

# SETTLEMENT OF LABOUR DISPUTES LAW, 5717-1957

## PART ONE: PRELIMINARY

### **Labour relations officers.**

1. The Minister of Labour and Social Affairs shall appoint a Chief Labour Relations Officer (hereinafter referred to as "the Chief Officer") and labour relations officers (hereinafter referred to as "officers"); notice of any such appointment shall be published in *Reshumot*.

### **Labour dispute.**

2. For the purpose of this Law, "labour dispute" means a dispute as to any of the matters enumerated hereunder arising between an employer and his employees or part of them or between an employer and an employees' organisation or between an employers' organisation and an employees' organisation, but does not include an individual dispute; the matters in question are:

- (1) the conclusion, renewal, alteration or cancellation of a collective agreement;
- (2) the determination of terms of employment;
- (3) the engagement of non-engagement of employees and the termination of employment.
- (4) the determination of rights and obligations arising from employer-employee relations.

### **The parties to a labour dispute between an employer and his employees.**

3. In a labour dispute between an employer and his employees or part of them, the parties to the dispute are the employer and the employees' organisation representing the majority of the employees concerned in the dispute or, where there is not such employees' organisation as aforesaid, the representation elected by the majority of those employees either for any matter or for that labour dispute.

### **Representation of employer.**

4. An employer who is a party to a labour dispute may, as respects anything relating to the dispute, be represented by an employers' organisation, and the person empowered to act on behalf of that organisation shall have the like powers as the employer has.

## PART TWO: CONCILIATION

### **Delivery of notices of labour dispute.**

5. Any party to a labour dispute may give notice of the dispute to the Chief Officer; the contents, form and mode of delivery of the notice shall be prescribed by the Minister of Labour and Social Affairs by regulations.

### **Duty to give notice of strike or lockout.**

5A. Notwithstanding the provisions of section 5, a party to a dispute is bound to give the other party and the Chief Officer notice as specified in that section of every strike or lockout, as the case may be, at least fifteen days before the beginning thereof.

### **Overriding effect of collective agreement.**

5B. Where a different arrangement from that prescribed by section 5A has been laid down by collective agreement, the provisions of the collective agreement shall apply.

### **Restriction on applicability.**

5C. The Minister of Labour and Social Affairs may designate by regulations, with the approval of the Knesset Labour and Social Affairs Committee, classes of disputes or branches of employment to which the provisions of section 5A shall not apply.

### **Decision as to conciliation.**

6. Where a notice under section 5 or 5A has been delivered or the Chief Officer has learnt of a labour dispute in any other manner, the Chief Officer shall decide whether he will conciliate in the dispute. If he decides to do so, he shall assume the function of conciliator, unless the Minister of Labour and Social Affairs has assumed that function, or shall assign that function to an officer or to a person

specially appointed by the Minister of Labour and Social Affairs for the settlement of that labour dispute.

**Efforts of conciliator to settle dispute.**

7. The conciliator shall do his best to settle the dispute by negotiation, and he may -
- (1) hold meetings with the parties, either with both of them together or with either of them separately, hear their arguments and their proposals for the settlement of the dispute and submit proposals of his own for that purpose.
  - (2) require the parties to give a reasoned answer to the arguments of the other party and to the proposals for the settlement of the dispute;
  - (3) take the opinion of experts and of representatives of employees' and employers' organisations;
  - (4) examine the economic position of the undertaking in which the dispute exists, and any account-books and other documents likely to provide him with material for the investigation of such position.

**Powers of conciliator.**

8. (a) Within the framework of his functions under section 7 and for the purpose of carrying them out, the conciliator may:
- (1) obtain any written or oral testimony, and examine any person, if this is, in his opinion, relevant to the settlement of the dispute: Provided that a person shall not be required to answer a question tending to incriminate him;
  - (2) summon any person to attend the conciliation meeting in order to give evidence or to produce a document in his possession and examine him as a witness or require him to produce a document in his possession;
  - (3) require any witness to confirm his evidence by oath or affirmation;
  - (4) make an order compelling a person to attend before him after he has not so attended in answer to a summons and has not justified his non-attendance to the conciliator's satisfaction, and require him to pay the expenses incurred through his refusal to obey the summons and fine him an amount not exceeding 9600 new Shekalim;
  - (5) fine an amount not exceeding 9600 new Shekalim any person who has been required by him to give evidence on oath, to produce any document, to answer the arguments of the other party as provided in section 7(2) or to enable an investigation as provided in section 7(4) and who has not done as required and has not justified his non-compliance to the satisfaction of the conciliator.
- (b) A fine imposed under subsection (a) shall be collected in like manner as a fine imposed by a court.

