
3rd Session First Parliament Trinidad and Tobago
13 Elizabeth II



TRINIDAD AND TOBAGO
Act No. 8 of 1965

[L.S.]

AN ACT to provide for the compulsory recognition by employers of trade unions and organisations representative of a majority of workers, for the establishment of an expeditious system for the settlement of trade disputes, for the regulation of prices of commodities, for the constitution of a court to regulate matters relating to the foregoing and incidental thereto.

[Assented to 20th March, 1965]

BE IT ENACTED by the Queen's Most Excellent Majesty, ^{Enactment}
by and with the advice and consent of the Senate and

House of Representatives of Trinidad and Tobago, and by the authority of the same, as follows :—

Short title

1. This Act may be cited as the Industrial Stabilisation Act, 1965.

PRELIMINARY

Interpretation

2. (1) In this Act,

“the Court” means the Industrial Court established under section 5;

“lockout” means the closing of a place of employment or the suspension of work by an employer, or the refusal by an employer to continue to employ any number of persons employed by him in consequence of a dispute, done with a view to compelling those persons, or to aid another employer in compelling persons employed by him, to accept terms of conditions of or affecting employment; but does not include the closing of a place of employment for the protection of property or persons therein;

“Minister” means the Minister to whom responsibility for labour has been assigned;

“organisation” means an organisation representative of employers or an organisation representative of workers, as the case may be;

“strike” means the cessation of work by a body of persons employed acting in combination, or a concerted refusal or a refusal under a common understanding or of any number of persons employed to continue to work for an employer in consequence of a dispute, done as a means of compelling their employer or any person or body of persons employed, or to aid other workers in compelling their employer or any person or body of persons employed to accept or not to accept terms or conditions of or affecting employment; and includes any concerted interruption of work or slowing down by workers commonly known as “a sit down strike” or “a go slow” attempted or effected by workers for the reasons aforesaid, but, in agricultural undertakings, does not include any

delay in the conclusion of customary arrangements between workers and employers as to the size or nature of a task;

“trade dispute” or “dispute” means any dispute or difference between employers and workers or workers and workers connected with the employment or non-employment, or the terms of the employment or with the conditions of labour of any person;

“trade union” means a trade union registered under the Trade Unions Ordinance;

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“worker” means any person who has entered into or works under a contract with an employer, whether the contract be by way of manual labour, clerical work or otherwise, be expressed or implied, oral or in writing and whether it be a contract of service or of apprenticeship or a contract personally to execute any work or labour and includes an employee of the Government other than a public officer as defined by section 105 of the Constitution, but does not include any person comprised in or responsible for the management of any undertaking.

(2) For the purposes of this Act, the Permanent Secretary in the Ministry to which an employee of Government other than a public officer as defined by section 105 of the Constitution is attached shall be deemed to be the employer of that employee.

PART I

Relations between Trade Unions, Employers and other Organisations

3. (1) For the purpose of ensuring the preservation of Representative

PART I

Relations between Trade Unions, Employers and other Organisations

3. (1) For the purpose of ensuring the preservation of Representative collective bargaining, every employer shall recognise a recognition. trade union or other organisation that is representative of Collective bargaining fifty-one or a greater per centum of the workers employed by him and shall, subject to the provisions of this Act, treat and enter into such negotiations with any such trade union or organisation as may be necessary or expedient for the prevention or settlement of trade disputes.

(2) A trade union or other organisation which seeks recognition by an employer as the representative of workers employed by that employer shall specify in its claim for recognition the category or categories of worker it represents.

(3) Where an employer has any doubt as to the accuracy of any claim by a trade union to be representative of fifty-one per centum or a greater proportion of workers, he shall within forty-eight hours of the time at which the claim was made give notice to the trade union concerned that he intends to submit the matter for the determination of the Minister and shall thereupon submit the matter to the Minister together with a written statement of his reasons for doubting the accuracy of the said claim.

(4) Within seven days of the submission of the aforesaid statement, the Minister shall cause a count to be made of the workers employed by the employer concerned for the purpose of ascertaining from each worker whether or not he desires to be represented by the trade union making the claim for recognition as aforesaid; and the Minister shall inform the trade union and the employer of the result of the count.

(5) Where the trade union or the employer refuses to accept the finding of the Minister, the Minister shall refer the matter to the Court together with a statement of the result of the count, and the Court shall hear and determine the matter as if it were a trade dispute and, so far as they are applicable, the provisions of this Act relating to the settlement of trade disputes shall apply.

(6) Where the Minister or, in a case where a matter is referred to the Court under subsection (5), the Court finds that a trade union does not represent fifty-one per centum of the workers employed by an employer, the trade union may not earlier than six months after a count of workers has been taken apply to the Minister for a further count of such workers, in a case where a matter is referred to the Court under subsection (5), the Court finds that a trade union does not represent fifty-one per centum of the workers employed by an employer, the trade union may not earlier than six months after a count of workers has been taken apply to the Minister for a further count of such workers.

(7) An employer who, after a claim for recognition has been established in accordance with this section, fails or refuses to recognise such trade union or other organisation, is guilty of an offence and is liable on summary conviction to a fine of ten thousand dollars or to imprisonment for two years or to both such fine and such imprisonment.

