



MALTA

ATT Nru. XXVIII ta' l-1977

ATT mahruġ b'ligi mill-Parlament ta' Malta.

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

ACT No. XXVIII of 1977

AN ACT enacted by the Parliament of Malta.

AN ACT to amend the Industrial Relations Act, 1976.



Nagħti l-kunsens tiegħi.

Anton M. M. M. M.
President

18 ta' Lulju, 1977

ATT Nru. XXVIII ta' l-1977

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' jissejjaħ 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 imsejjaħ "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 jiżiedu s-subartikoli ġodda li ġejjin:

"(6) Is-subartikolu (4) ta' dan l-artikolu m'għandux japplika għal dak in-numru ta' uffiċċjali pubbliċi li jkollhom jew li xort'oħra jkunu mpjegati f'xi waħda mill-karigi fis-servizz pubbliku mniżżla fl-Iskeda li tinsab ma' dan l-Att, li huwa muri f'dik l-Iskeda bħala n-numru ta' dawk il-karigi meħtieġ li jithaddmu sabiex f'kull hin jitkomplu jingħataw mill-Gvern servizzi essenzjali lill-kommunità.

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

ikbar min-numru muri fl-imsemmija Skeda bhala essenzjalment meħtieġ, is-subartikolu (6) ta' dan l-artikolu japplika biss għall-aktar anzjani fost dawk l-uffiċjali li flimkien jagħmlu dak in-numru (eskluzi biss dawk minnhom li jkunu bil-leave awtorizzat espressament għall-finijiet ta' dan is-subartikolu, u biss sakemm ikunu hekk bil-leave), u l-anzjanità tiġi stabbilita skond kull anzjanità li jkollha l-kariga fiha nnfisha jew, fin-nuqqas ta' dik l-anzjanità, skond it-tul tas-servizz ta' l-uffiċjali fil-kariga miżmuma minnhom jew li fiha jkunu impjegati fil-hin rilevanti, u f'każijiet ta' tul ta' servizz indaqs skond l-età ta' l-uffiċjali li jkollhom l-istess tul ta' servizz.

(8) Kull uffiċjal pubbliku li għalih, bis-saħħa tas-subartikoli (6) u (7) ta' dan l-artikolu, is-subartikolu (4) tiegħu ma japplikax, ikollu s-servizz tiegħu mal-Gvern mitmum minnufih jekk, bil-ħsieb li jkun hemm jew li titmexxa 'l quddiem tilwima ta' xogħol jew xi azzjoni oħra li tittieħed minn tnejn jew iżjed uffiċjali pubbliċi jew impjegati oħra (sew jekk skond direttiva minn *trade union* sew jekk le), jew b'sustenn tagħha jew b'simpatija magħha, dak l-uffiċjal jirrifjuta jew xort'oħra jonqos li jaqdi xi wieħed mid-dmirijiet tiegħu skond il-pattijiet tas-servizz tiegħu jew skond il-kondizzjonijiet ta' l-impieg tiegħu u taħt l-ordnijiet ta' l-awtoritajiet kompetenti tal-Gvern:

Iżda, dwar uffiċjal pubbliku li, fit-18 ta' Lulju, 1977, kien qed diġà jirrifjuta jew jonqos li jaqdi l-imsemmija dmirijiet tiegħu, is-servizz tiegħu mal-Gvern ma jiġix mitmum minhabba biss dak ir-rifjut jew nuqqas matul il-perijodu li jispiċċa f'nofsinhar ta' l-20 ta' Lulju, 1977 jekk, qabel ma jgħaddi l-imsemmi perijodu, jiddikjara bil-miktub lill-Ministru responsabbli għas-saħħa r-rieda tiegħu li jaqdi d-dmirijiet kollha tiegħu kif provdut f'dan is-subartikolu u minnufih wara dan jassumi dawk id-dmirijiet; u meta s-servizz ta' xi uffiċjal bħal dak jintemm taħt dan is-subartikolu, dan għandu, bhala kumpens, jiħallas somma li tkun daqs tliet xhur is-salarju tiegħu.

(9) Meta tkun inqalghet tilwima ta' xogħol jew tkun ittieħdet azzjoni hekk kif imsemmi fis-subartikolu (8) ta' dan l-artikolu, jew xi waħda minn dawn tkun maħsuba, jiġi meqjus li rifjut jew nuqqas minn uffiċjal pubbliku li jaqdi d-dmirijiet tiegħu kif provdut f'dak is-subartikolu jkun sar bil-ħsieb li jkun hemm jew li titmexxa 'l quddiem dik it-tilwima jew azzjoni, jew b'sustenn tagħha jew b'simpatija magħha, u ma tista' tingieb ebda prova kuntrarja, kemm-il darba malli jkun jista' wara dak ir-rifjut jew nuqqas dak l-uffiċjal ma jagħmilx dikjarazzjoni bil-miktub lill-Ministru responsabbli għas-saħħa tar-rieda tiegħu li jaqdi dawk id-dmirijiet kif provdut f'dak is-subartikolu u jassumi dawk id-dmirijiet minnufih malli l-inabbiltà tiegħu biex jaqdihom tkun intemmet.