**Agreement for settlement of dispute.**

9. Where the parties have reached an agreement for the settlement of a labour dispute, whether of their own accord or upon the proposal of the conciliator, the conciliator or the parties shall draw up a written agreement in that behalf, setting out all the conditions on which the dispute has been settled; the agreement shall be signed by the parties and attested by the signature of the conciliator.

**Exemption from stamp duty.**

10. An agreement signed under section 9 shall be exempt from stamp duty.

**Termination of conciliation without agreement being reached.**

11. (a) Where an agreement as referred to in section 9 has not been signed within fourteen days from the date on which the parties were first summoned to appear before the conciliator, the conciliator shall terminate the conciliation and shall submit to the Chief Officer a report on the proceedings, on the demands and proposals of the parties and on his own proposals for the settlement of the dispute.
- (b) With the consent of the parties the Chief Officer may, in such manner as he shall think fit, publish the report or a summary thereof.

**Resumption of conciliation.**

12. On receiving a report under section 11, the Chief Officer may propose to the parties the resumption of the conciliation, and if they consent thereto, the conciliator shall resume the conciliation and the provisions of this part shall apply to the resumed conciliation.

**Secrecy.**

13. (a) Facts which come to the knowledge of the conciliator in the course of the conciliation and which are not generally known shall be treated as secret, and the conciliator shall not bring them to the knowledge of any person, except in so far as is required for the carrying out of his functions and the exercise of his powers.
- (b) A person who contravenes the provisions of subsection (a) is liable to imprisonment for a term of one year or to a fine of 6,000 new Shekalim.

**Waving of rights.**

14. Where an agreement as referred to in section 9 has not been signed, anything said by the parties, and any evidence given or proposal for the settlement of the dispute made in the course of the conciliation shall not bind the parties and shall not be used as evidence in an arbitration under this Law unless the parties have consented thereto in writing.

**PART THREE: ARBITRATION****Matters for arbitration.**

15. The following are matters for arbitration under this chapter.
- (1) Any labour dispute which the parties have consented in writing to refer to arbitration under this chapter.
- (2) Any labour dispute which according to a collective agreement including collective agreement as defined by section 37(a) and in the schedule is to be referred to arbitration as laid down in the agreement, and in which the arbitrator or arbitrators of the manner of their appointment has or have not been determined or in which the manner of appointment has been determined but the arbitrator or arbitrators has not or have not been appointed within a reasonable time or has or have been appointed but has not or have not terminated the arbitration with a reasonable time, and any contention disputing one of these facts shall likewise be decided upon by arbitration under this Law.

**Delivery of notice.**

16. Either party to a labour dispute which is a matter for arbitration may deliver a notice of the dispute to an officer; the provisions of section 5 shall apply to a notice under this section.

**Appointment of Arbitration Panel.**

17. When a copy of the notice delivered to the officer has reached the Chief Officer, he shall appoint an arbitral panel for the dispute (hereinafter referred to as an "arbitral panel") or shall act in accordance with section 18.

**Sole arbitrator.**

18. So long as the Chief Officer has not appointed an arbitral panel he may, on the application of the parties, assume the function of sole arbitrator or appoint an officer to be sole arbitrator in the dispute, and upon his doing either of these the sole arbitrator shall have all the powers of an arbitral panel; the provisions of this Part concerning arbitration by an arbitral panel shall apply *mutatis mutandis* to arbitration by a sole arbitrator.

**Composition of arbitral panel.**

19. An arbitral panel shall consist of three members, viz., a chairman appointed from among the persons whose names are included in a list of chairmen of arbitral panels drawn up to the Minister of Labour and Social Affairs after consultation with the Labour Relations Council, and an employees' representative and an employers' representative who have been appointed, after consultation, in respect of each of them, with the party represented by him, from among the persons whose names are included in lists of employees' representatives and employers' representatives on arbitral panels drawn up by the Minister of Labour and Social Affairs after consultation with the employees' organisation representing the greatest number of employees in the State and with representative organisations of employers, as the case may be.