4. (1) An employer shall not dismiss a worker, or adversely affect his employment, or alter his position to his prejudice, by reason of the circumstance that the worker—

Adversely affecting employee or employer on account of trade union activity

- (a) is an officer, delegate or member of a trade union or other organisation;
- (b) is entitled to the benefit of an agreement or award under this Act;
- (c) has appeared as a witness or has given any evidence in a proceeding under this Act;
- (d) being a member of a trade union or other organisation which is seeking better labour conditions, is dissatisfied with his conditions; or
- (e) has absented himself from work without leave after he has made an application for leave for the purpose of carrying out his duties or exercising his rights as an officer or delegate of a trade union or other organisation referred to in subsection (1) of section 3 and such leave has unreasonably been refused or withheld.

(2) An employer shall not threaten to dismiss a worker, or to affect adversely his employment, or to alter his position to his prejudice—

- (a) by reason of the circumstance that the worker is, or proposes to become, an officer, delegate or member of a trade union or other organisation or of an association that has applied to be registered as a trade union, or that the worker proposes to appear as a witness or to give evidence in a proceeding under this Act;
- (b) with intent to dissuade or prevent the worker from becoming such officer, delegate or member or from so appearing or giving evidence.

(3) An employer who contravenes any of the provisions of subsection (1) or (2) is guilty of an offence and liable on summary conviction to a fine of one thousand dollars or to imprisonment for six months or to both such fine and imprisonment; and the Magistrate may order that the worker be reimbursed any wages lost by him and may also direct that the employee be reinstated in his former position or in a similar position.

(4) A worker shall not cease work in the service of an employer by reason of the circumstance that the employer—

- (a) is an officer, delegate or member of an organisation representative of the interests of such employer;
- (b) is entitled to the benefit of an agreement or award under this Act; or
- (c) has appeared as a witness, or has given any evidence, in a proceeding under this Act.

(5) A worker who contravenes the provisions of subsection (4) is guilty of an offence and liable on summary conviction to a fine of two hundred and fifty dollars or to imprisonment for three months or to both such fine and such imprisonment.

PART II

Constitution, Powers &c. of Court

Establishment
of Industrial
Court

5. (1) For the purposes of this Act, there shall be established an Industrial Court.

(2) The Court shall have jurisdiction:

- (a) to hear and determine trade disputes;
- (b) to register industrial agreements and to hear and determine matters relating to the registration of such agreements;
- (c) to hear and determine complaints relating to the price of goods and commodities;
- (d) to hear and determine any complaint brought in accordance with this Act as well as such matters as may from time to time be referred to it under this Act.

Constitution
of Court

6. (1) The Court shall consist of—

- (a) a President who shall be a Judge of the Supreme Court of Judicature, designated by the Chief Justice after consultation with the Prime Minister; and

(b) four other members appointed by the Governor-General for such period and on such terms and conditions as he thinks fit, as follows:

- (i) one member who shall be a barrister or solicitor of at least ten years standing and who shall be Vice-President of the Court;
- (ii) one member who shall be a duly qualified accountant;
- (iii) one member who shall be a duly qualified economist; and
- (iv) one member who may be either a duly qualified accountant, a duly qualified economist or a person experienced in industrial relations.

(2) Subject to subsection (3), the jurisdiction of the Court shall be exercised by the President and two of the members of the Court selected by him for that purpose.

(3) Where for any reason the President of the Court is unable to carry out his functions under this Act, the Vice-President shall act in his place until the President is again able to carry out such functions or until another Judge of the Supreme Court of Judicature is designated as President.

(4) The Court may appoint one or more assessors who, in the opinion of the Court, are qualified by reason of their knowledge and experience to assist in the determination of any matter over which it has jurisdiction.

(5) In appointing assessors, the Court shall have regard to any submissions or objections that may be put forward by any party or parties appearing before it.

(6) The members of the Court other than the President shall be full time members and may be paid such salaries as the Governor-General may determine. The

(5) In appointing assessors, the Court shall have regard to any submissions or objections that may be put forward by any party or parties appearing before it.

(6) The members of the Court other than the President shall be full time members and may be paid such salaries as the Governor-General may determine. The members of the Court including the President may also be paid such allowances as the Governor-General may fix.

7. There may be appointed a Registrar and such other officers and servants of the Court as may be considered necessary.

Appointment of Registrar, officers and servants of Court

Decisions
of court

8. (1) All matters brought before the Court shall be determined by a majority of the members thereof.

(2) Subject to subsection 3, a judgment, order or award of the Court in any proceedings under this Act—

(a) shall not be challenged, appealed against, reviewed, quashed or called in question in any Court on any account whatever; and

(b) shall not be subject to prohibition, mandamus or injunction in any Court on any account whatever.

(3) Any party to a matter brought before the Court shall be entitled as of right to appeal to the Court of Appeal—

(a) from any judgment or order under section 33; and

(b) on a point of law from any other judgment, order or award of the Court. The decision of the Court of Appeal on any matter brought before it under paragraph (b) shall be final.

Scope of hearing
by and matters to
be considered in
judgments, awards
or orders of
court

9. (1) The Court shall expeditiously hear, inquire into and investigate every trade dispute which is before it and all matters affecting the merits of such dispute, and without limiting the generality of the foregoing, shall in particular hear, receive and consider submissions, arguments and evidence made, presented or tendered—

(a) by or on behalf of the employer concerned;

(b) by or on behalf of the workers concerned; and

(c) in the name of the Attorney General, on behalf of the People of Trinidad and Tobago (whether or not the dispute relates to employees of the Government) who for such purpose may instruct such persons as he thinks fit to present the case for the People of Trinidad and Tobago; and any expense thereby incurred shall be met out of the public funds of Trinidad and Tobago.

