



Secretariat Unit

Bill Essentials

The Industrial Relations (Amendment) Bill,
2015

An Act to amend the Industrial Relations Act, Chap. 88:01

Bill No: HOR Bill 5 of 2015

Introduced in: The House of Representatives

Introduced on: May 1, 2015

Introduced by: Hon. Errol McLeod, MP [Minister of Labour and Small and Micro Enterprise Development]



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Background

The Industrial Relations (Amendment) Bill, 2015¹ was introduced and read for a first time in the House of Representatives by the Hon. Errol Mc. Leod, MP, Minister of Labour and Small and Micro Enterprise Development.

Purpose of the Bill

The Bill seeks to amend the Industrial Relations Act, Chap. 88:01² to strengthen and improve the industrial relations system in Trinidad and Tobago by making the system more efficient, more effective and more expeditious from the recognition of the union to dispute settlement. There is also a need to create an independent dispute settlement process in the formation of the Conciliation and Mediation Service ("CAMS") and to foster the independence of the Industrial Court.

Legislation mentioned in the Bill

Constitution of the Republic of Trinidad and Tobago³

Major changes proposed by Legislation

Appointment to Industrial Court

The Act provides that the Court shall consist of two divisions, each consisting of a Chairman and such number of other members being not less than two, as may be appointed by the President of Trinidad and Tobago.

The Bill provides that the Chairman and Justices will be appointed in accordance with the provisions of the Constitution.

Qualifications of Secretary and Examiners of the Registration Recognition and Certification Board (the Board)

The Bill provides that the Secretary to the Board shall be a person with qualifications, preferably a Master's degree, in industrial relations, law or social sciences. Examiners will be required to have qualifications in industrial relations, law, accountancy or social sciences.

Composition of the Board

The Act provides that applications for *inter alia* certification and recognition are to be heard before a majority of the Board. The Bill makes new provision for such matters to be heard by:

- 1) the Chairman; and
- 2) at least three (3) members, one of whom must be a member appointed under section 21(3)(b)(iii)

¹ <http://www.ttparliament.org/legislations/b2015h05.pdf>

² http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/88.01.pdf

³ <http://rgd.legalaffairs.gov.tt/Laws2/Constitution.pdf>

Section 21(3)(b)(iii) provides that two persons appointed to the Board must be persons jointly nominated by organizations or other bodies most representative of workers and employers.

Determination of Recognised Majority Union

Section 34 of the Act provides that where it appears to the Board that more than one union has as members in good standing more than fifty per cent of workers in an appropriate bargaining unit, it shall certify the union which has the greatest support of the workers.

The Bill makes provision for an objection to be raised by an employer, another trade union or the Registrar of trade unions that:

- (a) the claim made by a union seeking to be recognized is false; and
- (b) the accounting of the union is false;
- (c) the union has filed false membership records; or
- (d) there has been some other allegation of irregularity in the operation of the union.

The Bill also imposes a time limit wherein an objection must be filed no later than twenty-eight days from the date of the application for certification of recognition.

Certification for Recognition for Short-Term Projects

The Bill makes new provision for a trade union wishing to obtain a certification of recognition for the purposes of a short-term project. Once an application for certification is made under the new Part IIIA, it cannot be withdrawn without the consent of the Chairman of the Board. The Union having the highest percentage, being not less than thirty-three and one-third per cent, of the workers comprised in the bargaining unit.

The Bill provides that members aggrieved by the representation of a union recognized under Part IIIA, may petition the Court to cancel a certificate of recognition or for any other relief as the Court may determine. For the purposes of the settlement of trade disputes, short-term projects are to be treated as essential services.

Chief Conciliator-Mediator, Conciliation and Mediation Service

The Bill provides that the disputes procedures under the Industrial Relations Act will no longer be managed by the Minister of Labour but the Chief Conciliator of the Conciliation and Mediation Service.

Reporting of Trade Dispute

Section 51 provides that trade disputes may only be reported to the employer, the recognised majority union, or where there is no recognised majority union any trade union of which the worker is member. The Bill now provides that a trade dispute may also be reported by a person, who in the opinion of the Board:

- I. is responsible for the formulation of policy in any undertaking or business or the effective control of the whole or any department of any undertaking or business;
- or;

- II. has an effective voice in the formulation of policy in any undertaking or business

Time frame for reporting disputes

Currently, a trade dispute may not be reported to the Minister if more than six months elapsed since the issue giving rise to the dispute. The Minister may however grant an extension of time in his discretion. The Bill extends the time frame for reporting a trade dispute to two years. The discretion to extend time for the reporting of the trade dispute is also removed.

Cancellation of Certificate of Recognition and Sanctions for failing to represent a member/worker

The Bill provides that it shall be duty of every certified recognized majority union to properly represent every worker in every bargaining unit for which it is certified. Clause 24 provides that , a trade union member or a worker of a designated bargaining unit aggrieved by the representation or non-representation of a recognized majority union may petition the Court to seek the cancellation of the certificate of recognition of the trade union or for such other sanctions as the Court deems fit.

Conciliation and Mediation Service

The Bill makes provision for the establishment of an Authority to be known as the Conciliation and Mediation Service. The functions are, *inter alia*, to

- a) promote the improvement of industrial relations and in particular to encourage the extension of collective bargaining;
- b) propose draft regulations for the conduct of collective negotiations, including time limits, to ensure that agreements are registered during their contractual period;
- c) provide conciliation or mediation services subject to Part V to bring about a 30 settlement of a trade dispute which exists, is reported or apprehended;
- d) provide conciliation or mediation services by a servant or officer known as a Conciliation or Mediation Officer;
- e) provide general advice or guidance to employers, employers' organizations, workers and trade unions;
- f) publish such general advice and guidance on matters concerned with industrial relations and employment policies in the Gazette and in at least one daily newspaper circulating in Trinidad and Tobago;
- g) inquire, if it thinks fit, into any question relating to industrial relations in any particular industry or in any particular undertaking or part of an undertaking; and
- h) to publish the findings of an 31 inquiry under this section together with any advice given if it thinks fit.

Office of Economic, Legal and Industrial Relations Research

The Bill makes provision the staffing of the Office, comprising:

- a) an Executive Director and a Deputy Executive Director, both of whom shall have at least an advance degree in law, industrial relations or economics;

- b) a Head of Legal Research;
- c) a Statistician;
- d) a Labour Economist; and
- e) such other officers, including officers with training, qualifications or experience in law, industrial relations and social science, as are required to assist in the effective management and delivery of the services of the Office of Economic, Legal and Industrial Relations Research and the Court.

The Executive Director is mandated to carry out directions given to him by the President of the Court in pursuance of the functions of the Office of Economic, Legal and Industrial Relations Research.

Key Features of proposed Legislation

1. Clause 1 of the Bill would provide for the title of the Bill.
2. Clause 2 of the Bill would allow for the Act to come into operation by Proclamation.
3. Clause 3 of the Bill would provide for the Act to have effect even though inconsistent with sections 4 and 5 the Constitution.
4. Clause 4 of the Bill would provide for the interpretation of the words “the Act” to mean the Industrial Relations Act.
5. Clause 5 of the Bill would provide for the definition of expressions used throughout the Bill.
6. Clause 6 of the Bill would generally delete the words “members” and “member” whenever they occur in Part I of the Act and substitute the words “Justices” and “Justice” respectively.
7. Clause 7 of the Bill would amend by deleting the words “by the President of Trinidad and Tobago who shall in every instrument of appointment” and substituting the words “in accordance with the Constitution”
8. Clause 8 of the Bill would provide for the repeal of section 5 of the Act.
9. Clause 9 of the Bill would amend section 7 of the Act to empower the Court to hear and determine matters brought before it under the Act and other written laws and to impose fines up to a maximum of seventy-five thousand dollars for failure to comply with orders or awards.
10. Clause 10 of the Bill would provide for the insertion of a new section 22A which would spell out the qualifications of the Secretary and other officers of the Registration Recognition and Certification Board.
11. Clause 11 of the Bill would amend section 23 of the Act to provide for the composition of the Registration Recognition and Certification Board which will be dealing with applications for certification and recognition among other things.
12. Clause 12 of the Bill would provide for the changes in the quorum for meetings.
13. Clause 13 of the Bill would amend section 32 of the Act to provide for the determination of applications for recognition within six months of the date of application.
14. Clause 14 of the Bill would repeal and replace section 34(2) of the Act to provide for certification of a union as the recognized union by the Board once objections to a claim for recognition or there have been allegations of irregularities in the operation of claimant union has been answered satisfactorily.

15. Clause 15 of the Bill would amend section 35 of the Act by deleting the words “Part” and “Part IV” and substituting the words “Act” and “this Act” respectively.
16. Clause 16 of the Bill would amend section 40 of the Act by deleting the word “Part” and substituting the word “Act”.
17. Clause 17 of the Bill would amend section 41 of the Act by deleting the words “Board” whenever it occurs and “37(2)” and substituting the words “or Chairman as provided for in Part IIIA” and “or 42D” respectively.
18. Clause 18 of the Bill would amend the Act to insert provisions of a new Part IIIA to confer on the Chairman of the Registration Recognition and Certification Board, the power to grant short-term certification of recognized majority unions.
19. Clause 19 of the Bill would amend Part V of the Act by deleting the word “Minister” and substituting the words “Chief Conciliator-Mediator of CAMS”.
20. Clause 20 of the Bill would amend the Act by deleting the requirement of a worker to be in good standing in his union. It also widens the definition of “employer” to include those persons who employs one or more worker in a domestic capacity. Additionally, it provides for persons not defined as “workers” under the Act to pursue rights matters under the disputes procedure of the Act, whilst increasing the statutory limit for bringing a matter from six months to two years.
21. Clauses 21, 22 and 23 of the Bill would provide for the decriminalization of the Act by removing terms of imprisonment and substituting them with fines. Additionally, persons who belong to trade unions, other organizations or office holders who take industrial action in the Health Service and who are found liable, will be fined as such matters are now triable at the Industrial Court.
22. Clause 24 of the Bill provides for the insertion of a new Part VA which makes it a duty for a recognized union to represent all workers of the bargaining unit which they represent, whether or not, the worker is a member of the union, with the Court imposing sanctions on, or decertifying the union for such breaches. Part VB would provide for the establishment of a body corporate to provide independent conciliation and mediation service (CAMS).
23. Clause 25 of the Bill provides for the institution of prosecution by, or with the consent of the Director of Public Prosecutions, for persons in contravention of sections 69 and 70.
24. Clause 26 of the Bill would provide for the making of Regulations by the President of the Republic of Trinidad and Tobago, with the contravention of such Rules resulting in increased fines for the offence and for each day it continues. It will also provide for Regulations to be made for matters concerning persons employed by a householder in any capacity of a domestic nature.
25. Clause 27 of the Bill would, after the Act comes into operation, allow the Office of Economic Research to become more contemporary and efficient with the addition of the words “Legal” and “Relations” to its name. It also provides for inclusion of legal officers, labour economists and other public officers on its staff.