**Conciliator as arbitrator.**

20. A person who has acted as conciliator in a particular labour dispute shall not, save with the written consent of the parties, be appointed sole arbitrator or member of an arbitral panel for the dispute.

**Opening of arbitration.**

21. The chairman of the arbitral panel shall determine the times and places of the meeting thereof, shall notify such times and places to the other members and shall summon the parties to appear before the panel.

**Sources of Law in arbitration.**

22. (a) An arbitral panel may deliberate and decide in accordance with any enactment, collective agreement or trade practice, and if these provide no solution to the issue, the panel shall decide according to justice and fairness.
- (b) "Trade practice" means the practice or custom existing with regard to the subject-matter of the arbitration, and an arbitral panel may dispense with proof thereof by witness or experts if it is satisfied of the existence thereof.

**Powers of arbitral panel.**

23. (a) For the purpose of carrying out its functions an arbitral panel may -
- (1) obtain any written or oral testimony, and examine any person, if this is, in its opinion, relevant to the dispute referred to arbitration;
  - (2) require any witness to confirm his evidence by oath or affirmation;
  - (3) summon any person to attend the arbitration meeting in order to give evidence or to produce a document in his possession and examine him as a witness or require him to produce any document in his possession;
  - (4) make an order compelling a person to attend before it after he has not so attended in answer to a summons and has not justified his non-attendance to the panel's satisfaction, and require him to pay the expenses incurred through his refusal to obey the summons and fine him an amount not exceeding 9600 new Shekalim;
  - (5) fine an amount not exceeding 9600 new Shekalim any person who has been required by the panel to give evidence on oath or to produce any document and who has not done as required and has not justified his non-compliance to the satisfaction of the panel.
- (b) A fine imposed under subsection (a) shall be collected in like manner as a fine imposed by a court.

**Evidence.**

24. An arbitral panel shall not be bound by the rules of evidence, but shall act in the manner deemed by it most conducive to the clarification of the matter.

**Procedure.**

25. An arbitral panel shall itself prescribe its rules of procedure in so far as they have not been prescribed by this Law or by regulations made thereunder.

**Conditions of holding meetings with not all members present.**

26. The chairman of an arbitral panel may hold a meeting of the panel in the absence of one of the arbitrators if he has first ascertained that the absent member has been sent a notice of the place and time of the meeting and has not given written notice of his inability to attend and has not given reasons

which in the opinion of the chairman are sufficient; this section shall not apply to the first meeting of the panel unless it is held at a deferred date.

**Meeting held with not all members present.**

27. Where a meeting is held in the absence of one of the members, as set out in section 26, or where one of the members has not taken part in the acts of the panel, the legality of the meeting or the acts or powers of the panel shall not be affected by such absence; however, upon the demand of the member who was absent the chairman may resume the consideration of the questions which were considered in the absence of the member if it appears to the chairman that there was a sufficient reason for such absence.

**Interim award.**

28. An arbitral panel may give an interim award and may rescind it at any time.

**Award by majority vote or by chairman.**

29. An arbitration award or interim award shall be given by majority vote; in the absence of a majority of votes, the arbitration award or interim award shall be given by the chairman.

**Correction of clerical error.**

30. The person who was the chairman of the arbitral panel may correct a clerical error in the arbitration award.

**Validity of arbitration award.**

31. (a) The period of validity of an arbitration award concerning terms of employment is one year from the day on which it is given unless a shorter period is specified therein.
- (b) An arbitration award shall come into force on the day on which it is given unless an earlier or later date is specified therein.
- (c) An arbitration award shall have the effect of a contract or of a collective agreement, as the case may be, between the parties to the arbitration; an arbitration award in connection with a valid collective agreement shall have the effect of that collective agreement.

**Interpretation of arbitration award.**

32. (a) Where a difference of opinion arises between the parties to an arbitration as respect the interpretation of the arbitration award in a particular point, and the Chief Officer is of the opinion that the arbitration award requires interpretation in that point, he may, on the application of one of the parties, instruct an arbitral panel or, with the consent of both parties, a sole arbitrator as referred to in section 18 to interpret the arbitration award, and the decision of such panel or arbitrator shall be a part of the arbitration award.
- (b) The provisions of this Part shall apply to the acts of an arbitral panel under subsection (a).