(2) In accordance with the principle set out in the preamble to the Constitution of Trinidad and Tobago that the operation of the economic system should result in the

material resources of the community being so distributed as to subserve the common good, the Court in its judgments shall, in addition to taking into account any submissions, arguments and evidence presented or tendered by or on behalf of the employers concerned and the workers concerned and the People of Trinidad and Tobago, be guided by the following considerations:—

- (a) the necessity to maintain a high level of domestic capital accumulation with a view to increasing the rate of economic growth and to providing greater employment opportunities;
 - (b) the necessity to maintain and expand the level of employment;
 - (c) the necessity to ensure to workers a fair share of increases in productivity in enterprises;
 - (d) the necessity to prevent gains in the wages of workers from being affected adversely by unnecessary and unjustified price increases;
 - (e) the necessity to preserve and promote the competitive position of products of Trinidad and Tobago in the domestic market as well as in overseas markets;
 - (f) the necessity for the establishment and maintenance of reasonable differentials in rewards between different categories of skills;
 - (g) the need to maintain for Trinidad and Tobago a favourable balance of trade and balance of payments;
 - (h) the need to ensure the continued ability of the Government of Trinidad and Tobago to finance development programmes in the public sector.
- (3) The Court shall make all such suggestions and do all such things as appear to it to be right and proper
- (h) the need to ensure the continued ability of the Government of Trinidad and Tobago to finance development programmes in the public sector.
- (3) The Court shall make all such suggestions and do all such things as appear to it to be right and proper for reconciling the parties and for inducing the settlement of the dispute by amicable agreement.
- (4) The Court shall determine the periods that are reasonably necessary for the fair and adequate presentation of the respective cases of the parties to the trade dispute and require that those cases be presented within the respective periods so determined.

(5) The Court may require evidence or argument to be presented in writing and may decide the matters upon which it will hear oral evidence or argument.

Submission, &c.
on behalf of
the People.
Ascertainment
of information

10. (1) The case on behalf of the People of Trinidad and Tobago shall include the presentation of arguments, submissions and evidence generally reflecting the public interest in the issues involved in such dispute.

(2) For the purpose of collecting such information, statistics and other material as may be required for the case of the People of Trinidad and Tobago, the Attorney General may authorise a public officer—

- (a) to enter upon the business premises of any employer, trade union or other organisation at any reasonable time and to require the production of any books, documents, accounts, returns or other material relevant to any trade dispute existing or anticipated;
- (b) to inspect any building, factory or works where workers are employed and to examine any material, machinery, or other article therein;
- (c) to interview any worker employed by any such employer.

(3) Any public officer authorised as aforesaid or any other person to whom such officer has submitted information obtained in pursuance of subsection (2) who discloses any such information is guilty of an offence and liable on summary conviction to a fine of one thousand dollars or to imprisonment for one year or to both such fine and such imprisonment.

(4) Any person who obstructs a public officer in the performance of his duties under subsection (2) is guilty of an offence and liable on summary conviction to a fine of two hundred and fifty dollars or to imprisonment for six months or to both such fine and such imprisonment.

(4) Any person who obstructs a public officer in the performance of his duties under subsection (2) is guilty of an offence and liable on summary conviction to a fine of two hundred and fifty dollars or to imprisonment for six months.

(5) Notwithstanding the provisions of the Income Tax Ordinance, the Commissioner of Inland Revenue is authorised to forward to the Attorney General under confidential cover such information as the Attorney General may require for the purpose of preparing the case for the People of Trinidad and Tobago.

(6) The Attorney General may, on his own motion or at the request of the Court submit to the Court any information obtained pursuant to the provisions of subsection (5), and where any such information is submitted to the Court, the Court may, in its discretion, prohibit the publication thereof.

11. (1) For the purposes of dealing with any matter brought before it, the Court shall have all the powers as are vested in the High Court of Justice on the occasion of an action to enforce the attendance of witnesses and examine them on oath, affirmation or otherwise, to compel the production of documents and to enforce its orders; but if any witness objects to answer any question or produce any document on the grounds that it will tend to incriminate him, or any other lawful grounds, he shall not be required to answer such questions or to produce such document, nor shall he be liable to any penalties for refusing to do so.

Evidence.
Enforcing
attendance of
witnesses, &c.

(2) Notwithstanding anything contained in the Income Tax Ordinance or in any other law, the Court may require the Commissioner of Inland Revenue or any other person who may be able to give information to the Court to provide such information as it may require from time to time. The Court may in its discretion on application by parties to the proceedings disclose information so obtained and may also prohibit the publication thereof.

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(3) A summons signed by the Registrar may be substituted for and shall be equivalent to any formal process capable of being issued in any action taken in the High Court of Justice for enforcing the attendance of witnesses and compelling the production of documents.

(4) In addition to the powers conferred on it by subsections (1) and (2), the Court may in relation to a trade dispute—

(a) make an order or award (including a provisional or interim order or award relating to witnesses and compelling the production of documents.