Table of Amendments

Section	Extent of Amendment
<p>2(1) In this Act—</p> <p>“bargaining agent” means a trade union certified as such by the Board with respect to a bargaining unit for the purpose of collective bargaining;</p> <p>“bargaining unit” means that unit of workers determined by the Board as an appropriate bargaining unit;</p> <p>“Board” means the Registration Recognition and Certification Board established under section 21;</p> <p>“collective agreement” means an agreement in writing between an employer and the recognised majority union on behalf of workers employed by the employer in a bargaining unit for which the union is certified, containing provisions respecting terms and conditions of employment of the workers and the rights, privileges or duties of the employer or of the recognised majority union or of the workers, and for the regulation of the mutual relationship between an employer and the recognised majority union;</p> <p>“collective bargaining” means treating and negotiating with a view to the conclusion of a collective agreement or the revision or renewal thereof or the resolution of disputes;</p> <p>“company” means a body corporate and an unincorporated association and includes a partnership and a firm;</p> <p>“Court” means the Industrial Court established under this Act;</p> <p>“employer” means a person who employs a worker and the term shall include—</p> <p>(a) such persons acting jointly for the purpose of collective bargaining;</p> <p>(b) an association or organisation of employers that is a trade union registered under the Trade Unions Act; and</p> <p>(c) a person for whose benefit work or duties is or are performed by a worker under a labour only contract, within the meaning of subsection (4)(b);</p> <p>“essential industry” means an industry specified in the First Schedule;</p>	<p>2 (1) In this Act—</p> <p>“bargaining agent” means a trade union certified as such by the Board with respect to a bargaining unit for the purpose of collective bargaining;</p> <p>“bargaining unit” means that unit of workers determined by the Board as an appropriate bargaining unit;</p> <p>“Board” means the Registration Recognition and Certification Board established under section 21;</p> <p>“CAMS” means the Conciliation and Mediation Service established under section 70F(1);</p> <p>“collective agreement” means an agreement in writing between an employer and the recognised majority union on behalf of workers employed by the employer in a bargaining unit for which the union is certified, containing provisions respecting terms and conditions of employment of the workers and the rights, privileges or duties of the employer or of the recognised majority union or of the workers, and for the regulation of the mutual relationship between an employer and the recognised majority union;</p> <p>“collective bargaining” means treating and negotiating with a view to the conclusion of a collective agreement or the revision or renewal thereof or the resolution of disputes;</p> <p>“company” means a body corporate and an unincorporated association and includes a partnership and a firm;</p> <p>“Court” means the Industrial Court established under this Act;</p> <p>“employer” subject to subsection (8) and section 51(5A), means a person who employs a worker and the term shall include—</p> <p>(a) such persons acting jointly for the purpose of collective bargaining;</p>

<p>“essential services” means the services set out in the Second Schedule;</p> <p>“former Act” means the Industrial Stabilisation Act 1965 (repealed by this Act);</p> <p>“industrial action” means strikes and lockouts, and any action, including sympathy strikes and secondary boycotts (whether or not done in contemplation of, or in furtherance of, a trade dispute), by an employer or a trade union or other organisation or by any number of workers or other persons to compel any worker, trade union or other organisation, employer or any other person, as the case may be, to agree to terms of employment, or to comply with any demands made by the employer or the trade union or other organisation or by those workers or other persons, and includes action commonly known as a “sit-down strike”, a “go-slow” or a “sick-out”, except that the expression does not include—</p> <p>(a) a failure to commence work in any agricultural undertaking where work is performed by task caused by a delay in the conclusion of customary arrangements between employers and workers as to the size or nature of a task; and</p> <p>(b) a failure to commence work or a refusal to continue working by reason of the fact that unusual circumstances have arisen which are hazardous or injurious to health or life;</p> <p>“lockout” means the closing of a place of employment or the suspension of work by an employer or the refusal by an employer to employ or continue to employ any number of workers employed by him, done with a view to induce or compel workers employed by him to agree to terms or conditions of, or affecting employment, but does not include the closing of a place of employment for the protection of property or persons therein;</p> <p>“Municipal Council” means the Council of a Municipal Corporation within the meaning of the Municipal Corporations Act;</p> <p>“office”, in relation to a trade union or other organisation means—</p> <p>(a) the office of a member of the committee of management of the trade union or other organisation;</p>	<p>(b) an association or organisation of employers that is a trade union registered under the Trade Unions Act; and</p> <p>(c) a person for whose benefit work or duties is or are performed by a worker under a labour only contract, within the meaning of subsection (4)(b);</p> <p>“essential industry” means an industry specified in the First Schedule;</p> <p>“essential services” means the services set out in the Second Schedule;</p> <p>“former Act” means the Industrial Stabilisation Act 1965 (repealed by this Act);</p> <p>“industrial action” means strikes and lockouts, and any action, including sympathy strikes and secondary boycotts (whether or not done in contemplation of, or in furtherance of, a trade dispute), by an employer or a trade union or other organisation or by any number of workers or other persons to compel any worker, trade union or other organisation, employer or any other person, as the case may be, to agree to terms of employment, or to comply with any demands made by the employer or the trade union or other organisation or by those workers or other persons, and includes action commonly known as a “sit-down strike”, a “go-slow” or a “sick-out”, except that the expression does not include—</p> <p>(a) a failure to commence work in any agricultural undertaking where work is performed by task caused by a delay in the conclusion of customary arrangements between employers and workers as to the size or nature of a task; and</p> <p>(b) a failure to commence work or a refusal to continue working by reason of the fact that unusual circumstances have arisen which are hazardous or injurious to health or life;</p> <p>“lockout” means the closing of a place of employment or the suspension of work by an employer or the refusal by an employer to employ or continue to employ any number of workers employed by him, done with a view to induce or compel workers employed by him to agree to terms or conditions of, or affecting employment, but does not include the closing of a place of</p>
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<p>(b) the office of president-general, president, vice-president, secretary, assistant-secretary, shop steward or other executive officer, by whatever name called, of the trade union or other organisation;</p> <p>(c) the office of a person holding, whether as a trustee or otherwise, property of the trade union or other organisation or property in which the trade union or other organisation has any beneficial interest; and</p> <p>(d) every office within the trade union or other organisation for the filling of which an election is conducted within the trade union or other organisation;</p> <p>“person” includes a company and a trade union;</p> <p>“recognised majority union” means a trade union certified under Part III as the bargaining agent for workers comprised in a bargaining unit;</p> <p>“Registrar” means the person for the time being performing the duties of Registrar of the Court and includes any Deputy or Assistant Registrar;</p> <p>“strike” means a cessation of work, a refusal to work, to continue to work or to take up work by workers acting in concert or in accordance with a common understanding, or other concerted activity on the part of workers in contemplation of, or in furtherance of, a trade dispute, except that the expression does not include action commonly known as a “sit-down strike”, “go-slow” or “sick-out”;</p> <p>“trade dispute” or “dispute”, subject to subsection (2), means any dispute between an employer and workers of that employer or a trade union on behalf of such workers, connected with the dismissal, employment, non-employment, suspension from employment, refusal to employ, re-employment or reinstatement of any such workers, including a dispute connected with the terms and conditions of the employment or labour of any such workers, and the expression also includes a dispute between workers and workers or trade unions on their behalf as to the representation of a worker (not being a question or difference as to certification of recognition under Part III);</p>	<p>employment for the protection of property or persons therein;</p> <p>“Minister” means the Minister with responsibility for labour;”</p> <p>“Municipal Council” means the Council of a Municipal Corporation within the meaning of the Municipal Corporations Act;</p> <p>“office”, in relation to a trade union or other organisation means—</p> <p>(a) the office of a member of the committee of management of the trade union or other organisation;</p> <p>(b) the office of president-general, president, vice-president, secretary, assistant-secretary, shop steward or other executive officer, by whatever name called, of the trade union or other organisation;</p> <p>(c) the office of a person holding, whether as a trustee or otherwise, property of the trade union or other organisation or property in which the trade union or other organisation has any beneficial interest; and</p> <p>(d) every office within the trade union or other organisation for the filling of which an election is conducted within the trade union or other organisation;</p> <p>“person” includes a company and a trade union;</p> <p>“recognised majority union” means a trade union certified under Part III or Part 111A as the bargaining agent for workers comprised in a bargaining unit;</p> <p>“Registrar” means the person for the time being performing the duties of Registrar of the Court and includes any Deputy or Assistant Registrar;</p> <p>“strike” means a cessation of work, a refusal to work, to continue to work or to take up work by workers acting in concert or in accordance with a common understanding, or other concerted activity on the part of workers in contemplation of, or in furtherance of, a trade dispute, except that the expression does not include action commonly known as a “sit-down strike”, “go-slow” or “sick-out”;</p> <p>“trade dispute” or “dispute”, subject to subsection (2), means any dispute between an employer and</p>
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<p>“trade union” or “union” means an association or organisation registered as a trade union under the Trade Unions Act, not being an association or organisation of employers registered as a trade union under that Act;</p> <p>“worker”, subject to subsection (3), means—</p> <p>(a) any person who has entered into or works under a contract with an employer to do any skilled, unskilled, manual, technical, clerical or other work for hire or reward, whether the contract is expressed or implied, oral or in writing, or partly oral and partly in writing, and whether it is a contract of service or apprenticeship or a contract personally to execute any work or labour;</p> <p>(b) any person who by any trade usage or custom or as a result of any established pattern of employment or recruitment of labour in any business or industry is usually employed or usually offers himself for and accepts employment accordingly; or</p> <p>(c) any person who provides services or performs duties for an employer under a labour only contract, within the meaning of subsection (4)(b); and includes</p> <p>(d) any such person who—</p> <p>(i) has been dismissed, discharged, retrenched, refused employment, or not employed, whether or not in connection with, or in consequence of, a dispute; or</p> <p>(ii) whose dismissal, discharge, retrenchment or refusal of employment has led to a dispute; or</p> <p>(e) any such person who has ceased to work as a result of a lockout or of a strike, whether or not in contravention of Part V, as the case may be.</p> <p>(3) For the purposes of this Act, no person shall be regarded as a worker, if he is—</p> <p>(a) a public officer, as defined by section 3 of the Constitution;</p> <p>(b) a member of the Defence Force or any ancillary force or service thereof, or of the Police, Fire or Prison Service or of the Police Service of any Municipality, or a person who is employed as a rural constable or estate constable;</p> <p>(c) a member of the Teaching Service as defined in the Education Act, or is employed in a teaching</p>	<p>workers of that employer or a trade union on behalf of such workers, connected with the dismissal, employment, non-employment, suspension from employment, refusal to employ, re-employment or reinstatement of any such workers, including a dispute connected with the terms and conditions of the employment or labour of any such workers, and the expression also includes a dispute between workers and workers or trade unions on their behalf as to the representation of a worker, (not being a question or difference as to certification of recognition under Part III);</p> <p>“trade union” or “union” means an association or organisation registered as a trade union under the Trade Unions Act, not being an association or organisation of employers registered as a trade union under that Act;</p> <p>“worker”, subject to subsection (3), means—</p> <p>(a) any person who has entered into or works under a contract with an employer to do any skilled, unskilled, manual, technical, clerical or other work for hire or reward, whether the contract is expressed or implied, oral or in writing, or partly oral and partly in writing, and whether it is a contract of service or apprenticeship or a contract personally to execute any work or labour;</p> <p>(b) any person who by any trade usage or custom or as a result of any established pattern of employment or recruitment of labour in any business or industry is usually employed or usually offers himself for and accepts employment accordingly; or</p> <p>(c) any person who provides services or performs duties for an employer under a labour only contract, within the meaning of subsection (4)(b) and includes</p> <p>(d) any such person who—</p> <p>(i) has been dismissed, discharged, retrenched, refused employment, or not employed, whether or not in connection with, or in consequence of, a dispute; or</p> <p>(ii) whose dismissal, discharge, retrenchment or refusal of employment has led to a dispute; or</p>
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<p>capacity by a university or other institution of higher learning;</p> <p>(d) a member of the staff and an employee of the Central Bank established under the Central Bank Act;</p> <p>(e) a person who, in the opinion of the Board— (i) is responsible for the formulation of policy in any undertaking or business or the effective control of the whole or any department of any undertaking or business; or (ii) has an effective voice in the formulation of policy in any undertaking or business;</p> <p>(f) employed in any capacity of a domestic nature, including that of a chauffeur, gardener or handyman in or about a private dwelling house and paid by the householder;</p> <p>(g) an apprentice within the meaning of the Industrial Training Act.</p>	<p>(e) any such person who has ceased to work as a result of a lockout or of a strike, whether or not in contravention of Part V, as the case may be.</p> <p>(3) For the purposes of this Act, no person shall be regarded as a worker, if he is—</p> <p>(a) a public officer, as defined by section 3 of the Constitution;</p> <p>(b) a member of the Defence Force or any ancillary force or service thereof, or of the Police, Fire or Prison Service or of the Police Service of any Municipality, or a person who is employed as a rural constable or estate constable;</p> <p>(c) a member of the Teaching Service as defined in the Education Act, or is employed in a teaching capacity by a university or other institution of higher learning;</p> <p>(d) a member of the staff and an employee of the Central Bank established under the Central Bank Act;</p> <p>(e) a person who,— (i) is responsible for the formulation of policy in any undertaking or business or the effective control of the whole or any department of any undertaking or business; or (ii) has an effective voice in the formulation of policy in any undertaking or business;</p> <p>New Subsection 2(8)</p> <p>(8) Subject to section 51(5A), for the purposes of this Act, “employer” does not include a householder who employs not more than three workers in any capacity of a domestic nature, including that of a chauffeur, gardener or handyman in, or about a private dwelling house.</p>
<p>4. (1) For the purposes of this Act, there is hereby established an Industrial Court which shall be a superior Court of record and shall have in addition to the jurisdiction and powers conferred on it by this Act all the powers inherent in such a Court.</p> <p>(2) The Court shall have an official seal which shall be judicially noticed in all Courts.</p> <p>(2A) The Court shall consist of two divisions, each consisting of a Chairman and such number of other members being not less than two, as may be appointed by the President of Trinidad and</p>	<p>4. (1) For the purposes of this Act, there is hereby established an Industrial Court which shall be a superior Court of record and shall have in addition to the jurisdiction and powers conferred on it by this Act all the powers inherent in such a Court.</p> <p>(2) The Court shall have an official seal which shall be judicially noticed in all Courts.</p> <p>(2A) The Court shall consist of two divisions, each consisting of a Chairman and such number of other members being not less than two, as may be appointed in accordance with the Constitution</p>

