

CAP. 184.

CYPRUS

PORT WORKERS

CHAPTER 184 OF THE LAWS

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CHAPTER 184.

PORT WORKERS.

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A LAW TO REGULATE THE EMPLOYMENT OF PORT WORKERS
AND TO MAKE OTHER PROVISIONS CONNECTED THERE-
WITH.

[31st December, 1952.]

35 of 52.
47 of 54.
33 of 58.

Short title.

1. This Law may be cited as the Port Workers (Regulation of Employment) Law.

Interpreta-
tion.

2. In this Law unless the context otherwise requires—

“ Board ” means a Board established under subsection (1) of section 3;

“ Commissioner ” means the Commissioner of Labour and includes the Assistant Commissioner of Labour;

“ Customs porter ” means any person approved by the Comptroller to handle, and engaged in handling, within any Customs area, any goods upon their discharge from any ship, aircraft or other vessel to a pier or dock, until delivery of such goods out of Customs control;

“ employer ” means, in relation to a port worker, the person by whom he is employed or is to be employed as a port worker and includes any Customs porter when he employs any port worker;

“ employer's porter ” means any person regularly employed by any employer to handle—

(a) any of his goods destined for exportation, from or to any of his stores to or from any pier or dock or any store, within any Customs

area and approved by the Collector of Customs as a place of deposit therefor; or

(b) any such goods on their conveyance from any such pier, dock or store to any sling for shipment on any lighter or, where no lighters are used, to any sling of any ship, aircraft or other vessel on which the goods are to be exported from any such pier, dock or store; or

(c) any of his goods on their importation over his private pier;

“goods” includes anything carried or to be carried in a ship, aircraft or other vessel;

“port” means any place appointed by the Governor in Council to be a port under the Customs Management Law; Cap. 315.

“port worker” means a person employed or to be employed in any port on work in connection with the loading, unloading, movement or storage of goods, or on work in connection with the preparation of ships, aircraft or other vessels for the receipt or discharge of goods, but does not include—

(a) a member of an engineering or other craft;

(b) any clerical employee or a member of the administrative staff of an employer;

(c) any Customs porter or employer's porter;

(d) any licensed boatman engaged in conveying passengers' luggage to or from a ship, aircraft or other vessel in any port; 2 (a) of 47/54.

(e) any member of the crew of any ship, aircraft or other vessel when engaged on board such ship, aircraft or other vessel— 2 (b) of 47/54.

(i) in the handling of any machinery other than cranes, except where the superintendent of the port, after taking the views of the master of the ship or the captain of the aircraft or other vessel and of the employers and port workers, is of opinion that there is not available any port worker possessing the special technical knowledge required for the handling of that particular type of crane;

(ii) in any other work, for the purpose of

enabling the loading, unloading, movement or storage of goods by any port worker;

2 of 33/58.

(f) any porter regularly employed in an enclosed area allocated by the Comptroller for the use of Her Majesty's Forces.

Power to Governor to apply this Law to a port and to establish Boards.

3. (1) Whenever it appears to the Governor that the conditions of employment or other prevailing circumstances in any port are such as to render necessary or expedient the regulation of engagement and employment of port workers therein or that public interest so requires, the Governor may by Order apply the provisions of this Law to that port, and thereupon establish in respect of that port a Board bearing the name " Port Labour Board of " (inserting the name of the port) for the purpose of regulating the wages and the conditions of engagement and employment of port workers in that port and for the performance of such other functions in relation to such engagement or employment as may be prescribed.

(2) The Governor may, if satisfied that the circumstances which led to the making of an Order and the establishment of a Board under subsection (1) ceased to exist or that public interest so requires, cancel such Order and dissolve such Board.

Constitution of Boards.

4. (1) A Board established under subsection (1) of section 3 shall consist of a Chairman and two members appointed by the Governor (called " the appointed members ") and such number of other members (called " the representative members ") as may be determined in each case by the Governor, to be nominated by the employers or any association or associations thereof (called " the employers' side ") and by the port workers or their trade union or trade unions (called " the port workers' side "):

Provided that the number of representative members both on the employers' side and on the port workers' side shall be equal:

Provided further that, on the failure of employers or port workers, respectively, to nominate the required number of representative members, it shall be lawful for the Governor to appoint fit and proper persons to make up such required number.

(2) The appointed members and the representative members shall hold office for such time as may be fixed by the Governor:

Provided that the appointment of any member under subsection (1) may, at any time, be revoked by the Governor, and the nomination of any representative member may, at any time, be revoked by the side by which such member was nominated and that in either case another member shall be appointed or nominated, respectively.

(3) The Board may make rules governing its own proceedings, the convening of its meetings and the quorum thereof— 3 of 47/54.

(a) At the time of the nomination of a representative member under subsection (1) (in this subsection referred to as "a principal representative member") the employers' side or the port workers' side, as the case may be, nominating such principal representative member, shall also nominate in respect of each such principal representative member a substitute representative member.

