

BILL No. 13 of 2009

Thursday 23rd April, 2009

PARLIAMENT OFFICE
Public Buildings,
Georgetown,
Guyana.

23rd April, 2009.

The following Bill which will be introduced in the National Assembly is published for general information.

S.E. Isaacs,
Clerk of the National Assembly.



GUYANA

BILL No. 13 of 2009

**PUBLIC UTILITY UNDERTAKINGS AND PUBLIC HEALTH SERVICES
ARBITRATION (AMENDMENT) BILL 2009**

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Amendment of the long title to the Principal Act.
3. Amendment of section 1 of the Principal Act.
4. Amendment of section 4 of the Principal Act.
5. Amendment of section 19 of the Principal Act.
6. Repeal and re-enactment of the Schedule to the Principal Act.

**A BILL
Intituled**

AN ACT to amend the Public Utility Undertakings and Public Health Services.

A.D. 2009

Enacted by the Parliament of Guyana:-

Short title.

Cap 54:01

1. This Act, which amends the Public Utility Undertakings and Public Health Services Arbitration Act, may be cited as the Public Utility Undertakings and Public Health Services Arbitration (Amendment) Act 2009.

Amendment of
the long title to
the Principal Act.

2. The long title to the Principal Act is amended by substituting for the words "in public utility undertakings and in certain services and to prohibit strikes and lock-outs in such undertakings or services", the words "in essential services and to prohibit strikes and lock-outs in such services".

Amendment of
section 1 of the
Principal Act.

3. Section 1 of the Principal Act is amended by substituting, -

(a) in subsection (1), for the words "Public Utility Undertakings and Public Health Services", the words "Essential Services";

(b) in subsection (2), for the words "those services" the words "the essential services".

Amendment of
section 4 of the
Principal Act.

4. Section 4 of the Principal Act is amended by substituting, in subsection (1), for the words "Public Utility and Public Health Services Arbitration Tribunal", the words "Essential Services Arbitration Tribunal".

Amendment of
section 19 of the
Principal Act.

5. Section 19 of the Principal Act is amended by substituting, for subsection (1), the following subsection -

"(1) Every person who contravenes or fails to comply with section 12 commits an offence and is liable on summary conviction to -

(a) a fine not exceeding thirty thousand dollars and imprisonment for two months; and

(b) if the offence is a continuing one, a further fine not exceeding one thousand dollars for every day or part of a day during which the offence continues."

Repeal and re-
enactment of the
Schedule to the
Principal Act.

6. The Schedule to the Principal Act is repealed and re-enacted by the following Schedule -

"SCHEDULE

secs. 1 (2) and 20.

Essential Services

1. Any dockage, wharfage, discharging, loading or unloading of vessels or related service.

2. Any direct or indirect production, storage, distribution, sale, delivery or supply of potable water.
3. Any direct or indirect generation, transmission, sale or supply of electricity.
4. Any service essential to the continued provision of telecommunications.
5. Any health care or related service operated by –
 - (i) the Georgetown Public Hospital Board;
 - (ii) any other public corporation established under the Public Corporations Act 1988 (No. 21 of 1988);
 - (iii) a public hospital;
 - (iv) the Government; or
 - (v) a local authority.
6. Any air traffic control service.
7. Any service provided by the Transport and Harbours Department or the Maritime Authority.
8. Any service related to drainage and irrigation.
9. Any cemetery, scavenging or solid waste services of a municipality.
10. The marketing and distribution services of all petroleum and allied products."

EXPLANATORY MEMORANDUM

The Bill seeks to amend the Public Utility Undertakings and Public Health Services Arbitration Act (Cap. 54:01).

Clause 1 of the Bill sets out the short title of the proposed legislation.

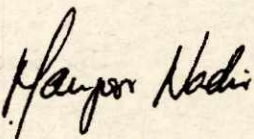
Clause 2 seeks to amend the long title to the Principal Act so as to make it clear that the scope of the Act relates to settlement of disputes and prohibition of strikes and lock-out in essential services.

Clause 3 seeks to amend section 1 of the Principal Act. After the amendment, the Principal Act will be known as the Essential Services Arbitration Act.

Clause 4 seeks to amend section 4 of the Principal Act relating to the constitution of Arbitration Tribunal so as to modify the name of the Tribunal as the Essential Services Arbitration Tribunal. This is in conformity with the amendments proposed *vide* clauses 2 and 3.

Clause 5 seeks to amend section 19 of the Principal Act so as to enhance the fine specified in that section (for a lockout or strike contrary to the Act) to an amount more appropriate to the present, and also to provide for the punishment for continuing offences.

Clauses 6 seeks to repeal and re-enact the Schedule to the Principal Act with a new Schedule to comply with the International Labour Organisation's definition of "essential services".


Minister of Labour.