

THE OFFICIAL GAZETTE 3RD APRIL, 2006
LEGAL SUPPLEMENT — C

BILL No. 16 of 2006

Monday 3rd April, 2006

PARLIAMENT OFFICE
Public Buildings,
Georgetown,
Guyana.

3rd April, 2006.

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

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



BILL No. 16 of 2006

TRADE UNIONS (AMENDMENT) BILL 2006

ARRANGEMENT OF SECTIONS

Section

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2. Amendment of section 2 of Principal Act.
3. Amendment of section 6 of Principal Act.
4. Amendment of section 7 of Principal Act.

5. Amendment of section 8 of Principal Act.
6. Amendment of section 11 of Principal Act.
7. Amendment of section 12 of Principal Act.
8. Amendment of section 15 of Principal Act.
9. Amendment of section 22 of Principal Act.
10. Amendment of section 23 of Principal Act.
11. Amendment of section 24 of Principal Act.
12. Amendment of section 25 of Principal Act.
13. Amendment of section 26 of Principal Act.
14. Amendment of section 27 of Principal Act.
15. Amendment of section 29 of Principal Act.
16. Amendment of section 32 of Principal Act.
17. Amendment of section 33 of Principal Act.
18. Amendment of section 34 of Principal Act.
19. Amendment of section 35 of Principal Act.
20. Amendment of section 37 of Principal Act.
21. Substitution of Second Schedule to Principal Act.
22. Transitional provisions relating to accounting obligations.

SCHEDULE

A BILL
Intituled

AN ACT to amend the Trade Unions Act.

A.D. 2006 Enacted by the Parliament of Guyana:-

Short title.
Cap. 98:03

1. This Act, which amends the Trade Unions Act, may be cited as the Trade Unions (Amendment) Act 2006.

Amendment of
section 2 of
Principal Act.

2. Section 2 of the Principal Act is amended by substituting, for the definitions of "statutory objects" and "trade dispute", the following definitions respectively —

"statutory objects", in relation to a trade union, —

(a) means —

- (i) the regulation of relations between worker and employer, between workers, or between employers; or
- (ii) the imposing of restrictive conditions on the conduct of any trade, business, or industry; and

(b) includes the provision of benefit to members of the union;

"trade dispute" means any dispute between worker and employer or between workers, that is connected with the employment, non-employment, terms of employment, or conditions of labour of any person;".

Amendment of
section 6 of
Principal Act.

3. Section 6 (c) (ii) of the Principal Act is amended by substituting, for the word "workman" in both places where it occurs, the word "worker".

Amendment of
section 7 of
Principal Act.

4. Section 7(1) of the Principal Act is amended by substituting, for the words "workmen or masters", the words "workers or employers".

Amendment of
section 8 of
Principal Act.

5. Section 8 of the Principal Act is amended by substituting, for subsection (4), the following subsection —

- "(4) Nothing in this section affects or limits —
- (a) the law relating to riot, unlawful assembly, breach of the peace, sedition, or any offence against the State;
 - (b) section 19 (1) of the Public Utility Undertakings and Public Health Services Arbitration Act; or
 - (c) section 19 or 20 of the Summary Jurisdiction (Offences) Act."

Cap. 54:01

Cap. 8:02

Amendment of
section 11 of
Principal Act.

6. Section 11 (2) of the Principal Act is amended by substituting, for the words "three hundred", the words "thirty thousand".

Amendment of
section 12 of
Principal Act.

7. Section 12 (2) of the Principal Act is amended by substituting, for the word "seventy-five", the words "five thousand".

Amendment of
section 15 of
Principal Act.

8. Section 15 of the Principal Act is amended by substituting, for the word "seven", the word "forty".

Amendment of
section 22 of
Principal Act.

9. Section 22 of the Principal Act is amended —

- (a) by substituting, for subsection (1), the following subsections —

"(1) Every treasurer of a trade union registered under this Act shall give to the trustees of the union, in accordance with subsections (1A) and (1B), a just and true account of —

- (a) all monies received or paid by the union in each financial year;
- (b) the balance remaining in that treasurer's hands at the close of each financial year; and
- (c) the bonds or securities of the union at the close of each financial year.