(b) Such substitute representative member shall be entitled to attend any meeting or meetings of the Board in any case where the principal representative member, in respect of which such substitute representative member has been appointed, is, for any good and sufficient reason to the satisfaction of the Chairman, unable to attend any meeting of the Board, and any substitute representative member attending any such meeting shall be deemed to be a representative member for the purpose of such meeting.

(c) The provisions of this section shall apply to substitute representative members as they apply to principal representative members:

Provided that nothing in this subsection contained shall affect the powers and duties of a principal representative member.

(4) The Board may act notwithstanding a vacancy amongst the members thereof.

5. The Governor in Council may make Regulations for carrying into effect the purposes of this Law and, without prejudice to the generality of the power so conferred, in particular for—

Power to Governor in Council to make Regulations.

(a) providing for the registration of port workers, the mode of such registration, the class in which they will be registered, and the conditions required

- for registration, and prohibiting or restricting the work or employment of port workers unless registered;
- (b) enabling the Board to determine the number of port workers to be registered in respect of any port;
 - (c) authorizing the Commissioner to issue to any port worker, upon registration, a registration card in the prescribed form;
 - (d) enabling the Board to direct the striking off the register of the name of any port worker and the suspension or cancellation of his registration card in connection with such matters as may be prescribed;
 - (e) requiring the registration card to be kept on the person of the holder thereof and to be shown on demand;
 - (f) providing for the determination of wages and the machinery for such determination and prescribing the obligations of port workers;
 - (g) regulating the engagement and employment of port workers and any term or condition thereof, including lock-outs and strikes, and the allocation of registered port workers to work with specified employers or on specified jobs;
 - (h) prescribing additional functions of the Boards;
 - (i) providing for the training and welfare of port workers;
 - (j) generally ensuring the proper utilization of the labour of registered port workers for the purpose of facilitating the rapid and economic turn-round of ships, aircraft or other vessels and the speedy transit of goods through the port;
 - (k) providing for the imposition of penalties not exceeding six months imprisonment or one hundred pounds fine or both such imprisonment and fine for any contravention of, or failure to comply with, any of the Regulations made hereunder or any order made or decision taken under any such Regulations;
 - (l) prescribing any other matter required to be prescribed under the provisions of this Law:

Schedule.

Provided that, until varied or revoked by any such Regulations, the Regulations contained in the Schedule shall have effect.

SCHEDULE.

(Section 5.)

1. These Regulations may be cited as the Port Workers (Regulation of Employment) Regulations, 1952. 53, Vol. II,
637.
2. In these Regulations unless the context otherwise requires—
 - “employment exchange” means an employment exchange of the Department of Labour;
 - “manager” means a manager of an employment exchange and includes an assistant manager of such employment exchange; 53, Vol. II,
637.
 - “registered port worker” means a port worker who has been registered in accordance with paragraph (1) of Regulation 4 of these Regulations.
3. The Governor may by notice in the Gazette apply these Regulations to any port.
4. (1) There shall be opened and kept at the employment exchange at each port to which these Regulations apply a register for the registration therein in such class as the Board may determine of all persons who were working in the port as port workers in such class on at least 90 days during the twelve months preceding the date of the notice referred to in Regulation 3 of these Regulations or who will be hereafter admitted under paragraph (1) of Regulation 13 of these Regulations to work as port workers at that port.
 - (2) Every port worker so registered shall be issued free of charge with a registration card in the form set out in the Appendix to these Regulations.
 - (3) Registration shall, subject to these Regulations, continue in force until cancelled or suspended under these Regulations.
 - (4) At the time of registration every port worker shall produce such documents and certificates as the manager may require for the purpose of identification or otherwise.
5. (1) Subject to paragraphs (2) and (3) of this Regulation it shall not be lawful for any person to work as port worker in any port where these Regulations apply unless he is registered in accordance with paragraph (1) of Regulation 4 of these Regulations and is allocated to an employer by the manager. 53, Vol. II,
638.
 - (2) It shall not be lawful for any person—
 - (a) to employ at any port to which these Regulations apply any port worker who is not a registered port worker:
Provided that on the date when these Regulations are applied to any port any employer may continue to employ an unregistered port worker until the completion of the work for which such port worker was engaged;
 - (b) to employ in a port any registered port worker who is not allocated to him by the manager:
Provided that any regular lighterman, who is or shall be in the employment of any employer shall, so long as the contract of employment remains in force, be deemed to have been allocated to the employer by the manager but so that such employer shall not be entitled to employ more than two of such lightermen on any one of his vessels, the additional lightermen on any one of such vessels being allocated to him by the manager.

For the purposes of this proviso "regular lighterman" means any registered port worker employed by an employer as a lighterman under a contract of a fixed duration or determinable upon notice.

(3) Notwithstanding anything in this Regulation contained, any person may work and be employed as a port worker and any person may employ any person as a port worker if the manager is unable to allocate to him a registered port worker or other person for employment.

6. A registered port worker may have his name struck off the register by the Board of the port in which he is registered—

- (a) if without any reasonable cause he fails to accept any employment in connection with any port work offered to him by the manager or, without leave of the manager, absents himself from work; or
- (b) if he is in full time employment unconnected with port work; or
- (c) if he is, on account of age, health or for any other cause, in the opinion of the Board, no longer a fit and proper person to be a port worker; or
- (d) if he is, on account of the number of the registered port workers for the port, in the opinion of the Board, redundant or surplus to requirements.

