



BERMUDA

TRADE UNION AND LABOUR RELATIONS (TRANSITIONAL)
REGULATIONS 2021

BR 75 / 2021

The Minister responsible for labour, in exercise of the power conferred by section 102(2) of the Trade Union and Labour Relations (Consolidation) Act 2021, makes the following Regulations:

Citation

1 These Regulations may be cited as the Trade Union and Labour Relations (Transitional) Regulations 2021.

Effect of section 55(1)(c) on bargaining unit without an agency shop agreement

2 (1) Section 102(1)(b) of the Trade Union and Labour Relations (Consolidation) Act 2021 (“the Act”) deems a union, which was certified or deemed certified under the Trade Union Act 1965, to be certified under the Act.

(2) Section 55(1)(c) of the Act gives effect to an agency shop in respect of a bargaining unit, upon a union gaining certification in respect of that bargaining unit.

(3) Notwithstanding section 102(1)(b) of the Act, and for the avoidance of doubt, section 55(1)(c) shall not, upon the coming into operation of the Act, apply to any bargaining unit to which a collective agreement, pursuant to section 34(1) of the Trade Union Act 1965, applies where the parties to that collective agreement—

- (a) failed to enter into an agency shop agreement as set out in section 34(2) of the Trade Union Act 1965; and
- (b) did not report such failure to the Manager as set out in section 35(1)(b) of the Trade Union Act 1965.

(4) Paragraph (3) shall cease to have effect when the certification of the union to which that collective agreement applies is cancelled, either—

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- (a) in accordance with section 57 of the Act; or
- (b) by virtue of that union or another union gaining certification, pursuant to Part 3 of the Act, in respect of that bargaining unit.

(5) In this regulation—

“union” has the same meaning given in section 40(1) of the Act.

Commencement

3 These Regulations shall come into operation on 1 June 2021.

Made this 31st day of May 2021

Minister of Labour

[Operative Date: 01 June 2021]