(4) In addition to the powers conferred on it by subsections (1) and (2), the Court may in relation to a trade dispute—

(a) make an order or award (including a provisional or interim order or award relating to any or all of the matters in dispute) or give a direction in pursuance of the hearing or determination;

(b) fix maximum penalties for any breach or non-observance of any term of an order or award, not exceeding ten thousand dollars in the case of an employer, two thousand five hundred

dollars in the case of a trade union or five hundred dollars in the case of a worker who is bound by the order or award;

- (c) dismiss any matter or part of a matter or refrain from further hearing or from determining the dispute or part of the dispute if it appears that the dispute or part is trivial, or that further proceedings are not necessary or desirable in the public interest;
- (d) order any party to the trade dispute to pay to any other party such costs and expenses (including expenses of witnesses) as are specified in the order;
- (e) generally give all such directions and do all such things as are necessary or expedient for the expeditious and just hearing and determination of the trade dispute.

Appearance

12. Every party to a trade dispute shall appear at an inquiry under this Act and, subject to section 9, may be assisted in the presentation of the case by counsel or solicitor or any other person who in the opinion of the Court is competent to assist in such presentation.

Regulation of Court proceedings

13. Save as otherwise expressly provided in this Act, the Court may regulate its procedure and proceedings as it thinks fit.

Award may be retrospective

14. (1) An award on any matter referred to the Court for settlement may be made retrospective to such date not being earlier than the date on which the dispute or question to which the award relates first arose.

(2) The provisions of subsection (2) of section 8 shall apply to the decision of the Court as to the date on which the dispute or question to which the award relates first arose.

question to which the award relates first arose.

(2) The provisions of subsection (2) of section 8 shall apply to the decision of the Court as to the date on which the dispute or question to which the award relates first arose.

Interpretation of award

15. If any question arises as to the interpretation of any award of the Court, the Minister or any party to the award may apply to the Court for a decision on such question; and the Court shall decide the matter after hearing the parties, or without such hearing, in cases where the consent of the parties has first been obtained. The decision of the Court shall be notified to the parties and shall be binding in the same manner as the decision in an original award.

Regulation

13. Save as otherwise expressly provided in this Act,

PART III

Trade Dispute Procedure

16. (1) Subject to this section, if any trade dispute exists ^{Trade dispute} or is apprehended in any industry or section of an industry, ^{procedure} that dispute, if not otherwise determined, may be reported to the Minister by—

- (a) an organisation of workers, on behalf of workers who are parties to the dispute and are members of that organisation;
- (b) an organisation of employers, where the dispute is between the employers and workers in the employment of those employers;
- (c) an employer, where the dispute is between that employer and workers in the employment of that employer; or
- (d) a trade union, on behalf of workers who are parties to the dispute and are members of that trade union,

and the Minister shall certify receipt of such report.

(2) The Minister shall consider any dispute so reported to him as aforesaid and, if in his opinion suitable means for settling the dispute already exist by virtue of the provisions of any agreement to which organisations representative of employers and workers respectively are parties, he shall refer the matter for settlement within two days from the date of such report in accordance with those provisions; so however, that where a matter has been referred for settlement in accordance with the provisions of this section and there is a failure to reach a settlement within seven days of such referral, the parties to whom the trade dispute was referred shall inform the Minister of such failure and the Minister may cancel the reference and may—

referred for settlement in accordance with the provisions of this section and there is a failure to reach a settlement within seven days of such referral, the parties to whom the trade dispute was referred shall inform the Minister of such failure and the Minister may cancel the reference and may—

- (a) take any steps which seem to him expedient to promote a settlement of the dispute; or
- (b) refer the dispute to the Court for settlement.

(3) Where, in his opinion, no such suitable means of settlement exists as are mentioned in subsection (2), the Minister may:—

(a) take any steps which seem to him expedient to promote a settlement of the dispute;

(b) refer the dispute to the Court for settlement.

(4) Where steps to promote a settlement of the dispute have been taken by the Minister under subsection (2) or subsection (3) (otherwise than by means of a reference to the Court) and those steps have not resulted in a settlement, the Minister shall refer the dispute for settlement to the Court and shall do so within twenty-one days from the date on which the trade dispute was first reported to him.

(5) Where steps to promote a settlement have been taken by the Minister under subsection (2) or subsection (3) (otherwise than a reference to the Court) and those steps have resulted in a settlement, the parties shall inform the Minister in writing of the terms of the settlement.

(6) On the receipt of the information referred to in subsection (5), the Minister shall consider the terms of the settlement and shall refer such settlement to the Court for confirmation with such recommendations as he may think necessary.

(7) The Court shall, on such referral, deal with such settlement in the same manner as if it were an industrial agreement to which the provisions of Part IV apply; and such settlement, when confirmed by the Court, shall have the same effect as an industrial agreement registered by the Court.

(8) Any settlement effected under this section shall be binding on the employers and workers to whom the settlement relates and, as from the date of such settlement or as from such date as may be specified therein not being earlier than the date on which the dispute or question to which the settlement relates first arose, it shall be an implied term of the contract between such employers and such workers that the rate of wages to be paid and the conditions or employment to be observed under the contract shall be in accordance with such settlement until varied by a subsequent agreement.

References
to Court of
advice

17. The Minister may refer to the Court for advice any matter relating to or arising out of a trade dispute or trade disputes which, in his opinion, ought to be so referred and the Court shall enquire into the said matter and report thereon to the Minister.

PART IV

Industrial Agreements

18. (1) Subject to the provisions of this Part, any trade union or other organisation may make an industrial agreement with any other organisation or with any employer (in this Part referred to as an "industrial agreement") for the terms of the employment and the conditions of labour of any worker and for the prevention and settlement of existing or future industrial disputes by conciliation and arbitration.

