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1st Session Second Parliament Trinidad and Tobago  
16 Elizabeth II

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TRINIDAD AND TOBAGO

**Act No. 11 of 1967**

[L.S.]

AN ACT to amend the Industrial Stabilisation Act, 1965

*[Assented to 14th June, 1967]*

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 :—

1. This Act may be cited as the Industrial Stabilisation Short title.  
(Amendment) (No. 2) Act, 1967.

Industrial  
Stabilisation  
Act, 1965  
amended.  
Act No. 8—1965

2. Section 2 of the Industrial Stabilisation Act, 1965 (hereinafter referred to as "the Act") is amended—

- (i) by inserting in its proper alphabetical position in subsection (1) thereof, the following definition :

" "bargaining unit" means that body of workers agreed upon between employer and workers or a trade union of workers or determined by the Minister, in accordance with the considerations set out in paragraph (a) of subsection (5) of section 3, where there is no such agreement, as the appropriate body for collective bargaining and may comprise all the workers employed by an employer or the workers employed by that employer in a specific undertaking or any subdivision of either;";

- (ii) by deleting the definition of "organisation" in subsection (1) thereof;

- (iii) by substituting for the definitions of "lockout", "strike", "trade dispute" or "dispute", "trade union" and "worker" occurring in subsection (1) thereof, the following :

" "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 workers employed by him in consequence of a trade dispute; but does not include the closing of a place of employment for the protection of property or persons therein;

"strike" means the cessation of work by a body of workers employed acting in combination, or a concerted refusal or a refusal under a common understanding of any number of workers employed to continue to work for an

employer in consequence of a trade dispute, and includes any concerted interruption of work or slowing down by workers commonly known as "a sit-down strike" or "a go slow", 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 representation of any worker including the terms and conditions of the employment or labour of any worker;

"trade union" or "union" means any association or organization of workers or employers registered as a trade union under the Trade Unions Ordinance; Ch. 22. No. 9.

"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 but does not include—

- (a) public officers as defined by section 105 of the Constitution;
- (b) persons employed as rural constables, estate constables or district constables;
- (c) persons responsible for policy-making in or the effective control or direction of any undertaking;

Ch. 22, No. 1.

(d) persons employed in or about private homes and paid by the householder;

(e) apprentices bound under the provisions of section 11 of the Industrial Training Ordinance;

(iv) by substituting for subsection (2) thereof, the following:

“(2) For the purposes of this Act, the Chief Personnel Officer shall be deemed to be the employer of any employee of the Government other than a public officer as defined by section 105 of the Constitution.”

Sections 3, 4,  
and 5 of Act  
amended

### 3. The Act is amended—

(a) by repealing and replacing section 3 as follows:  
“Representative recognition. Collective bargaining.”

3. (1) For the purposes of collective bargaining, every employer shall recognise as the bargaining agent for the workers employed by him a trade union of which more than fifty per centum of the workers employed in a bargaining unit are, under the rules of the union, members in good standing, and shall, subject to the provisions of this Act, treat and enter into such negotiations with that trade union as may be necessary or expedient for the prevention or settlement of trade disputes.

(2) A trade union which seeks recognition by an employer as the bargaining agent for workers employed by such employer shall make its claim for such recognition in writing specifying the bargaining unit in respect of which recognition is sought, and a copy of such claim shall be served on the Minister.

(3) Within seven days of the date of the receipt of such claim the employer shall give notice in writing to the union accepting or rejecting the claim, and where he rejects the claim he shall state whether the reason for such rejection is either—

(a) that the body of workers which the union claims to represent is not an appropriate bargaining unit; or

- (b) that the union does not have the required number of members among the workers employed by him to qualify for recognition, or
- (c) any other reason.

(4) Where a claim for recognition has been rejected by an employer, the union making the claim may not later than seven days after such rejection submit the matter to the Minister for determination.

(5) Within fourteen days of receipt of such submission, the Minister shall take such steps as seem to him expedient for the determination of the matter and such steps may include the initiation of measures for—

- (a) the determination of the appropriate bargaining unit, having regard *inter alia* to the community of interest among the workers in the proposed bargaining unit in matters such as work location, nature of the work, working conditions and method and periodicity of payment therefor;
- (b) determining whether the workers which the union claims to represent are members in good standing of that union;
- (c) determining whether the union making the claim for recognition has as members in good standing more than fifty per cent. in the bargaining unit agreed upon or determined by the Minister by taking a count by secret ballot among the workers in that bargaining unit or otherwise;
- (d) resolving any disagreement where he considers this appropriate.

(6) Where the Minister has determined any or all of the matters set out in paragraphs (a), (b), (c) and (d) of subsection (5), he shall inform the trade union and the employer of such determination.

(7) Where a trade union or employer refuses to accept the determination of the Minister, the trade union or employer shall within ten days of the receipt of the Minister's determination give notice of such refusal to the Minister and such notice shall state the grounds on which the refusal is based.

(8) Within fourteen days of the receipt of such notice, the Minister shall refer the matter to the Court together with a statement setting out the action taken by him in the matter and the notice submitted by the party refusing to accept the determination.

(9) The Court shall hear and determine the matter in a summary manner and in determining the matter shall have power to affirm or vary the determination of the Minister, or to order a count or a new count or to make such other order as it may deem appropriate.”;

(b) by inserting immediately after section 3 thereof, the following section :

“Claims for  
recognition.

3A. (1) Where no industrial agreement is in force affecting the workers employed by an employer and no union is recognised under the provisions of this Act as a bargaining agent, a claim for recognition may be made at any time.

(2) Where a union is recognised as a bargaining agent under the provisions of this Act but there is no industrial agreement between the said union and the employer, a claim for recognition as a bargaining agent by another union may not be made until after the expiration of twelve months from the date the union was recognised.

(3) Where an industrial agreement between an employer and a union is in force and registered under this Act, a claim for recognition as a bargaining agent by another union may be made not earlier than four months or later than three months before the expiration of the said industrial agreement.

(4) Where the Minister or the Court, in a case where a matter is referred to the Court under subsection (8) of section 3, finds that a trade union does not represent more than fifty per centum of the workers comprised in the bargaining unit concerned, or where a union withdraws its claim, such trade union may not within six months of being informed of the determination of the Minister or of the award of the Court, as the case may be, or of the date of the withdrawal of its claim, submit another claim to the employer in respect of the same body of workers who comprised the bargaining unit concerned in the previous claim.

(5) An employer who, after a claim for recognition as a bargaining agent has been established in accordance with this section, fails or refuses to treat or enter into negotiations with such trade union for the purposes set out in subsection (1) of section 3 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 imprisonment.

(c) in section 4—

- (i) by deleting the words “or exercising his rights” occurring in paragraph (e) of subsection (1) thereof;
- (ii) by substituting the word “worker” for the word “employee” occurring in line seven of subsection (3) thereof;
- (iii) by substituting the words “a trade union of employers” for the words “of an organisation representative of the interests of such employer” occurring in paragraph (a) of subsection (4) thereof;
- (iv) by deleting the words “or other organisation” wherever the words occur therein;
- (v) by adding thereto the following subsection (6):

“(6) In any proceedings for an offence under this section, if

all the facts and circumstances constituting the offence other than the reason for the defendant's action are proved, it shall lie upon the defendant to prove that he was not actuated by the reason alleged in the charge.”;

(d) in section 5, by substituting for subsection (1) thereof, the following subsection—

“(1) For the purposes of this Act, there shall be established an Industrial Court which shall be a superior court of record and shall have all the powers inherent in such a court. The Court shall have an official seal which shall be judicially noticed.”.

Section 6  
of Act  
repealed and  
replaced.

4. Section 6 of the Act is repealed and replaced as follows :

“Constitu-  
tion 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: provided that a Judge so designated shall not cease or be deemed to have ceased to hold his substantive office of Judge of the Supreme Court of Judicature;
- (b) a Vice-President who shall be a barrister or solicitor of not less than ten years standing and who shall be appointed by the Governor-General for such period as the Governor-General may think fit;
- (c) four members qualified respectively as an accountant, an economist, a person experienced in industrial relations and a barrister or solicitor of not less than five years standing;
- (d) such other members as may be determined by the Governor-General from

time to time and chosen from among persons possessing any of the qualifications stated in paragraph (c).

(2) The members of the Court, other than the President, shall be appointed by the Governor-General for such period as he thinks fit.

(3) The members of the Court appointed under paragraphs (b), (c) and (d) of subsection (1) shall be full-time members and may be paid such salaries as the Governor-General thinks fit.

(4) The members of the Court shall receive such allowances as may be prescribed in Regulations made by the Governor-General.

(5) For the purpose of exercising its jurisdiction, the Court may sit in such number of divisions and at such places as the President may consider necessary or expedient for the despatch of its business. A division shall consist of three members selected by the President, so, however, that the chairman of a division shall be either the President, the Vice-President or a member who is a barrister or solicitor.

(6) Notwithstanding anything contained in this section, the jurisdiction of the Court with respect to any matter of practice or procedure may be exercised by any member of the Court who is a barrister or solicitor and is designated for that purpose by the President.

(7) Where for any reason the President is unable to carry out his functions under this Act, the Governor-General may appoint the Vice-President to 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.

(8) Where for any reason neither the President nor the Vice-President is able to carry out his functions under the Act, the Governor-General may appoint a member who is a barrister or a

solicitor to carry out the functions of the President until the President is again able to carry out such functions.

(9) Where for any reason any member of the Court other than the President and the Vice-President is unable to carry out his functions under this Act, the Governor-General may appoint some other duly qualified person to be a member of the Court for the period of such inability.

(10) The Court shall be deemed to be duly constituted notwithstanding any vacancy in any of the offices aforesaid.

(11) 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; and 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.

(12) All matters brought before the Court shall be determined by a majority of members of the Court or of members of a division of the Court."

Sections 7, 8,  
and 9 of  
Act amended.

5. The Act is amended—

- (i) by repealing and replacing section 7 thereof as follows:

"7. There may be appointed a Registrar and other officers and servants of the Court who shall be public officers.";

- (ii) in section 8—

- (a) by repealing subsection (1) thereof;  
(b) by re-numbering subsections (2) and (3) thereof as subsections (1) and (2);

(iii) in section 9 by substituting—

(a) for paragraph (c) of subsection (2) thereof, the following:

“(c) the necessity to increase production and to ensure to workers a fair share of increases in productivity in enterprises;”;

(b) for subsection (3) thereof the following:

“(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 the purposes of such conciliation, the President may designate one or more members of the Court, provided that if such conciliation fails to result in the settlement of the dispute, a member so designated shall not sit as a member of the Court or of any division thereof to hear and determine the dispute.”;

(c) the words “subsection (6) of section 6” for the words “subsection (2A) of section 6” occurring in subsection (4) thereof.

6. The Act is amended—

(a) by repealing and replacing sections 11, 12 and 13 thereof as follows:—

Sections 11, 12  
and 13 of  
Act amended.

“Procedure. 11. (1) The Court, as respects the attendance and examination of witnesses, the production and inspection of documents, the enforcement of its orders, and other matters necessary or proper for the due exercise of its jurisdiction, has all such power, rights and privileges as are vested in the High Court of Justice on the occasion of an action.

(2) For the purpose of dealing with any matter before it, the Court may on its own motion summon any person who in the opinion of the

Court is able to give such information as it may consider necessary and may, notwithstanding anything contained in the Income Tax Ordinance or in any law, require the Board of Inland Revenue or a Commissioner to produce or make available any information which the Court may consider necessary and the Court may, in its discretion, disclose so much as it thinks fit of the information so produced or made available and may also prohibit the publication of any portion thereof.

(3) A summons signed by the Registrar 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) The Court may, subject to this Act, regulate its practice and its procedure for the hearing and determination of a trade dispute.

(5) In addition to the powers conferred on it by subsection (4), the Court may—

- (a) proceed to hear and determine a trade dispute in the absence of any party who has been duly summoned to appear before the Court and has failed to do so;
- (b) take into consideration such facts as it considers relevant and material, notwithstanding that such facts would be otherwise inadmissible as evidence or would have been required to be proved in a manner prescribed by law; but in any such case, the parties to the proceedings shall be informed of the substance of such facts and given the opportunity, if they so desire, of adducing evidence in regard thereto;

- (c) order any person to be joined as a party to the proceedings under consideration on such terms and conditions as may be prescribed by rules made by the Court;
- (d) 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, shall be entitled to be represented by counsel or solicitor or to be assisted by any other person who in the opinion of the Court is competent to give such assistance.

Powers of Court. 13. (1) 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 the 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 and 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 if it appears that the dispute or part is trivial, or that further proceedings are unnecessary or undesirable in the public interest;

(d) order any party to the trade dispute to pay to any other party such costs and expenses (including the expenses of witnesses) as are specified in the order and such costs and expenses may be sued for and be recoverable summarily as a civil debt.

(2) Notwithstanding any other law, and, in addition to its powers in subsection (1), the Court in the exercise of its jurisdiction shall have power—

(a) to make such order or award in relation to a trade dispute before it as it considers fair and just having regard to the interests of the persons immediately concerned and the community as a whole;

(b) to act in accordance with equity, good conscience and the substantial merits of the case before it, having regard to the principles and practices of good industrial relations.

(b) by inserting immediately after section 13 thereof, the following section—

“Power of Court to order re-instatement or compensation or damages. 13A. (1) Without prejudice to its powers under section 13 or under any other law, the Court may, in making an award, order the re-instatement within a specified period in his former or a similar position of a worker who has been dismissed—

(a) by reason of any of the circumstances described in paragraphs (a) to (e) of subsection (1) of section 4; or

(b) for reasons which in the opinion of the Court are harsh or oppressive and unreasonable and unjust,

and the onus of satisfying the Court that an order for re-instatement should be made is on the party seeking the order.

(2) The Court may, in lieu of an order for re-instatement, make an order for exemplary compensation to be paid to the worker within the period specified in the award.

(3) The Court shall also have power, where it finds that a worker has been dismissed for reasons which constitute a wrongful dismissal, to order in its award such damages as it may determine and in making such determination the Court shall not be bound by the ordinary rules for the determination of damages on a wrongful dismissal.

(4) On the day following the expiration of the period specified in the award for complying with the order for the payment of the exemplary compensation awarded under subsection (2) or the damages awarded under subsection (3) the amount specified in such order shall become due and payable to the worker for whose benefit the order was made.

(5) Where the compensation awarded under subsection (2) or the damages awarded under subsection (3) has not been paid by the employer within fourteen days after payment thereof became due, the worker for whose benefit the order was made may apply to the Registrar of the Court for the issue to him of a certificate stating that the amount specified therein is due and payable under an award of the Court to the worker by the employer named in the award.

(6) On production thereof to the Registrar of the Supreme Court, a certificate issued under subsection (5) shall be registered by him in the High Court and when so registered shall have the same force and effect, and all proceedings may be taken thereon, as if the said certificate were a judgment obtained in the said Court for a debt of the amount specified in the certificate.

(7) All reasonable costs and charges attendant upon the Registrar of the Supreme Court on the registration of the certificate shall be recoverable in like manner as if it had been included in the certificate.”

Part III  
repealed and  
replaced.

7. Part III of the Act is repealed and replaced as follows:—

“PART III

*Trade Dispute Procedure*

Trade  
dispute  
procedure.

16. (1) Subject to this section, if any trade dispute exists, that dispute if not otherwise determined, may be reported to the Minister by—

(a) any trade union of employers on behalf of employers who are members of the trade union and where the dispute is between the employers and workers in the employment of those employers;

(b) a trade union of workers recognised by the employer, on behalf of workers who are parties to the dispute; provided that where there is no recognised trade union at the time the issue giving rise to the dispute first arose, any trade union of which the workers who are parties to the dispute are members may report the dispute;

(c) an employer, where the dispute is between that employer and workers in the employment of that employer;

(d) a trade union of workers where the dispute is between workers and workers and the Minister shall certify, subject to subsection (1) or (2) of section 16A, receipt of such report within fourteen days of the time it is received by him and such certificate shall be conclusive for all purposes.

(2) A trade dispute may not be reported to the Minister if more than six months have elapsed since the issue giving rise to the dispute first arose.

(3) A report of a trade dispute shall be made in writing and shall specify—

(a) the employers and workers who are parties to the dispute;

- (b) the party or parties on behalf of whom the report is made;
- (c) the nature of the authorisation to act on behalf of the parties desiring the dispute to be reported, which the party reporting the dispute claims to have;
- (d) each and every issue over which the dispute has arisen;
- (e) where there are provisions in an existing industrial agreement for dealing with the matter, the action taken in accordance with such provisions.

(4) Every party reporting a trade dispute shall, without delay, furnish by hand or by registered post a copy of such report thereof to the party or parties to the dispute.

Action on  
report by  
Minister.

16A. (1) The Minister shall consider any dispute reported to him under section 16 and if, in his opinion, suitable means for settling the dispute already exist by virtue of any agreement between the parties to the dispute, he shall, as soon as is practicable after the receipt of the report, refer the matter for settlement in accordance with those provisions; so, however, that where a matter has been referred to him in accordance with the provisions of this subsection and there is a failure to reach a settlement the parties to whom the dispute was referred shall notify the Minister of such failure.

(2) On the receipt of the notification under subsection (1), the Minister shall, if it appears to him that the existing means for settling the dispute have not been fully exhausted, so inform the parties in writing and shall refer the matter back to them for further consideration and where there is failure to reach a settlement, the parties shall notify the Minister of such failure.

(3) Where the Minister has referred a matter back to the parties for settlement under subsection (1) or (2), the dispute reported to him shall be deemed not to be a trade dispute until he has been notified of a failure to reach a settlement.

(4) Where, on the receipt of a report of a dispute under section 16, it appears to the Minister that no machinery binding on the parties exists for the settlement of the dispute, or where the Minister has referred a matter back to the parties for settlement under subsection (1) or (2) and the parties have notified him of a failure to reach a settlement, the Minister may, within forty-two days of the receipt of such report or such notification, take steps to promote a settlement of the dispute by conciliation, and where there is a failure to effect a settlement the parties shall report such failure to the Minister.

(5) Where steps to effect a settlement of the dispute have been taken by the Minister under this section and these steps have not resulted in a settlement, the Minister, may within fourteen days of—

(a) the receipt of a notification of a failure to reach a settlement under subsection (1) or (where the Minister has referred the matter back to the parties) under subsection (2) and the Minister has not taken any steps under subsection (4); or

(b) the report of a failure to effect a settlement under subsection (4),

refer the dispute to the Court.

**Settlement.** 16B. (1) Where steps to promote a settlement of the dispute have been taken by the Minister under section 16A and these steps have resulted in a settlement, the parties shall inform the Minister in writing of the terms of the settlement.

(2) On receipt of the information referred to in subsection (1), 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.

(3) 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.

(4) Any settlement reached or effected under section 16A 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 of employment to be observed under the contract shall be in accordance with such settlement until varied by a subsequent agreement.

References  
to Court  
for 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."

**8. The Act is amended—**

Act amended.

(i) by repealing and replacing section 18 as follows :

"Industrial  
Agreements

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

(2) Every industrial agreement shall contain provisions for the setting up of effective machinery to deal with trade disputes and shall, subject to this section, be for a term to be specified therein not being less than three years.

(3) Where the Minister is satisfied—

(a) that an undertaking to which an industrial agreement relates is likely to cease operations within three years of the date of the agreement; or

- (b) that an industrial agreement contains special provisions which have been agreed upon subject to the condition that such provisions are to have effect for a period less than the duration of the agreement,

he may approve of the agreement under paragraph (a) or of the special provisions under paragraph (b) of an agreement being made effective for a period of less than three years.

(4) Nothing in this section shall affect or be deemed to affect the validity of an agreement entered into between a trade union and another trade union or employer which is valid and subsisting immediately before the date of the coming into operation of this Act.”;

- (ii) by adding after subsection (2) of section 19 thereof the following subsections:

“(3) Before the proposed agreement is executed, the parties thereto shall submit a copy thereof to the Minister for his consideration and the Minister if he is satisfied that the proposed agreement reflects the considerations set out in subsection (2) of section 9 and contains the provisions required by subsection (2) of section 18 subject to subsection (3) thereof, shall notify his approval to each of the parties to the proposed agreement but if he is not so satisfied shall refer the proposed agreement back to the parties with a statement of his comments thereon for their further consideration.

