Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 19,385, 20 ta' Frar, 2015
Taqsima A

MALTA

ATT Nru. IV tal-2015

ATT maħruġ b'liġi mill-Parlament ta' Malta.

ATT biex jemenda diversi liġijiet biex membri ta' forzi dixxiplinati u ta' forzi u servizzi oħra simili jkunu jistgħu jsiru membri ta' ***trade unions*** **u biex jipprovdi għal dispożizzjonijiet konsegwenzjali, anċillari u transitorji għall-imsemmi għan.**

ACT No. IV of 2015

AN ACT enacted by the Parliament of Malta.

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.

Nagħti l-kunsens tiegħi.

(L.S.)

MARIE LOUISE COLEIRO PRECA
President

20 ta' Frar, 2015

ATT Nru IV tal-2015

ATT biex jemenda diversi liġijiet biex membri ta' forzi dixxiplinati u ta' forzi u servizzi oħra simili jkunu jistgħu jsiru membri ta' trade unions *u biex jipprovdi għal dispożizzjonijiet konsegwenzjali, anċillari u transitorji għall-imsemmi għan.*

IL-PRESIDENT bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità tal-istess, ħarġet b'liġi dan li ġej:-

1. It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2015 dwar Diversi Liġijiet fil-qasam tas-Sħubija fi *Trade Union* ta' Forzi Dixxiplinati. Titolu fil-qosor.

TAQSIMA I
Emendi tal-Att dwar il-Pulizija

2. Din it-Taqsima temenda l-Att dwar il-Pulizija, hawn iżjed 'il quddiem imsejjaħ "l-Att prinċipali", u għandha tinqara u tinftiehem ħaġa waħda mal-imsemmi Att prinċipali. Emendi tal-Att dwar il-Pulizija. Kap. 164.

3. Fl-artikolu 2 tal-Att prinċipali t-tifsira "Assoċjazzjoni tal-Pulizija ta' Malta" għandha tiġi mħassra. Emenda tal-artikolu 2 tal-Att prinċipali.

4. Fis-subartikolu (3) tal-artikolu 7 tal-Att prinċipali l-kliem "li jkollhom jedd li jingħaqdu ma' kull assoċjazzjoni professjonali mwaqqfa taħt dan l-Att" għandhom jiġi mħassra. Emenda tal-artikolu 7 tal-Att prinċipali.

5. Fl-artikolu 14 tal-Att prinċipali, minflok il-kliem "jew permezz ta' assoċjazzjoni professjonali stabbilita taħt dan l-Att" Emenda tal-artikolu 14 tal-Att prinċipali.

VERŻJONI ELETTRONIKA

għandhom jidħlu l-kliem "jew permezz ta’ *trade union*".

Emenda tal-artikolu 21 tal-Att prinċipali.

6. Is-subartikolu (4) tal-artikolu 21 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) minflok il-kliem "mill-Assoċjazzjoni tal-Pulizija ta’ Malta" għandhom jidħlu l-kliem "mit-*trade union* li tirrappreżenta l-membri tal-Forza"; u

(b) fil-proviso għas-subartikolu (4), minflok il-kliem "ikun hemm iktar minn tali assoċjazzjoni waħda" għandhom jidħlu l-kliem "ikun hemm iktar minn *trade union* waħda", u minflok il-kliem "is-saħħa relattiva ta’ dawk l-assoċjazzjonijiet" għandhom jidħlu l-kliem "is-saħħa relattiva ta’ dawk it-*trade unions*".

Tħassir tat-Titolu III tat-Taqsima II u tat-Tieni Skeda li tinsab mal-Att prinċipali.

7. It-Titolu III tat-Taqsima II tal-Att prinċipali, inklużi l-artikoli 24, 25, 26, 27, 28, 29 u 30, u t-Tieni Skeda li tinsab mal-Att prinċipali għandhom jiġu mħassra.

Tħassir tal-artikolu 34 tal-Att prinċipali.

8. L-artikolu 34 tal-Att prinċipali għandu jiġi mħassar.

Emenda tal-artikolu 37 tal-Att prinċipali.

9. Fil-paragrafu (b) tal-artikolu 37 tal-Att prinċipali, minflok il-kliem "jew rappreżentant ta’ xi assoċjazzjoni tal-pulizija, kif hemm imsemmi fit-Titolu III tat-Taqsima II ta’ dan l-Att, li tagħha huwa jkun membru." għandhom jidħlu l-kliem "jew rappreżentant ta’ *trade union.*".

