

# **Industrial Relations (Recognition of a Trade Union of Employees) Regulations**

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## **THE SCHEDULE**

## **Legislative History**

### **INDUSTRIAL RELATIONS ACT (CHAPTER 136, SECTION 86)**

### **INDUSTRIAL RELATIONS (RECOGNITION OF A TRADE UNION OF EMPLOYEES) REGULATIONS**

**Rg 3**

## **Citation**

1. These Regulations may be cited as the Industrial Relations (Recognition of a Trade Union of Employees) Regulations.

## **Definitions**

2. In these Regulations, unless the context otherwise requires —

“claim for recognition” means a claim for recognition served by a trade union of employees on an employer under regulation 3(1);

“secret ballot” means a secret ballot taken under these Regulations for the purpose of determining whether the majority of the persons employed by an employer are members of a trade union of employees which has served a claim for recognition;

“recognition” means recognition given by an employer in accordance with the provisions of these Regulations to a trade union of employees recognising it as the negotiating body for collective bargaining under Part III of the Act.

## **Trade union of employees may claim recognition**

3.—(1) A trade union of employees may serve on an employer a claim for recognition in Form A set out in the Schedule.

(2) An employer upon whom a claim for recognition has been served shall, within 7 working days after the service of the claim, either give recognition to the trade union or, if he disputes the claim, notify the Commissioner in writing his grounds for not giving recognition.

(3) Upon receipt of a notification from an employer under paragraph (2), the Commissioner may in his discretion by notice in writing inform the employer that a secret ballot shall be taken in accordance with such directions as the Commissioner may give.

(4) A copy of a notice, served on the employer under paragraph (3), shall be sent to the trade union or, if there is more than one trade union of employees, the trade unions of employees concerned.

### **Commissioner may require assistance from trade union and employer**

4.—(1) When the Commissioner has served a notice on the employer under regulation 3(3), the employer and the trade union or trade unions of employees concerned shall furnish the Commissioner with such information as he may require and shall give every assistance to the Commissioner to enable him to conduct the secret ballot in accordance with the decision of the Commissioner under regulation 3(3).

(2) No person, employer or trade union of employees shall in any way obstruct the taking of the secret ballot.

(3) The Commissioner shall, as soon as the results of the secret ballot are known, communicate the results to the employer and the trade union or trade unions of employees concerned.

(4) When the results of a secret ballot have been communicated to an employer under paragraph (3), the employer shall, if the results of the secret ballot show that the majority of the employees entitled to vote are members of a particular trade union of employees, give recognition to that trade union within 3 working days of the date of the receipt of the results.

### **Secret ballot**

5.—(1) Subject to paragraph (2), all persons employed by the employer on the date on which a claim for recognition is served shall be entitled to vote in a secret ballot.

(2) The following persons shall not be entitled to vote in a secret ballot:

- (a) partners in a partnership business;
- (b) persons employed after the date on which a claim for recognition has been served;
- (c) persons employed temporarily for a period not exceeding 3 months;
- (d) persons who are on probation and who have been on probation for less than 3 months on the date on which a claim for recognition is served.

(3) Any dispute between an employer and a trade union or trade union of employees as to whether any employee is entitled to vote in a secret ballot, in accordance with paragraph (1), shall be referred to the Commissioner whose decision shall be final.

### **Employer to communicate with recognised trade union**

6. An employer who gives recognition to a trade union of employees under regulation 3(2) or 4(4) shall communicate such recognition to the trade union of employees in Form B set out in the Schedule.