

LEGISLATURE,
Public Buildings,
Georgetown, Demerara,
23rd October, 1953.

The following Bill, which was passed by the House of Assembly, on the 8th of October, 1953, is published for general information.

I. CRUM EWING,
Clerk of the Legislature.

A BILL
INTITULED

AN ORDINANCE TO SECURE THE RECOGNITION BY EMPLOYERS OF CERTAIN TRADE UNIONS AND FOR MATTERS CONNECTED THEREWITH:—

Enacted by the Legislature of British Guiana:—

1. This Ordinance may be cited as the Labour Relations Ordinance, 1953. Short title.

2. In this Ordinance — Interpretation.

“employer” includes any association of employers, partnership, company and the agent of any association of employers, partnership or company;

“the Minister” means the Minister charged by the Governor with the responsibility for Labour;

“trade union” means any trade union registered under the provisions of the Trade Union Ordinance;

“worker” means any person employed in any trade, industry or undertaking or in any part or section of any trade, industry or undertaking and includes any person deemed to be a worker by the Minister for the purposes of the provisions of this Ordinance. Cap. 57

3. (1) Where in the opinion of a trade union—

(a) the majority of the workers or of any category of workers employed by any employer desire to be represented by that trade union, and such employer does not recognise any trade union as a bargaining agent of the workers; or Request by trade union for enquiry in respect of its claims to be recognised by employer.

(b) any other trade union recognised as a bargaining agent on behalf of workers or any category of workers by their employer does not appear to represent the majority of the workers employed by such employer; or

(c) an employer is recognising as bargaining agents on behalf of workers or of any category of workers more trade unions than are necessary for the purpose of representing the workers employed by him to the prejudice of the interests of such workers—

the trade union may by application in writing request the Minister to direct that an enquiry be held under the provisions of this Ordinance.

(2) Where any employer has been presented with a claim by a trade union to be recognised on any of the grounds specified in subsection (1) of this section as the bargaining agent for the workers in his employ, he may by application in writing request the Minister to direct that an enquiry be held under the provisions of this Ordinance.

4. Where any application has been made to the Minister under the provisions of section three of this Ordinance, the Minister shall, within thirty days of the receipt of such application, appoint a committee of three fit and proper persons to investigate the claims of the trade union making such application. Power of Minister to order enquiry.

5. (1) It shall be the duty of the committee to secure the attendance of all persons who, in the opinion of the committee, can give evidence on any matters relevant to the enquiry and for this purpose the committee may require any person, by notice served personally or by registered post upon such person, to appear before the committee for the purpose of giving evidence. Powers and duties of Committee.

(2) Persons who are required to attend the committee of enquiry to give evidence shall be paid travelling expenses and subsistence allowances in accordance with the remuneration paid by the Magistrates' Courts in the Colony.

(3) Any person who refuses to appear before the committee after having been served with a notice so to do, or who

naving appeared before the committee, refuses to answer any question which is not of an incriminating nature in relation to any matter relevant to the enquiry shall be liable on summary conviction, to a penalty not exceeding twenty-four dollars.

(4) The committee shall in due course submit a report in writing to the Minister of their findings upon the application and the report shall state the reasons upon which such findings have been based.

Ballot.

6. (1) Where the committee reports that there was reasonable ground for the application, the Minister shall direct the Commissioner of Labour in writing to ascertain the views of the workers concerned in the particular industry, trade or undertaking by secret ballot and report in writing the result thereof to him.

(2) Notwithstanding the provisions of section four of this Ordinance, the Minister may, where he considers it desirable in the public interest so to do, without proceeding to the appointment of a committee as provided in section four of this Ordinance, direct the Commissioner of Labour to ascertain the views of the workers concerned in the particular industry, trade or undertaking by secret ballot and report the result thereof to him.

(3) No ballot shall be held in respect of the workers in any trade, industry or undertaking, or in respect of any category of such workers more often than once in any period of twenty-four months:

Provided always that the Minister may, where he considers it necessary and expedient in the public interest so to do, direct that a ballot shall be held notwithstanding that the period of twenty-four months has not expired since the holding of the last ballot.

(4) Where any ballot has been held under the provisions of this section in respect of any category of workers in any trade, industry or undertaking, the limitation imposed by subsection (3) of this section shall not be construed so as to prevent the holding of any other ballot in respect of any other category of workers in such trade, industry or undertaking.

(5) Where a ballot is to be held under the provisions of this section, the Minister shall if he deems it necessary set out to the Commissioner of Labour who shall be deemed to be workers for the purposes of the ballot.

Power of
Minister to
award cer-
tificates to
trade
unions.

7. (1) Where as a result of any ballot held under the provisions of this Ordinance, in respect of any questions arising under paragraph (a) of subsection (1) of section three of this Ordinance, the Minister is satisfied that the majority of the workers voting (being not less than fifty-two per centum of the total number of persons voting) desire to be represented by a particular trade union, the Minister shall require the Commissioner of Labour to give to that trade union a certificate to that effect.