<p>Tobago who shall in every instrument of appointment indicate to which division appointment is being made.</p> <p>(2B) The two divisions are—</p> <p>(a) the General Services Division which shall have and exercise the jurisdiction of the Court as set out in section 7 with respect to services other than essential services; and</p> <p>(b) the Essential Services Division which shall have and exercise the jurisdiction of the Court as set out in section 7 with respect to essential services.</p> <p>(2C) The Special Tribunal established by the Civil Service Act, and referred to in the Police Service Act, the Fire Service Act, the Prison Service Act, the Education Act, the Supplemental Police Act and the Central Bank Act, shall consist of the Chairman of the Essential Services Division and two other members of that Division selected by him, and shall hear and determine disputes arising in the Civil Service, the Police Service, the Fire Service, the Prison Service, the Teaching Service, the Supplemental Police and the Central Bank as if those disputes arose in essential services.</p> <p>(2D) A person appointed to the Court as a member of one Division or deemed by this Act to be such a member, may not sit as a member of the other Division unless invited to do so by the Chairman of that other division, but while so sitting shall exercise all the functions of a member of that other Division.</p> <p>(3) The Court shall consist of the following members:</p> <p>(a) a President of the Court who shall be—</p> <p>(i) a Judge of the Supreme Court of Judicature designated, with his consent, by the President of Trinidad and Tobago after consultation with the Chief Justice; or</p> <p>(ii) a person who has the qualification (age excepted) to be appointed a Judge of the Supreme Court of Judicature and is appointed by the President of Trinidad and Tobago after consultation with the Chief Justice, but a Judge designated President of the Court under subparagraph (i) shall be deemed not to have ceased to hold his substantive office of Judge of the Supreme Court of Judicature by reason only</p>	<p>and whose instrument of appointment shall indicate to which division appointment is being made.</p> <p>(2B) The two divisions are—</p> <p>(a) the General Services Division which shall have and exercise the jurisdiction of the Court as set out in section 7 with respect to services other than essential services; and</p> <p>(b) the Essential Services Division which shall have and exercise the jurisdiction of the Court as set out in section 7 with respect to essential services.</p> <p>(2C) The Special Tribunal established by the Civil Service Act, and referred to in the Police Service Act, the Fire Service Act, the Prison Service Act, the Education Act, the Supplemental Police Act and the Central Bank Act, shall consist of the Chairman of the Essential Services Division and two other members of that Division selected by him, and shall hear and determine disputes arising in the Civil Service, the Police Service, the Fire Service, the Prison Service, the Teaching Service, the Supplemental Police and the Central Bank as if those disputes arose in essential services.</p> <p>(2D) A person appointed to the Court as a member of one Division or deemed by this Act to be such a member, may not sit as a member of the other Division unless invited to do so by the Chairman of that other division, but while so sitting shall exercise all the functions of a member of that other Division.</p> <p>SUBSECTION (3) REPEALED</p> <p>(3A) The President of the Court shall be the Chairman of the Division of which he is a member and the Vice-President of the Court shall, where he is not a member of the Division of which the President is Chairman, be the Chairman of the other Division.</p> <p>In every case where the Vice-President of the Court is a member of the same division as the President of the Court or where there is no Vice-President, the Chairman of the other Division shall be so appointed by the President of Trinidad and Tobago.</p>
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<p>of such designation and the provisions of section 136(2) of the Constitution shall be deemed to apply to proceedings in the Court:</p> <p>(b) a Vice-President of the Court, who shall be an Attorney-at-law of not less than ten years standing, appointed by the President of Trinidad and Tobago;</p> <p>(c) such number of other members as may be determined by the President of Trinidad and Tobago from time to time who shall be appointed by the President of Trinidad and Tobago from among persons experienced in industrial relations or qualified as economists or accountants, or who are Attorneys-at-law of not less than five years standing.</p> <p>(3A) The President of the Court shall be the Chairman of the Division of which he is a member and the Vice-President of the Court shall, where he is not a member of the Division of which the President is Chairman, be the Chairman of the other Division.</p> <p>In every case where the Vice-President of the Court is a member of the same division as the President of the Court or where there is no Vice-President, the Chairman of the other Division shall be so appointed by the President of Trinidad and Tobago.</p> <p>(4) Where for any reason the President of the Court is unable to carry out his functions under this Act, the President of Trinidad and Tobago may designate the Vice-President of the Court to act in his place until the President of the Court is again able to carry out such functions or until another person is designated or appointed as President of the Court.</p> <p>(5) Where for any reason the Vice-President of the Court is unable to carry out his functions under this Act, the President of Trinidad and Tobago may designate a person who is qualified for appointment as such to act in his place until the Vice-President of the Court is again able to carry out such functions or until another person is appointed Vice-President of the Court.</p> <p>(6) Subject to subsections (4) and (5), where for any reason any member of the Court, other than the President of the Court or Vice-President of the</p>	<p>(4) Where for any reason the President of the Court is unable to carry out his functions under this Act, the President of Trinidad and Tobago may designate the Vice-President of the Court to act in his place until the President of the Court is again able to carry out such functions or until another person is designated or appointed as President of the Court.</p> <p>(5) Where for any reason the Vice-President of the Court is unable to carry out his functions under this Act, the President of Trinidad and Tobago may designate a person who is qualified for appointment as such to act in his place until the Vice-President of the Court is again able to carry out such functions or until another person is appointed Vice-President of the Court.</p> <p>(6) Subject to subsections (4) and (5), where for any reason any member of the Court, other than the President of the Court or Vice-President of the Court, is unable to carry out his functions under this Act, the President of Trinidad and Tobago may appoint some other duly qualified person to be a member of the Court for the period of such inability.</p> <p>(7) A person appointed to act under subsection (4), (5) or (6) shall have and exercise the same powers and authority as the member of the Court for whom he is acting.</p> <p>(8) A member of the Court appointed, other than under subsection (3)(a)(i), may be removed from office during his term of office only for inability to perform the functions of his office (whether arising from infirmity of mind or body or any other cause or for misbehaviour), but shall not be removed except in accordance with section 106 of the Constitution.</p> <p>(9) Notwithstanding that his term of office has expired, a member of the Court, other than one designated under subsection (3)(a)(i), may, with the permission of the President of Trinidad and Tobago acting in accordance with the advice of the President of the Court, continue in office for such period after the end of his term as may be necessary to enable him to deliver judgment or to do any other thing in relation to proceedings that</p>
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<p>Court, is unable to carry out his functions under this Act, the President of Trinidad and Tobago may appoint some other duly qualified person to be a member of the Court for the period of such inability.</p> <p>(7) A person appointed to act under subsection (4), (5) or (6) shall have and exercise the same powers and authority as the member of the Court for whom he is acting.</p> <p>(8) A member of the Court appointed, other than under subsection (3)(a)(i), may be removed from office during his term of office only for inability to perform the functions of his office (whether arising from infirmity of mind or body or any other cause or for misbehaviour), but shall not be removed except in accordance with section 106 of the Constitution.</p> <p>(9) Notwithstanding that his term of office has expired, a member of the Court, other than one designated under subsection (3)(a)(i), may, with the permission of the President of Trinidad and Tobago acting in accordance with the advice of the President of the Court, continue in office for such period after the end of his term as may be necessary to enable him to deliver judgment or to do any other thing in relation to proceedings that were commenced before the term of office expired.</p> <p>(10) The Court shall be deemed to be duly constituted notwithstanding any vacancy in any of the offices referred to in this section.</p> <p>(11) A person who immediately before the commencement of this Act is a member of the Court, is deemed to be a member of the General Services Division.</p>	<p>were commenced before the term of office expired.</p> <p>(10) The Court shall be deemed to be duly constituted notwithstanding any vacancy in any of the offices referred to in this section.</p> <p>(11) A person who immediately before the commencement of this Act is a member of the Court, is deemed to be a member of the General Services Division.</p>
	<p>Section 5 Repealed</p>
<p>7. (1) In addition to the powers inherent in it as a superior Court of record, the Court shall have jurisdiction—</p> <ul style="list-style-type: none"> (a) to hear and determine trade disputes; (b) to register collective agreements and to hear and determine matters relating to the registration of such agreements; (c) to enjoin a trade union or other organisation or workers or other persons 	<p>7. (1) In addition to the powers inherent in it as a superior Court of record, the Court shall have jurisdiction—</p> <ul style="list-style-type: none"> (a) to hear and determine trade disputes; (b) to register collective agreements and to hear and determine matters relating to the registration of such agreements; (c) to enjoin a trade union or other organisation or workers or other persons or an employer from taking or continuing industrial action;

