogram)

Certificate of Registration

It is hereby certified that.....(Name of Union/Federation/Confederation),representing(Employers/Workers) employed in (Name of establishment, group of establishments or industry)has been registered under the Khyber Pakhtunkhwa Industrial Relations Act, 2010 this.....day of 20.....

Seal

Registrar of Trade Unions

FORM-J
(see rule14)

Form for Annual Returns

(Annual return prescribed under section 23 of the Khyber Pakhtunkhwa Industrial Relations Act, 2010 for the year ending 31stDecember, 20

Name of the Trade Union/ Federation / Confederation
Registered Head
Office.....
Registration No. and Date.....

Part-I
General Statement

Return to be submitted by a Trade Union

1. No. of members on record at the beginning of the year
2. No. of members admitted during the year
3. No. of members, who left during the year
4. Total number of members on record at the end of the year
Male
Female
5. Name of the federation, if any, to which the union is affiliated

Return to be submitted by a Federation

1. No. of trade unions affiliated at the beginning of the year
2. No. of members of each of the trade unions affiliated
3. No. of trade unions joined during the year and the No. of members of these trade unions.....
4. No. of trade unions disaffiliated during the year.....
5. No. of affiliated trade unions at the end of the year and their respective membership

Return to be submitted by a Confederation

1. No. of federations affiliated at the beginning of the year
2. No. of members of each of the federation affiliated
3. No. of federations joined during the year and the No. of members of these federations
4. No. of federations disaffiliated during the year.....

5. No. of affiliated federations at the end of the year and their respective membership

A copy of the constitution of the Trade Union / Federation / Confederation, corrected upto the date of dispatch of this return, is appended.

Signature of the General Secretary

Dated:

PART-II
Statement of Liabilities and Assets

| Liabilities | | Assets | |
|--------------------------|----------------|------------------------------------|----------------|
| Description | Value (in Rs.) | Description | Value (in Rs.) |
| Loan | | Cash | |
| i. | | i. In the hands of Treasurer; | |
| ii. | | ii. In the hands of Secretary; and | |
| iii. | | iii. In the Banks | |
| Unpaid Subscriptions | | Securities | |
| i. | | i. | |
| ii. | | ii. | |
| iii. | | iii. | |
| Other Liabilities | | Immovable Property | |
| i. | | i. | |
| ii. | | ii. | |
| iii. | | iii. | |
| Total Liabilities | | Total Assets | |

Signature Treasurer Signature General Secretary.....

Dated:

PART-III
General Fund Account

| Income | | Expenditure | |
|---|--------------------|---|--------------------|
| Description | Amount (in Rs.) | Description | Amount (in Rs.) |
| Balance at the beginning of the year | | Salaries, allowances and expenses of officers, if any. | |
| Contribution from Members | | Salaries, allowances and expenses of establishment, if any. | |
| Donations | | Auditor's fee | |
| Sale of periodicals etc. | | Expenses in conducting labour disputes. | |
| Interests on investments (specify detail) | | Compensation paid to the members for loss arising out of labour disputes. | |
| Income from Miscellaneous source (specify detail) | | Funeral, old-age, sickness, unemployment benefits, etc. | |
| | | Cost of publishing periodical. | |
| | | Rents, rates and taxes. | |
| | | Stationary, printing and postage. | |
| | | Educational and training expenses. | |
| | | Other expenses (specify detail). | |
| | | Balance at the end of the year. | |
| Total | | Total | |

Signature Treasurer Signature General Secretary

Dated:

PART-IV
Change in Officers

| Relinquishment | | | Appointment | | |
|----------------|--------|------------------------|-------------|--------|---------------------|
| Name | Office | Date of relinquishment | Name | Office | Date of Appointment |
| | | | | | |

Signature Treasurer

Signature General Secretary

Dated:

Full List of officers of the executive as stood on 31st December, 20_____

| Name | Age | Office | Address | Occupation | Date of Appointment |
|------|-----|--------|---------|------------|---------------------|
| | | | | | |

Signature Treasurer

Signature General Secretary

Dated:

PART-V
Auditor's Declaration

1. *The undersigned, having had access to all the books and accounts of the trade union/ federation / confederation and having examined the foregoing statements and verified the same with the account vouchers relating thereto, now sign the same as found to be correct duly vouched and in accordance with the law, subject to the remarks if any, appended hereto.*

2. *I am duly qualified to audit the accounts of the trade union / federation / confederation namely*

Seal

Auditor's Signature

Signature Treasurer Signature General Secretary

Dated:

FORM-K
[see rule 15(3)]

Sr. No.....