Emenda tal-artikolu 105 tal-Att prinċipali.

10. Fis-subartikolu (1) tal-artikolu 105 tal-Att prinċipali l-kliem "mill-President tal-Assoċjazzjoni tal-Pulizija jew mir-rappreżentant tiegħu," għandhom jiġu mħassra.

Emenda tat-Tielet Skeda li tinsab mal-Att prinċipali.

11. Il-paragrafu (e) tal-artikolu 6 tat-Tielet Skeda li tinsab mal-Att prinċipali għandu jiġi mħassar.

TAQSIMA II
Emendi tal-Att dwar il-Forzi Armati ta’ Malta

Emendi tal-Att dwar il-Forzi Armati ta’ Malta. Kap. 220.

12. Din it-Taqsima temenda l-Att dwar il-Forzi Armati ta’ Malta, hawn iżjed ’il quddiem f’din it-Taqsima msejjaħ "l-Att prinċipali", u għandha tinqara u tinftiehem ħaġa waħda mal-imsemmi Att prinċipali.

Żjieda tal-artikoli 184 u 185 fl-Att prinċipali.

13. Minnufih wara l-artikolu 183 tal-Att prinċipali għandhom jiżdiedu dawn l-artikoli ġodda li ġejjin:

"Sħubija fi *trade union*.

184. (1) Membru tal-Forza jista' jissieħeb fi *trade union* reġistrata tal-għażla tiegħu.

(2) *Trade union* li tirrappreżenta membri tal-Forza:

(a) ma tistax tillimita s-sħubija fiha għal xi rank jew settur partikolari tal-Forza;

(b) tista' tinnegozja kondizzjonijiet ta' impieg u tieħu sehem fi proċeduri ta' temm ta' kwistjonijiet li jkunu ta' natura ta' konċiljazzjoni, ta' medjazzjoni, ta' arbitraġġ jew ta' natura ġudizzjarja, f'isem il-membri tal-Forza li tirrappreżenta iżda ma jkollha ebda dritt li tieħu xi azzjoni oħra fil-Forza bi ħsieb ta' tilwima jew biex din it-tilwima titmexxa 'l quddiem jew li tipparteċipa fi proċeduri li għandhom x'jaqsmu ma' akkużi dwar reati militari maħruġa taħt dan l-Att.

Projbizzjoni ta' azzjoni industrijali.

185. Kull membru tal-Forza li jieħu azzjoni industrijali jew jipparteċipa f'xi azzjoni industrijali meħuda fil-Forza bi ħsieb ta' tilwima jew biex it-tilwima titmexxa 'l quddiem ikun ħati ta' reat militari kontra l-bon-ordni u d-dixxiplina militari:

Iżda xejn f'dan l-artikolu ma għandu jippreġudika d-dritt ta' *trade union* li tkun tirrappreżenta membri tal-Forza milli tagħmel dawk l-atti li huma permessi bis-saħħa tad-dispożizzjonijiet tal-paragrafu (b) tas-subartikolu (2) tal-artikolu 184 jew ta' membru tal-Forza milli jipparteċipa fil-proċeduri msemmija f'dak il-paragrafu.".

TAQSIMA III
Emendi tal-Att dwar il-Protezzjoni Ċivili

Emendi tal-Att dwar il-Protezzjoni Ċivili. Kap. 411.

14. Din it-Taqsima temenda l-Att dwar il-Protezzjoni Ċivili, hawn iżjed 'il quddiem imsejjaħ "l-Att prinċipali", u għandha tinqara u tinftiehem ħaġa waħda mal-imsemmi Att prinċipali.

Emenda tal-artikolu 8 tal-Att prinċipali.

15. Is-subartikolu (7) tal-artikolu 8 tal-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

"(7) Il-membri tal-Forza jistgħu jissieħbu fi *trade union*.".

TAQSIMA IV
Emendi tal-Att dwar l-Impiegi u r-Relazzjonijiet Industrijali

Emendi tal-Att dwar l-Impiegi u r-Relazzjonijiet Industrijali. Kap. 452

16. Din it-Taqsima temenda l-Att dwar l-Impiegi u r-Relazzjonijiet Industrijali, hawn iżjed 'il quddiem imsejjaħ "l-Att prinċipali", u għandha tinqara u tinftiehem ħaġa waħda mal-imsemmi Att prinċipali.