<p>or an employer from taking or continuing industrial action;</p> <p>(d) to hear and determine proceedings for industrial relations offences under this Act;</p> <p>(e) to hear and determine any other matter brought before it, pursuant to the provisions of this Act. (2) The Court shall have the same power to punish contempts of the Court as is possessed by the High Court of Justice.</p> <p>(3) Subject to subsection (6), the jurisdiction of the Court in any matter before it may be exercised by one or more members, either assigned from his own Division by the Chairman of the Division before which the matter falls to be heard or invited by him from the other Division.</p> <p>(4) In exercising such jurisdiction, the President, the Vice-President, or a member, of the Court, or a Division thereof, may sit at such places as the President of the Court may consider necessary for the despatch of the business of the Court.</p> <p>(5) Where in any proceedings before two or more members of the Court a vacancy occurs in the membership in relation to such proceedings by reason of the inability from any cause of any member to continue to function, the remaining member or members may, subject to subsection (6), continue to hear and determine those proceedings notwithstanding such vacancy, and no act, proceedings or determination of the Court shall be called in question or invalidated by reason of such vacancy.</p> <p>(6) The jurisdiction of the Court to punish a contempt of the Court committed in the face or hearing of the Court, when constituted by a single member, may be exercised by that member; in any other case, the jurisdiction of the Court to punish a contempt of the Court shall be exercised by at least two members of the Court sitting together, of whom one shall be the President, the Vice-President or the Chairman of a Division.</p> <p>(7) In addition to any other action which the Court may take for contempt for non-compliance with or non-observance of its orders or awards the Court</p>	<p>(d) to hear and determine proceedings for industrial relations offences under this Act;</p> <p>(e) to hear and determine any other matter brought before it, pursuant to the provisions of this Act or any other written law.</p> <p>(2) The Court shall have the same power to punish contempts of the Court as is possessed by the High Court of Justice.</p> <p>(3) Subject to subsection (6), the jurisdiction of the Court in any matter before it may be exercised by one or more Justices, either assigned from his own Division by the Chairman of the Division before which the matter falls to be heard or invited by him from the other Division.</p> <p>(4) In exercising such jurisdiction, the President, the Vice-President, or a Justice, of the Court, or a Division thereof, may sit at such places as the President of the Court may consider necessary for the despatch of the business of the Court.</p> <p>(5) Where in any proceedings before two or more Justices of the Court a vacancy occurs in the membership in relation to such proceedings by reason of the inability from any cause of any Justice to continue to function, the remaining Justice or Justices may, subject to subsection (6), continue to hear and determine those proceedings notwithstanding such vacancy, and no act, proceedings or determination of the Court shall be called in question or invalidated by reason of such vacancy.</p> <p>(6) The jurisdiction of the Court to punish a contempt of the Court committed in the face or hearing of the Court, when constituted by a single Justice, may be exercised by that Justice; in any other case, the jurisdiction of the Court to punish a contempt of the Court shall be exercised by at least two Justices of the Court sitting together, of whom one shall be the President, the Vice-President or the Chairman of a Division.</p> <p>(7) In addition to any other action which the Court may take for contempt for non-compliance with or non-observance of its orders or awards the Court may impose fines not exceeding seventy-five thousand dollars for a contempt consisting of a failure to comply with its orders or awards.</p>
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<p>may impose fines for a contempt consisting of a failure to comply with its orders or awards.</p> <p>(8) For the purposes of the foregoing provisions of this section a trade union and the holders of office in a trade union or other organisation shall be deemed to be guilty of a breach of an order or award (including an order made under section 65) by which the union or the other organisation is bound, if a worker or other person who is a member of that union or other organisation, respectively, commits that breach by the direction or with the concurrence of any holder of an office in that trade union or other organisation.</p> <p>(9) All matters brought before two or more members of the Court shall be determined by a majority of those members and where those members are equally divided, the Court shall order a rehearing of the matter, but so however that no member previously concerned in a matter shall sit on the rehearing thereof.</p> <p>(10) Subject to section 4(2C), where a dispute involving a bargaining unit comprising workers in essential services as well as workers in services other than essential services is referred to the Court by the Minister, then, where the Minister advises in writing that the dispute arose in an essential service the dispute shall be heard by the Essential Services Division; in every other case the dispute shall be heard by the General Services Division.</p>	<p>(8) For the purposes of the foregoing provisions of this section a trade union and the holders of office in a trade union or other organisation shall be deemed to be guilty of a breach of an order or award (including an order made under section 65) by which the union or the other organisation is bound, if a worker or other person who is a Justice of that union or other organisation, respectively, commits that breach by the direction or with the concurrence of any holder of an office in that trade union or other organisation. (9) All matters brought before two or more Justices of the Court shall be determined by a majority of those Justices and where those Justices are equally divided, the Court shall order a rehearing of the matter, but so however that no Justice previously concerned in a matter shall sit on the rehearing thereof.</p> <p>(10) Subject to section 4(2C), where a dispute involving a bargaining unit comprising workers in essential services as well as workers in services other than essential services is referred to the Court by the Minister, then, where the Minister advises in writing that the dispute arose in an essential service the dispute shall be heard by the Essential Services Division; in every other case the dispute shall be heard by the General Services Division.</p>
<p>22. (1) The Chairman and other members of the Board shall be paid such salary and allowances as may be fixed by the President of Trinidad and Tobago and shall hold office for such period, being not more than five years, as is specified in their respective instruments of appointment, and are eligible for reappointment as such.</p> <p>(2) There shall be a Secretary and other officers of the Board who shall be public officers.</p>	<p>22. (1) The Chairman and other members of the Board shall be paid such salary and allowances as may be fixed by the President of Trinidad and Tobago and shall hold office for such period, being not more than five years, as is specified in their respective instruments of appointment, and are eligible for reappointment as such.</p> <p>(2) There shall be a Secretary and other officers of the Board who shall be public officers.</p> <p>22A. (1) The Secretary of the Board shall be a person with qualifications, preferably a Master's degree, in industrial relations, law or social sciences.</p> <p>(2) The officers of the Board shall include persons appointed as Examiners who shall have</p>

	qualifications in industrial relations, law, accountancy or social sciences.
<p>23(1) The Board shall be charged with responsibility for—</p> <ul style="list-style-type: none"> (a) the determination of all applications, petitions and matters concerning certification of recognition under Part III, including the taking of preferential ballots under section 34(2); (b) the certification of recognised majority unions; (c) the recording of the certification of recognised majority unions in a book to be kept by it for the purpose; (d) the making of agency shop orders under Part VI and the conduct of ballots and proceedings in connection therewith; (e) the cancellation of certification of recognition of trade unions; and (f) such other matters as are referred or assigned to it by the Minister or under this or any written law. <p>(2) Every party to a matter before the Board shall be entitled to appear at the hearing thereof, if any, and may be represented by an attorney-at-law or by a duly authorised representative.</p> <p>(3) The Board shall determine the periods that are necessary for the fair and adequate presentation of the matter by the respective parties thereto, and the Board may require those matters to be presented within the respective periods so determined.</p> <p>(4) The Board may require evidence or arguments to be presented in writing and may decide the matters upon which it will hear oral evidence or arguments.</p> <p>(5) All applications for certification of recognition and questions as to the appropriateness of bargaining units brought before the Board shall be determined by a majority of the members thereof sitting in accordance with the provisions of this Act and the Regulations and any Rules made by the Board under section 26(5).</p> <p>(6) No decision, order, direction, declaration, ruling or other determination of the Board shall be challenged, appealed against, reviewed, quashed or called in question in any Court on any account</p>	<p>23(1) Except as otherwise provided in this Act, the Board shall be charged with responsibility for—</p> <ul style="list-style-type: none"> (a) the determination of all applications, petitions and matters concerning certification of recognition under Part III, including the taking of preferential ballots under section 34(2); (b) the certification of recognised majority unions; (c) the recording of the certification of recognised majority unions in a book to be kept by it for the purpose; (d) the making of agency shop orders under Part VI and the conduct of ballots and proceedings in connection therewith; (e) the cancellation of certification of recognition of trade unions; and (f) such other matters as are referred or assigned to it by the Minister or under this or any written law. <p>(2) Every party to a matter before the Board shall be entitled to appear at the hearing thereof, if any, and may be represented by an attorney-at-law or by a duly authorised representative.</p> <p>(3) The Board shall determine the periods that are necessary for the fair and adequate presentation of the matter by the respective parties thereto, and the Board may require those matters to be presented within the respective periods so determined.</p> <p>(4) The Board may require evidence or arguments to be presented in writing and may decide the matters upon which it will hear oral evidence or arguments.</p> <p>(5) All applications for certification of recognition and questions as to the appropriateness of bargaining units brought before the Board shall be determined by the Chairman and at least three other members, one of whom shall be a member appointed under section 21(3)(b)(iii).</p> <p>(6) No decision, order, direction, declaration, ruling or other determination of the Board shall be challenged, appealed against, reviewed, quashed or called in question in any Court on any account</p>

<p>whatever; and no order shall be made or process entered or proceeding taken by or in any Court, whether by way of injunction, declaratory judgment, certiorari, mandamus, prohibition, <i>quo warranto</i> or otherwise to question, review, prohibit, restrain or otherwise interfere with the Board or any proceedings before it.</p> <p>(7) Subject to this Act, and in particular to section 31, the Board shall be the sole authority competent to expound upon any matter touching the interpretation and application of this Act relating to functions and responsibilities with which the Board is charged by the Act or any other written law; and accordingly, no cause, application, action, suit or other proceeding shall lie in any Court of law concerning any matter touching the interpretation or application of this Act.</p>	<p>whatever; and no order shall be made or process entered or proceeding taken by or in any Court, whether by way of injunction, declaratory judgment, certiorari, mandamus, prohibition, <i>quo warranto</i> or otherwise to question, review, prohibit, restrain or otherwise interfere with the Board or any proceedings before it.</p> <p>(7) Subject to this Act, and in particular to section 31, the Board shall be the sole authority competent to expound upon any matter touching the interpretation and application of this Act relating to functions and responsibilities with which the Board is charged by the Act or any other written law; and accordingly, no cause, application, action, suit or other proceeding shall lie in any Court of law concerning any matter touching the interpretation or application of this Act.</p>
<p>26(4) The quorum of the Board shall be the Chairman and five other members, and all matters before the Board shall be determined by a majority of the members of the Board present, and entitled (and not otherwise disqualified) to vote.</p>	<p>26(4) The quorum of the Board shall be four members, including one member appointed under section 21(3)(b)(i), one member appointed under section 21(3)(b)(ii) and one member appointed under section 21(3)(b)(iii), and all matters before the Board shall be determined by a majority of the members of the Board present, and entitled (and not otherwise disqualified) to vote.</p>
<p>32. (1) The Board shall expeditiously determine all applications for certification brought before it in accordance with the following provisions of this Part.</p> <p>(2) Subject to this Act, all trade unions that desire to obtain certification of recognition under this Part shall apply to the Board in writing in accordance with this Part.</p> <p>(3) An application under subsection (2) shall— (a) be in the prescribed form; and (b) describe the proposed bargaining unit in respect of which certification is sought, and the union making the application (herein referred to as the “claimant union”) shall serve a copy of the application on the employer and the Minister.</p> <p>(4) Subject to this Act, all determinations of applications for certification of recognition under this Part as well as determinations as to the appropriateness of a bargaining unit under section</p>	<p>32. (1) The Board shall within six months of the date of the application, determine all applications for certification brought before it in accordance with the following provisions of this Part.</p> <p>(2) Subject to this Act, all trade unions that desire to obtain certification of recognition under this Part shall apply to the Board in writing in accordance with this Part.</p> <p>(2A) An application under subsection (2) shall be published in the Gazette and in at least two daily newspapers circulating in Trinidad and Tobago.</p> <p>(3) An application under subsection (2) shall— (a) be in the prescribed form; and (b) describe the proposed bargaining unit in respect of which certification is sought, and the union making the application (herein referred to as the “claimant union”) shall serve a copy of the application on the employer and the Minister.</p>

