

GUYANA

No. 8 of 1999

REGULATIONS

MADE UNDER

THE TRADE UNION RECOGNITION ACT

(No. 33 of 1997)

IN PURSUANCE OF THE POWERS CONFERRED UPON ME BY SECTION 37
OF THE TRADE UNION RECOGNITION ACT, I HEREBY MAKE
THE FOLLOWING REGULATIONS: -

- Citation. 1. These Regulations may be cited as the Trade
Union (Certification of Recognition) Regulations 1999.
- Interpretation. 2. In these Regulations -
"poll" means a poll conducted under Part II or III;
"Board" means the Trade Union Recognition and
Certification Board established under section 4.
- Application for
Certification to Board.
Form 1
Schedule. 3. Every Trade union desiring to obtain certification of
recognition in respect of a bargaining unit shall make application to the
Board in Form I in the Schedule.
- Requirements for poll. 4. (1) An employer of workers in respect of whom certification
of recognition is being applied for by a trade union shall in every case where
a poll in connection therewith is to be conducted, provide adequate
accommodation on premises under his control for the conduct of such poll.

 (2) On the day or days on which the poll is conducted, the
employer shall permit every worker eligible to take part in the poll to be

absent from work during the conduct of the poll for one hour or such longer period as the Board may specify and his permitted absence during the conduct of the poll shall be in addition to the normal period allowed for any meal or off time.

(3) An employer shall make no deduction from the pay of any worker or impose any other penalty on him in respect of any period for which the worker is permitted to be absent from work during the conduct of the poll.

(4) Any person who -

- (a) is comprised in or is responsible for the management of any undertaking or business, or department thereof; or
- (b) holds office in a trade union,

shall not, unless he is nominated by the employer or the trade union to be an official agent as approved by the Board under its rules, be within the immediate vicinity of the place where any polling is being conducted.

Certain acts prohibited in or near premises where poll conducted.

5. (1) During the hours that a poll is being conducted -

- (a) no person shall, on any premises on which such poll is being conducted, or upon any road or in any place within one hundred yards of such premises, seek by any means whatever to influence a worker to vote or to refrain from voting for a trade union;

(b) no person other than those waiting to vote, or persons authorised or permitted by the rules of the Board or these Regulations to be present at the conduct of the poll shall assemble or congregate on any premises in which a poll is being conducted or within one hundred yards of such premises.

(2) No person shall seek to ascertain how any individual worker intends to vote or has voted.

(3) Any person who contravenes or fails to comply with subregulation (1) or (2) is guilty of an offence.

Bribery.

6. (1) A person is guilty of an offence who directly or indirectly, by himself or by any other person on his behalf -

(a) gives any money or procures any office to or for any worker or to or for any other person on behalf of any worker or to or for any other person in order to induce any worker to vote or refrain from voting or to reward any worker for having voted or for having refrained from voting;

(b) makes gift or procurement within the meaning of paragraph (a) to or for any person in order to induce that person to procure, or endeavour to procure, the selection of any union, or the vote of any worker in respect of any matter for

which the poll is being conducted or if upon or in consequence of any such gift or procurement, he procures or engages, promises or endeavours the selection of any union making the claim as aforesaid or the vote of any worker.

(2) A worker is guilty of an offence who before or during the conduct of a poll directly or indirectly by himself or by any other person on his behalf, receives, agrees to receive or contracts for any money, gift, loan or valuable consideration, office, place of employment for himself or for any other person for voting or agreeing to vote or for refraining or agreeing to refrain from voting.

(3) A person is guilty of an offence, who, after the conduct of a poll directly or indirectly by himself or by any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting or having induced any other person to vote or refrain from voting.

(4) A person guilty of an offence against this regulation is liable on summary conviction to a fine of twenty thousand dollars.

Treating.

7. A person is guilty of an offence who corruptly by himself or any other person on his behalf, either before, during or after the conduct of a poll, directly or indirectly gives or provides or pays wholly or in part the expenses of giving or providing any food, drink, entertainment or provision to or for any person -

(a) for the purpose of corruptly influencing that

person or any other person to vote or refrain from voting at such conduct of the poll; or

- (b) on account of that person or any other person having voted or refrained from voting.