Industrial agreements

(2) Every industrial agreement shall contain provisions for the setting up of effective machinery to deal with grievances of workers.

19. (1) A trade union or other organisation or employer that proposes to enter an industrial agreement shall give thirty days notice in writing of their intention so to do to the Minister and shall set out in such notice particulars of the several matters and things on which agreement is to be sought.

Notice of agreement to be given to Minister

(2) On the receipt of a notice under subsection (1), if in his opinion the public interest so requires, the Minister may cause to be prepared a statement based on the principles mentioned in subsection (2) of section 9 and shall forward copies of such statement to each of the parties to the proposed agreement.

20. Every industrial agreement shall be for a term to be specified therein being not less than two nor more than three years: except that where the Minister is satisfied that an undertaking to which an industrial agreement relates is likely to cease operations within two years of the date of the agreement, he may approve of the agreement being made effective for a period of less than two years.

Form of agreement

21. When an industrial agreement has been executed by the parties thereto, it shall be transmitted to the Minister together with a request by the parties for the registration of the said agreement by the Court.

Agreement to be submitted to Minister

22. The Minister, on receipt of an agreement executed as aforesaid, shall consider such agreement and shall submit the same to the Court for registration; and where he

Submission to Court by Minister

objects to the registration of such agreement he shall attach to such agreement—

- (a) a copy of the statement forwarded to the parties under subsection (2) of section 19; and
- (b) a notice containing the grounds of such objection.

Registration
by Court

23. (1) The Court shall, in every case in which the Minister objects to the registration of an industrial agreement, summon all the parties to the agreement and shall hear every party so summoned or their representative and may—

- (a) register the industrial agreement without amendment or modification; or
- (b) with the consent of all the parties summoned to the hearing, register the industrial agreement with such amendment and modification as it may consider necessary and proper; or
- (c) refuse to register such industrial agreement and refer the agreement back to the parties thereto for further negotiation.

(2) At any hearing under subsection (1) the Minister shall be represented by a person assigned by the Attorney General for that purpose.

Validity of
industrial
agreement

24. An industrial agreement shall have effect only if it is registered by the Court in accordance with this Act.

Effect of
industrial
agreement

25. Every industrial agreement registered in accordance with this Act shall during its continuance be binding on—

- (a) all parties thereto;
- (b) in the case of employers, trade unions or other organisations, any successors or assignees of such employers, trade unions or organisation;
- (c) all members, of an organisation which is party thereto;
- (d) all parties thereto;
- (b) in the case of employers, trade unions or other organisations, any successors or assignees of such employers, trade unions or organisation;
- (c) all members, of an organisation which is party thereto;
- (d) all workers to whom the agreement relates.

agreement

Penalties

26. (1) Any trade union or other organisation or person bound by an industrial agreement shall for any breach or non-observance of any term of the agreement be liable on summary conviction to a fine not exceeding such amounts as is fixed by the Court; and if no amount is so fixed, then

in the case of a trade union or other organisation to a fine of one thousand dollars or six months imprisonment or both such fine and such imprisonment, in the case of an employer, to a fine of five thousand dollars or two years imprisonment or both such fine and such imprisonment and in the case of a worker, to a fine of two hundred and fifty dollars or three months imprisonment or to both such fine and such imprisonment.

(2) Where in any proceedings against an employer under subsection (1), it appears to the court that a worker of that employer has not been paid an amount to which he is entitled under an industrial agreement, that court may order that the employer shall pay to the worker the amount of the under-payment.

(3) Nothing in this section shall be taken as precluding any right to bring a civil action in connection with any breach of an industrial agreement.

PART V

PRICE OF GOODS

Hearing and Determination of Complaints by Court—Procedure

27. In this Part "Minister" means the Minister to whom responsibility for Commerce has been assigned.

Definition of "Minister" in this Part

28. The Minister on his own motion, or on behalf of another person or body of persons corporate or unincorporate, or any person or body of persons corporate or unincorporate, may complain in writing or otherwise to the Court against the price charged by any wholesaler or retailer for any goods or articles the mark-up for which has been fixed by the Minister by regulations made under the Trade Ordinance, 1958.

Complaint to Court by Minister and other persons

Ord. No. of 1958

29. (1) Any person or body of persons corporate or unincorporate may complain to the Minister against the price charged by any wholesaler or retailer for any goods unincorporate, may complain in writing or otherwise to the Court against the price charged by any wholesaler or retailer for any goods or articles the mark-up for which has been fixed by the Minister by regulations made under the Trade Ordinance, 1958.

Complaints to Minister

Ord. No. of 1958

29. (1) Any person or body of persons corporate or unincorporate may complain to the Minister against the price charged by any wholesaler or retailer for any goods the mark-up for which has been fixed by the Minister by Regulations made under the Trade Ordinance, 1958.

Complaints to Minister

(2) On the receipt of any such complaint, the Minister may investigate the allegations contained therein and may, if in his opinion the complaint is substantiated by the results of such investigation, make a complaint to

Procedure where
complaint made
by persons
directly to
Court

30. Where a complaint is made directly to the Court by any person other than the Minister or by any body of persons corporate or unincorporate other than the Minister, the Court may refer the complaint to the Minister for his investigation and report and may, if the Minister is of the opinion that the complaint is justified, proceed in the manner set out in section 31.