7. The Board may from time to time appoint Committees consisting of such of its members as the Board may appoint for the purpose of exercising any of the functions of the Board:

Provided that any representative members on any such Committee shall be of equal number both from the employers' side and from the port workers' side.

8. (1) The Board shall have power from time to time—

- (a) to determine the number of the port workers to be registered in respect of the port;
- (b) subject to paragraph (2) of this Regulation, to fix the wages and determine the conditions of employment of port workers in the port;
- (c) of its own motion or at the request of the Commissioner, to advise the Commissioner on any matter affecting work in the port.

(2) The fixing of the wages and the determination of the conditions of employment by the Board under paragraph (1) of this Regulation, shall be made by agreement between the employers' side and the port workers' side and thereupon it shall be final and binding on all concerned.

(3) If the wages are not fixed and the working conditions are not determined as provided in paragraph (2) of this Regulation, the Chairman of the Board shall refer the question for determination to a tribunal consisting of a Chairman and two members appointed by the Governor, one member representing the employers' interests and the other member the port workers' interests, for determination. Any decision of such tribunal shall be final and binding on all parties.

(4) For the purposes of this Regulation "employer" means any employer of workers.

9. At each port where these Regulations apply the manager shall—

- (a) keep, adjust and maintain a record of registered port workers;
- (b) supply port workers to employers in accordance with such a

rota as may be determined by the Board or, failing determination by the Board, such a rota as the manager may determine;

- (c) maintain and supply such records of employment and earnings as may be required by the Commissioner;
- (d) carry out such other functions as may be prescribed or as the Commissioner may direct.

10. (1) Every port worker shall, on registration, be deemed to have accepted to abide by any wages and conditions of employment determined under Regulation 8 of these Regulations.

(2) Every registered port worker shall report for work at such times and at such places as he may be required by the manager so to do.

(3) Every registered port worker shall abide by all rules and Regulations as may apply to the place or to the type of work on which he is engaged.

(4) Every registered port worker shall notify the manager on any day on which he absents himself from work due to injury or sickness and shall forward to the manager a medical certificate if any period of incapacity or sickness exceeds three consecutive days.

(5) Every port worker shall, when at work, carry on him his registration card and shall produce it when required to do so by the manager or any Customs officer or any member of the Board or the employer.

11. Every employer who applies to the manager for the allocation to him of registered port workers shall be deemed to have agreed to abide by any wages and conditions of employment determined under Regulation 8 of these Regulations.

12. If a port worker contravenes or fails to employ with any provisions of these Regulations or misconducts himself in the course of or in connection with his work then, without prejudice to any other liability he may incur under these Regulations or any other Law, the Board may—

- (a) warn him; or
- (b) suspend him from work for a period not exceeding three months and suspend his registration card accordingly; or
- (c) give him fifteen days notice of cancellation of registration; or
- (d) cancel his registration and registration card forthwith.

13. (1) Any vacancies in any class of registered port workers in any port to which these Regulations apply shall be filled from among such persons as are registered for employment in the employment exchange.

(2) No registration of a port worker under paragraph (1) of this Regulation shall be made unless the person to be registered is over the age of eighteen years and is considered as a fit and proper person by the Board or a Committee thereof appointed for the purpose.

14. An employer shall not declare or take part in a lock-out and a port worker shall not take part in a strike in connection with any trade dispute, in any port to which these Regulations apply unless the dispute has been reported to the Commissioner and unless eight days notice of an intention to declare or take part in a lock-out or in a strike has been given to the Chairman of the Board concerned by or on behalf of the employer or by or on behalf of the port worker, as the case may be, or by their respective associations or trade unions.

For the purposes of this Regulation "trade dispute" has the same meaning as in section 2 of the Trade Disputes (Conciliation, Arbitration and Inquiry) Law. (Cap. 187.)

15. At the date of the application of these Regulations to any port, the wages and conditions of employment for port workers obtaining in that port shall, subject to the provisions of these Regulations, be deemed to be approved wages and conditions of employment unless and until they are modified by subsequent approved conditions brought into force by virtue of these Regulations.

16. Any port worker or employer who contravenes or fails to comply with—

- (a) any of the provisions of Regulation 5 of these Regulations;
 - (b) any decision of the Board or the tribunal, as the case may be, taken under the provisions of paragraph (2) or paragraph (3), as the case may be, of Regulation 8 of these Regulations; or
 - (c) any of the provisions of Regulation 14 of these Regulations,
- shall be liable to imprisonment not exceeding six months or to a fine not exceeding one hundred pounds or to both such imprisonment and fine.

APPENDIX.

FORM OF REGISTRATION CARD.

(Regulation 4 (2).)

The Port Workers (Regulation of Employment) Regulations, Cap. 184.

PORT WORKERS REGISTRATION CARD.

Name of Port

Registration No.

Date of Registration

Name of Port Worker

Date of Birth

Address

Category

PHOTOGRAPH.