Office of the Registrar of Trade Union
(MONOGRAM)

Certificate of Collective Bargaining Agent

WHEREAS an application for determination of a Collective Bargaining Agent was received under sub-section (1) of section 24 of the Khyber Pakhtunkhwa Industrial Relations Act, 2010 from (Name of the Regd. Trade Union), which has as its members not less than 1/3rd of the total number of workmen employed in the (Name of the establishment / group of establishments / industry).

Now, therefore, I,(Name) Registrar of Trade Unions in exercise of the powers vested in me under section 24(1) of the Khyber Pakhtunkhwa Industrial Relations Act, 2010 do hereby certify that the (Name of the Trade Union) is the Collective Bargaining Agent for the workmen of (Name of the establishment / group of establishments / industry) with effect from the day of (the month) of the year, 20.....

Given under my hand and seal this day..... (The month) of 20

Seal

Signature of the Registrar Trade Union

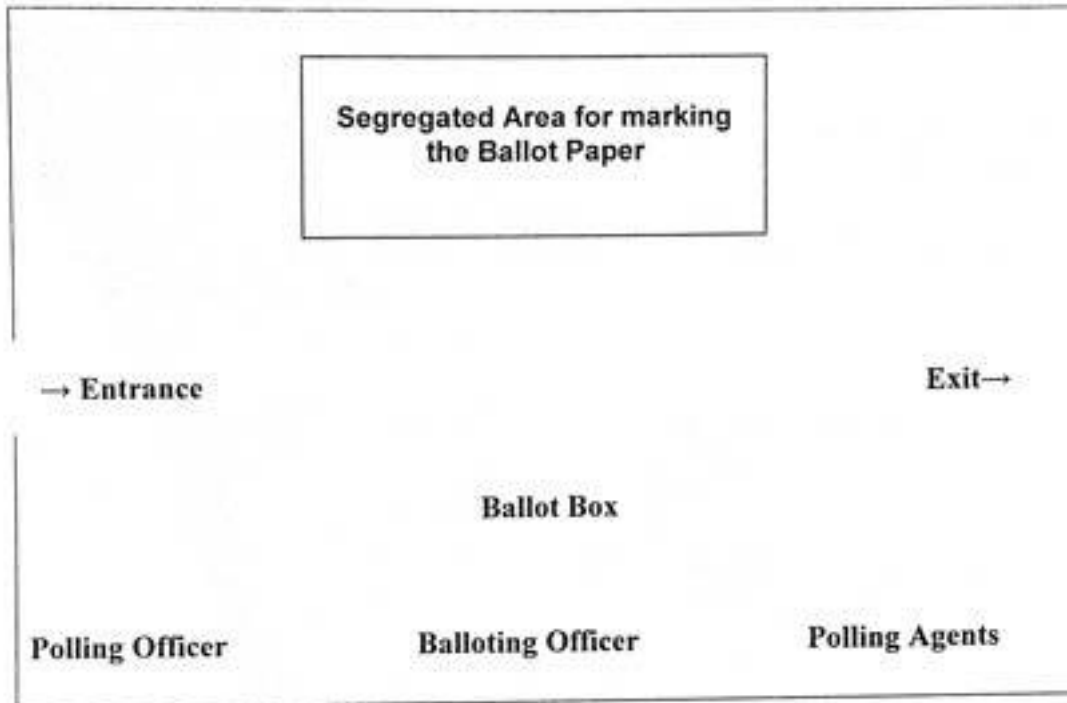
FORM-L
[see rule18(1)]

BALLOT PAPER

for determination of collective bargaining agent in (name of Establishment / Group of Establishments / Industry) through secret ballot held on

| | | |
|--|--|--|
| <p>Counterfoil <i>Ballot paper for determination of collective bargaining agent in (name of Establishment / Group of Establishments / Industry) through secret ballot held on</i></p> <p>1. Sr. No.</p> <p>2. Voter's Name</p> <p>3. Sr. No. in Voter List</p> <p>4. Signature</p> <p>5. Thumb Impression</p> <p>Stamp and Signature Polling Officer</p> | <p>Name of the trade union in English or Urdu</p> | <p>Name of the trade union in English or Urdu</p> |
| | <p>Symbol (name in English or Urdu)</p> | <p>Symbol (name in English or Urdu)</p> |
| <p>Stamp and Signature Polling Officer</p> | | |

Form-M
[see rule 19(2)]



FORM-N
[see rule 21(1)]

Empty Box Certificate

Certified that the Ballot Box has been shown empty by me to the satisfaction of M/s (i)..... (ii) and (iii)nominated agents of (i) (ii)and (iii) respectively and the same has been sealed by me in their presence with the authorized official seal.

Name and Signature.....
(Polling Officer)
Dated:
Time:
Booth No.....
Location.....

Agents

Name: Trade Unions name: Signature

Name: Trade Unions name: Signature

Name: Trade Unions name: Signature

Name: Trade Unions name: Signature

FORM-O
[see rule 22(2)]

Certified that the opening of the ballot box filled to its capacity has been sealed by me in the presence of M/s (i) , (ii)and (iii) nominated agents of (i) (ii)and (iii) respectively with the authorized official seal.

