

Bill No. 13 of 1963 (L.A.)PUBLISHED 25TH MARCH, 1963

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LEGISLATURE,
Public Buildings,
Georgetown.
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The following Bill which will be introduced in the Legislative Assembly is published for general information.

I. CRUM EWING,
Clerk of the Legislature.

BILL NO. 13 OF 1963 (L.A.)
LABOUR RELATIONS BILL, 1963.

Arrangement of Sections

Section

1. Short title.
2. Interpretation.
3. Request for enquiry into claim by trade union to be recognised by employer.
4. Power of Minister to order inquiry.
5. Powers and duties of committee.
6. Ballot.
7. Power of Minister to award certificates to trade unions.
8. Penalty for failing to recognise certain trade union
9. Victimization.
10. Right of access to premises.
11. Protection of Commissioner of Labour from obstruction.
12. Offences by corporate body and officers.
13. Regulations.

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 :—

A.D. 1963.

1. This Ordinance may be cited as the Labour Relations Ordinance, 1963. Short title.

Interpretation.

2. In this Ordinance —
 “employer” includes any association of employers or the agent of any employer or association of employers;
 “the Commissioner of Labour” includes the Deputy Commissioner of Labour and any person authorised by the Commissioner to act on his behalf;
 “the Minister” means the Minister for the time being charged with responsibility for labour;
 “trade union” means any trade union registered under the provisions of the Trades Unions Ordinance;
 “workers” includes any category of workers in any industry, trade or undertaking.

Cap. 113.

Request for inquiry into claim by trade union to be recognised by employer.

- 3.(1) Where in the opinion of a trade union—
- (a) the majority of the workers employed by any employer desires to be represented by that trade union, and such employer does not recognise any trade union as a bargaining agent of such workers; or
 - (b) any other trade union recognised by an employer as a bargaining agent on behalf of workers in his employ does not appear to represent the majority of such workers; or
 - (c) an employer is recognising as bargaining agents on behalf of the workers in his employ more trade unions than are necessary for the purpose of representing such workers to the prejudice of the interests of such workers,
- the trade union may by application in writing request the Minister to direct that an inquiry be held under the provisions of this Ordinance.

(2) Where a trade union presents an employer with a claim to be recognised as the bargaining agent for any workers in his employ and includes in that claim any opinion held by it within the meaning of the preceding subsection, he may by application in writing request the Minister to direct that an inquiry be held under the provisions of this Ordinance.

(3) Nothing in the preceding subsection shall be held to preclude the making of an application under subsection (1) of this section.

Power of Minister to order inquiry.

4. Where any application has been made to the Minister under the provisions of section 3 of this Ordinance, the Minister may subject to the provisions of subsection (2) of section 6 of this Ordinance, within thirty days of the receipt of such application, appoint a committee of not less than three persons to inquire into the claim of the trade union and to determine whether the application is in respect of a unit of workers appropriate for effective bargaining purposes.

Powers and duties of committee.

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 inquiry 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 and producing any books, plans and documents.

(2) Any person who refuses to appear before the committee after having been served with a notice so to do, or who having appeared before the committee, refuses without sufficient cause to answer any questions in relation to any matter, or who refuses or omits without sufficient cause to produce any books, plans or documents in his possession, or under his control, and mentioned or referred to in the said notice relevant to the inquiry, shall be liable on summary conviction to a fine not exceeding one hundred dollars.

(3) A person giving evidence before the committee shall not be compellable to criminate himself and every person shall, in respect of any evidence given by him before the committee, be entitled to all privileges to which a witness giving evidence before the Supreme Court is entitled in respect of evidence given by him before such Court.

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

6.(1) Where the committee reports that the application is reasonable and that it is in respect of a unit of workers appropriate for effective bargaining purposes, 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. Ballot.

(2) Where application is made to the Minister in pursuance of the provisions of section 3 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 4 of this Ordinance, determine whether the application is reasonable and is in respect of a unit appropriate for effective bargaining purposes and may direct the Commissioner of Labour to ascertain the views of the workers concerned by taking a secret ballot and to report the result thereof to him.