Summons to
issue

31. Where the Minister makes a complaint on his own behalf or on behalf of another person or body of persons corporate or unincorporate the Court shall cause a summons to be issued to the person or persons against whom the allegations are made requiring him or them to appear at the place and time mentioned in such summons to answer the said allegations.

Application of
Summary Courts
Ordinance

32. The Court may adopt such procedure for the hearing and determination of complaints brought before it in accordance with the provisions of this Part as it considers appropriate, and may apply such of the provisions of any enactment relating to the hearing and determination of causes as it may consider necessary and expedient.

Jurisdiction
of Court in
matters relating
to price of
goods.

33. Notwithstanding anything contained in any other Act, the Court shall have jurisdiction in any matter relating to the price of any goods the mark-up in respect of which has been fixed by the Minister by regulations made under the Trade Ordinance, 1958 and may—

- (a) for the purpose of determining the correct price at which such goods or articles should be sold take into consideration:
 - (i) the actual cost of the goods to the wholesaler or retailer, as the case may be;
 - (ii) the mark-up prescribed by the Minister in respect of such goods; and
 - (iii) the cost of transportation of such goods to the premises of such wholesaler or retailer;
- (b) where the price at which any such goods are sold is in excess of the price determined in accordance with paragraph (a), impose, in the case of a wholesaler, a fine not exceeding ten thousand dollars or imprisonment for two years

or to both such fine and such imprisonment, and in the case of retailer, a fine not exceeding one thousand dollars or six months or to both such fine and such imprisonment.

PART VI

Lockouts and Strikes

34. (1) An employer shall not declare or take part in a ^{Lockouts and} ~~lockout~~ and a worker shall not take part in a ^{strikes} ~~strike~~ in connection with any trade dispute unless—

- (a) the dispute has been reported to the Minister in accordance with the provisions of this Act; and
- (b) the Minister has not referred the dispute to the Court for settlement within twenty-eight days of the date on which the report of the dispute was first made to him; and
- (c) the Minister has, within forty-eight hours of the decision to go on strike, been given fourteen days notice in writing by the trade union or other organisation of its intention to call a strike or declare a lockout, as the case may be, so, however, that no such strike shall be called or lockout declared until after the last day on which the Minister may refer the dispute to the Court.

(2) An employer who declares or takes part in a lockout in contravention of subsection (1) is guilty of an offence and liable on summary conviction to a fine of twenty thousand dollars or to imprisonment for three years or to both such fine or such imprisonment.

(3) Any trade union or organisation which calls a lockout in contravention of subsection (1) is guilty of an offence and liable on summary conviction to a fine of twenty thousand dollars or to imprisonment for three years or to both such fine or such imprisonment.

(3) Any trade union or organisation which calls a strike in contravention of subsection (1) shall be guilty of an offence and liable on summary conviction to a fine of ten thousand dollars or to imprisonment for two years or to both such fine and such imprisonment; and the court shall, in the case of a trade union, notwithstanding the provisions of section 21 of the Trade Unions Ordinance, cancel the registration of such trade union.

(4) Any individual who calls out any workers on strike in contravention of subsection (1) is guilty of an offence and—

- (a) if he is a member of the Executive of a trade union or other organisation, liable on summary conviction to a fine of two thousand five hundred dollars or to imprisonment for twelve months or to both such fine and imprisonment;
- (b) if he is not such a member, liable on summary conviction to a fine of five thousand dollars or to imprisonment for two years or to both such fine and imprisonment.

(5) Any worker who takes part in a strike called in contravention of subsection (1) is guilty of an offence and liable on summary conviction to a fine of two hundred and fifty dollars or three months imprisonment or to both such fine and imprisonment.

(6) A prosecution for any contravention of any provision of this section shall not be instituted save by or with the consent of the Attorney General.

Strikes or lockouts prohibited during hearings, &c.

35. (1) No worker may go on strike and no employer may declare a lockout while proceedings in relation to a trade dispute between such worker and such employer are pending before the Court or the Court of Appeal.

(2) Any person who contravenes the provisions of subsection (1) is guilty of an offence and liable on summary conviction—

- (a) in the case of an employer, to a fine of twenty thousand dollars or to imprisonment for two years or to both such fine and such imprisonment; and
 - (b) in the case of a worker, to a fine of two hundred and fifty dollars or to imprisonment for three months or to both such fine and such imprisonment.
- inousand dollars or to imprisonment for two years or to both such fine and such imprisonment; and
- (b) in the case of a worker, to a fine of two hundred and fifty dollars or to imprisonment for three months or to both such fine and such imprisonment.

Strikes and lockouts in essential services prohibited

36. (1) Subject to subsection (2), this Act applies to employers and workers engaged in essential services.

(2) An employer or a worker carrying on or engaged in essential services shall not declare a lockout or take part in a strike in connection with any such essential service.

(3) An employer who contravenes subsection (2) is liable on summary conviction to a fine of twenty thousand dollars or to imprisonment for three years or to both such fine and such imprisonment.

(4) A worker who contravenes subsection (2) is liable on summary conviction to a fine of two hundred and fifty dollars or to imprisonment for six months or to imprisonment for three months or to both such fine and such imprisonment.

(5) A trade union or other organisation who calls a strike in an essential service is guilty of an offence and liable on summary conviction to a fine of ten thousand dollars or to imprisonment for two years or to both such fine and such imprisonment and the court shall, in the case of a trade union, if it is satisfied that the calling of such strike was authorised by the Executive of such trade union, notwithstanding the provisions of section 21 of the Trade Unions Ordinance, cancel the registration of such trade union.