**Finality of arbitration award.**

33. An arbitration award is final and non-appealable.

**Secrecy.**

34. (a) Facts which come to the knowledge of a member of an arbitral panel in the course of the arbitration and which are not generally known shall be treated as secret, and he shall not bring them to the knowledge of any person, except in so far as required for the carrying out of his functions and the exercise of his powers.
- (b) A person who contravenes the provisions of subsection (a) is liable to imprisonment for a term of one year or to a fine not exceeding nineteen thousand, three hundred new Shekalim.

**Copy of arbitration award.**

35. The chairman of the arbitral panel shall deliver to the Chief Officer and to the parties a copy, verified by his signature, of the arbitration award.

**Exemption from stamp duty.**

36. An arbitration award, and an authorisation which one of the parties gives to a person who appears on his behalf before an arbitral panel, are exempt from stamp duty.

**Arbitration Ordinance.**

37. The Arbitration Ordinance shall not apply to arbitration under this Law.

**PART FOUR: COLLECTIVE AGREEMENT IN PUBLIC SERVICE****Definitions.**

37A. For the purposes of this chapter -

"Collective agreement" has the same meaning as in section 1 of the Collective Agreements Law, 5717-1957, whether or not the agreement is made and submitted for registration under that Law, and include any other collective arrangement, provided that the agreement or arrangement is made in writing and prescribes rates of wages;;

"public service" means any of the following services;

- (1) the State Service, including the Defence Establishment and every undertaking or institution established by Law, whether or not the State Service (appointments) Law, 5719-1959, applies to those employed therein;
- (2) the local authority services;
- (3) the health services, except any non-publicly-owned undertaking or institution operated for profit appearing in a list of undertakings and institutions as aforesaid drawn up by the Minister of Health with the approval of the Knesset Labour and Social Affairs Committee and published in *Reshumot*;
- (4) compulsory education, within the meaning of the Compulsory Education Law, 5709-1949;

(5) post compulsory - including vocational and agricultural - secondary education, except any non-publicly-owned institution operated for profit appearing in a list of institutions aforesaid drawn up by the Minister of Education and Culture with the approval of the Knesset Labour and Social Affairs Committee and published in *Reshumot*.

(6) institutions of higher education recognised under the Council for Higher Education Law, 5718-1958;

(7) other institutions for post-secondary studies, except a non-publicly-owned institution operated for profit appearing in a list drawn up by the Minister of Education and Culture with the approval of the Knesset Labour and Social Affairs Committee and published in *Reshumot*.

(8) air transport;

(9) the production and manufacture of fuel and the conveyance of fuel by pipes;

(10) the production and supply for water;

(11) the generation and supply of electricity;

(12) the operation of a telecommunication installation and the provision of a telecommunication service by the holder of a general licence under the Telecommunications Law 5742-1982 and by the holder of another licence which is included in a list compiled by the Minister of Telecommunications, with the approval of the Knesset Labour Committee and published in *Reshumot*, as well as the provision of broadcasting services under the Second Television and Radio Broadcasting Authority Law 5750-1990.

"authorised employees' organisation" -

(1) where a collective agreement applies - means the organisation which is a party to the agreement,

(2) where a collective agreement which had applied is no longer in force - means the organisation which was a party to the agreement;

(3) where no collective agreement has ever applied - means the organisation to which the greatest number of organised employees in the public service in question belong;

(4) where an organisation as referred to in paragraph (1) and (3) is a part of a more comprehensive employees' organisation - means the more comprehensive organisation; however, where an agreement exists made before the coming into force of this Law between an employees' organisation and a more comprehensive employees' organisation concerning the former's accession to the more comprehensive organisation, and under the agreement the acceding organisation is empowered to declare or approve a strike, the acceding organisation shall be regarded as an authorised employees' organisation to the extent that power to declare or approve a strike is not vested by the agreement in the more comprehensive organisation;

"unprotected strike or lockout" means any of the following:

(1) a strike or lockout of employees in a public service where a collective agreement applies, except a strike unconnected with wages or social conditions and declared or approved by the central national governing body of the authorised employees' organisation;

