

## GRENADA

### Labour Relations (Amendment) Act No. 9 of 2003

An Act to amend the Labour Relations Act 1999.

[5th September, 2003].

ENACTED by the Parliament of Grenada-

*Short title and definition.*

1. (1) This Act may be cited as the LABOUR RELATIONS (AMENDMENT) ACT. 2003.

1. (2) In this Act, "the principal Act" means the Labour Relations Act 1999 (Act No. 15 of 1999).

*Section 2 amended.*

2. Section 2 of the principal Act is amended by deleting the definition "arbitration tribunal" and substituting -

"In this Act "Arbitration Tribunal" means a person or body of persons constituted in accordance with section 46 for the settlement of trade disputes," .

*Section 3A added.*

3. Add a new section 3A after section 3 to read as follows:-

"The provisions of the principal Act together with those of the Employment Act of 1999 (Act No. 14 of 1999) shall constitute the Labour Code of Grenada. "

*Section 39 amended.*

4. Section 39 of the principal Act is amended in subsection (1) by deleting "issue of the certificate" and substituting "issuance or official notice of non-issuance of a certificate.

*Section 45 amended.*

5. Section 45 of the principal Act is amended-

(a) by deleting the marginal note and substituting "Action by Minister after receiving reports on trade dispute";

(b) in subsection (1) by deleting "subject to subsection (2), a trade dispute" and substituting "A trade dispute";

(c) by repealing subsection (2) and substituting-

"45. (2) Pursuant to subsection (1), a trade dispute shall be dealt with by the following manner-

(a) by referring the trade dispute to the Labour Commissioner at a conciliation meeting, and, if this fails to resolve the dispute,

(b) by referring the trade dispute to the Minister at a mediation meeting.

(c) The Labour Commissioner and the Minister shall endeavour as far as it is reasonably practicable to do so, to hold the conciliation and mediation meetings respectively within thirty (30) days of referrals.

(d) by adding a new subsection as follows-

"45. (3) If there is a trade dispute in respect of an essential service and the parties fail to comply with subsection (2), or the steps taken under subsection (2) fail to resolve the dispute-

(a) the Minister shall first seek the consent of the parties to the dispute for referral of the dispute, within a time specified by him, to an Arbitration Tribunal and for its composition and terms of reference; but,

(b) if the consent of the parties cannot be obtained within the time specified, the Minister may decide to establish an Arbitration Tribunal and determine its composition and terms of reference in his own discretion.

45. (4) If there is a trade dispute in respect of a service other than an essential service and the parties to the dispute fail to comply with subsection (2) or the steps taken under subsection (2) fail to resolve the dispute, the Minister may invite both parties to reach mutual agreement on the establishment of an Arbitration Tribunal, its composition and terms of reference, but no party is compelled to agree on same.

45. (5) Once there has been mutual agreement on the establishment of an Arbitration Tribunal in respect of an industrial dispute or, failing such agreement, the Minister has decided to establish an Arbitration Tribunal as provided by this section, the provisions of section 50 of the principal Act apply as if the dispute had been referred to an Arbitration Tribunal."

*Section 46 amended.*

6. Section 46 of the principal Act is amended-

(a) by deleting the marginal note and substituting "Composition of Arbitration Tribunal";

(b) in subsection (1) by deleting everything before paragraph (a) and substituting-

"46. (1) Where a trade dispute is referred to an Arbitration Tribunal under section 45, the Tribunal must comprise either-";

(c) by repealing subsection (2);

(d) by deleting the figure "(3)" and inserting "(2)".

*Section 47 amended.*

7. Section 47 of the principal Act is amended in subsection (3) by deleting "arbitration" on the 4th line and substituting "arbitrator".

*Section 48 amended.*

8. Section 48 of the principal Act is amended in subsection (1) by deleting "section 46" and substituting "section 45".

*Section 49 amended.*

9. Section 49 of the principal Act is amended-

(a) in subsections (1) and (3) by deleting "section 46" and substituting "section 45";

(b) in subsection (2) by deleting "subsection (2)" on the first line and substituting "subsection (3)";

(c) in subsection (3) by deleting "section 49. (2)" and substituting "subsection (2)".

*Section 50 amended.*

10. (1) Section 50 of the principal Act is amended in subsection (1)-

(a) by deleting the marginal note and substituting "Referral to an Arbitration Tribunal";

(b) by deleting " section 46, and where that dispute arises in an essential service" and substituting " section 45, " ;

(c) by deleting "employee" in the 7th, 9th and 10th lines and substituting "employees";

(d) by deleting " reported to the Minister" in the 13th line and substituting "referred to an Arbitration Tribunal".

