

THE OFFICIAL GAZETTE      17<sup>TH</sup> MARCH, 2009  
LEGAL SUPPLEMENT — A

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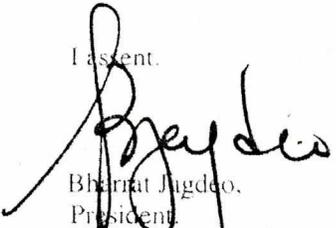


GUYANA

ACT No. 1 of 2009

TRADE UNION RECOGNITION (AMENDMENT) ACT 2009

Assent.

  
Bharrat Jagdeo,  
President.

March 17<sup>th</sup>, 2009

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Amendment of section 2 of Principal Act.

3. Amendment of section 3 of Principal Act.
4. Amendment of section 5 of Principal Act.
5. Amendment of section 18 of Principal Act.
6. Amendment of section 21 of Principal Act.
7. Amendment of section 25 of Principal Act.
8. Repeal of section 32 of Principal Act.
9. Amendment of section 36 of Principal Act.
10. Saving of Board members.
11. Transitional provisions relating to applications made to the Board.
12. Transitional provisions relating to pending applications.

AN ACT to amend the Trade Union Recognition Act 1997.

A.D. 2009

Enacted by the Parliament of Guyana:-

Short title.

1. This Act, which amends the Trade Union Recognition Act 1997, may be cited as the Trade Union Recognition (Amendment) Act 2009.

No. 33 of 1997

Amendment of section 2 of Principal Act.

2. Section 2 (1) of the Principal Act is amended by inserting, after paragraph (g), the following paragraph -

"(ga) "the most representative organisations", -

- (i) in relation to workers means the most representative organisations of workers; and
- (ii) in relation to employers, means the most representative organisations of employers;"

Amendment of section 3 of Principal Act.

3. Section 3 of the Principal Act is amended by substituting, for the words "37", the words "37 (1)".

Amendment of section 5 of Principal Act.

4. (1) Section 5 of the Principal Act is amended -

(a) by substituting for subsection (1), the following subsection -

"(1) The Board shall consist of seven members, each appointed for a period of two years, as follows -

- (i) a Chairman appointed by the Minister after consultation with the most representative organisations of workers and the most representative organisations of employers;
- (ii) three members appointed by the Minister on the nomination of the most representative organisations of workers;
- (iii) three members appointed by the Minister on the nomination of the most representative organisations of employers."

(b) in subsection (4) by substituting, for the words "such associations as in his opinion are the most representative associations of trade unions and employers", the words "the most representative organisations of workers and the most representative organisations of employers;"

(c) by repealing subsection (6);

(d) in subsection (7) -

- (i) by inserting, after the word "Chairman", the words "or any other member"; and
- (ii) by substituting, for the word "he" in both places where it occurs, the words "the member".

Amendment of section 18 of Principal Act.

5. Section 18 (4) of the Principal Act is amended by substituting, for the words "two months" the words "four months".

Amendment of section 21 of Principal Act.

6. Section 21 of the Principal Act is amended -

(a) by repealing subsection (1); and

(b) by deleting, in subsection (2), the words "and there has been no resolution under subsection (1)".

Amendment of section 25 of Principal Act.

7. Section 25 (1) (a) of the Principal Act is amended by substituting, for the words "two months as mentioned in section 18 (4)", the words "four months".

Repeal of section 32 of Principal Act.

8. Section 32 of the Principal Act is repealed.

Amendment of section 36 of Principal Act.

9. Section 36 of the Principal Act is amended by substituting, for the words "associations of trade unions and employers", the words "the most representative associations of workers and the most representative associations of employers".

Saving of Board members.

10. (1) Notwithstanding the substitution of section 5 (1) of the Principal Act by section 4 (1) of this Act, on the commencement of this Act –

- (a) the person holding appointment as Chairman of the Board immediately before the commencement of this Act is deemed to have been appointed Chairman of the Board under section 5 (1) (a) of the Principal Act;
- (b) every person holding appointment immediately before the commencement of this Act as a member appointed by the Minister on the nomination of such association as in the Minister's opinion is the most representative association of trade unions, is deemed to have been appointed a member of the Board under section 5 (1) (b) of the Principal Act; and
- (c) every person holding appointment immediately before the commencement of this Act as a member appointed by the Minister on the nomination of such association as in the Minister's opinion is the most representative association of employers, is deemed to have been appointed a member of the Board under section 5 (1) (c) of the Principal Act.

(2) A deemed appointment under subsection (1) expires on the earlier of –

- (a) the date on which the appointment would have expired had this Act not been enacted; or
- (b) the first anniversary of this Act coming into operation.

Transitional provisions relating to applications made to the Board.

11. On the commencement of this Act, section 18 (4) and 25 (1) (a) of the Principal Act as amended by this Act apply in relation to every application for certification under Part III of the Principal Act, whether made to the Board before or after the commencement of this Act.

Transitional provisions relating to pending applications.

12. (1) The amendments to section 21 of the Principal Act made by section 7 of this Act do not affect any application brought to the attention of the most representative organisation of trade unions before the commencement of this Act.

(2) For the purpose of subsection (1) of this section, section 21 (1) and (2) of the Principal Act shall continue in force as if section 6 of this Act had not been enacted.

Passed by the National Assembly on 8<sup>th</sup> January, 2009.



S.E. Isaacs,

Clerk of the National Assembly.

(Bill No. 25/2008)