
CHAPTER 321E**NATIONAL TRIPARTITE COUNCIL**

LIST OF AUTHORISED PAGES

1 – 16 LRO 1/2017

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Interpretation.
3. Establishment and composition of the Council.
4. Functions and powers of the Council.
5. Funding of the Council.
6. Symbol of the Council.
7. General Assembly.
8. The Council executive.
9. Meetings of Council executive.
10. Minister to communicate policy.
11. Appointment of staff.
12. Council committees.
13. Annual report and audits.
14. Minister to lay annual report and audited statement.
15. Regulations.

SCHEDULE

CHAPTER 321E
NATIONAL TRIPARTITE COUNCIL

An Act to establish a tripartite forum on labour and industrial relations to be known as the national tripartite council and for connected matters. *2 of 2015*

[Assent 3rd March, 2015]

[Commencement 23rd April, 2015] *S.I. 21/2015.*

- 1.** This Act may be cited as the National Tripartite Council Act. *Short title.*
- 2.** In this Act, unless the context otherwise requires — *Interpretation.*
- “Act” means the Industrial Relations Act; *Ch. 321.*
- “Conventions” means conventions adopted by the ILO;
- “Council” or “National Tripartite Council” means the council established under section 3;
- “Council executive” means the executive members of the Council appointed in accordance with the Schedule; *Schedule.*
- “General Assembly” means the assembly established under section 7;
- “Government” means the Government of the Commonwealth of The Bahamas;
- “International Labour Conference” or “Conference” means the policy-making and legislative body of the ILO;
- “International Labour Office” means the headquarters and permanent secretariat of the ILO in Geneva, Switzerland;
- “ILO” means the International Labour Organisation;
- “Minister” means the Minister responsible for Labour;

Ch. 308.

“organisation” means any combination or association of employers or workers recognised by the ILO and the Government, including —

- (a) trade unions registered under the Act;
- (b) associations registered under the Companies Act;

“productivity” means the relationship between the output generated by a production or service system and the input provided to create that output;

“Recommendations” means recommendations of the International Labour Conference;

“social partners” means —

- (a) the most representative organisation of employers determined in accordance with ILO principles;
- (b) the most representative organisation of workers determined in accordance with ILO principles; and
- (c) the Government, represented by the Department of Labour or other relevant Government departments as appropriate.

Establishment and composition of the Council.

3. (1) There is established for the purposes of this Act a council to be known as the National Tripartite Council to act as a forum on labour and industrial relations in The Bahamas.

(2) Membership of the Council consists of the social partners.

Functions and powers of the Council.

4. The functions and powers of the Council are to —

- (a) practise and promote tripartism in The Bahamas through cooperation, consultation, negotiation and compromise of the social partners in order to create and shape social and economic policies and programs;
- (b) advise the Government on the formulation of national policies and strategies on all aspects of labour, productivity, quality and competition;

-
- (c) review, advise, and consult the Government on —
 - (i) items on the agenda of the International Labour Conference; and
 - (ii) the Government’s position on and response to proposed texts and questionnaires for discussion by the Conference;
 - (d) review and discuss proposed Conventions and Recommendations of the Conference and make submissions to the Government;
 - (e) examine and re-examine at appropriate intervals ILO Conventions and Recommendations that have not been ratified or implemented and recommend appropriate measures for the promotion of their ratification and implementation;
 - (f) identify and raise with the Government relevant issues arising out of reports required to be made to the International Labour Office;
 - (g) develop rules and procedures for the denunciation of ratified Conventions for submission to the Government;
 - (h) create and develop methodologies for productivity measurement, management and improvement in the public and private sector;
 - (i) advise the Government on labour and industrial relations matters;
 - (j) communicate to the Government the concerns of social partners;
 - (k) promote training and education of all social partners;
 - (l) foster harmonious working relations and build trust among social partners;
 - (m) create and promulgate a national development strategy on labour and industrial relations;
 - (n) review current labour legislation and make recommendations for amendment or codification of the same;
 - (o) review and comment on draft Bills and proposed regulations pertaining to labour and industrial relations;

-
- (p) liaise with national, regional and international organisations on labour and industrial relations matters;
 - (q) encourage and maintain regular communication among social partners and the community at large on all matters affecting labour and industrial relations;
 - (r) design and conduct public educational programmes on labour and industrial relations matters; and
 - (s) conduct a national labour forum annually or as the Council considers necessary.

Funding of the Council.