10. (2) Section 50 of the principal Act is amended by adding at the end the following new subsection-

"(3) Except as provided in subsection (1), no employer, employee or trade union shall take industrial action in respect of an essential service."

10. (3) Section 50 of the Principal Act is amended in subsection (2) in the following manner:

(a) delete the word "includes" in line 1 and replace with the words "refers to either";

(b) delete the word "and" in line 2 and replace with the word " or" .

*Section 55 replaced*

11. Section 55 of the principal Act is amended in subsection (2) by deleting "subsection (2)" and substituting "subsection (3)" .

*Section 59 replaced*

12. Section 59 of the principal Act is repealed and replaced by the following-

*"Expenses*

59. (1) If the Minister appoints an Arbitration Tribunal in his own discretion under section 45, the expenses associated with the sitting of the Tribunal shall be a charge on the Consolidated Fund.

59. (2) If the parties to a trade dispute mutually agree to refer the dispute to an Arbitration Tribunal for settlement, the expenses associated with the sitting of the Tribunal shall be shared equally between the parties.

59. (3) The Minister may establish a schedule of fees payable to arbitrators, assessors or members of a Board of Inquiry to be used as a guide.

59. (4) Subject to subsection (5), the Department of Labour shall provide secretarial services and accommodation for a Tribunal at no expense to the parties.

59. (5) If the parties agree to provide their own secretarial services and accommodation they may do so, sharing the costs between them."

*Section 60 amended.*

13. Section 60 of the principal Act is amended -

(a) in subsection (2) by deleting "subsection (4)" on the 7th line;

(b) in subsection (3) by -

(i) deleting the dash and line space after "may" on the 4th line;

(ii) deleting the paragraph letters " (a) " and " (b) " and related line spacing.

*Second Schedule amended.*

14. The Second Schedule to the principal Act is amended -

(a) in item 5 by adding" including operational ancillary services related to civil aviation such as meteorology, ground handling and in flight catering"

(b) by deleting item 4 and substituting the following -

" 4. Government hospitals, including nursing services in such hospitals. " .

*Schedule of Amendments.*

15. The provisions of the principal Act specified in the first column of the Schedule to this Act are amended in the manner specified in the second column of that Schedule.

*Commencement.*

16. This Act comes into force on the date of publication in the *Gazette*.

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## SCHEDULE

(Section 15)

### AMENDMENTS TO THE LABOUR RELATIONS ACT 1999

<u>Section</u>	<u>Amendment</u>
2	In paragraph (b) of the definition of "member in good standing" delete "union" in the 3rd line and substitute "unions" .
--	In paragraph (a) of the definition of "trade dispute" delete "a trade union" in the first line and substitute "an employers' organization" .
--	In paragraph (b) of the definition of "trade dispute" delete "union" in the 2nd line and substitute "unions".
--	In the definition of "trade dispute" move all the text in paragraph (b) beginning, "where the dispute" to the left margin so that it applies to (a) and (b).
--	In the definition of "trade union" delete the semi-colon at the end and substitute a full stop.
5. (3) -	Delete "be" in the 2nd line and substitute "is".
9. (2) -	Delete "previous" in the 2nd line.
10. -	Delete "any or let" in the 3rd line and substitute "or let any".
12. (3) -	Insert "all" before "respects" in the 2nd line.
13. -	Delete "which shall be" in the 4th line.
15. (1) -	Delete "purpose" in the first line and substitute "purposes".
--	Delete "far" in the 3rd line.
15. (2) -	Delete "purpose" in the first line and substitute "purposes".
-	Add at the end" entered into by the organization".
21. (1) -	Delete "be" in the 2nd line.
22. (1) -	Delete "or" in the fourth line and substitute "on".

22. (2) - Delete "sue him for or on behalf of" and substitute "seek an injunction in" .
23. (2) - Insert "an" before "action" in the first line.
24. (7) - In paragraph (b), remove the text beginning "and any organisation" to the left margin so that it applies to both (a) and (b).
- 26(1) - In paragraph (a), delete "may not join a trade union or" and substitute "must not join a trade union or must".
36. (1) - Delete the semi-colon at the end and substitute a full stop. "
43. (9) - Delete "or" in the 3rd line and substitute "of".
- 68 - Insert "person" after "other" in the 6th line.
- 69 - In paragraph (e), move the text beginning "commits an offence" to the left margin so that it applies to (a) and (e).
71. (2) - Delete "to" in the 2nd line.
- First Schedule - In paragraph 6 delete "deposits" and substitute "deposit" .