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MALTA**KAMRA TAD-DEPUTATI****HOUSE OF REPRESENTATIVES**

ABBOZZ ta' Liġi mressaq mill-Onor-
evoli Wistin Abela, M.P., Ministru ta'
l-Iżvilupp, Enerġija, Port u Telekommu-
nikazzjonijiet, u moqri għall-Ewwel
darba fis-Seduta ta' l-20 ta' Ġunju, 1977.

ATT biex ikompli jemenda l-Ordinanza
ta' l-1962 dwar il-Haddiema tal-Port.

A BILL introduced by the Honour-
able Wistin Abela, M.P., Minister of
Development, Energy, Port and Tele-
communications, and read the First
time at the Sitting of the 20th June,
1977.

AN ACT further to amend the Port
Workers Ordinance, 1962.

C. MIFSUD

Skrivan tal-Kamra tad-Deputati

C. MIFSUD

Clerk to the House of Representatives

ABBOZZ TA' LIĠI

msejjah

ATT biex ikompli jemenda l-Ordinanza ta' l-1962 dwar il-Haddiema tal-Port.

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

Titolu fil-qosor
u bidu fis-sehh.

1. (1) Dan l-Att jista' jissejjah l-Att ta' l-1977 li jemenda l-Ordinanza dwar il-Haddiema tal-Port, u għandu jinqara u jftiehem haġa waħda ma' l-Ordinanza ta' l-1962 dwar il-Haddiema tal-Port, hawnhekk iżjed 'il quddiem imsejha "il-liġi prinċipali".

(2) Dan l-Att għandu jibda jsehh f'dik id-data li l-Ministru responsabbli għall-portijiet jista' b'avviż fil-Gazzetta jistabbilixxi, u dati differenti jistgħu jiġu hekk stabbiliti għal disposizzjonijiet differenti u għal għanijiet differenti ta' dan l-Att.

Emenda ta'
l-artikolu 2
tal-liġi prinċipali.

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

(a) minflok it-tifsira ta' "Att" għandu jidhol dan li ġej:
"Att" tisser l-Att ta' l-1976 dwar Relazzjonijiet Industrijali;;

(b) minnufih wara t-tifsira "kondizzjonijiet ta' mpieg" għandha tidhol it-tifsira ġdida li ġejja:

"kuntrattur" għandha l-istess tifsir kif mogħti lilha bl-artikolu (2) ta' l-Ordinanza ta' l-1962 dwar il-Portijiet;; u

(ċ) fit-tifsira ta' "haddiem tal-port" il-kliem "kif imfisser bl-artikolu 2 ta' l-Ordinanza ta' l-1962 dwar il-Portijiet" għandhom jithassru.

Emenda ta'
l-artikolu 3
tal-liġi prinċipali.

3. Fil-proviso għas-subartikolu (4) ta' l-artikolu 3 tal-liġi prinċipali l-kliem "kif imfisser bl-artikolu 2 ta' l-Ordinanza ta' l-1962 dwar il-Portijiet" għandhom jithassru.

4. L-artikolu 5 tal-liġi prinċipali għandu jiġi emendat kif ġej:
 (a) minflok is-subartikolu (2) għandu jidhol dan li ġej:

Emenda ta'
 l-artikolu 5
 tal-liġi prinċipali.

“(2) Il-liċenza tkun sugġetta għal dawk il-kondizzjonijiet li jkunu jinsabu fiha jew f’xi tiġdid tagħha, u tiskadi fil-wiehed u tletin ta’ Diċembru ta’ kull sena iżda tista’ tiġġedded minn sena għal sena:

Iżda l-liċenza għandha tiskadi awtomatikament jekk il-foreman jiġi misjub hati ta’ serq li jkun sar matul jew dwar xogħol tal-port.”, u

- (b) fis-subartikolu (6) tiegħu l-kliem “kif imfisser bl-artikolu 2 ta’ l-Ordinanza ta’ l-1962 dwar il-Portijiet” għandhom jithassru.

5. Minflok il-proviso għas-subartikolu (2) ta’ l-artikolu 7 tal-liġi prinċipali għandu jidhol dan li ġej:

Emenda ta’
 l-artikolu 7
 tal-liġi prinċipali.

“Iżda —

(a) meta xi faċilitajiet tal-port ikunu mhaddma jew provduti minn kuntrattur, wiehed mill-membri msemmija fil-paragrafu (b) ta’ dan is-subartikolu għandu jiġi mahtur minn fost persuni nominati minn dak il-kuntrattur;

(b) meta xi kumpannija tal-bastimenti li fiha l-maġġoranza ta’ l-azzjonijiet ikunu miżmuma mill-Gvern ta’ Malta jew minn korp magħqud imwaqqaf b’liġi, jew mit-tnejn flimkien, jew minn sussidjarja ta’ xi kumpannija bħal dik, timpjega haddiema tal-port għat-tagħbija jew hatt ta’ bastimenti li jkunu proprjetà tagħha, chartered jew manigġati minnha, wiehed mill-membri msemmija fil-paragrafu (b) ta’ dan is-subartikolu għandu jiġi mahtur minn fost persuni nominati minn dik il-kumpannija.”.

6. Minflok is-subartikolu (7) ta’ l-artikolu 8 tal-liġi prinċipali għandu jidhol is-subartikolu li ġej:

Emenda ta’
 l-artikolu 8
 tal-liġi prinċipali.

“(7) Memorandum tal-pattijiet ta’ ftehim fuq tilwima ta’ xogħol magħmul skond id-disposizzjonijiet ta’ l-Att li kopja tiegħu tkun ingħatat lill-Ministru responsabbli għax-xogħol, jew deċiżjoni jew sentenza mogħtija mit-Tribunal Industrijali skond id-disposizzjonijiet ta’ l-Att, għandu, għall-finijiet ta’ din l-Ordinanza, jitqies li hu ordni magħmul u pubblikat skond is-subartikolu (5) ta’ dan l-artikolu, u, minkejja d-disposizzjonijiet ta’ l-Att, dak il-memorandum, sentenza jew deċiżjoni jistgħu jiġu sostitwiti b’ordni magħmul mill-Ministru responsabbli għall-portijiet li jippubblika l-approvazzjoni tiegħu ta’ deċiżjoni milhuqa skond id-disposizzjonijiet tas-subartikolu (2), (3) jew (4) ta’ dan l-artikolu.”.

7. Fis-subartikolu (5) ta’ l-artikolu 14 tal-liġi prinċipali minflok il-kliem “mghejjun minn dik il-persuna li jidhirlu xierqa” għandhom jidhlu l-kliem “mghejjun minn dik il-persuna li jidhirlu xierqa, barra minn avukat jew prokuratur legali”.

Emenda ta’
 l-artikolu 14
 tal-liġi prinċipali.

8. L-artikolu 16 tal-liġi prinċipali għandu jiġi emendat kif ġej:

- (a) minflok il-paragrafu (a) tiegħu għandu jidhol dan li ġej:

Emenda ta’
 l-artikolu 16
 tal-liġi prinċipali.

“(a) jippreskrivu t-tariffa tad-drittijiet li ghandhom jithallsu lill-*foremen* jew lill-kuntrattur dwar is-servizzi tal-*foremen* impjegati minnu;”;

(b) minflok il-paragrafu (b) tiegħu ghandu jidhol dan li ġej :

“(b) jipprovdu għall-ingaġġar ta’ *foremen*, għall-kondizzjonijiet mehtieġa biex ikollhom liċenza, għad-drittijiet li ghandhom jithallsu dwar dawk il-liċenzi, il-klassifika ta’ *foremen* fi gruppi, id-dmirijiet ta’ *foremen*, biex jistabilixxu n-numru ta’ *foremen* li ghandu jkollhom liċenza u l-età li fiha *foremen* impjegati minn kuntrattur jistgħu jirtiraw;”;

(ċ) fil-paragrafu (f) tiegħu, minflok il-kliem “għewwa l-port b’mod żgur u malajr;” ghandhom jidhlu l-kliem “għewwa l-port b’mod żgur u malajr, u sabiex il-Bord dwar Kwistjonijiet tal-Port ikun jista’ jistharreg kull taqlib li jsir minn prinċipal ta’ haddiema tal-port f’*roster* li fih ikunu organizzati haddiema tal-port u biex jagħtu kumpens ta’ mhux iktar minn £500 kontra dak il-prinċipal favur haddiema tal-port li jkunu preġudikati b’dak it-taqlib;”;

(d) fil-paragrafu (j) tiegħu, minflok il-kliem “bhala haddiema tal-port” ghandhom jidhlu l-kliem “bhala haddiema tal-port, u l-mod li bih xi pensjoni jew benefiċċji oħra finanzjarji hekk imħallsa taht id-disposizzjonijiet ta’ din l-Ordinanza jistgħu jingabru lura minghand xi persuna;”.

Għanijiet u Ragunijiet

L-Għan ta’ dan l-Abbozz huwa li jipprovdi li kumpanniji tal-bastimenti li huma proprjetà prinċipalment tal-Gvern ta’ Malta jkunu rappreżentati fil-*Port Labour Joint Council*.

L-Abbozz jipprovdi wkoll dwar in-numru ta’ *foremen* u d-dmirijiet tagħhom, u l-kumpens li jithallas lil haddiema tal-port għal taqlib ta’ *roster* mill-prinċipal tagħhom.

L-Abbozz jipprovdi wkoll għad-dritt ta’ ġbir lura minghand terzi persuni ta’ kull pensjoni jew benefiċċji oħra li jithallsu taht id-disposizzjonijiet ta’ din l-Ordinanza.

A BILL
entitled

AN ACT further to amend the Port Workers Ordinance, 1962.

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:—

1. (1) This Act may be cited as the Port Workers (Amendment) Act, 1977, and shall be read and construed as one with the Port Workers Ordinance, 1962, hereinafter referred to as "the principal law". Short title and commencement.
- (2) This Act shall come into force on such date as the Minister responsible for ports may by notice in the Gazette appoint, and different dates may be so appointed for different provisions or for different purposes of this Act.
2. Section 2 of the principal law shall be amended as follows: Amendment of section 2 of the principal law.
 - (a) for the definition of "Act" there shall be substituted the following:

" "Act" means the Industrial Relations Act, 1976;";
 - (b) immediately after the definition of "conditions of employment" there shall be added the following new definition:

" "contractor" has the same meaning as is assigned to it by section 2 of the Ports Ordinance, 1962;"; and
 - (c) in the definition of "port worker" the words "as defined by section 2 of the Ports Ordinance, 1962" shall be deleted.
3. In the proviso to subsection (4) of section 3 of the principal law the words "as defined in section 2 of the Ports Ordinance, 1962" shall be deleted. Amendment of section 3 of the principal law.
4. Section 5 of the principal law shall be amended as follows: Amendment of section 5 of the principal law.
 - (a) for subsection (2) thereof there shall be substituted the following:

“(2) The licence shall be subject to such conditions as may be contained therein or in any renewal thereof and shall expire on the thirty-first day of December in each year but may be renewed from year to year:

Provided that the licence shall automatically expire if the foreman is convicted of theft committed during or in connection with port work.”;

(b) in subsection (6) thereof the words “as defined by section 2 of the Ports Ordinance, 1962” shall be deleted.

Amendment of section 7 of the principal law.

5. For the proviso to subsection (2) of section 7 of the principal law there shall be substituted the following:

“Provided that —

(a) where any port facilities are operated or provided by a contractor, one of the members referred to in paragraph (b) of this subsection shall be appointed from amongst persons nominated by such contractor;

(b) where any shipping company of which the majority of shares are held by the Government of Malta or by a body corporate established by law, or by both together, or by a subsidiary of any such company, employs port workers for the loading or unloading of ships owned, chartered or managed by it, one of the members referred to in paragraph (b) of this subsection shall be appointed from amongst persons nominated by such company.”.

Amendment of section 8 of the principal law.

6. For subsection (7) of section 8 of the principal law there shall be substituted the following subsection:

“(7) A memorandum of the terms of a settlement of a trade dispute made in accordance with the provisions of the Act a copy whereof has been delivered to the Minister responsible for labour, or a decision or award made by the Industrial Tribunal under the provisions of the Act shall, for the purposes of this Ordinance, be deemed to be an order made and published under subsection (5) of this section, and, notwithstanding the provisions of the Act, such memorandum, award or decision may be superseded by an order made by the Minister responsible for ports publishing an approval by him of a determination or decision arrived at in accordance with the provisions of subsection (2), (3) or (4) of this section.”.

Amendment of section 14 of the principal law.

7. In subsection (5) of section 14 of the principal law for the words “assisted by such person as he deems proper” there shall be substituted the words “assisted by such person as he deems proper, other than an advocate or legal procurator”.

Amendment of section 16 of the principal law.

8. Section 16 of the principal law shall be amended as follows:

(a) for paragraph (a) thereof there shall be substituted the following:

“(a) prescribing the tariff of fees payable to foremen or to the contractor in respect of the services of foremen employed by him;”;

(b) for paragraph (b) thereof there shall be substituted the following:

“(b) providing for the recruitment of foremen, the conditions required for their licensing, the fees payable in respect of such licences, the classification of foremen into groups, the duties of foremen, the determination of the number of foremen to be licensed and the age at which foremen employed by a contractor shall retire from work;”;

(c) in paragraph (f) thereof, for the words “through the port;” there shall be substituted the words “through the port, and for enabling the Port Disputes Board to investigate any disruption caused by an employer of port workers of a roster in which port workers are organised and to award compensation not exceeding £500 against such employer in favour of port workers prejudiced by such disruption;”;

(d) in paragraph (j) thereof, for the words “as port workers” there shall be substituted the words “as port workers, and the manner in which any pension or other financial benefits so paid under the provisions of this Ordinance may be recovered from any person;”.

Objects and Reasons

The Object of the Bill is to provide for membership in the Port Labour Joint Council by shipping companies owned principally by the Malta Government.

The Bill also provides for the number and duties of licensed foremen, and the compensation payable to port workers for disruption of a roster by their employer.

The Bill further provides for the right of recovery against third parties for any pension or financial benefits paid under the provisions of this Ordinance.