(6) For the purposes of this section "essential services" mean the services set out in the Schedule.

(7) The Minister may by order, subject to negative resolution of either House of Parliament, passed within thirty days of the date on which the order was laid before such house, vary the Schedule by adding thereto or removing therefrom any service.

- 37.** (1) The following persons shall not take part in any strike: Public
Officers
prohibited
from striking
- (a) members of the public service of Trinidad and Tobago;
 - (b) members of the Trinidad and Tobago Police Force, the Special Reserve Police, the Estate Police, and the Police Force of any municipality;
 - (c) members of the Prison Services of Trinidad and Tobago,
 - (b) members of the Trinidad and Tobago Police Force, the Special Reserve Police, the Estate Police, and the Police Force of any municipality;
 - (c) members of the Prison Services of Trinidad and Tobago;
 - (d) members of the Fire Services of Trinidad and Tobago; and
 - (e) members of the Trinidad and Tobago Defence Force.

(2) Any person mentioned in paragraphs (a) to (e) of subsection (1) who contravenes the provisions thereof

is guilty of an offence and liable on summary conviction to a fine of two hundred and fifty dollars or to imprisonment for three months or to both such fine and such imprisonment.

(3) An official of a trade union or other organisation who calls a strike in any of the services mentioned in paragraphs (a) to (e) of subsection (1) is guilty of an offence and is liable on summary conviction to a fine of ten thousand dollars or imprisonment for two years or to both such fine and such imprisonment and the court shall in the case of a trade union, if it is satisfied that such strike was authorised by the Executive of such trade union, notwithstanding the provisions of section 21 of the Trade Unions Ordinance, cancel the registration of such trade union.

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(4) In this section "public service" has the meaning as in section 105 of the Constitution.

Continuing offences.

38. In addition to any penalty imposed under this Part, the Magistrate may, in the case of a continuing offence against any provision of this Part impose a further penalty of—

- (a) a fine of five hundred dollars, in the case of an employer;
- (b) a fine of two hundred and fifty dollars, in the case of an official of a trade union or other organisation; and
- (c) a fine of one hundred dollars, in the case of a worker,

for each day during which the offence continues.

PART VII

AWARDS, DURATION AND ENFORCEMENT

Continuance

39. (1) An award shall, subject to subsection (2),

PART VII

AWARDS, DURATION AND ENFORCEMENT

Continuance of awards

39. (1) An award shall, subject to subsection (2), continue in force for a period to be specified in the award, not exceeding five years from the date upon which the award comes into force.

(2) After the expiration of the period so specified, the award shall, subject to subsection (3), and unless the Court otherwise orders, continue in force until a new award has been made.

(3) Where, in pursuance of subsection (2), an award has continued in force after the expiration of the period specified in the award, any award made by the Court for the settlement of a new labour dispute between the parties may be made to operate from a date not earlier than the date upon which the dispute arose.

(4) Where an award is for a period exceeding two years, the Court may review such award at any time after the expiry of the second year.

(5) The fact that an award has been made and is in force shall not prevent an award being made for the settlement of a further dispute between all or any of the parties to the first-mentioned award, with or without additional parties, and whether or not the subject matter of the further dispute is the same in whole or in part as the subject matter of the dispute determined by the first-mentioned award.

40. (1) An award of the Court shall be binding on— On whom award
to be binding

- (a) all parties to the trade dispute who appear or are represented before the Court;
- (b) all parties to the trade dispute who have been summoned to appear as parties to the dispute, whether they have appeared or not;
- (c) in the case of employers, any successor, or any assignee of the business of a party to the dispute or of a party bound by the award, including any corporation which has acquired or taken over the business of such a party;
- (d) all trade unions or other organisations on whom the award is at any time declared by the Court to be binding, their successors and assignees; and
- (e) all workers employed by either employers who are bound by the award or the successors or assignees of such employers.

(2) Any person, trade union or other organisation or employer bound by an order or award may at any time during the continuance of such order or award complain to the Court of the manner in which the award is being administered or of an infringement or breach of the terms of such order or award; and the Court may hear and determine every such complaint in the manner prescribed

in this Act for the hearing and determination of trade disputes and may make such order or give such directions as the justice of the case may require.

Imposition and
recovery of
penalties

41. (1) Where any trade union, organisation or person bound by an order or award of the Court commits any breach of the order or award, that trade union, organisation or person shall be liable to such penalty as the Court shall have fixed for the breach thereof, and if no such penalty has been fixed, then to a penalty not exceeding such penalty as the Court could have fixed in relation thereto.

(2) Penalties may be sued for and recovered summarily as a civil debt in any court of summary jurisdiction by the following persons :

- (a) where the person guilty of the breach is an employer or an organisation of employers, by a trade union or organisation bound by the award or by a worker personally affected by the breach;
- (b) where the person guilty of the breach is a trade union or other organisation or a worker, by the employer or an organisation of employers;
- (c) by the Registrar of the Court.

(3) For the purpose of this section a trade union or other organisation representative of workers shall be deemed to be guilty of a breach of an order or award by which it is bound, if a worker who is a member of that trade union commits that breach by direction of any member of the Executive of that union or that organisation.