5. (1) Subject to subsection (2), the Council shall in the performance and exercise of its functions and powers be funded from such sums as may be voted for the purposes of the Council by Parliament.

(2) All employers' organisations, workers' organisations and the Government in its capacity as a social partner shall contribute, as the Council may determine, to any additional funding required by the Council.

Symbol of the Council.

6. The Council shall —

- (a) approve the description and design of a symbol of the Council;
- (b) appoint the approved symbol of the Council by notice published in the Gazette; and
- (c) place the symbol on all correspondences of the Council.

General Assembly.

7. (1) There is established for the purposes of this Act an assembly of the Council, to be known as the General Assembly, to facilitate and support the Council in performing its role as a forum on labour and industrial relations in The Bahamas.

(2) The membership of the General Assembly consists of —

- (a) the social partners;
- (b) organisations of employers;
- (c) organisations of workers;
- (d) individual employers;
- (e) individual workers; and

-
- (f) other persons connected with, or having an interest in, labour and industrial relations matters.
- (3) A meeting of the General Assembly shall be held annually on or before the 31st day of March in each year.
- (4) The Council shall at the annual meeting of the General Assembly —
- (a) inform and educate members and the public on issues and matters concerning labour and industrial relations and the Council's role and position in relation to such issues and matters; and
 - (b) canvas the views on issues and matters concerning labour and industrial relations in The Bahamas from as wide a sector of the public as possible.
- (5) The Council shall publish, at least thirty days prior to the date of the meeting, notice of each General Assembly meeting in two newspapers of general circulation in The Bahamas.
- (6) A member of the General Assembly wishing to address the Assembly shall submit in writing a request to the Council —
- (a) no later than fourteen days prior to the meeting at which the member wishes to address the Assembly;
 - (b) stating the particulars of the matter in respect of which the member wishes to address the Assembly.
- (7) The Council may in its discretion as the Council determines to be necessary or expedient —
- (a) grant a request referred to in subsection (6); or
 - (b) at any time call an emergency meeting of the General Assembly.
- (8) A member of the General Assembly may at any time submit in writing a request for the Council to address at the next meeting of the Council or the General Assembly an issue or matter concerning labour or industrial relations.
-

(9) Members of the General Assembly who are members of the Council shall not, where a matter is put to vote at a General Assembly meeting, be entitled to vote.

The Council executive.

8. (1) The social partners have general responsibility for the policy, administration and governance of the Council.

(2) There shall be a Council executive.

(3) The Council executive —

(a) is the governing body of the Council; and

(b) shall perform the functions and exercise the powers of the Council.

Schedule.

(4) The Schedule has effect with respect to the membership and procedure of the Council executive.

(5) The Council executive —

(a) may in performing the functions of the Council request and collect any relevant information, including information relating to wages, salaries and other income;

(b) shall examine all information collected and report its findings to the Minister; and

(c) may, as the Council executive considers necessary or desirable, call upon the observers in attendance at a meeting for advice or assistance.

(6) The Council shall publish in the *Gazette* the appointment of members to the Council executive and each change in membership.

(7) Subject to section 10, the Council executive may determine its own rules and procedure for the conduct of Council executive meetings.

Meetings of Council executive.

9. (1) The Council executive shall —

(a) hold monthly Council meetings;

(b) ensure that the meeting place for Council executive meetings is provided by each social partner on a rotational basis;

(c) give members written notice of Council executive meetings; and

(d) keep minutes of Council executive meetings.

(2) The Government may from time to time appoint an officer in the office of the Attorney-General, with knowledge and experience in the drafting of legislation and the interpretation and implementation of multilateral international conventions, to attend Council executive meetings as a legal observer.

10. (1) The Minister shall communicate to the Council the policy of the Government on issues and matters concerning labour and industrial relations.

Minister to communicate policy.

