

LEGAL NOTICE No. 74

REPUBLIC OF TRINIDAD AND TOBAGO

THE EDUCATION ACT, 1966

## RULES

MADE BY THE BOARD UNDER SECTION 74M OF THE EDUCATION ACT, 1966  
THE TEACHING SERVICE REGISTRATION RECOGNITION AND  
CERTIFICATION BOARD RULES, 1981

- Citation** 1. These Rules may be cited as the Teaching Service Registration Recognition and Certification Board Rules, 1981.
- Definitions** 2. In these Rules—  
     “Chairman” means the Chairman of the Board or any person designated or elected to act as chairman;  
     “proceeding” means a proceeding before the Board;  
     “Secretary” means the Secretary of the Board or any person acting as secretary.
- Meetings of the Board** 3. (1) Not less than twenty-four hours notice of every Board Meeting shall be given by the Secretary to each member and alternate member.  
     (2) A member who is unable to attend any meeting summoned shall so inform his alternate and the Chairman or the Secretary.
- General authority to officers of the Board to act** 4. (1) Where the Board is empowered or required to issue any notice or to make a request or to do any matter or thing the notice, request, matter or thing shall be deemed to be properly issued, made or done, as the case may be, if so issued, made or done by the Secretary or by any other officer duly authorised for the purpose by the Board.  
     (2) The Secretary or any other officers of the Board may be authorised by the Board or the Chairman to carry out such functions with respect to the execution or implementation of the decisions or orders of the Board as may be necessary including in particular the inspection and examination of paylists and membership records, the posting of notices, the conduct of ballots, the convening and conducting of meetings with parties in connection with any application or other matter coming before the Board.
- Documents to be in triplicate** 5. Except otherwise expressly provided, where under any written law any document is required to be presented to the Board, such document shall be presented in triplicate.
- Time of filing documents** 6. Where a document is required to be filed with the Board, it shall be so filed at the time it is received at the office of the Board.

7. The Board may, upon such terms as it thinks fit enlarge the time prescribed by these Rules for doing any act, serving any notice, filing any report, document or paper or taking any proceeding and may do so although application therefor is not made until after the expiration of the time prescribed. Enlarging time

8. The Board may adjourn any hearing to such time and place and upon such terms as it considers fit. Adjournment of matters

9. Any document filed in a proceeding may be amended by leave of the Board upon such terms and conditions as the Board may decide. Amendment by leave of the Board

10. (1) The Board may determine or dispose of any proceeding without further notice to any party thereto who has failed to file any document required in such proceeding in the manner or form specified in these Rules. Disposal of matters

(2) Where a party is served with a notice of hearing by the Secretary and fails to attend or be represented at the hearing (whether or not such party has made any written representations) the Board may proceed to consider the application or matter in the absence of that party or may adjourn the hearing to another date.

11. Where the Board considers it appropriate, it may direct that a proceeding be consolidated with any other proceeding and it may issue such directions in respect of the conduct of the consolidated proceedings as it considers fit. Consolidation of proceedings

12. The Secretary shall serve a copy of each document filed by a party in a proceeding on each of the other parties in the same proceeding. Service

13. (1) Where the Board decides to conduct a hearing in connection with an application or any other matter before it, the Secretary shall summon the parties to attend to receive directions in accordance with this rule as may be necessary or appropriate. Directions for hearing

(2) 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.

(3) 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.

(4) Any written submission or statement required from any party shall contain a concise statement of the material facts upon which the party proposes to rely at the hearing.

14. (1) Where a hearing in connection with an application or any other matter is conducted by the Board the decision of the Board on the matters considered at the hearing shall be communicated to the parties concerned. Conduct of hearing

(2) Any person entitled to appear at a hearing is entitled to make opening statements, to call witnesses, to cross-examine any witnesses called by any other party and to address and make submissions to the Board.

Secrecy  
as to  
association  
membership

15. The records of an association relating to its membership and any records that may disclose whether a person is or is not a member of an association which are produced in a proceeding shall be for the exclusive use of the Board and its officers and shall not, except with the consent of the Board, be disclosed to any person.