<p>33 and as to variations thereof under section 39 shall be final for all purposes.</p>	<p>(4) Subject to this Act, all determinations of applications for certification of recognition under this Part as well as determinations as to the appropriateness of a bargaining unit under section 33 and as to variations thereof under section 39 shall be final for all purposes.</p>
<p>34. (1) Subject to this Act, the Board shall certify as the recognised majority union that trade union which it is satisfied has, on the relevant date, more than fifty per cent of the workers comprised in the appropriate bargaining unit as members in good standing.</p> <p>(2) Where it appears to the Board that more than one union has as members in good standing more than fifty per cent of the workers comprised in an appropriate bargaining unit it shall certify as the recognised majority union that union which has the greatest support of the workers determined by preferential ballot, being in any event more than fifty per cent of those workers.</p> <p>(3) All questions as to membership in good standing shall be determined by the Board, but a worker shall not be held to be a member in good standing, unless the Board is satisfied that— (a) the union of which it is alleged the worker is a member in good standing has followed sound accounting procedures and practices; (b) the particular worker has— (i) become a member of the union after having paid a reasonable sum by way of entrance fee and has actually paid reasonable sums by way of contributions for a continuous period of eight weeks immediately before the application was made or deemed to have been made; or</p> <p>(ii) actually paid reasonable sums by way of contributions for a continuous period of not less than two years immediately before the application was made or deemed to have been made; (c) no part of the funds of the union of which it is alleged the worker is a member in good standing has been applied directly or indirectly in the payment of the entrance fee or contributions referred to in paragraph (b); and (d) the worker should be considered a member in good standing having regard to good industrial relations practice.</p>	<p>34. (1) Subject to this Act, the Board shall certify as the recognised majority union that trade union which it is satisfied has, on the relevant date, more than fifty per cent of the workers comprised in the appropriate bargaining unit as members in good standing.</p> <p>(2) Where there has been an objection by an employer, another trade union or the Registrar of trade unions that—</p> <p style="padding-left: 40px;">(a) the claim made by a union seeking to be recognized is false; and</p> <p style="padding-left: 40px;">(b) the accounting of the union is false;</p> <p style="padding-left: 40px;">(c) the union has filed false membership records; or</p> <p style="padding-left: 40px;">(d) there has been some other allegation of irregularity in the operation of the union,</p> <p>the Board shall, upon being satisfied that the trade union has answered the objection in accordance with this Act, the Rules and the Regulations made hereunder, certify as the recognized majority union, that union which has the greatest support of the workers, determined by preferential ballot, being in any event more than fifty per cent of those workers.</p> <p>(2A) An objection in subsection (2) shall be filed not later than twenty-eight days from the date of the application for certification of recognition.</p> <p>(2B) In this section, the expression “claim by a union seeking to be recognized” means the claim made by a trade union seeking to be recognized under Part III, that it has on the relevant date more than fifty per cent of the workers comprised in an appropriate bargaining unit as members in good standing.</p> <p>(3) All questions as to membership in good standing shall be determined by the Board, but a worker shall not be held to be a member in good standing, unless the Board is satisfied that— (a) the union of which it is alleged the worker is a</p>

	<p>member in good standing has followed sound accounting procedures and practices; (b) the particular worker has— (i) become a member of the union after having paid a reasonable sum by way of entrance fee and has actually paid reasonable sums by way of contributions for a continuous period of eight weeks immediately before the application was made or deemed to have been made; or</p> <p>(ii) actually paid reasonable sums by way of contributions for a continuous period of not less than two years immediately before the application was made or deemed to have been made; (c) no part of the funds of the union of which it is alleged the worker is a member in good standing has been applied directly or indirectly in the payment of the entrance fee or contributions referred to in paragraph (b); and (d) the worker should be considered a member in good standing having regard to good industrial relations practice.</p>
<p>35. Where a trade union is certified under this Part as the recognised majority union—</p> <p>(a) such trade union shall immediately replace any other trade union that immediately before the certification was the recognised majority union for the workers comprised in the bargaining unit and, subject to paragraph (c), shall have exclusive authority to bargain collectively on behalf of workers in the bargaining unit and to bind them by a collective agreement registered under Part IV so long as the certification remains in force;</p> <p>(b) if another trade union had previously been certified or was deemed to have been certified under section 86 in respect of workers comprised in the bargaining unit, the certification of the last mentioned trade union shall be deemed to be revoked in respect of the workers; and</p> <p>(c) if, at the time of certification, a collective agreement registered under Part IV or deemed to be so registered is in force, the trade union shall be substituted as a party to the agreement in place of the union that was a party to the agreement on behalf of workers comprised in the bargaining unit.</p>	<p>35. Where a trade union is certified under this Act as the recognised majority union—</p> <p>(a) such trade union shall immediately replace any other trade union that immediately before the certification was the recognised majority union for the workers comprised in the bargaining unit and, subject to paragraph (c), shall have exclusive authority to bargain collectively on behalf of workers in the bargaining unit and to bind them by a collective agreement registered under Part IV so long as the certification remains in force;</p> <p>(b) if another trade union had previously been certified or was deemed to have been certified under section 86 in respect of workers comprised in the bargaining unit, the certification of the last mentioned trade union shall be deemed to be revoked in respect of the workers; and</p> <p>(c) if, at the time of certification, a collective agreement registered under this Act or deemed to be so registered is in force, the trade union shall be substituted as a party to the agreement in place of the union that was a party to the agreement on behalf of workers comprised in the bargaining unit.</p>
<p>40. (1) Where a trade union obtains certification of recognition for workers comprised in a</p>	<p>40. (1) Where a trade union obtains certification of recognition for workers comprised in a</p>

<p>bargaining unit in accordance with this Part, the employer shall recognise that trade union as the recognised majority union; and the recognised majority union and employer shall, subject to this Act, in good faith, treat and enter into negotiations with each other for the purposes of collective bargaining.</p>	<p>bargaining unit in accordance with this Act, the employer shall recognise that trade union as the recognised majority union; and the recognised majority union and employer shall, subject to this Act, in good faith, treat and enter into negotiations with each other for the purposes of collective bargaining.</p>
<p>41. (1) Where a trade union is certified by the Board as the recognised majority union, the particulars referred to in section 37(2) shall be entered in a record of such trade unions to be kept for that purpose by the Board in the prescribed form for the purposes of this Act; and the production of the record or of a copy of the relevant portion thereof, certified by the Secretary of the Board, shall be admissible in all Courts and shall be conclusive proof of the matters therein stated.</p> <p>(2) Notwithstanding any rule of law to the contrary, a recognised majority union shall, for the purposes of this Act, be treated as such only when such particulars are recorded under subsection (1) and, subject to section 35, as long as so recorded the trade union shall be deemed to continue always to be the recognised majority union.</p>	<p>41. (1) Where a trade union is certified by the Board or Chairman as provided for in Part IIIA as the recognised majority union, the particulars referred to in section 37(2) or 42D shall be entered in a record of such trade unions to be kept for that purpose by the Board or Chairman as provided for in Part IIIA in the prescribed form for the purposes of this Act; and the production of the record or of a copy of the relevant portion thereof, certified by the Secretary of the Board or Chairman as provided for in Part IIIA, shall be admissible in all Courts and shall be conclusive proof of the matters therein stated.</p> <p>(2) Notwithstanding any rule of law to the contrary, a recognised majority union shall, for the purposes of this Act, be treated as such only when such particulars are recorded under subsection (1) and, subject to section 35, as long as so recorded the trade union shall be deemed to continue always to be the recognised majority union.</p>
	<p>NEW PART IIIA INSERTED</p> <p>42A. (1) A trade union that desires to obtain a certification of recognition under this Part for the purposes of a short-term project shall apply to the Chairman of the Registration Recognition and Certification Board in writing in accordance with this Part.</p> <p>(2) An application for certification under this Part shall –</p> <ul style="list-style-type: none"> (a) be in the prescribed form; (b) describe the proposed bargaining unit in respect of which certification is sought; and (c) describe the short-term project in respect of which certification is sought. <p>(3) A union making an application under subsection (1) shall serve a copy of the application on the employer.</p>

	<p>(4) In determining an application made under subsection (3), the Chairman shall have regard to matters specified in section 42C.</p> <p>(5) An application for certification of recognition under this Part, once made, shall not be withdrawn except with the consent of the Chairman.</p> <p>(6) In this Part –</p> <p>“heavy construction industry” means services in the construction industry involved in the construction of heavy engineering and heavy industrial projects, including the construction of chemical and petrochemical plants, complexes or facilities, metallurgical plants and smelters, cement plants, processing plants, petroleum refineries, natural gas liquefaction or processing plants, offshore platforms and associated ports, quays and harbours, power plants and hydroelectric plants and high-pressure oil and gas pipeline construction and roads, highways and transportation infrastructure including railways or tramways;</p> <p>“relevant date” means such date as the Chairman considers appropriate for the purpose of determining any matter before him under this Part; and</p> <p>“short-term project” means a project in the heavy construction industry, which is scheduled to be completed within five years of its commencement.</p> <p>42B. (1) The Chairman shall, on any application under section 42A, first determine the bargaining unit he considers appropriate in the circumstances and in so doing the Chairman shall have regard to –</p> <p>(a) the community of interest between workers in the proposed bargaining unit, including work location and methods and periodicity of payment therefor;</p> <p>(b) the nature and scope of the duties exercised by the worker in the proposed bargaining unit;</p>
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	<p>(c) the views of the employer and the trade union concerned as to the appropriateness of the bargaining unit;</p> <p>(d) the historical development, if any, of collective bargaining in the industry or business to which the proposed bargaining unit belongs; and</p> <p>(e) such other matters as the Chairman may consider to be conducive to good industrial relations.</p> <p>(2) In considering the appropriateness of a bargaining unit, the Chairman shall not be restricted by the terms of the application under section 42A(2) and may, notwithstanding such terms, determine the bargaining unit most appropriate for the workers of the employer in accordance with subsection (1).</p> <p>42C. (1) Notwithstanding sections 23 and 34(1), the Chairman shall certify as the recognized majority union, any trade union which he is satisfied has on the relevant date, the highest percentage, being not less than thirty-three and one-third per cent, of the workers comprised in the appropriate bargaining unit as members in good standing.</p> <p>(2) The Chairman shall determine an application for certification made under this Part within twenty-eight days of the receipt of the application.</p> <p>42D. (1) A certificate issued under this Part shall have the effect of a certificate issued under Part III.</p> <p>(2) Notwithstanding section 43, the Court may, subject to section 46, register any collective agreement negotiated by a recognized majority union certified under this Part for such period as deemed necessary.</p> <p>42E. (1) The Chairman shall issue a certificate to the union and to the employer in every case in which he certifies a trade union as the recognized majority union.</p> <p>(2) A certificate issued under this Part shall contain a statement of the following particulars:</p> <p>(a) the name of the employer and of the trade union which has been certified;</p>
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	<p>(b) the category or categories, if any, of workers comprised in the bargaining unit;</p> <p>(c) the number of workers comprised in the bargaining unit at the relevant date;</p> <p>(d) the name and duration of the project in respect of which the trade union is certified; and</p> <p>(e) such other matters as may be prescribed.</p> <p>42F. Members aggrieved by the representation of a union recognized under this Part, may petition the Court in accordance with Part VA to cancel a certificate of recognition granted under this Part or for any other relief as the Court may determine.</p> <p>42G. For the purposes of the settlement of trade disputes, short-term projects shall be treated as essential services.</p>
	<p>Part V of the Act is amended by deleting the word “Minister” wherever it occurs and substituting the words “Chief Conciliator-Mediator of CAMS”</p>
<p>51. (1) Subject to this section, any trade dispute, not otherwise determined or resolved may be reported to the Minister only by—</p> <p>(a) the employer;</p> <p>(b) the recognised majority union;</p> <p>(c) where there is no recognised majority union, any trade union, of which the worker or workers who are parties to the dispute are members in good standing,</p> <p>and, subject to sections 11(b) and 19, such persons only shall for all the purposes of this Act be treated, respectively, as parties to a dispute; and the Minister shall acknowledge receipt of any such report and deal with it in accordance with this Act and the Regulations.</p> <p>(2) All disputes in essential services shall be reported to the Minister by the parties thereto, determined in accordance with subsection (1); and, thereupon, this Part shall apply thereto, but subject always to section 59(5).</p> <p>(3) A trade dispute may not be reported to the Minister if more than six months have elapsed since the issue giving rise to the dispute first arose,</p>	<p>51. (1) Subject to this section, any trade dispute, not otherwise determined or resolved may be reported to the Chief Conciliator-Mediator of CAMS only by—</p> <p>(a) the employer;</p> <p>(b) the recognised majority union;</p> <p>(c) where there is no recognised majority union, any trade union, of which the worker or workers who are parties to the dispute are members or,</p> <p>(d) a person referred to in section 2(3)(e) or a trade union not certified as having recognition at his place of Part V amended Section 51 amended 18 employment if the dispute is of a type specified in subsection (5),</p> <p>and, subject to sections 11(b) and 19, such persons only shall for all the purposes of this Act be treated, respectively, as parties to a dispute; and the Minister shall acknowledge receipt of any such report and deal with it in accordance with this Act and the Regulations.</p>