(2) a strike by employees in a public service where collective agreement which had applied is no longer in force, but the strike has not been declared or approved by the agency or agencies authorised in that behalf and in proceedings prescribed therefore, all according to the rules of the authorised employees' organisation; written confirmation by the central national governing body of the authorised employees' organisation that a particular strike has been declared or authorised as aforesaid shall be conclusive evidence of such fact;

(3) a strike or lockout in a public service of which no notice has been given in accordance with this Law; for the purposes of this definition, there shall be regarded as a strike -

(a) an organised total or partial work stoppage by a group of employees, including a go-slow strike or some other organised disruption of the normal course of the work;

(b) organised refusal, resorted to by a group of employees as a step in a labour dispute, to work overtime where the duty to work overtime is laid down by collective agreement and such work is permitted under the Hours of Work and Rest Law, 5711-1951.

### **Legal significance of unprotected strike and lockout.**

- 37B. (a) An unprotected strike or lockout is not a strike or lockout within the meaning of section 62(b) of the Civil Wrongs Ordinance (New Version), however, this provision shall only apply in an action brought by an employee or employer who was a party to the strike or lockout, as the case may be, or by his successor.
- (b) An unprotected strike is not a strike within the meaning of section 19 of the Collective Agreements Law, 5717-1957.
- (c) An unprotected strike is not a strike within the meaning of the second paragraph of section 44, of the Employment Service Law, 5719-1959, in respect of the dispatch of workers to the place of employment where the strike is in progress. However, if a person seeking employment is offered employment by the labour exchange at a place of employment where an unprotected strike is in progress and by reason thereof he refuses to accept the said employment, his rights under the Rules enacted by virtue of section 41 of the said Law shall not be affected by such refusal.
- (d) An employees' organisation or employers' organisation shall bear no responsibility whatever for an unprotected strike or lockout not declared or approved by it. Written confirmation by the central national governing body of an authorised employees' organisation or an employers' organisation that the organisation has not declared or approved a particular strike or lockout, as the case may be, shall be conclusive evidence for the purposes of this subsection.

### **Legal significance of unprotected partial strike.**

- 37C. (a) A Regional Court within the meaning of the Labour Courts Law, 5729-1969, is competent to declare on the application of an employer in a public service that its employees at a particular place of employment or some of them are or have been engaging in an unprotected strike not being a complete work stoppage; upon the court having so declared, the employees at that place of employment or some of the, as the court may prescribe, shall only be entitled to a partial wage for the work they actually did in the period of the said strike at a rate prescribed by the court in accordance with the circumstances of the case.
- (b) The Regional Court shall not entertain an application under subsection (a) in respect of a period more than six months prior to its submission.
- (c) Where an employee is entitled to only a partial wage, as provided in subsection (a), an amount equal to half his ordinary wage shall be regarded as the partial wage due to him so long as the court has not prescribed the rate of the partial wage as aforesaid; for the purposes of this subsection, "ordinary wage" means the aggregate of the wage components taken into account for the purposes of severance pay under section 13 of the Severance Pay Law, 5723-1963, less allowances payable in respect of output or effort.
- (d) Pay differentials due to an employee from the employer or to the employer from an employee by virtue of the provisions of this section shall be paid within thirty days from the day on which the Regional Court prescribes the rate of the partial wage under subsection (a) unless the court prescribes another date of payment; any excess amount paid as aforesaid to an employee shall be regarded as an advance to which section 25(a)(7) of the Wage Protection Law, 5718-1958, applies, provided that the amount of the deduction shall not exceed 25 percent of the employee's wage.

### **Increased compensation.**

37D. Where an employer in a public service has infringed any provision of a collective agreement, the Labour Court, on the application of the employee in respect of whom the agreement has been infringed or of the employee in respect of whom the agreement has been infringed or of the employees' organisation of which he is a member, may, in addition to any other relief, require the employer to pay increased compensation, and it may also award compensation in the case of an infringement not involving monetary damage.

### **Decision of disputes.**

37E. A collective agreement applying to a public service shall be deemed to contain the provisions set out in the Schedule in respect of any dispute for the decision of which it does not otherwise provide.

## **PART FIVE: LABOUR RELATIONS COUNCIL**

### **Appointment of Labour Relations Council.**

38. The Minister of Labour and Social Affairs shall appoint a Labour Relations Council (hereinafter referred to as "the Council"), which shall advise him in any matter pertaining to labour relations.