Saving

16. No proceeding shall be invalidated by reason only of any defect in form or of any technical irregularity.

Notice  
to and  
reply by  
employer  
Form A

17. On the receipt of an application for certification of recognition from an association, the Board shall serve the employer a notice in the form set out as Form A in the Schedule and the employer shall, not later than seven days from the date of the service, submit to the Board a reply to the notice in the form set out as Form B in the Schedule.

Schedule  
Form B

Notice of  
application  
to be  
published

18. (1) Notice of every application made to the Board for certification of recognition shall be published in the *Gazette* in such a manner as it may be seen by the persons who may be comprised in the bargaining unit to which the application relates. Every such notice shall contain the name and address of the claimant association and the employer, a brief description of the bargaining unit in respect of which certification is sought and the date on which the application was received by the Board.

(2) Where an application for certification of recognition is in respect of a bargaining unit for which another association is already recognised, the Board shall inform the recognised association of the receipt of the application.

Meeting  
to clarify  
or to  
settle  
matters  
regarding  
applications

19. On the receipt of the reply or submission of the employer, or where the employer makes no reply or submission within the time specified in these Rules an officer of the Board duly authorised in this regard may meet any of the parties concerned for the purpose of clarifying and examining information submitted in connection with the application, or any matter arising therefrom or in any reply, document or records that may be required to be produced, and the officer shall make a report to the Board of his findings.

Notifica-  
tion of  
bargaining  
unit

20. In respect of each application for certification of recognition, the Board shall, after determining the bargaining unit which it considers appropriate, notify the employer, the claimant association and where applicable the appropriate recognised association accordingly.

21. (1) Where the records and other documents produced by an employer are inadequate to enable the Board to determine the persons employed by the employer, the Board may require further information to be produced and may take into consideration such relevant facts and information as it may otherwise obtain to enable it to determine the persons employed by the employer at the relevant date.

Insufficiency  
of records,  
etc.

(2) Where the records, documents or other information produced by an association are in the opinion of the Board inadequate to establish that the requirements set out at section 74D(3)(a) to (c) of the Act have been satisfied, the Board may require further information to be produced and in the absence of such further information may refuse the application.

#### BALLOTING

22. The Secretary shall be responsible for the conduct of any ballot and shall report thereon to the Board and, subject to the directions of the Board, may deal with all matters relating to the conduct of the ballot including any matter not specifically dealt with in these Rules.

Preferential  
ballot

23. (1) A notice of every ballot to be taken under section 74D of the Act shall be issued by the Board to each of the parties involved, in such form as the Board may approve, so however, that every such notice shall include, as may be required in the circumstances, the following information:

Notice of  
ballot

- (a) the purpose for which the ballot is being conducted;
- (b) a list, approved by the Board, of persons qualified to take part in the ballot;
- (c) the date and time when and the place where application for the insertion in or removal from the list of any names will be heard;
- (d) the date and time when and the place where the ballot will be conducted;
- (e) the means of identification to be produced by persons seeking to take part in the ballot to the officer of the Board supervising the ballot.

(2) The employer shall publish copies of the notice of the ballot either—

- (a) by posting them conspicuously in places designated by the Board where they are most likely to come to the attention of persons comprising the bargaining unit and qualified to take part in the ballot; or
- (b) in some other manner specified by the Board.

(3) Notices referred to in this rule shall be posted for at least ten clear days before the date fixed for the conduct of the ballot.

(4) The Secretary or other officer duly authorised by the Board shall attend at the place designated in the notice to receive applications by the employer or any association involved in the ballot for the insertion in or the removal from the approved list of the name of any person. Every application for the removal or insertion of a

name shall be investigated by the Secretary or other authorised officer who may allow or disallow the application, notify the applicant and, where necessary, amend the list accordingly.

(5) Any person aggrieved by the decision of the Secretary or other authorized officer may within forty-eight hours appeal in writing to the Board against the decision.

(6) Where the Board allows an appeal the approved list shall be amended accordingly.

Conduct of  
ballot

24. (1) All ballots shall be secret and shall be in such form as the Board may approve.

(2) The officer supervising the ballot hereinafter referred to as "the supervising officer" shall take whatever steps appear to him to be necessary and proper to ensure—

(a) that only persons whose names appear on the final list approved by the Board are permitted to take part in the ballot; and to that end may require the production of identification cards or such other documents as he may consider sufficient evidence of identification;

(b) that persons qualified to take part in a ballot are permitted to register their votes in secrecy and without interference, restraint or coercion;

(c) that a person having cast his vote is not permitted to vote on a second occasion at the same ballot.