(1A) The first account shall be given to the trustees on or before 31 March, 2007 in respect of the financial year ending 31 December, 2006.

(1B) Every subsequent account in respect of every subsequent financial year shall be given to the trustees on or before the 31 March next following the relevant financial year.

(1C) Before 30 April, 2007, and subsequently before each anniversary of this date, the trustees shall submit to the Auditor General for audit the accounts relating to the financial year most recently elapsed.

(1D) If for any reason, the trustees fail to comply with subsection (1C), the president of the union shall, before 31 May of the year in which the relevant accounts were required to be submitted to the Auditor General, himself submit to the Auditor General for audit the accounts relating to the financial year most recently elapsed."

(b) by inserting, after subsection (3), the following subsections —

"(4) In subsections (1) to (1D), "financial year" means the year beginning 1 January and ending 31 December (inclusive of both dates).

(5) For the avoidance of doubt, this section has effect notwithstanding any rules of the union to the contrary."

Amendment of section 23 of Principal Act.

10. Section 23 of the Principal Act is amended by substituting, for the words "three hundred" and the word "five", the words "thirty thousand" and "ten thousand" respectively.

Amendment of section 24 of Principal Act.

11. Section 24 of the Principal Act is amended —

(a) by substituting, for paragraph (d), the following paragraph —

"(d) the Registrar shall not register any combination as a trade union unless in the Registrar's opinion, having regard to the constitution of the combination, its principal objects are statutory objects"; and

(b) by substituting, for paragraph (h), the following paragraph —

"(h) the Minister may from time to time make regulations —

- (i) concerning registration under this Act;
- (ii) concerning the seal (if any) and the forms to be used for the purpose of registration;
- (iii) concerning the inspection of documents kept by the Registrar;
- (iv) prescribing fees for any service provided by or on behalf of the Registrar, such as registration of any kind, a direction to transfer stock, provision of access for inspection of documents, or provision of copies or extracts of documents kept by the Registrar, not exceeding any fees specified for the relevant matter in the Second Schedule; or
- (v) generally for carrying this Act into effect."

Amendment of
section 25 of
Principal Act.

12. Section 25 (b) of the Principal Act is amended by substituting, for the words "twenty-five cents", the words "five hundred dollars".

Amendment of section 26 of Principal Act.

13. Section 26 (1) of the Principal Act is amended by substituting, for the word "seventy-five", the words "five thousand".

Amendment of section 27 of Principal Act.

14. (1) Section 27 of the Principal Act is amended by substituting for subsection (1), the following subsection —

"(1) The Registrar shall withdraw or cancel a certificate of registration of a trade union —

- (a) at the request of the union, as evidenced in the manner from time to time directed by the Registrar;
- (b) on proof to the Registrar's satisfaction that the certificate has been obtained by fraud or mistake, or that the registration has become void under section 15;
- (c) where the union has —
 - (i) contravened or failed to comply with any provision of this Act; and
 - (ii) continued to contravene or fail to comply with that provision after the Registrar has given that union notice of that contravention or non-compliance; or
- (d) if, in the Registrar's opinion, —
 - (i) the constitution of the union has been so altered that its principal objects are no longer statutory objects; or
 - (ii) the principal objects actually carried out by the union are not statutory objects."

(2) Section 27 (2) of the Principal Act is amended by substituting, for the words "paragraphs (b) and (c)", the words "paragraphs (b), (c), and (d)".

(3) Section 27 (4) of the Principal Act is amended by substituting, for the word "fifteen", the words "one thousand five hundred".

(4) Section 27 of the Principal Act is amended by inserting, after subsection (6), the following subsection —

"(7) No certificate of registration of a trade union may be withdrawn or cancelled except in accordance with this section."

Amendment of section 29 of Principal Act.