Name and Signature.....
(Polling Officer)

Dated:

Time:

Booth No

Location

Agents

Name: Trade Unions name: Signature

Name: Trade Unions name: Signature

Name: Trade Unions name: Signature

Name: Trade Unions name: Signature

FORM-P
[see rule 24(1)]

Certified that the Ballot Box / Boxes has / have been unsealed by me in the presence of M/s (i) , (ii)and (iii) nominated agents of (i) , (ii)and (iii) respectively for the purpose of counting of cast votes.

Name and Signature.....
(Polling Officer)
Dated:
Time:
Booth No
Location

Agents

Name: Trade Unions name: Signature

Name: Trade Unions name: Signature

Name: Trade Unions name: Signature

Name: Trade Unions name: Signature

FORM-Q
[see rule 24(2)]

RESULT SHEET

Certified that I have personally counted the cast votes of Booth No..... located at (Location) in the presence of M/s(i) (ii) and (iii)nominated agents of (i) , (ii)and (iii) respectively to their entire satisfaction and hereby declare the following results:—

1. No. of votes cast in favour of:
 - i. (Name of Union), Number of Votes
 - ii. (Name of Union), Number of Votes
 - iii. (Name of Union), Number of Votes
 - iv. (Name of Union), Number of Votes

2. No. of votes declared invalid

3. No. of disputed or challenged votes

Name and Signature.....
(Polling Officer)
Dated:
Time:
Booth No
Location

Agents

Name:, Trade Unions name:, Signature

Name:, Trade Unions name:, Signature

Name:, Trade Unions name:, Signature

Name:, Trade Unions name:, Signature



FORM-R
(see rule 27)

POLLING STATION _____

POLLING BOOTH NO. _____

Receipt

Received an amount of Rs. from Mr.....the
Polling Agent of:

1.
2.
3.

on account of fee charged under Rule 27 of the Khyber Pakhtunkhwa Industrial
Relations Rules, 2021.

(Name and Signature of Polling Officer)

Dated:

FORM-S
[see rule 28(1)]

Ballot Paper Account

Certified that I have personally counted the votes cast at Booth No.
located atin the presence of M/s (i)
(ii) and (iii) nominated agents of
(i) , (ii) and (iii) respectively to their
entire satisfaction and hereby give the following account of the ballot papers:-

1. Total of ballot papers received
2. No. of ballot papers issued
3. No. of ballot papers unused
4. No. of votes cast in favour of:
 - i. (Name of Union), Number of Votes
 - ii. (Name of Union), Number of Votes
 - iii. (Name of Union), Number of Votes
 - iv. (Name of Union), Number of Votes
5. No. of votes declared invalid
6. No. of votes spoiled
7. No. of votes challenged/disputed
8. Total of items 4, 5, 6, 7 and 8
9. No. of ballot papers found missing
10. No. of ballot papers found in excess

Name and Signature.....
(Polling Officer)

Dated:

Time:

Booth No

Location

Agents

Name:, Trade Unions name:, Signature

Name:, Trade Unions name:, Signature

Name:, Trade Unions name:, Signature

Name:, Trade Unions name:, Signature

FORM-T
[see rule 29(1)]

Sr. No.....

Office of the Registrar of Trade Union
(MONOGRAM)

Certificate of Collective Bargaining Agent

WHEREAS, an application for determination of a Collective Bargaining Agent was received under sub-section (2) of section 24 of the Khyber Pakhtunkhwa Industrial Relations Act, 2010 from (Name of the Regd. Trade Union), which has as its members not less than 1/3rd of the total number of workmen employed in the (Name of the establishment / group of establishments / industry).

AND WHEREAS, in a secret ballot held for this purpose (Name of the trade union), has received the highest number of votes.

AND WHEREAS, further the number of votes received by the said trade union is not less than 1/3rd of the total number of workmen employed in the..... (name of the establishment / group of establishments / industry).

Now, therefore, I,(Name) Registrar of Trade Unions in exercise of the power vested in me under section 24(9)(e) of the Khyber Pakhtunkhwa Industrial Relations Act, 2010 do hereby certify that the (Name of the Trade Union) is the Collective Bargaining Agent for the workmen of (Name of the establishment / group of establishments / industry) with effect from the day of (the month) of the year, 20.....

Given under my hand and seal this day (the month) of 20

Seal

Signature of the Registrar Trade Union

FORM-U
[see rule 29(2)]

Sr. No.....