(2) The Council on receiving a communication pursuant to subsection (1) shall, in performing its functions under section 4 —

- (a) consider the merits of the policy having regard to —
 - (i) ILO Conventions and Recommendations, or proposed Recommendations, of the Conference;
 - (ii) the state of, and challenges facing, labour and industrial relations in The Bahamas;
 - (b) where the Council considers it necessary or desirable, recommend changes to the policy; and
 - (c) whether or not recommendations made by the Council are accepted, advise the Minister on the manner of implementation of the policy best conducive to the achievement and maintenance of good labour and industrial relations.
- (3) The Minister may at any time —
- (a) refer a specific issue or matter relating to labour or industrial relations to the Council for its consideration;
 - (b) request the Council to invite to attend and participate in Council executive meetings deliberating a specific issue or matter referred pursuant to paragraph (a) —
 - (i) representatives from one or more organisations of workers specified in the request; and
 - (ii) representatives from one or more organisations of employers specified in the request.
- (4) The Council shall —

-
- (a) examine an issue or matter referred to it by the Minister pursuant to subsection (3);
 - (b) comply with a request by the Minister to invite representatives from specified organisations of workers or specified organisations of employers to attend and participate in Council executive meetings deliberating a referred issue or matter; and
 - (c) report back to the Minister with its conclusions after consideration and examination of a referred issue or matter.

Appointment
of staff.

11. The Council may employ, at such remuneration and on such terms and conditions as the Council thinks fit, such persons as the Council deems necessary for the proper discharge of the functions of the Council.

Council
committees.

12. (1) The Council executive may appoint committees of the Council, subject to such conditions or restrictions as the Council executive imposes, to assist with the proper discharge of the functions of the Council.

(2) Members of a Council committee shall be appointed from among members, excluding the social partners, of the General Assembly of the Council and each committee shall be chaired by a member of the Council executive.

Annual report
and audits.

13. (1) The Council shall keep proper accounts of its transactions in relation to the administration of the resources of the Council and shall cause to be prepared, by the 28th day of February, a report and audited statement of accounts in respect of each financial year.

- (2) The Council shall —
 - (a) cause the statement of accounts of the Council to be audited by an accounting firm or chartered accountant registered in The Bahamas;
 - (b) not later than the 30th day of April in each year, submit to the Minister a copy of the annual report and audited statement certified by the Council;
 - (c) at least seven days prior to the meeting of the next General Assembly, forward a copy of the annual report and audited statement certified by the Council to the head of each —

-
- (i) organisation of workers; and
 - (ii) organisation of employers.
- (3) The annual report shall contain —
- (a) a summary of the decisions of the Council in respect of any matter it acted upon;
 - (b) detailed information in respect of any matter the Council considers to be of public importance in relation to social and economic policies and programs; and
 - (c) the audited statement of the Council for the relevant financial year.
- (4) The head of an organisation of workers and an organisation of employers receiving a copy of the annual report and audited statement shall, respectively, make copies available to all members of the organisation.

14. The Minister shall cause the annual report and audited statement of accounts of the Council to be laid before both Houses of Parliament together with the Minister's assessment of the work of the Council for the relevant financial year.

Minister to lay annual report, and audited statement.

15. The Minister may, after consultation with the Council, make regulations generally for the carrying into effect of the purposes of this Act.

Regulations.

SCHEDULE (Section 9(4))

**MEMBERSHIP AND PROCEDURE OF THE
COUNCIL EXECUTIVE**

Executive
membership
and observers.

1. (1) The Council executive consists of —
 - (a) nine members, of whom three shall be appointed by each social partner from among its membership; and
 - (b) three observers, who shall be non-executive members of the Council and of whom one shall be appointed by each social partner.
- (2) Each member of the Council executive shall be appointed by the relevant social partner —
 - (a) by instrument in writing;
 - (b) for a fixed term of three years.
- (3) The Council executive shall, at its first monthly meeting, elect from its membership persons to hold for a fixed term of three years the offices of chairman, vice-chairman, secretary and treasurer respectively.
- (4) The Council executive shall appoint from the membership of the General Assembly, excluding the social partners, three observers of whom one shall be appointed by each social partner.

Meetings.

2. (1) The Council executive shall meet monthly in accordance with section 9 and additional meetings may be called by the chairman as necessary or expedient for the transaction of business.
 - (2) The chairman —
 - (a) may call an emergency meeting of the Council executive at any time the chairman deems necessary; and
 - (b) shall call an emergency meeting of the Council executive within seven days of the receipt by the chairman of a written request to do so signed by at least three other executive members.
 - (3) The chairman or, in his absence, the vice-chairman shall preside at all meetings of the Council executive and, where both the chairman and vice-

chairman are absent, the executives present and constituting a quorum shall elect from among themselves a member to act as chairman.

3. (1) Subject to subsection (2) — Quorum.

(a) a minimum of five executive members present and comprising at least one member from each social partner shall constitute a quorum of the Council executive; and

(b) decisions of the Council executive shall be unanimous decisions of the executive members present and constituting a quorum.