15. Section 29 of the Principal Act is amended by substituting, for the words "five hundred", the words "thirty-three thousand".

Amendment of section 32 of Principal Act.

16. Section 32 of the Principal Act is amended by substituting, for the word "seven" in both places where it occurs, the word "forty".

Amendment of section 33 of Principal Act.

17. Section 33 of the Principal Act is amended by substituting, for the word "seven", the word "forty".

Amendment of section 34 of Principal Act.

18. Section 34 of the Principal Act is amended by substituting, for the words "fifteen and not more than seventy-five", the words "one thousand five hundred and not more than ten thousand".

Amendment of section 35 of Principal Act.

19. (1) Section 35 (3) of the Principal Act (1) is amended by substituting, for the word "seventy-five", the words "ten thousand".

(2) Section 35 (4) of the Principal Act is amended by substituting, for the words "seven hundred and fifty", the words "seventy thousand".

Amendment of section 37 of Principal Act.

20. Section 37 of the Principal Act is amended by substituting, for the words "one hundred and fifty", the words "ten thousand".

Substitution of Second Schedule to Principal Act.

21. The Principal Act is amended by substituting, for the Second Schedule to that Act, the Second Schedule set out in the Schedule to this Act.

Transitional provisions relating to accounting obligations

22. (1) The amendments made to section 22 of the Principal Act by section 9 of this Act do not affect the obligation of every treasurer or other officer of a trade union registered under the Principal Act to render accounts in respect of any period of time before 1 January, 2006.

(2) For the purposes of **subsection (1)** of this section, section 22 (1) of the Principal Act shall continue in force as if section 9 of this Act had not been enacted.

SCHEDULE

"SECOND SCHEDULE

FEEES

Section 24 (h)(iv)

MAXIMUM FEES

For registering trade union	\$5,000.00
For registering alteration in rules	\$2,500.00
For inspection of documents	\$ 200.00"

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Trade Unions Act (Cap. 98:03).

Clause 1 sets out the short title.

Clauses 2 to 4 replace archaic terms such as "master" and "workmen" in the Principal Act with more up-to-date terms such as "employer" and "worker".

Clause 5 ensures that section 8 of the Principal Act does not insulate trade unions from the legal consequences of inciting a strike that is unlawful under the Public Utility Undertakings and Public Health Services Arbitration Act.

Clauses 6, 7, 10, 12, 13, 14 (3), and 18 to 20 increase the fines and other monies payable under the Principal Act to amounts more appropriate to the present.

Clause 8 increases from seven to forty the number of members required to register a trade union.

Clause 9 strengthens the financial accounting obligations of registered trade unions. It clarifies the annual financial accounts required and imposes a clear deadline for the treasurer of a trade union to submit these accounts to the trustees of the union. If the trustees fail to submit those accounts to the Director of Audit by the annual deadline, the President of the trade union must do so.

Clause 11(a) omit from section 24 of the Principal Act a provision concerning withdrawal or cancellation of a trade union's certificate of registration. This provision will be moved to section 27 (1) of the Principal Act.

Clause 11(b) clearly provides the Minister power to make regulations concerning registration, seals, forms, inspection of documents, and fees.

Clause 14 (1), (2), and (4) clarify provisions in the Principal Act concerning withdrawal or cancellation of a trade union's certificate of registration.

Clause 15 increases from five hundred to thirty-three thousand dollars the maximum amount payable by a trade union to the nominee of a member upon that member's death.

Clause 16 increases from seven to forty the number of members required to change the name of a trade union or to amalgamate a trade union.

Clause 17 increases from seven to forty the number of members whose signatures, along with the signature of the secretary, are required to dissolve a trade union.

Clause 21 increases the maximum fees that may be imposed by regulation for certain administrative matters.

Clause 22 sets out transitional provisions relating to the accounting obligations of the treasurer and other officers of trade unions in respect of accounts for any period of time before 1 January, 2006.



Minister of Labour, Human Services, and Social Security