#### **Composition of Council.**

39. (a) The members of the Council shall be employees' representatives and employers' representatives in equal numbers.
- (b) The employees' representatives on the Council shall be appointed after consultation with the employees' organisation representing the greatest number of employees in the State and the employers' representatives shall be appointed after consultation with representative organisations of employers in the State.
- (c) Notice of the appointment of the Council and of the names of its members shall be published in *Reshumot*.

#### **Term of office.**

40. The Minister of Labour and Social Affairs may prescribe by regulations the term of office of the Council and conditions for the termination of membership of the Council before the termination of the full term of office thereof.

#### **Chairman of Council.**

41. The Minister of Labour and Social Affairs or a person appointed by him in that behalf shall be the chairman of the Council.

#### **Procedure of the Council.**

42. The Council shall itself prescribe its rules of procedure in so far as they have not been prescribed by regulations.

### **PART SIX: MISCELLANEOUS PROVISIONS**

#### **Implementation and regulations.**

43. The Minister of Labour and Social Affairs is charged with the implementation of this Law and may, after consultation with the Council, make regulations as to any matter relating to such implementation.

#### **Repeal.**

44. The Industrial Courts Ordinance, 1947, and the Ottoman Law of Strikes of the 27<sup>th</sup> July, 1909, are hereby repealed.

#### **Status of the State.**

44A. For the purposes of this Law, the State as an employer shall have the same status as any other employer; however -

- (1) the decision on conciliation in a labour dispute to which the State is a party shall rest with the Minister of Labour and Social Affairs.
- (2) in a dispute between the State and the representatives employees' organisation as specified in section 3, the conciliator shall be a person whose name is included in a list of conciliators who are not State employees, agreed upon between the State and the employees' organisation representing the greatest number of State employees;
- (3) where the parties to the dispute have agreed upon a conciliator from the agreed list, he shall be the conciliator in the dispute; where the parties do not agree upon the appointment of a conciliator within three days from the date of the decision on conciliation, the Minister of Labour and Social Affairs may appoint a conciliator from the agreed list.

#### **Commencement.**

45. This Law shall come into force of the 28<sup>th</sup> Adar Alef, 5717 (1<sup>st</sup> March, 1957).

### **SCHEDULE**

1. Where a labour dispute has arisen and the parties do not within seven days reach agreement as to the modes of deciding it, it shall be heard upon the request of one of the parties, by a parity committee of

representatives of the parties, which shall convene within seven days from the date of the request for the hearing.

2. If the parity committee reaches an agreed decision as to the settlement of the dispute, the decision shall have the effect of an arbitration award under section 31(c) of the Law.

3. If the parity committee does not convene as provided in section 1 or does not reach an agreed decision within thirty days from the date of the request for the hearing, the dispute shall, upon the request of one of the parties, be referred to arbitration. Arbitration shall be before one or more arbitrators, as the parties may agree; and if they do not agree within seven days from the date of the request for arbitration, it shall be before three arbitrators, one to be appointed by each party, and the third, who shall be the chairman, by the two others.

4. The arbitration shall be concluded within thirty days from the date of the request for it.

5. (a) The periods referred to in this Schedule may be extended by the parties. The period referred to in section 3 may be extended also by the parity committee, and the period referred to in section 4 may be extended also by the arbitrator or arbitrators.

(b) In computing the periods referred to in this Schedule, a period in which conciliation under Chapter Two of the Law is pending shall not be taken into account.

### **SPECIAL PROVISION - AMENDMENT NO. 2, (5732-1972)**

#### **Bar to imposition of imprisonment.**

No imprisonment shall be imposed under section 142 or 143 of the Criminal Code Ordinance, 1963, or section 6 of the Contempt of Court Ordinance or section 70 of the Execution Law, 5727-1967, for a contravention of any judgment, decision, order or statutory provision relating to participation in a strike.

#### **Saving of law.**

This Law shall not derogate from the powers of a Labour Court or from any law or collective agreement applying to employment other than in a public service or from the Contracts (Remedies for Breach of Contract) Law, 5731-1970.

### **SPECIAL PROVISIONS OF AMENDMENT NO. 3 TO THE LAW, (5736-1976)**

#### **Saving of laws.**

This Law shall not derogate from any power of a Labour Court or from any Law that was in force prior to the commencement of this Law, other than by way of addition thereto.