
4th Session Third Parliament Trinidad and Tobago
24 Elizabeth II



TRINIDAD AND TOBAGO
Act No. 11 of 1975

[L.S.]

AN ACT to amend the Industrial Relations Act, 1972.

[Assented to 28th April, 1975]

WHEREAS it is enacted *inter alia* by subsection (1) of section 5 of the Constitution that an Act of Parliament to which that section applies may expressly declare that it shall have effect notwithstanding sections 1 and 2 of the Constitution and, if any such Act does so declare, it shall have effect accordingly: Preamble

And whereas it is provided by subsection (2) of the said section 5 of the Constitution that an Act of Parliament to which that section applies is one the Bill for which has been passed by both Houses of Parliament and at the final vote thereon in each House has been supported by the votes of not less than three-fifths of all the members of that House:

And whereas it is necessary and expedient that the provisions of this Act shall have effect notwithstanding sections 1 and 2 of the Constitution:

Enactment

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Trinidad and Tobago, and by the authority of the same, as follows:

Short title

1. (1) This Act may be cited as the Industrial Relations (Amendment) Act, 1975.

Act at variance with Ch. 1 of the Constitution

(2) This Act shall have effect notwithstanding sections 1 and 2 of the Constitution.

Interpretation

2. In this Act—

“Constitution” means the Constitution of Trinidad and Tobago set out in the Second Schedule to the Trinidad and Tobago (Constitution) Order in Council, 1962;

No. 23 of 1972

“the Act” means the Industrial Relations Act, 1972.

Section 2 of Act amended

3. Section 2 of the Act is amended as follows:—

(a) in subsection (3) thereof by repealing and replacing paragraph (e) as follows:—

“(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.”;

(b) by adding the following new subsection thereto:—

“(6) Without prejudice to the operation of section 34(2) of the Interpretation Act, 1962, in this Act, unless the context otherwise requires,—

(a) words in the singular include the plural; and

(b) words in the plural include the singular.”.

4. Section 23(6) of the Act is repealed and replaced as follows:— Section 23 of Act amended

“(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 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, *quo warranto* or otherwise to question, review, prohibit, restrain or otherwise interfere with the Board or any proceeding before it.

(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 any of the provisions of this Act relating to functions and responsibilities with which the Board is charged by the Act or any other enactment; 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 those provisions of this Act.”.

5. Section 33 of the Act is amended by adding thereto the following new subsections:— Section 33 of Act amended

“(3) In the performance of its duties under this section the Board may, in its discretion, make an interim determination of a bargaining

unit (which bargaining unit when so determined is hereinafter referred to as an "interim bargaining unit") in order to enable an interim certificate of recognition to be issued to a claimant union.

(4) In making any such determination the Board shall have regard to the question whether any decision it might arrive at to exclude any category of persons who were under consideration for inclusion in the proposed bargaining unit might materially affect the final determination of the appropriateness of the bargaining unit or the position of the claimant union in establishing or maintaining its majority status under section 34.

(5) Accordingly, except in the case of a reference to an application for certification of recognition, every reference in this Part to certification of recognition or to appropriate bargaining unit (however expressed) shall be construed as including a reference to interim certification of recognition or to an interim bargaining unit, as the case may be."

Section 37 of
Act amended

6. Section 37 of the Act is amended by adding the following new subsection thereto:—

"(3) The Board may issue an interim certificate under its seal to the claimant union and to the employer in every case in which it certifies a trade union as the recognised majority union in respect of an interim bargaining unit."

Section 38(4) of
Act amended

7. Section 38(4) of the Act is amended by adding at the end thereof the following:—

"Where, however, the claimant union is, under or by virtue of sections 85 and 86, already certified as the recognised majority union for workers comprised in bargaining units in more than one category of essential industries, nothing in this subsection shall apply to any application for certification of recognition under this Part, if the application relates to workers comprised in a bargaining unit in any of those categories of essential industries for which the claimant union is already so certified."

8. This Act binds the Crown.

Act binds
the Crown

9. This Act shall be deemed to have come into operation on the 31st day of July, 1972.

Commencement

10. (1) The Clerk of the Senate and the Clerk of the House of Representatives shall certify whether this Act is one the Bill for which has been passed by the Senate and the House, respectively, and at the final vote thereon in the Senate and in the House, respectively, has been supported, in the Senate by the votes of not less than three-fifths of all the members of the Senate, and in the House, by the votes of not less than three-fifths of all the members of the House.

Act to be
certified

(2) The certificates of the Clerk of the Senate and the Clerk of the House of Representatives under subsection (1) duly signed and authenticated by them shall be conclusive evidence that this Act is one the Bill for which has been passed by both Houses of Parliament and at the final vote thereon in each House has been supported by the votes of not less than three-fifths of all the members of that House, as provided for in section 5(2) of the Constitution.

Passed in the House of Representatives this 11th day of April, 1975.

J. E. CARTER

Acting Clerk of the House

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the House of Representatives and at the final vote thereon in the House has been supported by the votes of not less than three-fifths of all the members of the House, that is to say by the votes of 26 members of the House.

J. E. CARTER

Acting Clerk of the House

Passed in the Senate this 15th day of April, 1975.

R. L. GRIFFITH

Acting Clerk of the Senate

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the Senate and at the final vote thereon in the Senate has been supported by the votes of not less than three-fifths of all the members of the Senate, that is to say by the votes of 16 Senators.

R. L. GRIFFITH
Acting Clerk of the Senate