

I assent.

(L.S.)

**MARIE LOUISE
COLEIRO PRECA
President**

20th February, 2015

ACT No. IV of 2015

AN ACT to amend various laws to enable members of disciplined and similar forces and services to become members of trade unions and to make consequential, ancillary and transitory provisions for the said purpose.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same as follows:-

Short title.

1. The short title of this Act is the Various Laws (Trade Union Membership of Disciplined Forces) Act, 2015.

PART I

Amendments to the Police Act

Amendments of
the Police Act.
Cap. 164.

2. This Part amends the Police Act, hereinafter in this Part referred to as "the principal Act" and it shall be read and construed as one with the said principal Act.

Amendment of
article 2 of the
principal Act.

3. In article 2 of the principal Act the definition "the Malta Police Association" shall be deleted.

Amendment of
article 7 of the
principal Act.

4. In sub-article (3) of article 7 of the principal Act the words "who shall be entitled to join any professional association established under this Act" shall be deleted.

Amendment of
article 14 of the
principal Act.

5. In article 14 of the principal Act, for the words "or through a professional association established under this Act" there shall be substituted the words "or through a trade union".

6. Sub-article (4) of article 21 of the principal Act shall be amended as follows: Amendment of article 21 of the principal Act.
- (a) for the words "by the Malta Police Association" there shall be substituted the words "by the trade union representing the members of the Force"; and
- (b) in the proviso thereto, for the words "there is more than one such association" there shall be substituted the words "there is more than one trade union", and for the words "the relevant strength of such association" there shall be substituted the words "the relevant strength of such trade unions".
7. Title III of Part II of the principal Act, including articles 24, 25, 26, 27, 28, 29 and 30, and the Second Schedule to the principal Act shall be deleted. Deletion of Title III of Part II and of the Second Schedule to the principal Act.
8. Article 34 of the principal Act shall be deleted. Deletion of article 34 of the principal Act.
9. In paragraph (b) of article 37 of the principal law, for the words "or a representative of a police association, as mentioned in Title III of Part II of this Act, of which he is a member." there shall be substituted the words "or a representative of a trade union." Amendment of article 37 of the principal Act.
10. In sub-article (1) of article 105 of the principal Act the words "the President of the Police Association or his representative," shall be deleted. Amendment of article 105 of the principal Act.
11. Paragraph (e) of article 6 of the Third Schedule to the principal Act shall be deleted. Amendment of the Third Schedule to the principal Act.

PART II

Amendments to the Malta Armed Forces Act

12. This Part amends the Malta Armed Forces Act, hereinafter in this Part referred to as the "principal Act" and it shall be read and construed as one with the principal Act. Amendments of the Malta Armed Forces Act. Cap. 220.
13. Immediately after article 183 of the principal Act there shall be added the following new articles: Addition of articles 184 and 185 to the principal Act.

"Trade union membership.

184. (1) A member of the Force shall be entitled to be a member of a registered trade union of his choice.

(2) A trade union representing members of the Force:

(a) shall not be entitled to limit its membership to any particular rank or sector in the Force;

(b) shall be entitled to negotiate conditions of employment and to participate in dispute resolution procedures of a conciliatory, mediatory, arbitral or judicial nature on behalf of the members of the Force which it represents but it shall not be entitled to take any other action in the Force in contemplation or furtherance of a dispute or to participate in proceedings relating to charges of military offences issued under this Act.

Prohibition of industrial action.

185. Any member of the Force who takes industrial action or who participates in any industrial action taken in the Force in contemplation or furtherance of a dispute shall be guilty of a military offence against good order and military discipline:

Provided that nothing in this article shall prejudice the right of a trade union which represents members of the Force from performing those acts which are permissible in accordance with the provisions of paragraph (b) of sub-article (2) of article 184 or the right of a member of the Force to participate in the procedures mentioned in the said paragraph."

PART III

Amendments to the Civil Protection Act

Amendments of the Civil Protection Act. Cap. 411.

14. This Part amends the Civil Protection Act, hereinafter in this Part referred to as "the principal Act", and it shall be read and construed as one with the said principal Act.

Amendment of article 8 of the principal Act.

15. Sub-article (7) of article 8 of the principal Act shall be substituted by the following:

"(7) The members of the Force shall be entitled to join a trade union."

PART IV**Amendments to the Employment and Industrial Relations Act**

16. This Part amends the Employment and Industrial Relations Act, hereinafter in this Part referred to as "the principal Act", and it shall be read and construed as one with the said principal Act.

Amendments of the Employment and Industrial Relations Act. Cap. 452

17. Article 2 of the principal Act shall be amended as follows:

Amendment of article 2 of the principal Act.

(a) in the definition "contract of service", immediately after the words "disciplined force" there shall be added the words "except as may be provided in or under this Act"; and

(b) in the definition "disciplined force", immediately after the words "Constitution of Malta" there shall be added the words "and includes the Assistance and Rescue Force established by virtue of the Civil Protection Act".

18. Immediately after sub-article (4) of article 48 of the principal Act, there shall be added the following new sub-article:

Amendment of article 48 of the principal Act.

"(5) Regulations made under sub-articles (2) and (3) shall, unless the contrary is explicitly provided in or under any other law, prevail over what is provided in or under any other law with regard to any matter concerning industrial and employment relations."

19. Immediately after article 67 of the principal Act, there shall be added the following new article:

Addition of new article 67A to the principal Act.

"Trade union membership in disciplined forces.

67A. (1) A member of a disciplined force shall be entitled to be a member of a registered trade union of his choice.

(2) A trade union representing members of a disciplined force:

(a) shall not be entitled to limit its membership to any particular rank in the said force;

(b) shall be entitled to negotiate conditions of employment and to participate in dispute resolution procedures of a conciliatory, mediatory, arbitral or judicial nature on behalf of the members of the disciplined force which it represents but it shall not be entitled to take any other action in a disciplined force in contemplation or furtherance of a dispute:

Provided that notwithstanding the provisions of this article, the right of members of the Armed Forces of Malta to be members of a trade union shall be regulated only under the Malta Armed Forces Act."

PART V **Transitory Provision**

Dissolution,
winding-up or
conversion of
existing
associations.

20. Notwithstanding the provisions of any other law or of any other regulations, whether enacted before or after the coming into force of this Act, whereby reference in any law or regulation to The Malta Police Association, The Civil Protection Staff Association, The Prisons Officers Staff Association or the Armed Forces of Malta Staff Association is removed, the said associations shall, notwithstanding such removal, continue to exist and shall enjoy the capacity of juridical persons only for the purpose of being dissolved or wound up or of being converted into a trade union or into a legal person of another legal form by virtue of a decision taken by a majority of their members.

Passed by the House of Representatives at Sitting No. 238 of the 11th February, 2015.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives

