

Nru. 38

15. 7. 77

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Liġi mressaq mill-Onorevoli Joseph Cassar, M.P., Ministru tal-Gustizzja, Artijiet, Djar u Affarijiet tal-Parlament u moqri għall-Ewwel darba fis-Seduta tat-12 ta' Lulju, 1977.

A BILL introduced by the Honourable Joseph Cassar, M.P., Minister of Justice, Lands, Housing and Parliamentary Affairs, and read the First time at the Sitting of the 12th July, 1977.

ATT biex jemenda l-Att ta' l-1976 dwar Relazzjonijiet Industrjali.

AN ACT to amend the Industrial Relations Act, 1976.

C. MIFSUD

Skrivan tal-Kamra tad-Deputati

C. MIFSUD

Clerk to the House of Representatives

ABBOZZ TA' LIĠI

msejjah

ATT biex jemenda l-Att ta' l-1976 dwar Relazzjonijiet Industrjali.

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.

1. Dan l-Att jista' jissejjah l-Att ta' l-1977 li jemenda l-Att dwar Relazzjonijiet Industrjali u għandu jinqara u jiftiehem haġa waħda ma' l-Att ta' l-1976 dwar Relazzjonijiet Industrjali, hawnhekk iżjed 'il quddiem imsejjah "l-Att prinċipali".

Emenda ta' l-artikolu 2 ta' l-Att prinċipali.

2. Fit-test malti tat-tifsira ta' "uffiċċju pubbliku", "uffiċċjal pubbliku" u "servizz pubbliku" fis-subartikolu (1) ta' l-artikolu 2 ta' l-Att prinċipali minflok il-kliem " "uffiċċju pubbliku", "uffiċċjal pubbliku" u "servizz pubbliku" " għandhom jidhlu l-kliem " "uffiċċjal pubbliku", "kariga pubblika" u "servizz pubbliku" ".

Emenda ta' l-artikolu 18 ta' l-Att prinċipali.

3. L-artikolu 18 ta' l-Att prinċipali għandu jiġi emendat kif ġej:
(a) fit-test ingliz tas-subartikolu (4) tiegħu minflok il-kliem "as a break in the service" għandhom jidhlu l-kliem "a break in the service"; u

(b) minnufih wara s-subartikolu (5) tiegħu, għandhom jizdiedu s-subartikoli godda li ġejjin:

"(6) Is-subartikolu (4) ta' dan l-artikolu m'għandux japplika għal dak in-numru ta' ufficijali pubbliċi li jkollhom jew li xort'ohra jkunu mpjegati f'xi waħda mill-karigi fis-servizz pubbliku mnizzla fl-Iskeda li tinsab ma' dan l-Att, li huwa muri f'dik l-Iskeda bhala karigi mehtiega li jithaddmu sabiex f'kull hin jitkomplu jinghataw mill-Gvern servizzi essenzzjali lill-kommunita.

(7) Meta n-numru ta' ufficijali pubbliċi li jkollhom jew li jkunu mpjegati f'xi waħda mill-imsemmija karigi jkun

ikbar min-numru muri fl-imsemmija Skeda bhala essenzjalment mehtieg, is-subartikolu (6) ta' dan l-artikolu japplika biss ghall-aktar anzjani fost dawk l-ufficjali li flimkien jaghmlu dak in-numru (eskluzi biss dawk minnhom li jkunu bil-leave awtorizzat espressament ghall-finijiet ta' dan is-subartikolu, u biss sakemm ikunu hekk bil-leave), u l-anzjanita tigi stabbilita skond it-tul tas-servizz taghhom fil-kariga miz-muma minnhom jew li fiha jkunu mpjegati fiz-zmien rilevanti.

(8) Kull ufficjal pubbliku li ghalih, bis-sahha tas-subartikoli (6) u (7) ta' dan l-artikolu, is-subartikolu (4) tieghu ma japplikax, ikollu s-servizz tieghu mal-Gvern mitmum minnufih jekk, bil-hsieb li jkun hemm jew li titmexxa 'l quddiem tilwima ta' xoghol jew xi azzjoni ohra li tittiehed minn tnejn jew izjed ufficjali pubblici jew impjegati ohra (sew jekk skond direttiva minn *trade union* sew jekk le), jew b'sustenn taghha jew b'simpatija maghha, dak l-ufficjal jirrifjuta jew xort'ohra jonqos li jaqdi xi wiehed mid-dmirijiet tieghu skond il-pattijiet tas-servizz tieghu jew skond il-kondizzjonijiet ta' l-impieg tieghu u taht l-ordnijiet ta' l-awtoritajiet kompetenti tal-Gvern:

Izda, dwar ufficjal pubbliku li, fit-18 ta' Lulju, 1977, kien qed digha jirrifjuta jew jonqos li jaqdi l-imsemmija dmirijiet tieghu, is-servizz tieghu mal-Gvern ma jigix mitmum minhabba biss dak ir-rifjut jew nuqqas matul il-perijodu li jispiicca fit-tielet jum li jigi minnufih wara l-imsemmija data jekk, qabel ma jghaddi l-imsemmi perijodu, jiddikjara bil-miktub lill-Ministru responsabbli ghas-sahha r-rieda tieghu li jaqdi d-dmirijiet kollha tieghu kif provdut f'dan is-subartikolu u minnufih wara dan jassumi dawk id-dmirijiet; u meta s-servizz ta' xi ufficjal bhal dak jintemm taht dan is-subartikolu, dan ghandu, bhala kumpens, jithallas somma li tkun daqs tliet xhur is-salarju tieghu.

(9) Meta tkun inqalghet tilwima ta' xoghol jew tkun ittiehdet azzjoni hekk kif imsemmi fis-subartikolu (8) ta' dan l-artikolu, jew xi wahda minn dawn tkun mahsuba, ma tista' tingieb ebda prova biex jintwera li rifjut jew nuqqas minn ufficjal pubbliku li jaqdi d-dmirijiet tieghu kif provdut f'dak is-subartikolu ma jkunx sar bil-hsieb li jkun hemm jew li titmexxa 'l quddiem dik it-tilwima jew azzjoni ohra, jew b'sustenn taghha jew b'simpatija maghha, kemm-il darba malli jkun jista' wara dak ir-rifjut jew nuqqas dak l-ufficjal ma jaghmilx dikjarazzjoni bil-miktub lill-Ministru responsabbli ghas-sahha tar-rieda tieghu li jaqdi dawk id-dmirijiet kif provdut f'dak is-subartikolu u jassumi dawk id-dmirijiet minnufih malli l-inabbilita tieghu biex jaqdihom tkun intemmet.

(10) L-Iskeda li tinsab ma' dan l-Att tista' tigi mibdula, mizjuda jew xort'ohra emendata —

- (a) b'rizoluzzjoni tal-Kamra tad-Deputati; jew
- (b) mill-Prim Ministru b'ordni fil-Gazzetta:

Izda ordni bhal dak ma jistax izid in-numru totali ta' karigi ghal iktar minn sebgħin.

Emenda ta' l-artikolu 25 ta' l-Att prinċipali.

4. It-test malti ta' l-artikolu 25 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (2) tiegħu minflok il-kliem "mhux inqas minn" għandhom jidhlu l-kliem "mhux aktar minn"; u

(b) fis-subartikolu (4) tiegħu, minflok il-kliem "għandhom jiġu diskussi" għandhom jidhlu l-kliem "għandhom normalment jiġu diskussi".

Zieda ta' Skeda ma' l-Att prinċipali.

5. Minnufih wara l-artikolu 38 ta' l-Att prinċipali għandha tidhol l-Iskeda ġdida li ġejja:

"SKEDA

Artikolu 18(6)

Lista u numru ta' karigi meħtieġa li jithaddmu sabiex f'kull hin jitkomplu jingħataw mill-Gvern servizzi essenzjali lill-komunità.

<i>Karigi</i> (inkluzi l-karigi anzjani tagħhom)	<i>Numru</i>
Superintendent Mediku Residenti	1
<i>Physician</i>	3
Tabib tat-Tfal (Pedjatra)	1
Kirurgu	3
Kirurgu Ortopediku	1
<i>Accoucher</i> (Ostetriku u Ginekologu)	2
Anestetista	4
Kirurgu E.N.T.	1
Kirurgu Oftalmologu	1
Radjologista	2
Batterjologu	1
Patologu	1
Speċjalista tas-Sider	1
Uffiċjal tal-Laboratorju għas-Saħħa Pubblika	1
Psikjatra	1
Uffiċjal Mediku inkarigat mid-Dipartiment tal-Gilda u tal-VD	1
Uffiċjal Mediku (Klinika tad-Dijabete)	1
Assistent Residenti tal- <i>Consultant</i>	9
Uffiċjal Mediku Residenti	5
Tabib Residenti (<i>House Physician/Surgeon</i>)	20
Uffiċjal Mediku tal-Port	2"

Għanijiet u Ragunijiet

L-Għan ta' dan l-Abbozz huwa li jemenda l-Att ta' l-1976 dwar Relazzjonijiet Industrijali sabiex jiġi żgurat li s-servizzi essenzjali tas-saħħa jingħataw lill-komunità wkoll waqt strajk.

A BILL**entitled**

AN ACT to amend the Industrial Relations Act, 1976.

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. This Act may be cited as the Industrial Relations (Amendment) Act, 1977 and shall be read and construed as one with the Industrial Relations Act, 1976, hereinafter referred to as "the principal Act".