(10) L-Iskeda li tinsab ma' dan l-Att tista' tiġi mibdula, miżjuda jew xort'oħra emendata —

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

Iżda ordni bħal dak ma jistax iżid in-numru totali ta' karigi għal iktar minn sebghin.”.

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 ħin jitkomplu jingħataw mill-Gvern servizzi essenzjali lill-komunità.

Karigi

(inklużi l-karigi anzjani tagħhom jew xi karigi conjoint magħhom) Numru


Superintendent Mediku Residenti	...	...	...	...	1
<i>Physician</i>	...	...	...	...	3
Tabib tat-Tfal (Pedjatra)	...	...	...	...	1
Kirurgu	...	...	...	...	3
Kirurgu Ortopediku	...	...	...	...	1
<i>Accoucher</i> (Ostetrik u Ġinekologu)	...	...	...	...	2
Anestetista	...	...	...	...	4
Kirurgu E.N.T.	...	...	...	...	1
Kirurgu Oftalmologu	...	...	...	...	1
Radjologista fid-Dipartiment tad-Radjoterapija	...	...	...	...	1
Radjologista fid-Dipartiment ta' l-X-Ray	...	...	...	...	1
Batterjologu	...	...	...	...	1
Patologu	...	...	...	...	1
Speċjalista tas-Sider	...	...	...	...	1
Uffiċjal tal-Laboratorju għas-Saħħa Pubblika	...	...	...	...	1
Psikjatra (inklużi l-kariga ta' Superintendent <i>Physician</i> Residenti u ta' Psikjatra u Deputat Superintendent Residenti)	...	...	...	...	1
Uffiċjal Mediku inkarigat mid-Dipartiment tal-Ġilda u tal-VD	...	...	...	...	1
Uffiċjal Mediku (Klinika tad-Dijabete)	...	...	...	...	1

*Karigi**(inkluzi l-karigi anzjani tagħhom jew xi karigi conjoint magħhom)*

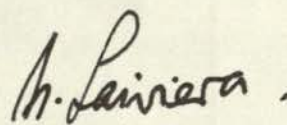
Numru

<i>Assistent Residenti tal-Consultant —</i>		
<i>li jkun qed jaqdi dmirijiet</i>		
<i>fil-Mediċina</i>	<i>... ..</i>	<i>2</i>
<i>fil-Kirurgija</i>	<i>... ..</i>	<i>4</i>
<i>fil-Ostetrija u fil-Ginekologija</i>	<i>... ..</i>	<i>2</i>
<i>fil-Anestesija</i>	<i>... ..</i>	<i>1</i>
<i>Uffiċjal Mediku Residenti</i>	<i>... ..</i>	<i>5</i>
<i>Tabib Residenti (House Physician / Surgeon)</i>	<i>... ..</i>	<i>20</i>
<i>Uffiċjal Mediku tal-Port</i>	<i>... ..</i>	<i>2"</i>

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 81 tat-18 ta' Lulju, 1977.



Skriivan tal-Kamra tad-Deputati



Speaker



I assent.

Antoni Dalli
President

18th July, 1977

ACT No. XXVIII of 1977

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:—

Short title.

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".

Amendment of section 2 of the principal Act.

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 18 of the principal Act.

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

(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 any seniority inherent in the office itself or, in the absence of such seniority, by the length of the officers' service in the office held by them or in which they are employed at the relevant time, and in cases of equal lengths of service by the age of the officers having the same length of service.

(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 at noon of 20th July, 1977 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, it shall be presumed that a refusal or failure by a public officer to perform duties as provided by that subsection was made in contemplation or furtherance of such dispute or action, or in support thereof or in sympathy therewith, and no evidence to the contrary shall be allowed, 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."

Amendment of section 25 of the principal Act.

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

(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".

Addition of Schedule to the principal Act.

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

"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.

Offices

(including the senior posts thereof or any conjoint posts therewith) Number

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 in Radiotherapy Department	...	...	...	...	1
Radiologist in X-Ray Department	...	...	...	...	1
Bacteriologist	...	...	...	...	1
Pathologist	...	...	...	...	1
Chest Specialist	...	...	...	...	1
Public Health Laboratory Officer	...	...	...	...	1
Psychiatrist (including the Office of Resident Physician Superintendent and of Psychiatrist and Resident Deputy Superintendent)	...	...	...	...	1
Medical Officer i/c Skin and VD Dept.	...	...	...	...	1
Medical Officer (Diabetes Clinic)	...	...	...	...	1

Offices

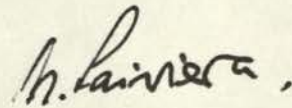
(including the senior posts thereof or any conjoint posts therewith) Number

Resident Assistant to Consultant —							
Performing duties							
in Medicine	...	...	...	...	...	...	2
in Surgery	...	...	...	...	...	...	4
in Obstetrics and Gynaecology	...	...	...	...	...	...	2
in Anaesthesia	...	...	...	...	...	...	1
Resident Medical Officer	...	...	...	...	...	...	5
Resident Doctor (House Physician / Surgeon)	...	...	...	...	...	...	20
Port Medical Officer	...	...	...	...	...	...	2"

Passed by the House of Representatives at Sitting No. 81 of the 18th July, 1977.



Clerk to the House of Representatives



Speaker