

Abstract

Legislature have enacted many legislation to regulate employer-employee relationship and provide for terms and conditions of employment, job security, social benefits and settlement of industrial disputes .Sri Lanka being under the British rule , was heavily influenced by English law and most of the legislation in Sri Lanka reflects the Labour laws enacted in Britain, during that time .However ,what is unfortunate is that whilst the British have discarded many of these laws which are now irrelevant in the context of the present social economic situation. However Industrial Dispute Act No 43 of 1950 continued as the backbone of industrial relations with many amendments to date.

The main dispute resolution mechanisms set out under the Act apart from conciliation and entering into collective agreements, which relate to mutual agreement, are Labour Tribunals and arbitration. Both these mechanisms enable an arbitrator or a Labour Tribunal to grant just and equitable relief to a workman. Therefore it is observed that the time has arrived to address this issue and to demarcate the boundaries for the concept of equity using to settle industrial disputes in Labour Tribunals. Labour Tribunals have come a long way since they were first established in May 1959. The rationale underline the establishment of Labour Tribunal under amendment Act No 62 of 1957 was primarily set up having regard to the lower category of workers and not necessary to the top management, executives such as chief executives and managing directors. However we should not forget the fact that now the situation has been changed vastly.

The history of labour legislation in India is naturally interwoven with the history of British colonialisms. The first statute book relating to labour matters were enacted in 1860 named as "Employers and Workman's Dispute Act". In present continuing Industrial Dispute Act No 14 of 1947 with amendments. The unique Dispute settlement mechanisms are available under IDA Act of 1947. The established Labour Courts under section 7 of IDA Act that the unique one to settle the industrial dispute. The history of Industrial Dispute Mechanisms of United Kingdom was established under Industrial Training Act in 1964. The 1971 Act an introduction of protection against unfair dismissal in the industrial relations and their jurisdiction has been progressively extended to wide range of employment related matter and also established Industrial Tribunal under this Act. This Industrial Tribunal was converted as "Employment Tribunals" to implement the tribunal reform provisions of the act as inserted by the Employment Act 2002 to deal with unfair dismissal of employee to speedy remedy for such Industrial Disputes