(2) Where any ballot has been held to ascertain the views of the workers of any trade, industry, or undertaking in relation to any question arising under paragraph (b) or paragraph (c) of subsection (1) of section three of this Ordinance, and the Minister is satisfied that the majority of the workers (being not less than sixty-five per centum of the workers actually voting in the case of an application under paragraph (b) of subsection (1) of section three of this Ordinance, or sixty per centum in the case of an application under paragraph (c) of subsection (1) of section three of this Ordinance), desire that a particular trade union should be recognised by the employer as a bargaining agent on behalf of the workers, he shall direct the Commissioner of Labour to give to that trade union a certificate to that effect.

(3) Where any certificate has been given to any trade union under the provisions of subsection (2) of this section the Commissioner of Labour shall forthwith serve upon the employer by registered post a copy thereof signed by him, and the employer shall, from the date of the receipt of such copy of the certificate, negotiate solely with that trade union in respect of all questions arising between any worker and the employer in connection with the terms and conditions of employment or in connection with the termination of the employment of any worker.

Provided that nothing in this section shall preclude a worker from discussing and settling any personal grievance or complaint in relation to his employment with his employer.

8. (1) Any employer who fails to recognise and negotiate with any trade union granted a certificate under the provisions of section seven of this Ordinance in contravention of the provisions of this Ordinance shall be liable on summary conviction, if a corporation, to a penalty not exceeding five hundred dollars and to a further penalty of one hundred dollars for each day during which such corporation continues to fail to recognise and deal with such trade union. Penalty for failure to recognise certain trade unions.

(2) Any employer convicted under the provisions of this section shall, if an individual, be liable to a penalty not exceeding five hundred dollars or to imprisonment for twelve months or to both such fine and imprisonment, and to a continuing penalty of one hundred dollars for each day during which he continues to fail to recognise and negotiate with such trade union.

9. (1) No employer shall terminate the employment of any worker or demote or unreasonably transfer any worker because of his membership of any trade union or because of any lawful activities of the worker on behalf of or in connection with any trade union. Victimisation.

(2) Any employer who dismisses or demotes or unreasonably transfers any worker in contravention of the provisions of this section shall be liable on summary conviction to a penalty not exceeding five hundred dollars or to imprisonment for six months or both such fine and imprisonment. The Court shall upon the application of the worker aggrieved order the employer to pay to the worker within a period not exceeding fourteen days such compensation as shall appear to the Court to be reasonable for any loss resulting to the worker from such dismissal, demotion or unreasonable transfer.

(3) On conviction of an employer under this section the Court shall further order the reinstatement of any person dismissed, demoted or unreasonably transferred to his former position without prejudice to seniority rights or other privileges enjoyed prior to such dismissal or demotion or unreasonable transfer. Anyone who refuses or fails to comply with an order under this subsection shall on summary conviction be liable to a continuing penalty of fifty dollars for each day during which he continues to refuse or fail to comply with such order.

10. (1) The officers of any trade union shall at all times after serving due notice during normal working hours have access to the premises or place in which workers who are members of such trade union are employed for the purposes of investigating the conditions of work of any worker or for the purpose of carrying out their lawful duties as officers of the trade union on behalf of its members. Right of access to premises of employers by officers of trade union.

(2) Any employer who refuses to allow the officers of any trade union free access to any premises or place in which workers are employed in contravention of the provisions of this section shall be liable on summary conviction to a penalty not exceeding one hundred dollars.

11. The Minister may make regulations—

- (a) prescribing the form under which an application under section 3 of this Ordinance shall be made;
- (b) prescribing the procedure to be followed by a committee appointed under section four of this Ordinance;
- (c) prescribing the manner of holding any ballot held under the provisions of section six of this Ordinance;
- (d) prescribing the form of certificate granted to any trade union under the provisions of section seven of this Ordinance; and
- (e) generally for the purpose of ensuring the due carrying out of the provisions of this Ordinance. Regulations

12. Prosecutions for any offence under the provisions of sections eight and nine of this Ordinance shall be instituted and carried out by the Commissioner of Labour or an officer of his department duly authorised by him in writing in that behalf. Legal Procedure.

Passed by the House of Assembly this eighth day of October, nineteen hundred and fifty-three.

I. CRUM EWING,
Clerk of the Legislature.

OBJECTS AND REASONS

This Bill seeks to ensure the compulsory recognition by employers as bargaining agents on behalf of workers of those unions which, in the opinion of the Minister of Labour, after due investigation, are truly representative of the workers in the particular trade, industry or undertaking. The various provisions of the Bill are self-explanatory.

2. The Bill seeks to enable the Minister, after due investigation, to direct that certificates be issued to certain trade unions and to provide that from the date of such certificates, the employers concerned shall be bound to deal exclusively with such trade unions in respect of all questions arising between any worker and his employer in connection with the terms and conditions of his employment or in connection with the termination of his employment. Provision is made whereby an employer who fails to recognise and deal with any such trade union shall be liable to a penalty not exceeding \$500 or to imprisonment for twelve months, or to both such fine and imprisonment, and to a continuing penalty of \$100 for each day during which he continues to fail to recognise such trade union.