Board to
issue
Certificate
to
recognised
majority
Union.
Form 2
Schedule.

8. Where the Board determines an application for certification of recognition and is satisfied that the applicant trade union should be certified as the recognised majority union, it shall issue to that trade union a certificate in Form 2 in the Schedule.

Board to
issue
Certificate
of
recognition
to trade
unions
recognised
as bargaining
agents at
commencement
of the Act.
Form 3
Schedule.

9. Every trade union that at the commencement of the Act is entitled in accordance with section 32 to be treated as the recognised majority union in respect of a bargaining unit shall be issued by the Board a certificate in Form 3 in the Schedule.

Defacement
of notices
prohibited.

10. Any person who alters, defaces or removes any notice posted by the Board in accordance with its rules is guilty of an offence.

Offences
and
penalties.

11. A person who contravenes or fails to comply with any of these Regulations is guilty of an offence and, save in the case of an offence against regulation 6, is liable on summary conviction to a fine of twenty thousand dollars and in the case of a continuing offence to a further fine of one thousand dollars for each day the offence continues.

SCHEDULE

FORM 1

Reg.3

TRADE UNION (CERTIFICATION OF RECOGNITION) REGULATIONS, 1999

Application for Certification of Recognition

1. Name of Claimant Union

.....

Registered or Business Address

.....

2. Name of Employer

.....

Address

3. (a) Description of the bargaining unit for which certification is sought

.....

.....

.....

(b) The location (s) at which the workers in the above-mentioned bargaining unit normally work:

.....

.....

4. Approximate number of workers comprised in the bargaining unit for which the claimant union seeks certification:

.....

5. Approximate total number of workers employed in the undertaking of which the proposed bargaining unit forms a part:

6. Give the name of any other Trade Union representing or claiming to represent for collective bargaining purposes any or all of the workers covered by this application:

.....

.....

7. (a) Is there any existing or recently expired Collective Agreement pertaining to any or all of the workers covered by this application?

.....

(b) If known, give date of termination of Agreement:

.....

8. Other relevant statements (attach pages if necessary)

.....

.....

THE CLAIMANT UNION, hereby makes application pursuant to section 18 of the Act, to be certified by the Trade Union Recognition and Certification Board as the recognised majority union in respect of the workers in the bargaining unit hereinbefore described.

Made and Signed on behalf of the Claimant Union this day of . 19

Signature

Office Held

FORM 2

Reg. 8

TRADE UNION (CERTIFICATION OF RECOGNITION)

REGULATION, 1999

Certificate issued to Recognised Majority Union

Issued this day of 19.....

By virtue of and pursuant to the authority vested in it by section 22 of the Trade Union Recognition Act, 1997 the Trade Union Recognition and Certification Board hereby certifies

.....
(Name of Union)

as the recognised majority union in respect of the workers employed by:

.....
(Name of Employer)

and comprised in a bargaining unit as hereunder described:

.....
.....
.....

The number of workers in the bargaining unit aforesaid as at the relevant date, that is to say the

..... day of 19..... was

This Certificate is effective from the day of 19.....

(Seal of Board)

.....
Chairman

.....
Secretary

FORM 3

Reg. 9

TRADE UNION (CERTIFICATION OF RECOGNITION)

REGULATIONS 1999

Certificate issued to Recognised Majority Union

Issued this..... day of 19 Pursuant to the provisions of section 32 of the Trade Union Recognition Act 1997 the Trade Union Recognition and Certification Board hereby certifies:

..... (Name of Union)

as the recognised majority Union in respect of the workers employed by:

..... comprised in a bargaining unit as hereunder described

.....

The Union and the Employer herein mentioned are parties to a Collective Agreement dated

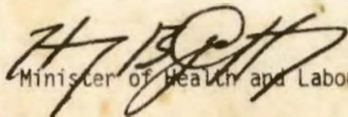
.....

..... Chairman

(Seal of Board)

..... Secretary

Made this 16th day of September, 1999.


Minister of Health and Labour