(3) No ballot shall be held under the provisions of this section more than once in any period of twelve months in respect of the same workers in a particular industry, trade or undertaking.

(4) Nothing in this or the next succeeding section shall be construed to prohibit a consent election in conformity with regulations made by the Minister and in respect of which subsection (1) or (2) of the next succeeding section shall apply, as the case may be.

(5) For the purposes of the preceding subsection the expression "consent election" means an election in respect of the holding of which there is agreement between the employer and the unions participating in a secret ballot.

7.(1) Where as a result of any ballot held under the provisions of this Ordinance in respect of any question arising under section 3 hereof the Minister is satisfied that the majority of the workers 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 and to serve a copy thereof, duly signed by the Commissioner of Labour, on the employer and the employer shall from the date of the certificate deal exclusively with that trade union in respect of all questions arising between any worker and the employer in connection with the employment or non-employment or the terms and conditions of employment of any person in a particular industry, trade or undertaking. Power of Minister to award certificates to trade unions.

(2) Upon the issue of a certificate under the provisions of this Ordinance a certificate previously issued in respect of the representation of the same workers shall cease to be of effect and shall for all purposes connected with this Ordinance be deemed to have been superseded by the new certificate:

Provided that where a certificate previously issued is in respect of workers including some other than those in respect of whom the new certificate is issued, the certificate previously issued shall continue to have effect with respect to such other workers.

8. Any employer who fails to recognise and negotiate with any trade union granted a certificate under the provisions of section 7 of this Ordinance shall be liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment, and to a further fine not exceeding one hundred dollars for each day during which he continues to fail to recognise such trade union. Penalty for failure to recognise certain trade union.

9.(1) No employer shall terminate the employment of any worker or demote any worker solely 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 contravenes the provisions of this section shall be liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

10.(1) The officers of any trade union required to be recognised by this Ordinance, shall, at all reasonable times, have access to the premises of an employer for the purposes of investigating any grievances or the conditions of work of any worker or for the purpose of Right of access to business premises.

carrying out their lawful duties as officers of the trade union on behalf of its members.

(2) Any employer who refuses to allow the officers of any trade union free access to his premises in contravention of the provisions of this section shall be liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(3) Any person who obstructs, impedes or resists an officer of a trade union required to be recognised by this Ordinance in the course of an investigation into the grievances or conditions of work of any worker or for the purpose of carrying out his lawful duties as an officer of the trade union on behalf of its members shall be liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

Protection of
Commissioner
of Labour
from
obstruction.

11.(1) The Commissioner of Labour shall have the right of access to any premises to enable him to carry out the functions and duties conferred upon him under the provisions of this Ordinance.

(2) Anyone who obstructs, impedes or resists the Commissioner of Labour in the performance of his duties arising under the provisions of this Ordinance shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

Offences by
corporate body
and officers.

12.(1) Where a corporate body has contravened any of the provisions of this Ordinance, the body and every officer thereof shall be liable to the penalties provided by this Ordinance.

(2) Where on any prosecution of an officer aforesaid (whether charged separately or jointly with a corporate body) it is proved that the corporate body has contravened the provisions of this Ordinance, the officer shall be deemed to have committed the offence, unless he proves that he was not a party to the contravention of the Ordinance by the corporate body.

(3) For the purposes of this section, the word "officer" in relation to a body corporate includes a director, manager or secretary.

Regulations.

13. The Minister may make regulations generally for the purpose of enabling the provisions of this Ordinance to be given effect.

OBJECTS AND REASONS

This Bill seeks to ensure the compulsory recognition by employers as bargaining agents on behalf of workers those unions which, after due inquiry, appear to the Minister of Labour, to be truly representative of the workers in the particular industry, trade 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 five hundred dollars or to imprisonment for a term not exceeding twelve months, or to both such fine and imprisonment, and to a continuing penalty not exceeding one hundred dollars for each day during which he continues to fail to recognise such trade union.

RANJI CHANDISINGH.

Minister of Labour, Health and Housing.

(M.P. L: 56/7/17)
(Bill 13/1963(L.A.).)