(2) The observer appointed by a social partner shall, where a Council executive member appointed by the same social partner is absent from a meeting, assume the place and authority of such absent member including the authority to vote.

4. (1) Officers of the Council executive shall be eligible for re-election for a further non-consecutive term of three years. Tenure.

(2) The chairman of the Council executive shall be eligible to serve a maximum of two consecutive terms of three years.

(3) The chairmanship of the Council executive shall be rotated from among the social partners.

5. (1) The chairman shall, after consultation with the social partner who appointed the member — Removal of executive members and officers.

(a) by instrument in writing remove from the Council executive a member who fails to attend, without providing a reasonable written excuse, two consecutive meetings of the Council executive; and

(b) request the social partner to appoint to serve the remainder of the term of the member removed pursuant to paragraph (a) another person from among the membership of the social partner.

(2) A Council executive member removed pursuant to subsection (1) shall not be eligible for re-appointment to the Council executive until the expiry of three years from the date when he ceased to be a member.

(3) The Council executive may at any time, for cause, by majority vote remove a member from the office of chairman, vice-chairman, treasurer and secretary respectively.

Resignation of executive members and officers.

6. (1) A Council executive member may at any time, by instrument in writing addressed to the chairman, resign his membership and from the date of receipt of such instrument such member —

- (a) ceases to be a member of the Council executive; and
- (b) where he held an office on the Council, ceases to hold such office.

(2) An officer of the Council may at any time, by instrument in writing addressed to the chairman, resign his office and from the date of receipt of such instrument by the chairman such officer ceases to hold office on the Council executive but retains his membership.

(3) The chairman, on receipt of an instrument of resignation under subsection (1), shall invite the social partner that appointed the resigning member to appoint by instrument in writing a replacement from among its membership to serve the remainder of the term of the resigning member.

(4) The Council executive shall, where a member resigns an office pursuant to subsection (2), elect from its membership a replacement for the remainder of the term of the resigning officer.

(5) The chairman may at any time, by instrument in writing addressed to the Government represented by the Department of Labour, resign his office or membership and from the date of receipt of such instrument —

- (a) where the chairman resigns his membership —
 - (i) he ceases to be a member of the Council executive or to hold the office of chairman;
 - (ii) the Department of Labour shall invite the social partner that appointed him as a member to appoint by instrument in writing a replacement from among its membership to serve the remainder of his term as a member; and

-
- (b) where he resigns or otherwise ceases to hold the office of chairman, the Council executive shall at its next monthly meeting elect from its membership a new chairman to serve the remainder of his term.

7. (1) A vacancy created after the initial appointment of a member of the Council executive by resignation or removal of membership, death or incapacity of a member, shall be filled by a person appointed by the relevant social partner from among its membership and shall hold office for the unexpired remainder of the term of the former member.

Vacancy in membership.

(2) The relevant social partner, where a vacancy occurs pursuant to paragraph (1), shall appoint a replacement by instrument in writing.

8. The Council shall publish by notice in the *Gazette* the appointment and cessation of appointment of each member of the Council executive.

Notice in the *Gazette*.

9. All decisions and documents of the Council executive shall be signed by the chairman and an executive member appointed by each social partner.

Signing of documents.

10. The seal of the Council —

Seal.

(a) shall be kept in the custody of the chairman or such other officer as the Council executive may approve; and

(b) may be affixed to instruments pursuant to a resolution of the Council and in the presence of an executive member appointed by each social partner.

11. Minutes in proper form of each monthly meeting of the Council executive shall be kept by the secretary or such officer as the Council executive appoints for the purpose and shall be confirmed in writing at the next meeting of the Council executive.

Minutes of meetings.

12. (1) The chairman may invite any person to attend a meeting of the Council executive where the Council executive considers it necessary or desirable to do so.

Observers and invitees at Council meetings.

(2) The Council executive may request advice and assistance from an observer or invitee in respect of any matter within such person's knowledge or experience.

(3) An invitee pursuant to subsection (1) may take part in the deliberations of the Council executive but shall not vote on any matter.

(4) Persons invited to Council executive meetings pursuant to subsections (3) and (4) of section 10 of this Act may vote on the issue or matter referred by the Minister that is the subject of the deliberations.

Remuneration.

13. A Council executive member shall be paid by the Council —

- (a) a stipend in such amount per annum as may be determined by the Council; and
- (b) travel allowances, as the Council in its discretion considers appropriate, to attend labour and industrial relations conferences and workshops of national, regional and international importance.