

GOVERNMENT NOTICE No. 123

TRINIDAD AND TOBAGO

DV
No. 71972(242)

THE INDUSTRIAL RELATIONS ACT, 1972

REGULATIONS

MADE BY THE GOVERNOR-GENERAL UNDER SECTION 79(1) OF THE INDUSTRIAL RELATIONS ACT, 1972.

THE INDUSTRIAL RELATIONS (CERTIFICATION OF RECOGNITION) REGULATIONS, 1972

1. These Regulations may be cited as the Industrial Relations (Certification of Recognition) Regulations, 1972.

2. In these Regulations—

Definitions

“Act” means the Industrial Relations Act, 1972;

No. 23 of 1972

“ballot” means a ballot conducted under Part 3 of the Act;

“Board” means the Registration, Recognition and Certification Board established under section 21 of the Act.

3. Every trade union desiring to obtain certification of recognition in respect of a bargaining unit shall make application to the Board in the form set out as Form 1 in the Schedule.

Application for certification to be made to Board Form 1 Schedule

4. (1) An employer of workers in respect of whom certification of recognition is being applied for by a trade union shall in every case where a ballot in connection therewith is to be conducted, provide adequate accommodation on premises under his control for the conduct of such ballot.

Requirements for ballot

(2) On the day or days on which the ballot is conducted, the employer shall permit every worker eligible to take part in the ballot to be absent from work during the conduct of the ballot for one hour or such longer period as the Board may specify. The period of absence permitted for the ballot shall be in addition to the normal mid-day meal period.

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

(4) No person who in accordance with the definitions in the Act—

(a) is comprised in or is responsible for the management of any undertaking or business, or department thereof; or

(b) holds office in a trade union, shall, unless he is nominated by the employer or the trade union to be an official agent as approved by the Board under its rules, be within the immediate vicinity of the place where any balloting is being conducted.

5. (1) During the hours that a ballot is being conducted—

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

Certain acts prohibited in or near premises where ballot conducted

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

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

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

Bribery

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

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

(b) makes any gift or procurement within the meaning of paragraph (a) to or for any person in order to induce that person to procure, or endeavour to procure, the selection of any union, or the vote of any worker in respect of any matter for which the ballot is being conducted or if upon or in consequence of any such gift or procurement, he procures or engages, promises or endeavours to procure, the selection of any union making the claim as aforesaid or the vote of any worker.

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

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

(4) A person guilty of an offence against this regulation shall on summary conviction be liable to a fine of five thousand dollars but this penalty shall be without prejudice to any other penalty imposed under any other law.

Treating

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

(a) for the purpose of corruptly influencing that person or any other person to vote or refrain from voting at such conduct of the ballot; or

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

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

Board to issue certificate to recognised majority union.
Form 2A

9. (1) Every trade union that at the commencement of the Act is deemed to be recognised as the bargaining agent for workers comprised in a bargaining unit contemplated by a collective agreement in accordance with section 86(1) of the Act shall be issued by the Board a certificate in the form set out as Form 2B in the Schedule.

Board to issue certificate of recognition to trade unions recognised as bargaining agents at commencement of the Act.
Form 2B

(2) Where the Minister issues a certificate to a trade union under section 86(2) of the Act, such trade union shall upon presentation to the Board of the Minister's certificate and upon the Board being satisfied as to the appropriateness of the bargaining unit be issued a certificate in the form set out as Form 2c in the Schedule.

Form 2c

10. The record of certification required to be kept by the Board under section 41(1) of the Act shall be in the form set out as Form 3 in the Schedule.

Record of certification
Form 3

11. Upon a trade union being certified by the Board as the recognised majority union thereby replacing another trade union that immediately before such certification was the recognised majority union, the Board shall revoke the certification of the previously recognised majority union and cause appropriate amendments to be made in the record of certification referred to in regulation 10. Every such revocation shall be published in the *Gazette* and where the trade union whose certification has been revoked is a party to a subsisting collective agreement the Board shall immediately inform the Court of the revocation.

Revocation

12. (1) Where the Court orders the cancellation of a trade union's certificate of recognition the Board shall thereupon cancel the relevant entry in the record of certification referred to in regulation 10 and shall cause notice of the cancellation to be published in the *Gazette* and in at least one daily newspaper circulating in Trinidad and Tobago.

Cancellation of certificate of recognition

(2) In this regulation and in regulation 11 "Court" means the Industrial Court established under section 4 of the Act.

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

Defacement of notices prohibited

14. A person who contravenes or fails to comply with any of the provisions of these Regulations is guilty of an offence and, save in the case of an offence against regulation 6 or 7, is liable on summary conviction to a fine of two thousand five hundred dollars and in the case of a continuing offence to a further fine of one hundred dollars for each day the offence continues.

Offences and penalties

Company guilty of offence

15. Where the person guilty of an offence against these Regulations is a company, every director, manager, secretary and other officer of the company is guilty of the like offence and liable to the like punishment unless he proves that the act or omission constituting the offence took place without his knowledge or consent.

SCHEDULE

FORM 1

(Regulation 3)

THE INDUSTRIAL RELATIONS (CERTIFICATION OF RECOGNITION) REGULATIONS, 1972

Application for Certification of Recognition

1. Name of Claimant Union.....
Registered or Business Address.....

2. Name of Employer.....
Address

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

(b) The location(s) at which the workers in the abovementioned bargaining unit normally work:
.....
.....

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

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

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

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

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

(Seal of Board)

.....
Chairman

.....
Secretary

FORM 2B

Regulation 9(1))

THE INDUSTRIAL RELATIONS (CERTIFICATION OF RECOGNITION) REGULATIONS, 1972

Certificate Issued to Recognised Majority Union

Issued this day of , 19 .

Pursuant to the provisions of section 86(1) of the Industrial Relations Act, 1972,
the Registration Recognition and Certification Board hereby certifies:

.....
(Name of Union)

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

.....
(Name of Employer)

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

The Union and the Employer herein mentioned are parties to Registered Collective Agreement No.

.....
Chairman

(Seal of Board)

.....
Secretary

FORM 2c

(Regulation 9(2))

THE INDUSTRIAL RELATIONS (CERTIFICATION OF RECOGNITION) REGULATIONS, 1972

Certificate Issued to Recognised Majority Union

Issued this _____ day of _____, 19 ____ .

Pursuant to the provisions of section 86(3) of the Industrial Relations Act, 1972, the Registration Recognition and Certification Board hereby certifies:

.....
(Name of Union)

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

.....
(Name of Employer)

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

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

.....
Chairman

(Seal of Board)

.....
Secretary

THE INDUSTRIAL RELATIONS (CERTIFICATION OF RECOGNITION) REGULATIONS, 1972

Record of Certification

YEAR 19

GOVERNMENT PRINTERY, TRINIDAD, TRINIDAD AND TOBAGO—1972

Certificate Number	File Number	Date of Application	PARTIES		Description of Appropriate Bargaining Unit as Determined by the Board Sec. 23	Number of workers in Determined Bargaining Unit and Relevant Date	Date of Certification as Recognised Majority Union and Relevant Date	Variation of Bargaining Unit	Date of Variation of Bargaining Unit	REMARKS
			Claimant Union	Employer						

Made this 3rd day of August, 1972.

D. H. N. ALLEYNE
Secretary to the Cabinet