

No. S 51

**CONSTITUTION OF BRUNEI DARUSSALAM
(Order made under Article 83(3))**

TRADE UNIONS ACT (AMENDMENT) ORDER, 2015

ARRANGEMENT OF SECTIONS

Section

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(Order made under Article 83(3))**

TRADE UNIONS ACT [AMENDMENT] ORDER, 2015

In exercise of the power conferred by Article 83(3) of the Constitution of Brunei Darussalam, His Majesty the Sultan and Yang Di-Pertuan hereby makes the following Order –

Citation

1. This Order may be cited as the Trade Unions Act (Amendment) Order, 2015.

Amendment of section 10 of Chapter 128

2. Section 10 of the Trade Unions Act, in this Order referred to as the Act, is amended –

- (a) in subsection (1), by deleting paragraph (a);
- (b) by deleting subsection (2).

Substitution of section 16

3. Section 16 of the Act is repealed and the following new section substituted therefor –

"Officers of trade union

16. (1) A person shall not act as an officer of a trade union or any branch thereof, and shall be disqualified for election as such officer if –

- (a) he is an undischarged bankrupt;
- (b) he has been convicted by any court of criminal breach of trust, extortion or criminal intimidation; or
- (c) he has been convicted by any court of any offence which, in the opinion of the Minister, renders him unfit to be an officer of a trade union.

(2) Subsection (1.) does not apply where the Minister is satisfied that the person so convicted has reformed and has become fit to be an officer of a trade union.

(3) Subject to subsections (1) and (2), a person who is not a citizen of Brunei Darussalam may act as an officer of a trade union or any branch

thereof if he has been in continuous service with an employer in Brunei Darussalam for not less than 3 years and was resident in Brunei Darussalam during that period.

(4) No person may, without the consent of the Registrar, at any time, be an officer of more than one trade union.

(5) The Minister may by order published in the *Gazette* –

(a) declare that the provisions of this section shall not apply to any registered trade union or class of registered trade unions specified in the order; or

(b) exempt from the provisions of this section in respect of such officers or such proportion of the officers of any registered trade union or class of registered trade unions as may be specified in the order.

(6) For the purposes of subsection (2), "unfit" means the aptitude and integrity of a person is prejudicial to the exercise of the trade union's functions."

Substitution of section 19

4. Section 19 of the Act is repealed and the following new section substituted therefor –

"Prohibition on employers and their trade union in respect of certain acts

19. (1) No employer or trade union of employers, and no person acting on behalf of an employer or such trade union, shall –

(a) impose any condition in a contract of employment seeking to restrain the right of a person who is a party to the contract to join a trade union, or to continue his membership in a trade union;

(b) refuse to employ any person on the ground that he is or is not a member or an officer of a trade union;

(c) discriminate against any person in regard to employment, promotion, condition of employment or working conditions, on the ground that he is or is not a member or officer of a trade union;

(d) dismiss or threaten to dismiss a worker, injure or threaten to injure him in his employment or alter or threaten to alter his position to his prejudice by reason that the worker –

- (i) is or proposes to become, or seeks to persuade any other person to become, a member or officer of a trade union; or
- (ii) participates in the promotion, formation or activities of a trade union; or
- (e) induce a person to refrain from becoming or to cease to be a member or officer of a trade union by conferring or offering to confer any advantage on or by procuring or offering to procure any advantage for any person.

(2) Any employer or trade union of employers, or any person acting on behalf of an employer or such trade union, who contravenes subsection (1) is guilty of an offence and liable on conviction to a fine not exceeding \$6,000, imprisonment for a term not exceeding 6 months or both."

Amendment of section 21

5. (1) Section 21 of the Act is amended –

(a) by deleting subsection (2) and by substituting the following new subsection therefor –

(2 Such account shall be audited by a qualified accountant who has obtained a written authority from His Majesty the Sultan and Yang Di-Pertuan under the law of the registration of companies in Brunei Darussalam to be an auditor of the accounts of companies generally.";

(b) by deleting subsection (5) and by substituting the following new subsection therefor –

"(5) The Registrar may, for the purposes of exercising any power of enforcement pursuant to this Act or any other written law, at any time order the books, accounts, vouchers, documents, securities and funds of any trade union to be inspected and audited by any independent auditors, and it shall be the duty of the secretary, treasurer and other officers of a trade union to make available all the accounts, books, documents, vouchers, securities and funds of the trade union for such purposes."

Amendment of section 24

6. Section 24 of the Act is amended by deleting "or for any political purpose whether within or without Brunei" from the last two lines and by substituting "whether within or outside Brunei Darussalam" therefor.

20th. OCTOBER, 2015

Made this 7th. day of Muharram, 1437 Hijriah corresponding to the 20th. day of October, 2015 at Our Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

HIS MAJESTY
THE SULTAN AND YANG DI-PERTUAN
BRUNEI DARUSSALAM