



No. 28 of 2012

## INDUSTRIAL RELATIONS (AMENDMENT) ACT, 2012

### AN ACT TO AMEND THE INDUSTRIAL RELATIONS ACT

[Date of Assent - 12<sup>th</sup> December, 2012]

Enacted by the Parliament of The Bahamas

**1. Short title and commencement.**

- (1) This Act, which amends the Industrial Relations Act (*Ch. 321*), may be cited as the Industrial Relations (Amendment) Act, 2012.
- (2) This Act shall come into force on a day to be appointed by the Minister by Notice published in the Gazette.

**2. Amendment of section 2 of the principal Act.**

Subsection (1) of section 2 of the Industrial Relations Act is amended by—

- (a) the deletion of the definition of the term “trade dispute” or “dispute” and the substitution therefor of the following—  
“means—

- (a) any dispute or difference or apprehended dispute or difference between one or more employers and one or more employees, or between one or more employees and one or more other employees, which is connected with the employment or non-employment or the terms or conditions of employment, of any person, and includes a general dispute and a limited dispute; and
- (b) any dispute or difference or apprehended dispute or difference concerning the interpretation, application, administration or alleged violation of an industrial agreement affecting any employee and the failure and refusal of an employer to treat and enter into negotiations with the trade

union which is the bargaining agent for employees in a bargaining unit;”;

- (b) the insertion, in the appropriate alphabetical order, of the following terms and definitions—

““illegality” includes any matter which is in contravention of or repugnant to common law or statute;”;

“Registrar” means the Registrar of Trade Unions and Industrial Agreements pursuant to sections 5(1) and 48;”.

**3. Amendment of section 43 of the principal Act.**

Subsection (1) of section 43 of the principal Act is amended by the deletion of the words “or the employer” which immediately occur after the words “comprised in the bargaining unit”.

**4. Amendment of section 48 of the principal Act.**

Section 48 of the principal Act is amended by the deletion of the words “Industrial Tribunal” and the substitution therefor of the word “Registrar”.

**5. Amendment of section 49 of the principal Act.**

Section 49 of the principal Act is repealed and replaced by the following—

**“49. Registration of industrial agreements by the Registrar.**

- (1) Within fourteen days of receipt of any such copy of a draft industrial agreement, the Registrar shall make thereon such comments as he may think fit and if he is satisfied that the draft industrial agreement does not contain any illegality, the Registrar shall request the union and the employer to execute the industrial agreement in proper form and shall register such industrial agreement when so executed.
- (2) In every case in which the Registrar is not satisfied that the draft industrial agreement does not contain any illegality, the Registrar shall request the union and the employer (hereinafter in this section together referred to as “the parties”) in writing, to remove the illegality within a period of one month and upon the expiry of one month, the parties shall immediately thereafter re-submit in writing, the amended industrial agreement to the Registrar for his review.
- (3) If after reviewing the amended industrial agreement, the Registrar is satisfied that it no longer contains any illegality, he shall request the parties to execute the amended draft industrial agreement in proper form and thereafter, he shall register the same.
- (4) Where the parties are aggrieved by the refusal of the Registrar to register any industrial agreement that contains any illegality, the

parties shall be entitled to apply to the Court within the time and manner, and on the conditions required by the rules of the Court.”.

**6. Amendment of section 50 of the principal Act.**

Section 50 of the principal Act is amended by the deletion of the words “by the Tribunal” which immediately occur after the words “have effect only if it is registered” and the substitution therefore of the word “Registrar”.

**7. Amendment of section 55 of the principal Act.**

Section 55 of the principal Act is amended by—

- (a) the deletion of paragraph (b);
- (b) the renumbering of paragraph (c) as paragraph (b).