<p>save that the Minister may, in any case where he considers it just, extend the time during which a dispute may be so reported to him.</p> <p>(4) For the purpose of the exercise of his discretion to extend the time during which a dispute may be reported to him under subsection (3), the Minister may refer to the Court any question arising on the exercise of such discretion for its recommendation and advice.</p> <p>(5) For the purpose of this Act and in particular subsection (1)(c), a trade union other than a recognised majority union, is competent to pursue the following types of trade dispute, but no other, in accordance with this Act:</p> <p style="padding-left: 40px;">(a) any dispute or difference between the employer and the union or between workers and workers of that employer, in each case being on behalf of members of the union, concerning the application to any such worker of existing terms and conditions of employment or the denial of any right applicable to any such worker in respect of the employment; and</p> <p style="padding-left: 40px;">(b) a dispute between the employer and the union as to dismissal, employment, non-employment, suspension from employment, refusal to employ, re-employment or reinstatement of a worker or workers.</p> <p>(6) For the purposes of this Part the Minister may refer to the Board for its determination any question whether a person is a member in good standing of the union, and the Board shall determine the question in accordance with section 34(3); and a certificate of its determination shall be conclusive for all purposes.</p>	<p>(2) All disputes in essential services shall be reported to the Minister by the parties thereto, determined in accordance with subsection (1); and, thereupon, this Part shall apply thereto, but subject always to section 59(5).</p> <p>(3) A trade dispute may not be reported to the Minister if more than two years have elapsed since the issue giving rise to the dispute first arose.</p> <p>SUBSECTION (4) REPEALED</p> <p>(5) For the purpose of this Act and in particular subsection (1)(c), a trade union other than a recognised majority union, is competent to pursue the following types of trade dispute, but no other, in accordance with this Act:</p> <p style="padding-left: 40px;">(a) any dispute or difference between the employer and the union or between workers and workers of that employer, in each case being on behalf of members of the union, concerning the application to any such worker of existing terms and conditions of employment or the denial of any right applicable to any such worker in respect of the employment; and</p> <p style="padding-left: 40px;">(b) a dispute between the employer and the union as to dismissal, employment, non-employment, suspension from employment, refusal to employ, re-employment or reinstatement of a worker or workers.</p> <p>(5A) Subsection (5) applies to all employers, including a householder who employs one or more workers in any capacity of a domestic nature, including that of a chauffeur, gardener or handyman in, or about a private dwelling house.</p> <p>(6) Where, in any trade dispute, there is a question or difference between an employer and a trade union as to whether a person is a “worker” within the meaning of subsection (2), the question or difference shall be treated as one of the unresolved issues of the dispute and the 19 question or difference and the matter to which it relates shall be referred to the Court for determination</p>
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<p>63. (1) Where any industrial action is taken otherwise than in conformity with this Part—</p> <p>(a) an employer taking such action is guilty of an industrial relations offence and, in addition to any other penalty under subsection (2), remains liable for the unpaid wages, salary and other remuneration that a worker may reasonably be expected to obtain in respect of any period during which the lockout action took place; and a worker may recover such wages, salary or other remuneration summarily as a civil debt, without prejudice to any other manner in which proceedings may be taken for the recovery thereof;</p> <p>(b) a trade union taking such action is guilty of an industrial relations offence and, in addition to any other penalty under subsection (2), the Court may order the cancellation of its certificate of recognition, if any;</p> <p>(c) subject to sections 64 and 65(2)(b), where a worker takes part in such action the employer may treat the action as a fundamental breach of contract going to the root of the contract of employment of the worker.</p> <p>(2) A person guilty of an industrial relations offence under this section is liable—</p> <p>(a) in the case of an employer, to a fine of twenty thousand dollars; or</p> <p>(b) in the case of a trade union, to a fine of ten thousand dollars.</p>	<p>63. (1) Where any industrial action is taken otherwise than in conformity with this Part—</p> <p>(a) an employer taking such action is guilty of an industrial relations offence and, in addition to any other penalty under subsection (2), remains liable for the unpaid wages, salary and other remuneration that a worker may reasonably be expected to obtain in respect of any period during which the lockout action took place; and a worker may recover such wages, salary or other remuneration summarily as a civil debt, without prejudice to any other manner in which proceedings may be taken for the recovery thereof;</p> <p>(b) a trade union taking such action is guilty of an industrial relations offence;</p> <p>(c) subject to sections 64 and 65(2)(b), where a worker takes part in such action the employer may treat the action as a fundamental breach of contract going to the root of the contract of employment of the worker.</p> <p>(2) A person guilty of an industrial relations offence under this section is liable—</p> <p>(a) in the case of an employer, to a fine of two hundred thousand dollars; or</p> <p>(b) in the case of a trade union, to a fine of one hundred thousand dollars.</p>
<p>67. (1) This section shall be read and construed without prejudice to sections 63 and 64, and a reference in those sections and in this section and section 68 to the term “workers” shall be read as a reference to all employees engaged in essential services.</p> <p>(2) An employer or a worker carrying on or engaged in an essential service shall not take industrial action in connection with any such essential service.</p> <p>(3) An employer who contravenes subsection (2) is liable on summary conviction to a fine of forty</p>	<p>67. (1) This section shall be read and construed without prejudice to sections 63 and 64, and a reference in those sections and in this section and section 68 to the term “workers” shall be read as a reference to all employees engaged in essential services.</p> <p>(2) An employer or a worker carrying on or engaged in an essential service shall not take industrial action in connection with any such essential service.</p> <p>(3) An employer who contravenes subsection (2) is liable to a fine of one hundred thousand dollars.</p>

<p>thousand dollars and to imprisonment for three years.</p> <p>(4) A worker who contravenes subsection (2) is liable on summary conviction to a fine of one thousand dollars and to imprisonment for six months.</p> <p>(5) A trade union or other organisation, the holder of an office in a trade union or other organisation or any other person who calls for, or causes industrial action to be taken in, an essential service or induces or persuades any worker in that service to take such action is liable on summary conviction—</p> <p>(a) in the case of a trade union or other organisation to a fine of twenty thousand dollars, and the Board may cancel the certificate of recognition under Part III;</p> <p>(b) in the case of the holder of an office in a trade union or other organisation to a fine of ten thousand dollars and to imprisonment for twelve months, and such person shall be disqualified from holding office in any trade union or other organisation for a period of five years after conviction therefor; or</p> <p>(c) in the case of an individual who is not the holder of an office in a trade union or other organisation to a fine of two thousand dollars and to imprisonment for two years.</p> <p>(6) The President of Trinidad and Tobago may by order, subject to negative resolution of both Houses of Parliament, vary the Second Schedule by adding thereto or removing therefrom any service.</p>	<p>(4) A worker who contravenes subsection (2) is liable to a fine of twenty-five thousand dollars.</p> <p>(5) A trade union or other organisation, the holder of an office in a trade union or other organisation or any other person who calls for, or causes industrial action to be taken in, an essential service, other than in the Health Service, or induces or persuades any worker in that service to take such action is liable—</p> <p>(a) in the case of a trade union or other organisation to a fine of seventy-five thousand dollars;</p> <p>(b) in the case of the holder of an office in a trade union or other organisation to a fine of fifty thousand dollars, and such person shall be disqualified from holding office in any trade union or other organisation for a period of five years after being found liable under this paragraph; or</p> <p>(c) in the case of an individual who is not the holder of an office in a trade union or other organisation to a fine of twenty-five thousand dollars.</p> <p>(5A) A trade union or other organisation, the holder of an office in a trade union or other organisation or any other person who calls for or takes industrial action, or causes industrial action to be taken in the Health Service, is liable –</p> <p>(a) in the case of a trade union or other organisation to a fine of one hundred and fifty thousand dollars;</p> <p>(b) in the case of the holder of an office in a trade union or other organisation to a fine of one hundred thousand dollars and such person shall be disqualified from holding office in any trade union or other organisation for a period of five years after being found liable under this subsection; or</p> <p>(c) in the case of an individual who is not the holder of an office in a trade union or other organisation to a fine of fifty thousand dollars.</p> <p>(5B) Offences under this section shall be tried by the Court.</p> <p>(6) The President of Trinidad and Tobago may by order, subject to negative resolution of both</p>
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	Houses of Parliament, vary the Second Schedule by adding thereto or removing therefrom any service.
<p>68. (1) A person who, for the purpose of promoting or maintaining the conduct of industrial action taken or continued in an essential service contrary to this Act, directly or indirectly contributes financial assistance to an employer or a trade union that calls for or causes such action to be taken or to any worker involved in such action, is liable on summary conviction to a fine of ten thousand dollars and to imprisonment for eighteen months.</p> <p>(2) An employer or a trade union or other organisation that receives any financial assistance for the purpose of supporting industrial action taken or continued in an essential service contrary to this Act is liable on summary conviction to a fine of ten thousand dollars or in the case of the holder of an office in a trade union to a fine of five thousand dollars and to imprisonment for one year.</p> <p>(3) A worker or other person who receives financial assistance for the purpose of supporting industrial action taken or continued in an essential service contrary to this Act is liable on summary conviction to a fine of five hundred dollars and three months' imprisonment.</p>	<p>68. (1) A person who, for the purpose of promoting or maintaining the conduct of industrial action taken or continued in an essential service contrary to this Act, directly or indirectly contributes financial assistance to an employer or a trade union that calls for or causes such action to be taken or to any worker involved in such action, is liable to a fine of forty thousand dollars.</p> <p>(2) An employer or a trade union or other organisation that receives any financial assistance for the purpose of supporting industrial action taken or continued in an essential service contrary to this Act is liable to a fine of thirty thousand dollars or in the case of the holder of an office in a trade union to a fine of twenty thousand dollars.</p> <p>(3) A worker or other person who receives financial assistance for the purpose of supporting industrial action taken or continued in an essential service contrary to this Act is to a fine of five thousand hundred.</p> <p>(4) Offences under this section shall be tried by the Court.</p>
New Parts VA and VB Inserted	<p>PART VA</p> <p>CANCELLATION OF CERTIFICATE OF RECOGNITION AND OTHER SANCTIONS FOR FAILURE TO REPRESENT A MEMBER OR WORKER</p> <p>70A. It shall be duty of every certified recognized majority union to properly represent every worker in every bargaining unit for which it is certified as the recognized majority union.</p> <p>70B. Subject to this Part, a trade union member or a worker of a designated bargaining unit aggrieved by the representation or non-representation of a recognized majority union may petition the Court to Parts VA and VB inserted 23 seek the cancellation of the certificate of recognition of the trade union or for such other sanctions as the Court deems fit on the grounds that the union has –</p>