Emenda tal-artikolu 2 tal-Att prinċipali.

17. L-artikolu 2 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fit-tifsira "kuntratt ta' servizz", minnufih wara l-kliem "forza dixxiplinata" għandhom jiżdiedu l-kliem "ħlief kif jista' jiġi provdut f'dan l-Att jew taħtu"; u

(b) fit-tifsira "forza dixxiplinata", minnufih wara l-kliem "tal-Kostituzzjoni ta' Malta" għandhom jiżdiedu l-kliem "u tinkludi l-Forza ta' Għajnuna u Salvataġġ stabbilita bis-saħħa tal-Att dwar il-Protezzjoni Ċivili".

Emenda tal-artikolu 48 tal-Att prinċipali.

18. Minnufih wara s-subartikolu (4) tal-artikolu 48 tal-Att prinċipali, għandu jiżdied is-subartikolu ġdid li ġej:

"(5) Ir-regolamenti magħmulin skont is-subartikoli (2) u (3) għandhom, sakemm ma jkunx hemm espliċitament previst il-kuntrarju f'xi liġi oħra jew taħtha, jipprevalu fuq dak li hu previst f'xi liġi oħra jew taħtha fir-rigward ta' kull materja li għandha x'taqsam ma' relazzjonijiet industrijali jew dwar impieg.".

Żjieda tal-artikolu 67A ġdid mal-Att prinċipali.

19. Minnufih wara l-artikolu 67 tal-Att prinċipali, għandu jiżdied l-artikolu ġdid li ġej:

"Sħubija fi *trade union* fil-forzi dixxiplinati.

67A. (1) Membru ta' forza dixxiplinata jista' jissieħeb fi *trade union* reġistrata tal-għażla tiegħu.

(2) *Trade union* li tirrappreżenta membri ta' forza dixxiplinata:

(a) ma tistax tillimita s-sħubija fiha għal xi rank partikolari fl-imsemmija forza;

(b) tista' tinnegozja kondizzjonijiet ta' impieg u tieħu sehem fi proċeduri ta' temm ta' kwistjonijiet li jkunu ta' natura ta' konċiljazzjoni, ta' medjazzjoni, ta' arbitraġġ jew ta' natura ġudizzjarja f'isem il-membri tal-forza dixxiplinata li tirrappreżenta iżda ma jkollha l-ebda dritt li tieħu xi azzjoni oħra fil-forza dixxiplinata bi ħsieb ta' tilwima jew biex din it-tilwima titmexxa 'l quddiem:

Iżda minkejja d-dispożizzjonijiet ta' dan l-artikolu, id-dritt tal-membri tal-Forzi Armati ta' Malta li jkunu membri fi *trade union* għandu jkun regolat biss taħt l-Att dwar il-Forzi Armati ta' Malta.".

TAQSIMA V
Dispożizzjoni transitorja

Xoljiment, stralċ jew tibdil ta' assoċjazzjonijiet eżistenti.

20. Minkejja d-dispożizzjonijiet ta' kull liġi oħra jew ta' kull regolament ieħor, kemm jekk saru liġi qabel jew wara l-bidu fis-seħħ ta' dan l-Att, li bih jitneħħew referenzi f'xi liġi jew regolament għall-Assoċjazzjoni tal-Pulizija ta' Malta, l-i*Staff Association* ta' Persunal fil-Protezzjoni Ċivili, l-Assoċjazzjoni tal-Uffiċjali tal-Ħabs jew l-i*Staff Association* tal-Forzi Armati ta' Malta, l-imsemmija assoċjazzjonijiet għandhom, minkejja dik it-tneħħija, ikomplu fis-seħħ u għandu jibqa' jkollhom l-istatus ta' persuna ġuridika għall-għan biss sabiex jiġu xolti jew stralċjati jew biex jinbidlu għal *trade union* jew persuna ġuridika ta' forma legali oħra bis-saħħa ta' deċiżjoni meħuda mill-maġġoranza tal-membri tagħhom.

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 238 tal-11 ta' Frar, 2015.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

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 A ct 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

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