Short title.

2. In the Maltese text of the definition of "uffiċċju pubbliku", "uffiċjal pubbliku" and "servizz pubbliku" in subsection (1) of section 2 of the principal Act for the words " "uffiċċju pubbliku", "uffiċjal pubbliku" u "servizz pubbliku" " there shall be substituted the words " "uffiċjal pubbliku", "kariga pubblika" u "servizz pubbliku" ".

Amendment of section 2 of the principal Act.

3. Section 18 of the principal Act shall be amended as follows:

Amendment of section 18 of the principal Act.

(a) in the English text of subsection (4) thereof for the words "as a break in the service" there shall be substituted the words "a break in the service"; and

(b) immediately after subsection (5) thereof, there shall be added the following new subsections:

"(6) Subsection (4) of this section shall not apply to such number of public officers holding or otherwise employed in any of the offices in the public service listed in the Schedule to this Act as is indicated in that Schedule to be required to be manned at all times for the continued provision by the Government of essential services to the community.

(7) Where the number of public officers holding or employed in any of the offices aforesaid is greater than the number indicated in the said Schedule as essentially required, subsection (6) of this section shall apply only to the more senior among those officers who together make up that number (excluding only any of them who are on leave authorized expressly for the purposes of this subsection, and only while they are so on leave), seniority being determined by the length of their service in the office held by them or in which they are employed at the relevant time.

(8) Any public officer to whom, by virtue of subsections (6) and (7) of this section, subsection (4) thereof does not apply, shall have his service with the Government terminated forthwith if, in contemplation or furtherance of a trade dispute or of any other action taken by two or more public officers or other workers (whether or not in pursuance of a directive issued by a trade union), or in support thereof or in sympathy therewith, such officer refuses or otherwise fails to carry out his full duties in accordance with his terms of service or his conditions of employment and under the direction of the competent authorities of the Government:

Provided that, with respect to a public officer who, on 18th July, 1977, was already refusing or otherwise failing to carry out his duties as aforesaid, his service with the Government shall not be terminated on the ground only of any such refusal or failure during the period ending on the third day immediately following the date aforesaid if, before the expiration of that period, he declares in writing to the Minister responsible for health his readiness to carry out his full duties as provided in this subsection and takes up such duties immediately thereafter; and where the service of any such officer is terminated under this subsection, he shall, by way of compensation, be paid a sum equal to the salary of such officer for three months.

(9) Where a trade dispute has arisen or action as is referred to in subsection (8) of this section has been taken or either of them is contemplated, no evidence shall be allowed to show that a refusal or failure by a public officer to perform duties as provided in that subsection was not made in contemplation or furtherance of such dispute or other action, or in support thereof or sympathy therewith, unless as soon as possible after such refusal or failure such officer makes a declaration in writing to the Minister responsible for health of his readiness to carry out such duties as provided in that subsection and takes up such duties immediately the inability to perform them has ceased.

(10) The Schedule to this Act may be altered, added to or otherwise amended —

(a) by a resolution of the House of Representatives; or

(b) by the Prime Minister by order in the Gazette:

Provided that an order as aforesaid may not increase the total number of officers to more than seventy.”

4. The Maltese text of section 25 of the principal Act shall be amended as follows: Amendment of section 25 of the principal Act.

(a) in subsection (2) thereof for the words “mhux inqas minn” there shall be substituted the words “mhux aktar minn”; and

(b) in subsection (4) thereof, for the words “għandhom jiġu diskussi” there shall be substituted the words “għandhom normalment jiġu diskussi”.

5. Immediately after section 38 of the principal Act there shall be added the following new Schedule: Addition of Schedule to the principal Act.

“SCHEDULE

Section 18(6)

List and number of offices required to be manned at all times for the continued provision by the Government of essential services to the community.

<i>Offices (including the senior posts thereof)</i>	<i>Number</i>
Resident Medical Superintendent	1
Physician	3
Child Health Officer (Paediatrician)	1
Surgeon	3
Orthopaedic Surgeon	1
Accoucher (Obstetrician and Gynaecologist)	2
Anaesthetist	4
E.N.T. Surgeon	1
Ophthalmic Surgeon	1
Radiologist	2
Bacteriologist	1
Pathologist	1
Chest Specialist	1
Public Health Laboratory Officer	1
Psychiatrist	1
Medical Officer i/c Skin and VD Dept.	1
Medical Officer (Diabetes Clinic)	1
Resident Assistant to Consultant	9
Resident Medical Officer	5
Resident Doctor (House Physician/ Surgeon)	20
Port Medical Officer	2”

Objects and Reasons

The Object of this Bill is to amend the Industrial Relations Act, 1976, to ensure the provision of essential health services to the community even during strike action.