



BERMUDA

LABOUR RELATIONS (NOTICE IN ESSENTIAL SERVICES) RULES 1975

SR&O 49 / 1975

[made under section 41 of the Labour Relations Act 1975 and brought into operation on 10 May 1975]

Interpretation

1 In these Rules—

“employer” means an employer of workmen in an essential service;

“Form” means a form prescribed in the Schedule.

Forms to be used for giving notice

2 (1) Notice that a workman or person to be employed is employed or to be employed, (as the case may be) in an essential service shall be given by the employer—

(a) in Form 1 where employment is, or is to be, wholly an essential service;

(b) in Form 2 where employment is, or is to be, partially, or may from time to time be, in an essential service.

(2) Notice shall be given by tendering it to the recipient personally.

Time of giving notice

3 (1) *[omitted]*

(2) Workmen not in an essential service on 10 May 1975 shall be given notice in the form prescribed in rule 2 prior to starting work in an essential service.

(3) Persons to be employed in an essential service shall be given notice in the form prescribed in rule 2 prior to starting work.

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Records to be kept in a register

4 (1) It shall be the duty of every employer to maintain a register in such form as the Minister may approve showing the date upon which notice was given under rule 2 and the person to who it was given.

(2) An entry in the register shall be made on the same day as that on which notice was given and shall be verified by the initials of the employer or his agent and, where practicable, by the signature of the workman.

Registers

5 A register kept for the purposes of rule 4 shall—

- (a) be kept at the employer's principal place of business at such other place as the Minister may authorize;
- (b) be available for inspection during hours of work by any person authorized thereto for the purposes of these Rules by the Minister in writing;
- (c) not be destroyed without the authority of the Minister.

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SCHEDULE

(Rule 2)

FORM 1

Dear Sir,

The Labour Relations Act 1975

In accordance with the provisions of section 10 of the above Act and the Labour Relations (Notice in Essential Services) Rules 1975, you are hereby notified that you are working (Will be working from {*date*} in the following essential service.

[Details of service to be given according to the First Schedule of the Act, e.g.

No. 1 Electricity.]

Your attention is drawn to the provision of the Act whereby any lock-out, strike or irregular industrial action short of a strike shall be unlawful unless there is a labour dispute within that essential service and—

(a) a report of the labour dispute has been made to the Director of Workforce Development under subsection (1) of section 3 as read with section 7; and

(b) thereafter valid notice of the intended lock-out, strike or irregular industrial action short of a strike has been given to the Director of Workforce Development by the employer, or trade union on his behalf, or workmen, or trade union on their behalf, as the case may be, at least twenty-one days prior to the day upon which the lock-out, strike or irregular industrial action short of a strike is to commence; and

(c) the lock-out, strike or irregular industrial action short of a strike is the lock-out, strike or action specified in the notice (both as respects its nature and the persons participating) and, subject to subsection (4) of section 9 of the above Act, commences on the day specified in the notice, or within twenty-four hours thereafter; and

(d) the dispute has not been referred for settlement to the Permanent Arbitration Tribunal under section 8.

Any person who being a workman employed in an essential service, takes part in any strike or irregular industrial action short of a strike, which is declared unlawful by subsection (1) of section 9 of the above Act, knowing or having reasonable cause to believe that the probable consequences of that employer or workman so doing, either alone or in combination with others, would be to deprive the public, wholly or to a great extent, of that service, shall be guilty of an offence and shall be liable on summary conviction to a fine not

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exceeding five hundred dollars, or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment.

FORM 2

Dear Sir,

The Labour Relations Act 1975

In accordance with the provisions of section 10 of the above Act and the Labour Relations (Notice in Essential Services) Rules 1975, you are hereby notified that as and when required by your employer you will be working in the following essential service—

The loading and unloading of mail, medical supplies, foodstuffs, cattle and chicken feed and all supplies needed to maintain any other essential service specified in the First Schedule to the Act and transport of such goods to their proper destination.

Your attention is drawn to the provision of the Act whereby any lock-out, strike or irregular industrial action short of a strike shall be unlawful unless there is a labour dispute within that essential service and—

- (a) a report of the labour dispute has been made to the Director of Workforce Development under subsection (1) of section 3 as read with section 7; and
- (b) thereafter valid notice of the Intended lock-out, strike or irregular industrial action short of a strike has been given to the Director of Workforce Development by the employer, or trade union on his behalf, or workmen, or trade union on their behalf, as the case may be, at least twenty-one days prior to the day upon which the lock-out, strike or irregular industrial action short of a strike is to commence; and
- (c) the lock-out, strike or irregular industrial action short of a strike is the lock-out, strike or action specified in the notice (both as respects its nature and the persons participating) and, subject to subsection (4) of section 9 of the above Act, commences on the day specified in the notice, or within twenty-four hours thereafter; and
- (d) the dispute has not been referred for settlement in the Permanent Arbitration Tribunal under section 8.

Any person who being a workman employed in an essential service, takes part in any strike or irregular industrial action short of a strike, which is declared unlawful by subsection (1) of section 9 of the above Act, knowing or having reasonable cause to believe that the probable consequences of that employer or workman so doing, either alone or in combination with others, would be to deprive the public, wholly or to a great extent, of that service, shall be guilty of an offence and shall be liable on summary conviction to a fine not

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[Schedule amended by 2010 : 36 s.3(c) effective 16 July 2010; amended by BR 40 / 2013 para. 2 effective 3 May 2013]

[Amended by:

2010 : 36

BR 40 / 2013]