(3) The ballot shall be conducted as specified in the notice issued by the Board under rule 23 and in such a manner so as to cause no unnecessary inconvenience to the persons qualified to take part in the ballot.

(4) Save as the Board may in any particular case otherwise direct, all persons qualified to take part in a ballot shall do so in person.

(5) The Board may permit agents nominated in advance by the employer or by any association involved in the ballot to be present and to perform the functions set out in paragraph (6). Any agent so nominated shall be an officer or employee of the employer, or an official or member of an association involved.

(6) An agent so nominated shall be permitted to do any of the following acts or things, and nothing else in connection with the ballot:—

(a) act as checker at the polling place and at the counting of ballots;

(b) assist in the identification of voters;

(c) subject to rule 27, challenge the right of any person to vote;

(d) bring to the notice of the officer of the Board conducting the ballot any irregularities in the conduct of the ballot.

Voting

25. A person qualified to take part in the ballot shall comply with such procedures as may be set out in any notice issued by the Board, copies of which shall be posted at each place appointed for polling.

26. (1) An agent is entitled to challenge any person who he has reasonable cause to believe is not qualified to take part in the ballot by stating to the supervising officer at the time that the ballot paper is handed to such person and before the person casts his vote the grounds on which the challenge is made. <sup>Challenge of voters</sup>

(2) The supervising officer shall thereupon hand the challenger the form of challenge approved by the Board and shall request the challenger to complete and sign the form.

(3) If the challenger fails to complete and sign the form the supervising officer shall ignore the challenge and direct that the voter cast his vote in the manner prescribed.

(4) Where the challenger completes and signs the form, the supervising officer shall direct the person to cast his vote and thereupon the officer shall place in a separate envelope labelled "Challenged Vote" together with the completed form of challenge. The envelope shall in each case be sealed.

(5) The Board shall decide on the validity of any votes which have been duly challenged.

27. At the close of the voting, the votes shall, at each place appointed for polling, be counted by the supervising officer in the presence of the agent or agents, if any, and the result of the ballot shall be submitted to the Board as soon as reasonably possible thereafter. <sup>Submission of result of ballot</sup>

SCHEDULE

TEACHING SERVICE REGISTRATION RECOGNITION AND CERTIFICATION BOARD RULES, 1981

FORM A

(Rule 17)

NOTICE OF APPLICATION FOR CERTIFICATION OF RECOGNITION

Name and Address of Claimant Association.....

Name and Address of Employer.....

To:

TAKE NOTICE that on.....19..... the Claimant Association made an application to the Registration Recognition and Certification Board for certification as the appropriate recognised association in respect of persons comprised in the bargaining unit described in the application, a copy of which is attached.

2. You are requested to submit a Statement to the Board in the Form prescribed as Form B in the Schedule to the Rules so that your Statement is received by the Board not later than seven (7) days from the date of service of this Notice on you.

Dated this.....day of.....19.....

Secretary,  
Registration Recognition and Certification Board

FORM B

(Rule 17)

REPLY TO APPLICATION FOR CERTIFICATION OF RECOGNITION

Name and Address of Claimant Association.....

Name and Address of Employer.....

The Employer states as follows in respect of the Application:

1. (a) Correct Name of Employer.....

(b) Address of Employer.....

(c) Address of Employer for Service.....

2. General nature of the Employer's business.....

3. Total Number of persons employed in the bargaining unit proposed by the Claimant Association is a part.....

4. Number of persons comprised in the proposed bargaining unit described by the Claimant Association.....

5. The Name and Address of any other association known to the Employer as claiming to be the bargaining unit to represent persons in the bargaining unit.....

6. The Employer is, or was, a party to, or bound by an Agreement, a copy of which is enclosed, and which:

(a) was signed on the.....day of.....19.....

(b) became effective on the.....day of.....19.....

(c) contains the following provision relating to its termination or renewal.....

7. Other relevant statements (Use additional pages if necessary).....

Dated at.....this.....day of.....19.....

\*

Signature of/for the Employer

\*State position held by signatory.

Made this 12th day of June, 1981.

J. S. U. ADAMS

Chairman,

Registration Recognition and Certification Board