Under-payments

42. Where in any proceedings against an employer for the recovery of a penalty under section 41 it appears to the court before which the proceedings are brought that a worker of the employer has not been paid an amount to which he is entitled under an order or award, that court may order the employer to pay the worker the amount of

Under-payments

42. Where in any proceedings against an employer for the recovery of a penalty under section 41 it appears to the court before which the proceedings are brought that a worker of the employer has not been paid an amount to which he is entitled under an order or award, that court may order the employer to pay the worker the amount of the under-payment.

Recovery
of wages

43. An employee entitled to the benefit of an award may at any time within three years from any payment by way of wages in accordance with the award becoming due to him, but not later, sue for the same in any court of competent jurisdiction.

PART VIII

General

44. (1) For the purposes of this Act, there may be established an office of Economic and Industrial Research. Economic and industrial research

(2) The functions of the office shall be—

- (a) to collect and compile in accordance with the directions of the Court, information which may be of assistance to the Court in the exercise of its powers and functions under this Act;
- (b) to keep information as collected and compiled up to date; and
- (c) to carry out research in respect of such matters as the Court may direct.

(3) Information collected and compiled and the results of research carried out, under this section shall be furnished to any person, trade union or other organisation desiring to obtain that information or those results.

45. The President of the Court shall, once in each year furnish to the Minister, for presentation to Parliament, a report on the working of this Act and in particular, the extent to which the objects of this Act have been achieved. Annual reports

46. Any person who, with intent to injure any worker in his employment, falsely and maliciously makes any statement or gives any information to the employer of such worker, is guilty of an offence against this Act and is liable on summary conviction to a fine of five hundred dollars or to imprisonment for six months or to both such fine and such imprisonment. Malicious statements

47. (1) Any person who for the purpose of promoting or maintaining a strike or lockout directly or indirectly contributes financial assistance— Financial contributions to unlawful strikes or lockouts

(a) to any trade union or other organisation which calls a strike; or

(b) to any employer who declares a lockout, contrary to any of the provisions of this Act, is guilty of an offence and liable on summary conviction to a fine of five thousand dollars or to imprisonment for eighteen months or to both such fine and such imprisonment.

(2) Any trade union or other organisation or any employer who receives any financial assistance for the

purpose of supporting a strike or lockout called or declared in contravention of any provision of this Act is guilty of an offence and liable on summary conviction to a fine of five thousand dollars or to imprisonment for eighteen months or to both such fine and imprisonment.

Limitation of
time for
complaints

48. Notwithstanding anything contained in section 33 of the Summary Courts Ordinance, it shall be lawful for any complaint for an offence against this Act to be made within twelve months from the time when the matter of such complaint arose.

Existing
strikes and
lockouts

49. (1) Where at the commencement of this Act, any strike or lockout is in progress, the Minister may call upon any person concerned in or affected by such strike or lockout to submit to him within forty-eight hours in writing a statement relating to the matters in dispute, and on the receipt of such statement take such steps as seem expedient to him to promote a settlement of the issue; and if no settlement is arrived at, or if no such person submits the written statement to the Minister, the Minister may refer the matter to the Court and on such reference the provisions relating to the procedure in trade disputes shall apply.

(2) At any time after the matter has been referred to the Court, the Court may order such strike or lockout to be discontinued and any person who fails to comply with such order is guilty of an offence and liable on summary conviction to a fine of five thousand dollars or imprisonment for two years or to both such fine and imprisonment.

Transitional.
Existing
agreement

50. (1) An agreement between trade unions or other organisations and employers which, at the commencement of this Act, is valid and subsisting shall continue to be binding on the parties thereto and on their successors and shall be deemed to be provisionally registered under this Act for a period of six months from the date of the said commencement.

Transitional.
Existing
agreement

50. (1) An agreement between trade unions or other organisations and employers which, at the commencement of this Act, is valid and subsisting shall continue to be binding on the parties thereto and on their successors and shall be deemed to be provisionally registered under this Act for a period of six months from the date of the said commencement.

Transitional.
Existing
agreement

50. (1) An agreement between trade unions or other organisations and employers which, at the commencement of this Act, is valid and subsisting shall continue to be binding on the parties thereto and on their successors and shall be deemed to be provisionally registered under this Act for a period of six months from the date of the said commencement.

(2) The parties to any such agreement or any one

51. Any person who contravenes any of the provisions of this Act to which no specific penalty is attached is liable on summary conviction to a fine of fifty dollars or for a second or subsequent offence to a fine of two hundred and fifty dollars.

Contravention
of provisions
to which no
specific penalty
attached

52. (1) Where the person guilty of an offence against this Act is a company, every director, manager, secretary and other officer of the company shall be guilty of the like offence and shall be liable to the like punishment unless he proves that the act or omission constituting the offence took place without his knowledge or consent.

Company or trade
union guilty of
an offence

(2) Where a trade union or other organisation is convicted of an offence against this Act, every member of the Executive shall be guilty of a like offence and liable to a like punishment unless he proves that the act or omission constituting the offence took place without his knowledge or consent.

53. The Minister may make regulations generally for giving effect to the provisions of this Act.

Power of
Minister
to make
regulations

54. The Trade Disputes (Arbitration and Enquiry) Ordinance is hereby repealed.

Repeal.
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SCHEDULE

(Section 36)

Electricity Services
Fire Services
Health Services
Hospital Services
Sanitary Services (including scavenging services)
Water Services.

Passed in the House of Representatives this 19th day of March, 1965.

G. R. LATOUR

Clerk of the House of Representatives

Passed in the Senate this 19th day of March, 1965.

J. E. CARTER

Acting Clerk of the Senate