	<p>(a) failed to represent the member or worker of the bargaining unit; or (b) been negligent in its representation of the member or worker of the bargaining unit.</p> <p>70C. (1) Where there is a trade dispute and – (a) the union has failed to give to its member or worker of the bargaining unit written reasons as to why it is not reporting the dispute within six months of the issue giving rise to the dispute; or (b) the time for reporting the dispute has expired without the union giving reasons or taking steps to report it; and (c) the dispute concerns the terms and conditions of employment of a member or a worker of a bargaining unit for which the trade union has recognized majority union status, the petition shall be signed by no less than twenty-five per cent of the members of the union or the workers of the bargaining unit. (2) Notwithstanding subsection (1), the Court shall not entertain a petition where, in the opinion of the Court – (a) the union is actively engaged in collective bargaining, conciliation and mediation in accordance with this Act; 24 (b) the dispute has been certified as an unresolved dispute within the meaning of section 59; (c) strike or lock-out, whether or not in accordance with Part V, has been taken; or (d) the dispute is before the Court. (3) Where there is a trade dispute within the meaning of this Act and- (a) the recognized majority union has failed to give the member or worker of the bargaining unit for which it has been certified as having recognition, written reasons as to why it is not reporting the dispute within six months of the issue giving rise to the dispute; or (b) the time for reporting the dispute has expired- (i) without giving reasons for not reporting; or (ii) for taking steps to report the dispute; and (c) the dispute concerns the rights of employment a member or worker of the</p>
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	<p>bargaining unit, the petition shall be signed by all of the members or workers of the bargaining unit who are aggrieved.</p> <p>(4) A petition shall –</p> <p>(a) be in the prescribed form;</p> <p>(b) state the grounds for the petition; and 25</p> <p>(c) be delivered to the Registrar of the Court.</p> <p>70D. Where a petition has been received under this Part, the President of the Court may, notwithstanding Part V, invoke such procedure for settling the dispute by means of conciliation as he may consider advisable, except that where the President is satisfied that no useful purpose would be served by conciliation, he may refer the matter for hearing by the Court.</p> <p>70E. (1) Where a matter is referred for hearing by the Court under this Part, the Court shall make a determination on the matter not later than three months from the date of the referral of the matter. (2) In accordance with the powers conferred under this Act, the Court may, in relation to any matter referred to it under this Part, make such order as it considers equitable and just.</p> <p style="text-align: center;">PART VB THE CONCILIATION AND MEDIATION SERVICE <i>Establishment and Procedure</i></p> <p>70F. (1) For the purposes of this Act, there is established an Authority to be known as “the Conciliation and Mediation Service”.</p> <p>(2) CAMS shall be managed by a Council which shall consist of fourteen members appointed by the President as follows:</p> <p>(a) a Chairman;</p> <p>(b) a Deputy Chairman;</p> <p>(c) a member appointed on the advice of the Minister with responsibility for finance;</p> <p>(d) a member appointed on the advice of the Minister with responsibility for trade;</p> <p>(e) a member appointed on the advice of the Minister with responsibility for energy;</p> <p>(f) a member appointed on the advice of the Attorney General;</p>
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	<p>(g) a member appointed on the advice of the Chief Secretary of the Tobago House of Assembly; (h) three members appointed from among persons with qualifications and experience in industrial relations, human resource management, employment law, accountancy, economics and such other social sciences as the Minister considers appropriate; (i) two members appointed after consultation with organisations most representative of employers; and</p> <p>(j) two members appointed after consultation with organisations most representative of workers.</p> <p>70G. (1) The Chairman, Deputy Chairman and their members of the Council shall hold office in accordance with the terms set out in their instruments of appointment.</p> <p>(2) The appointment of a member of the Council may be full-time or part-time and the President may, with the consent of the member, vary his appointment from full-time to part-time or vice versa.</p> <p>(3) A member of the Council shall be appointed for a term not exceeding five years and shall be eligible for reappointment, but the appointment of members of the Council shall not all expire at the same time.</p> <p>(4) A member of the Council may at any time resign his office by instrument in writing, addressed to the President.</p> <p>(5) A member of the Council shall be paid such remuneration and allowances as are determined by the President.</p> <p>(6) The remuneration and allowances payable under this section shall be a charge on the Consolidated Fund.</p> <p>(7) The President may remove a member of the Council from office where he is satisfied that the member –</p> <p style="padding-left: 40px;">(a) has been absent from meetings of the Council for a period longer than six consecutive months without the permission of the Council;</p>
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	<p>(b) has become bankrupt or has compounded with his creditors;</p> <p>(c) is incapacitated by physical or mental illness; or</p> <p>(d) is otherwise unable or unfit to discharge the functions of being a member.</p> <p>(8) The appointment, removal or resignation of a member of the Council shall be published in the Gazette</p> <p>70H. (1) The Council shall determine its own procedures including the quorum necessary for its Meetings.</p> <p>(2) The Council may co-opt any person to attend any particular meeting of the Council for the purpose of assisting or advising the Council, but a coopted person shall not have any right to vote.</p> <p>(3) The Council may appoint a committee to –</p> <p>(a) examine and report to it on any matter arising out of or connected with any of the functions of CAMS; or</p> <p>(b) assist it in its business and may, for that purpose, delegate such duties and powers as it may consider necessary to that committee.</p> <p>(4) A committee appointed under subsection (3) shall consist of at least one member of the Council. (5) Where persons not being members of the Council are members of a committee, the Council may, with the prior approval of the Minister, appoint them on such terms and at such remuneration as the Minister may approve. (6) The Council may reject the report of a committee appointed under subsection (3)(a) or adopt it either wholly or with such modifications, additions or adaptation as the Council may think fit.</p> <p>70I. (1) The functions of CAMS shall be –</p> <p>(a) to promote the improvement of industrial relations and in particular to encourage the extension of collective bargaining and its development, where necessary, to reform the collective bargaining machinery including the</p>
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	<p>timely negotiation and registration of collective agreements;</p> <p>(b) to propose draft regulations for the conduct of collective negotiations, including time limits, to ensure that agreements are registered during their contractual period;</p> <p>(c) to provide conciliation or mediation services subject to Part V to bring about a settlement of a trade dispute which exists, is reported or apprehended;</p> <p>(d) to provide conciliation or mediation services by a servant or officer known as a Conciliation or Mediation Officer or a person other than an officer or servant of CAMS appointed by the Council;</p> <p>(e) to provide general advice or guidance to employers, employers' organizations, workers and trade unions, and such advice or guidance as it thinks appropriate on matters concerned with industrial relations or employment policies after considering rulings of the Court and internationally acceptable principles of employment law and industrial relations and the Court may consider such general advice or guidance as evidence of good industrial relations practice in its determination of matters;</p> <p>(f) to publish such general advice and guidance on matters concerned with industrial relations and employment policies in the Gazette and in at least one daily newspaper circulating in Trinidad and Tobago;</p> <p>(g) to inquire, if it thinks fit, into any question relating to industrial relations in any particular industry or in any particular undertaking or part of an undertaking; and</p> <p>(h) subject to subsection (3), to publish the findings of an 31 inquiry under this section together with any advice given by CAMS.</p>
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	<p>(2) A publication under subsection 70I(1)(f) shall be deemed to be a notice thereof to all employers, employers' organization, workers, employees and trade unions.</p> <p>(3) CAMS shall only publish the findings of an enquiry where the publication is desirable for the improvement of industrial relations generally or in connection with the specific questions inquired into after due consideration of the views of the parties concerned, if it thinks fit.</p> <p>(4) In the exercise of its functions, CAMS shall not be subject to directions from any person or authority.</p> <p>70J. CAMS may maintain offices in such of the major centres of employment in Trinidad and Tobago, as it thinks fit, for the purpose of discharging its functions under this Act or any other written law.</p> <p>70K. (1) CAMS shall, at least six months before the announcement of each financial year, submit to the Minister for his approval, estimate of expenditure in such form as the Minister may prescribe in accordance with GAAP. (2) CAMS shall, at such time as the Minister directs, furnish him with any further information in relation to the estimates he may require.</p> <p>(3) Subject to the provisions of the Constitution and the Exchequer and Audit Act, the estimates of expenditure, as approved by the Minister, shall be the expenditure budget of CAMS for the financial year to which it relates.</p> <p>70L. (1) The Financial year of CAMS shall be the period of twelve months beginning on the first day of October in any year to the thirtieth day of September in the following year, but the period from the date of commencement of the Act to the end of the September next following shall be deemed to be the first financial year.</p>
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	<p>(2) CAMS may, with the approval of the Minister with responsibility for finance, vary its financial year.</p> <p>70M. (1) CAMS shall keep proper books of accounts and records in accordance with GAAP, of all moneys received and expended and shall record the matters in respect of which such sums were received and expended.</p> <p>(2) Within three months after the end of the financial year, CAMS shall cause to be prepared in respect of that year –</p> <ul style="list-style-type: none"> (a) a report setting out the activities of the Authority; and (b) financial statements prepared in accordance with GAAP and any other statement as required by the Minister with responsibility for finance. <p>(3) In instances where the standards included in GAAP are inappropriate or inadequate, the Treasury shall provide the appropriate instructions.</p> <p>(4) The accounts of CAMS are public accounts for the purposes of section 116 of the Constitution.</p> <p>(5) As soon as accounts of CAMS have been audited, the Auditor General shall submit his report in accordance with section 116 of the Constitution and forward a copy of the report to the Minister.</p> <p>(6) Nothing in this section precludes the Auditor General or an Auditor engaged by the Board or the Minister with responsibility for finance from performing a management or comprehensive audit of the activities of CAMS.</p> <p>70N. CAMS shall submit a report annually to Parliament within three months of the calendar year on the activities of CAMS from the previous year commencing one year after the coming into operation of the Act.</p> <p>70O. (1) Subject to this section, CAMS may –</p> <ul style="list-style-type: none"> (a) appoint such employees as it considers necessary for the performance of its functions; (b) fix qualifications and terms and conditions of service for
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	<p>employees, except that salaries in excess of three hundred thousand dollars per annum shall be subject to the approval of the Minister;</p> <p>(c) engage persons having suitable qualifications and experience in employment relations, employment law and other relevant professions as conciliators, mediators and consultants on such terms and conditions as are approved by the Minister.</p> <p>(2) The Council shall appoint the following officers of CAMS:</p> <p>(a) an Executive Director who shall be responsible for the day to day operation of CAMS and who may exercise such functions as may be delegated to him by the Council;</p> <p>(b) a Deputy Executive Director who shall assist the Executive Director in the day to day operation of the Council and who may exercise such functions as may be delegated to him by the Council;</p> <p>(c) a Chief Conciliator-Mediator who shall be the Head of Technical Services, including conciliation and mediation services;</p> <p>(d) a Director of Legal and Industrial Relations Research;</p> <p>(e) such other officers who, in the opinion of the Council, have the necessary training, qualifications and expertise to assist in the effective management and delivery of the services of CAMS.</p> <p>(3) The Executive Director shall, where requested by the Minister, provide the Minister with information about the activities of CAMS or any other related matter.</p> <p>(4) CAMS may employ persons to perform specific tasks that CAMS considers necessary for the due performance of its functions and exercise of its powers, on such terms and conditions as are agreed between CAMS and the person and subject to such maximum limit of remuneration as the Minister may by Order determine.</p>
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	<p>(5) The salary, allowances and other terms and conditions of the Executive Director, Deputy Executive Director and the Chief Conciliator-Mediator shall be reviewed by the Salaries Review Commission in accordance with section 141 of the Constitution.</p> <p>70P. (1) An officer in the public service may, with the approval of the appropriate Service Commission, consent to be appointed on transfer to the service of CAMS upon such terms and conditions as are acceptable to him or his trade union and CAMS.</p> <p>(2) An officer referred in subsection (1) shall, upon transfer, have preserved his superannuation and pension rights accruing at the time of transfer.</p>
78. A prosecution for any contravention of sections 67 to 69 and section 77 shall not be instituted save by or with the consent of the Director of Public Prosecutions.	78. A prosecution for any contravention of section 69 or section 77 shall not be instituted save by or with the consent of the Director of Public Prosecutions.
<p>79. (1) The President of Trinidad and Tobago may make such Regulations as he considers necessary or expedient for the execution of this Act, and in particular for prescribing anything by this Act required or authorised to be prescribed.</p> <p>(2) Regulations made by the President of Trinidad and Tobago under this section shall be subject to negative resolution of the Senate and the House of Representatives.</p> <p>(3) The Regulations may contain provisions for imposing on any person contravening the Regulations or the Rules made thereunder a fine on summary conviction of ten thousand dollars in respect of such offence, and in the case of a continuing offence, a further fine of two hundred dollars for each day during which the offence continues after conviction therefor.</p>	<p>79. (1) The President of Trinidad and Tobago may make such Regulations as he considers necessary or expedient for the execution of this Act, and in particular for prescribing anything by this Act required or authorised to be prescribed.</p> <p>(2) Regulations made by the President of Trinidad and Tobago under this section shall be subject to negative resolution of the Senate and the House of Representatives.</p> <p>(3) The Regulations may contain provisions for imposing on any person contravening the Regulations a fine of fifty thousand dollars in respect of such offence, and in the case of a continuing offence, a further fine of two hundred dollars for each day during which the offence continues after being found liable therefor.</p> <p>(4) Regulations under subsection (1) may make provision for matters concerning persons employed by a householder in any capacity of a domestic nature, including that of a chauffeur, gardener or handyman in, or about a private dwelling house.</p> <p>(5) Offences created under the Regulations shall be heard by the Court.</p>

