
Third Session First Parliament Republic of Trinidad
and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 44 of 1978

[L.S.]

AN ACT to amend the Industrial Relations Act, 1972

[Assented to 13th December, 1978]

ENACTED by the Parliament of Trinidad and Tobago as Enactment
follows:—

1. This Act may be cited as the Industrial Relations Short title
(Amendment) Act, 1978.

Interpretation

2. In this Act "the Act" means the Industrial Relations Act, 1972.

Section 4 of Act No. 23 of 1972 amended

3. Section 4 of the Act is amended by inserting—
(a) immediately after subsection (2) the following new subsections:—

" (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.

(2B) The two Divisions are—

(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

(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.

(2c) The Special Tribunal established by the Civil Service Act, 1965, and referred to in the Police Service Act, 1965, the Fire Service Act, 1965, the Prison Service Act, 1965, the Education Act, 1966, the Supplemental Police Ordinance and the Central Bank Act, 1964 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 Ser-

Act No. 29
of 1965
Act No. 30
of 1965
Act No. 31
of 1965
Act No. 32
of 1965
Act No. 1
of 1966
Ch. 11. No. 2
Act No. 23
of 1964

vice, the Prison Service, the Teaching Service, the Supplemental Police and the Central Bank as if those disputes arose in essential services.

(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."

(b) immediately after subsection (3) the following new subsection:—

" (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.

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.";

(c) immediately after subsection (10) the following new subsection:—

" (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."

Section 7 of Act
amended

4. Section 7 of the Act is amended—

(a) by repealing and replacing subsection (3) as follows:—

“ (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.”;

(b) in subsection (4) by substituting for the word “division” occurring in line two, the word “Division”;

(c) by repealing and replacing subsections (5) and (6) as follows:—

“ (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.

(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.”;

(d) by repealing and replacing subsection (9), as follows:—

“ (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.”

(e) by adding the following new subsection:—

“ (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.”

5. The Act is amended in section 13—

Section 13 of Act
amended

(a) by renumbering section 13 as section 13(1); and

(b) by inserting immediately after section 13(1) as renumbered the following new subsections:—

“ (2) Matters which fall to be heard and determined by the Essential Services Division shall, once hearing has commenced, be heard from day to day, as far as possible, until hearing is completed.

(3) Judgment in a matter referred to in subsection (2) shall be delivered not later than thirty days from the date of completion of the hearing save in exceptional circum-

stances when judgment shall be delivered not later than twenty-one days after the end of the thirty-day period referred to herein in which case the nature of the exceptional circumstances which gave rise to the delay shall be indicated in the judgment.”.

Section 86 of Act amended

6. Section 86 of the Act is amended by inserting immediately after subsection (7) the following new subsection:—

“ (8) A dispute which arose before the commencement of this Act in an essential service or in the Civil Service, the Police Service, the Fire Service, the Prison Service, the Teaching Service, the Supplemental Police or the Central Bank and which is not settled before the commencement of this Act, shall be dealt with as follows:—

- (a) where hearing of the dispute has commenced but is not yet completed, hearing shall be resumed not later than thirty days after the commencement of this Act, before the General Services Division or the Special Tribunal as constituted immediately before the commencement of this Act, as the case may be, in accordance with section 13(2) and (3) and where for any reason hearing cannot be resumed within the thirty-day period referred to herein, details of that reason shall be given in the judgment;
- (b) where hearing of the dispute is completed but judgment has not yet been delivered judgment shall be delivered by the General Services Division or the Special Tribunal as constituted immediately before the commencement of this Act, as the

case may be, within thirty days of the commencement of this Act; save in exceptional circumstances when judgment shall be delivered not later than twenty-one days after the end of the thirty-day period referred to herein in which case the nature of the exceptional circumstances which gave rise to the delay shall be indicated in the judgment;

- (c) where hearing of the dispute has not yet commenced, the dispute shall be heard by the Essential Services Division or the Special Tribunal as constituted under this Act, as the case may be.”.

7. This Act shall come into operation on a day appointed by the President by Proclamation published in the *Gazette*. Commencement

Passed in the House of Representatives this 10th day of November, 1978.

J. E. CARTER
Clerk of the House

Passed in the Senate this 21st day of November, 1978.

R. GRIFFITH
Clerk of the Senate