

### Abbozz ta' Liġi msejjah

*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, hareġ b'liġi dan li ġej:-

**1.** It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2014 dwar Diversi Liġijiet fil-qasam tas-Shubija fi *Trade Union* ta' Forzi Dixxiplinati. Titolu fil-qosor.

#### Taqsimi I

##### Emendi għall-Att dwar il-Pulizija

**2.** Din it-Taqsimi temenda l-Att dwar il-Pulizija, hawn iżjed 'il quddiem imsejjaħ "l-Att prinċipali", u għandha tinqara u tinftiehem haġa 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" għandhom jidhlu l-kliem "jew permezz ta' *trade union*". Emenda tal-artikolu 14 tal-Att prinċipali.

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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 jidhlu 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 jidhlu l-kliem "ikun hemm iktar minn *trade union* waħda", u minflok il-kliem "is-saħħa relattiva ta' dawg l-assoċjazzjonijiet" għandhom jidhlu l-kliem "is-saħħa relattiva ta' dawg *it-trade unions*".

Thassir 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.

Thassir 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 jidhlu 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 mirrappreżentant 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 għall-Att dwar il-Protezzjoni Ċivili

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

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

Emenda tal-artikolu 8 tal-Att prinċipali.

**13.** 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 III

## Emendi għall-Att dwar l-Impiegi u r-Relazzjonijiet Industrijali

**14.** 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 haġa waħda mal-imsemmi Att prinċipali.

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

**15.** L-artikolu 2 tal-Att prinċipali għandu jigi emendat kif ġej:

Emenda tal-artikolu 2 tal-Att prinċipali.

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

(b) fit-tifsira "forza dixxiplinata", minnufih wara l-kliem "tal-Kostituzzjoni ta' Malta" għandhom jiżdiedu l-kliem "u tinkludi s-servizz ta' detenzjoni stabbilit skont l-artikolu 34 tal-Att dwar l-Immigrazzjoni u l-Forza ta' Għajjuna u Salvataġġ stabbilita bis-saħħa tal-Att dwar il-Protezzjoni Ċivili".

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

Emenda tal-artikolu 48 tal-Att prinċipali.

"(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."

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

Zjieda ta' l-artikolu 67A ġdid mal-Att prinċipali.

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

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

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

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

(b) tista' tinnegozja kondizzjonijiet ta' impieg u tiehu 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 tiehu xi azzjoni oħra fil-forza dixxiplinata bi hsieb ta' tilwima ta' xogħol jew biex din it-tilwima titmexxa 'l quddiem."

#### TAQSIMA IV

##### Dispożizzjoni transitorja

Xoljiment, stralċ jew tibdil ta' assoċjazzjonijiet eżistenti.

**18.** 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-*Staff Association* ta' Persunal fil-Protezzjoni Ċivili, l-Assoċjazzjoni ta' l-Uffiċjali tal-Habs jew l-*Staff Association* tal-Forzi Armati ta' Malta, l-imsemmija assoċjazzjonijiet għandhom, minkejja dik it-tneħħija, jkomplu fis-seħħ u għandu jibqa' jkollhom l-istatus ta' persuna ġuridika għall-għan biss sabiex jiġu xjolti 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.

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#### Għanijiet u Raġunijiet

L-għanijiet u r-raġunijiet ta' dan l-Abbozz ta' Liġi huma sabiex membri ta' forza dixxiplinata u ta' forzi simili jkunu jistgħu jissieħbu fi *trade union* registrata tal-għażla tagħhom.

**A Bill  
entitled**

*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:-

**1.** The short title of this Act is the Various Laws (Trade Union Membership of Disciplined Forces) Act, 2014. Short title.

**PART I**

**Amendments to the Police Act**

**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 the Police Act. Cap. 164.

**3.** In article 2 of the principal Act the definition "the Malta Police Association" shall be deleted. Amendment of article 2 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 7 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". Amendment of article 14 of the principal Act.

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Amendment of article 21 of the principal Act.

**6.** Sub-article (4) of article 21 of the principal Act shall be amended as follows:

(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".

Deletion of Title III of Part II and of the Second Schedule to the principal Act.

**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 article 34 of the principal Act.

**8.** Article 34 of the principal Act shall be deleted.

Amendment of article 37 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 105 of the principal Act.

**10.** In sub-article (1) of article 105 of the principal Act the words "the President of the Police Association or his representative," shall be deleted.

Amendment of the Third Schedule to the principal Act.

**11.** Paragraph (e) of article 6 of the Third Schedule to the principal Act shall be deleted.

## PART II

### Amendments to the Civil Protection Act

Amendment of the Civil Protection Act. Cap. 411.

**12.** 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.

**13.** Sub-article (7) of article 8 of the principal law shall be substituted by the following:

"(7) The members of the Force shall be entitled to join a trade union."

## PART III

## Amendments to the Employment and Industrial Relations Act

**14.** 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.

Amendment of the Employment and Industrial Relations Act. Cap. 452

**15.** Article 2 of the principal law 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 detention service established under article 34 of the Immigration Act and the Assistance and Rescue Force established by virtue of the Civil Protection Act".

**16.** 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."

**17.** 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 ranks in the said force;

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(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 trade dispute."

#### PART IV

##### Transitory Provision

Dissolution,  
winding-up or  
conversion of  
existing  
associations.

**18.** 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.

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#### Objects and Reasons

The objects and reasons of this Bill are the making of provision to enable members of disciplined and similar forces to become members of a registered trade union of their choice.