<p>82. (1) For the purposes of this Act, there may be established an Office of Economic and Industrial Research.</p> <p>(2) The functions of the office shall be—</p> <p>(a) to collect and compile in accordance with the directions of the Court, information which may be of assistance to the Court in the exercise of its powers and functions under this Act;</p> <p>(b) to keep information as collected and compiled up to date; and (c) to carry out research in respect of such matters as the Court may direct.</p> <p>(3) Information collected and compiled and the results of research carried out, under this section shall be furnished to any person, trade union or other organisation desiring to obtain that information or those results.</p>	<p>82. (1) For the purposes of this Act, there may be established an Office of Economic Legal and Industrial Relations Research.</p> <p>(2) The functions of the office shall be—</p> <p>(a) to collect and compile in accordance with the directions of the Court, information which may be of assistance to the Court in the exercise of its powers and functions under this Act;</p> <p>(b) to keep information as collected and compiled up to date; and (c) to carry out research in respect of such matters as the Court may direct.</p> <p>(3) Information collected and compiled and the results of research carried out, under this section shall be furnished to any person, trade union or other organisation desiring to obtain that information or those results.</p> <p>(4) The staff of the Office of Economic, Legal and Industrial Relations Research shall include the following:</p> <p>(a) an Executive Director and a Deputy Executive Director, both of whom shall have at least an advance degree in law, industrial relations or economics;</p> <p>(b) a Head of Legal Research;</p> <p>(c) a Statistician;</p> <p>(d) a Labour Economist; and</p> <p>(e) such other officers, including officers with training, qualifications or experience in law, industrial relations and social science, as are required to assist in the effective management and delivery of the services of the Office of Economic, Legal and Industrial Relations Research and the Court.</p> <p>(5) The Executive Director shall carry out any directions given to him by the President of the Court in pursuance of the functions of the Office of Economic, Legal and Industrial Relations Research and the Court.</p>
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Considerations

- The Bill will now provide a limit to the fines the Court may impose for a contempt consisting of a failure to comply with its orders or awards. The fine shall not exceed seventy-five thousand dollars (\$75,000.00).
- The Bill provides that the Registration Recognition and Certification Board shall be required to determine all applications within six months of the date of the application.
- The Bill provides that section 51(5) applies to all employers, including a householder who employs one or more workers in any capacity of a domestic nature, including that of a chauffeur, gardener or handyman in, or about a private dwelling house.
- The Bill increases the penalties for industrial action not in compliance with Part V, industrial action in essential services, and contributing financial assistance to promote or support industrial action.
- The Council of the Conciliation and Mediation Service are to be paid remuneration and allowances as are determined by the President of Trinidad and Tobago.
- The Bill provides that the Conciliation and Mediation Service shall appoint an Executive Director, Deputy Executive Director and the Chief Conciliator-Mediator whose salary, allowances and other terms and conditions shall be reviewed by the Salaries Review Commission.

Comparative Legislation in other Jurisdictions

Country	Legislation	Remarks
United Kingdom	Employment Relations Act 2004 ⁴	An Act to amend the law relating to the recognition of trade unions and the taking of industrial action; to make provision about means of voting in ballots under the Trade Union and Labour Relations (Consolidation) Act 1992; to amend provisions of that Act relating to rights of members and non-members of trade unions and to make other provision about rights of trade union members, employees and workers; to make further provision concerning the enforcement of legislation relating to minimum wages; to make further provision about proceedings before and appeals from the Certification Officer; to make further provision about the amalgamation of trade unions; to make provision facilitating the administration of trade unions and the carrying out by them of their functions; and for connected purposes

⁴ <http://www.legislation.gov.uk/ukpga/2004/24/contents>

The Industrial Relations (Amendment) Bill, 2015

Australia (New South Wales)	Industrial Relations Advisory Council Act 2010 ⁵	An Act to establish the Industrial Relations Advisory Council; and for other purposes.
Belize	Trade Unions and Employers Organisations (Registration Recognition and Status) ⁶	The Act provides for the registration and status of trade unions and employers' associations; recognition of bargaining rights; and collective bargaining agreements.
Canada Manitoba	Canada Labour Code (R.S.C., 1985, c. L-2) ⁷ The Labour Relations Act ⁸	An Act to consolidate certain statutes respecting labour. The preamble provides that it is in the public interest to further harmonious relations between employers and employees by encouraging the practice and procedure of collective bargaining between employers and unions as the freely designated representatives of employees.
India	The Industrial Disputes Act, 1947 ⁹	An Act to make provision for the investigation and settlement of industrial disputes, and for certain other purposes.
New Zealand	Employment Relations Act 2000 ¹⁰	The object of this Act is to build productive employment relationships through the promotion of good faith in all aspects of the employment environment and of the employment relationship.
South Africa	Labour Relations Act (No. 66 of 1995) ¹¹	The purpose of the Act is, <i>inter alia</i> , to regulate the organisational rights of trade unions; promote collective bargaining; facilitate collective bargaining at the workplace and to provide simple procedures for the resolution of labour disputes through statutory conciliation.
Mauritius	The Employment Relations Act 2008 ¹²	An Act to amend and consolidate the law relating to trade unions, fundamental rights of workers and employers, collective bargaining, labour disputes and related matters.
Guyana	Trade Union Recognition Act Chap. 98:07 ¹³	The Act provides for the establishment of the Trade Union Recognition and Certification Board and matters

⁵<http://www.legislation.nsw.gov.au/xref/inforce/?xref=Type%3Dact%20AND%20Year%3D2010%20AND%20no%3D76&nohits=y>

⁶http://blue.lim.ilo.org/cariblex/belize_act4.shtml

⁷<http://laws-lois.justice.gc.ca/eng/acts/L-2/>

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⁹<https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/32067/109726/F1337789385/IND32067%202.pdf>

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¹²<http://www.ilo.org/dyn/travail/docs/1267/Employment%20Relations%20Act.pdf>

¹³[http://blue.lim.ilo.org/cariblex/guyana_act3.shtml#PART I](http://blue.lim.ilo.org/cariblex/guyana_act3.shtml#PART_I)

		relating to the determination of bargaining units and recognised majority unions.
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5. European Trade Union Confederation (ETUC) Out of the Shadows Organising and protecting domestic workers in Europe: the role of trade unions¹⁷
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9. Eriksson, Kurt, Project for the study of conciliation, mediation and arbitration. National report: Sweden²¹

¹⁴ http://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---dialogue/documents/genericdocument/wcms_205385.pdf

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¹⁷ http://www.etuc.org/sites/www.etuc.org/files/Rapport_domestic_workers.pdf

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¹⁹ http://www.academia.edu/1494752/Arbitration_Conciliation_and_mediation_in_Uganda_-_A_focus_on_the_practical_aspects

²⁰ http://www.ilo.org/public/english/region/eurpro/geneva/download/events/cyprus2007/cyprus_dialogue.pdf

²¹ <http://webcache.googleusercontent.com/search?q=cache:4o7-rcwoneQJ:ec.europa.eu/social/BlobServlet%3FdocId%3D2475%26langId%3Den+&cd=6&hl=en&ct=clnk&gl=tt>

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²³ <http://naarb.org/proceedings/pdfs/1974-14.PDF>

²⁴ <http://www.trinidadexpress.com/news/Industrial-relations-climate-stable-263908161.html>

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²⁹ <http://newsday.co.tt/news/0,196462.html>

³⁰ <http://www.newsday.co.tt/news/0,210041.html>

³¹ <http://newsday.co.tt/politics/0,208890.html>

³² <http://www.guardian.co.tt/news/2012-06-25/domestics-demand-their-dues>

³³ <http://www.guardian.co.tt/news/2014-05-18/raw-deal-domestic-workers>

³⁴ <http://www.guardian.co.tt/news/2011/05/16/tt-domestic-workers-hope-legal-recognition>

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Other Useful Information

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<http://www.parliament.uk/topics/Industrial-relations.htm>
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http://www.gov.mb.ca/labour/labbrd/pdf/lra_guide.pdf
- Canada State Mediation & Conciliation Service (SMCS)
<http://www.perb.ca.gov/csmcs/smcs.aspx>
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<http://www.labour.gc.ca/eng/relations/collective/index.shtml>
- Mauritius Commission for Conciliation and Mediation
<http://labour.govmu.org/English/Department%20and%20Service/Pages/Commission-for-conciliation-and-Mediation.aspx>
- Canada - No. 11–Duty of Fair Representation
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