Office of the Registrar of Trade Union
(MONOGRAM)

Certificate of Collective Bargaining Agent

WHEREAS an application has been received under sub-section (2) of section 24 of the Khyber Pakhtunkhwa Industrial Relations Act, 2010 from (Name of the Regd. Trade Union), which has as its members not less than 1/3rd of the total number of workmen employed in the (Name of the establishment / group of establishments / industry).

AND WHEREAS the other registered trade union / unions in the establishment, group of establishments / industry failed to indicate under Clause (a) of sub-section 3 of the section 24 of the said Act its/their desire to be contestant/contestants in the secret ballot to be held for this purpose.

Now, therefore, I,(Name) Registrar of Trade Unions in exercise of the power vested in me under section 24(10) of the Khyber Pakhtunkhwa Industrial Relations Act, 2010 do hereby certify that the (Name of the Trade Union) is the Collective Bargaining Agent for the workmen of (Name of the establishment / group of establishments / industry) with effect from the day of (the month) of the year, 20.....

Given under my hand and seal this day (the month) of 20

Seal

Signature of the Registrar Trade Union

FORM-V
(see rule 42(6))

**Form of Nomination Paper for Election of Workers'
Representative on Works Council**

Name of Establishment:

I propose..... (name of the Workers' representative eligible
for election) employed as (designation) in
(section / department) having Token No. as a candidate for election of the
Works Council.

Proposer

Name
Department.....
Token No.
Signature

Dated.....

I second the proposal

Second

Name
Department
Token No.
Signature

I agree to the proposed nomination.

Candidate

Name
Department
Token No.
Signature

FORM-W
(see rule 44)

Memorandum of Agreement

Name of the Establishment:

Name of the Union:

Date of Agreement:

Participants:

Names of Workers' Representatives

i.
ii.
iii.
iv.

Names of Employers' Representatives

i.
ii.
iii.
iv.

Short Recital of the Case

.....

..... Terms of agreement:

.....

.....

Signatures Workers' Representatives

i.
ii.
iii.
iv.

Signature Employers' Representatives

i.
ii.
iii.
iv.

Copy to:-

1. The Secretary, Labour Department, Government of Khyber Pakhtunkhwa
2. The Director Labour
3. The Conciliator of the area concerned.

.....
.....
.....
.....

FORM-X
(see rule-45)

Notice of Strike

From

..... (Name of the Trade Union
having status of the Collective Bargaining agent)

Address.....

Dated the.....day of 20.....

To

(Name of the employer)

.....
.....

Dear Sir,

In accordance with the provisions contained in sub-section, (3) of section 38 read with section 40 of the Khyber Pakhtunkhwa Industrial Relations Act, 2010, I hereby give you notice, that I propose to call a strike on..... (date) for the points of industrial dispute explained in the annexure.

It is certified that the dispute was represented to the employer/employee son..... 20.....for direct negotiation and settlement.

It is further certified that the direct / bilateral negotiations between the employer and the trade union named above could not result in an agreement / settlement.

Yours faithfully,

(Signature and Name of General Secretary of
the
Trade Union)

Copy to:-

1. The Conciliator of the area concerned.
2. The Director Labour
3. The Deputy Commissioner.....
4. The Presiding Officer, Labour Court No.

FORM-Y
(see rule45)

Notice of Lock-Out

From

..... (Name of the employer)
Address.....

Dated theday of 20.....

To

The General Secretary (Name of the trade union having status of Collective Bargaining Agent).....
Address.....

Dear Sir,

In accordance with the provisions of sub-section (3) of section38 read with section 40 of the Khyber Pakhtunkhwa Industrial Relations Act, 2010, I/We hereby inform you that it is my/our intention to effect a lock-out with effect from..... (date) for the points of industrial dispute explained in the annexure.

It is certified that the dispute was represented to the Collective Bargaining Agent on.....20.....for direct negotiation and settlement.

It is further certified that the direct / bilateral negotiations between the employer and the trade union named above could not result in an agreement / settlement.

Yours faithfully,

(Signature and Name of employer with
designation / position held)

Copy to:-

1. The Conciliator of the area concerned.
2. The Director Labour
3. The Deputy Commissioner
4. The Presiding Officer, Labour Court No.

FORM-Z
[see rule 46(3)]

Memorandum of Settlement

Name of the Establishment:

Name of the Trade Union having status of CBA:

Date of Settlement:

A Settlement between (name of the CBA trade union) to be the first party and (name of the employer), to be the second party arrived at on the day of 20

Participants

Names of Workers' Representatives

- i.
- ii.
- iii.

Names of Employers' Representatives

- i.
- ii.
- iii.

Short Recital of the Case

Terms of Settlement:

Signatures Workers' Representatives

- i.
- ii.
- iii.

Signature Employers' Representatives

- i.
- ii.
- iii.

Date _____

Before me

Signature of Conciliator of the area concerned

-sd-
Secretary,
Labour Department,
Government of Khyber Pakhtunkhwa.