(4) The parties to the proposed agreement may, in any case where the Minister does not notify his approval thereto, modify the provisions of such agreement before it is executed or may execute such agreement without such amendment or modification.”;

- (iii) by repealing section 20 thereof;

(iv) by repealing and replacing section 22 as follows:

“Submission  
to court  
by Minister  
and regis-  
tration.

22. (1) Upon the receipt of an agreement executed as aforesaid, the Minister shall consider such agreement and, where he does not object to the registration of the agreement, shall, within fourteen days, submit the same to the Court for registration and the Court shall register such agreement within fourteen days of the receipt thereof.

(2) Where the Minister objects to the registration of an agreement, he shall, in forwarding the agreement to the Court for registration, attach to such agreement—

- (a) a copy of the statement, if any, forwarded to the parties under subsection (2) of section 19;
- (b) a copy of any document forwarded to the parties under subsection (3) of section 19;
- (c) a notice containing the grounds of his objection.”;

(v) by substituting for paragraphs (b) and (c) of section 25 thereof the following paragraphs:

- (b) in the case of employers and trade unions of employers, any successors or assignees of such employers or trade union of employers;
- (c) in the case of trade unions of workers, any successors or assignees of such trade unions;”;

(vi) in section 26—

- (a) by substituting for subsection (1) thereof, the following subsection:

“(1) Any trade union, worker or employer bound by an industrial agreement shall for any

breach or non-observance of any term of the agreement be liable to such penalty as is fixed by the Court, and if no amount is so fixed, then to a penalty of two thousand five hundred dollars.”;

- (b) by renumbering subsection (3) thereof as subsection (4);
- (c) by inserting immediately after subsection (2) thereof the following subsection:

“(3) Penalties under this section 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 or non-observance is an employer or a trade union of employers, by a trade union of workers bound by the industrial agreement or by a worker personally affected by the breach or non-observance;
- (b) where the person guilty of the breach or non-observance is a worker or a trade union of workers, by an employer or a trade union of employers;
- (c) by the Registrar of the Court.”.

Part VI  
amended

9. The Act is amended—

- (i) in section 34—

- (a) by deleting the words “or other organisation” and “or organisation” wherever the words occur therein;

- (b) by substituting for paragraph (b) of subsection (1) thereof the following:
- “(b) the Minister, after having being notified of a failure to reach or effect a settlement under the provisions of section 16A, has not referred the dispute to the Court within twenty-eight days of the date of the receipt of such notification;”;
- (c) by substituting the words “within seven days” for the words “within forty-eight hours” occurring in line one of paragraph (c) of subsection (1) thereof;
- (d) in subsection (2), by substituting—
- (i) the words “ten thousand” for the words “twenty thousand” occurring in line four thereof;
  - (ii) the word “two” for the word “three” occurring in line four thereof;
- (e) in subsection (3)—
- (i) by inserting the words “or declares a lockout” immediately after the word “strike” occurring in line two thereof;
  - (ii) by substituting the words “may on such conviction” for the words “shall in the case of a trade union” occurring in line six thereof;
  - (iii) by substituting the words “order the cancellation of the registration of such trade union” for the words “cancel the registration of such trade union” occurring in line eight therein;
- (f) by repealing subsection (6) thereof;
- (ii) by inserting immediately after section 34 the following sections:

Power of  
Minister  
to refer  
strike to  
Court and  
order  
strike dis-  
continued.

34A. (1) Where a strike or lockout which is not in contravention of section 34 is in progress and the Minister considers that the national interest is affected or threatened, he may refer the dispute, which has given rise to the strike or lockout and which has not been referred to the Court under the provisions of paragraph (b) of subsection (1) of section 34, to the Court for settlement and shall so notify the trade union and the employer and thereupon the trade union or the employer, as the case may be, shall discontinue such strike or lockout.

(2) If within twenty-four hours of a notification under subsection (1), the trade union or the employer, as the case may be, fails to discontinue the strike or lockout, the trade union or the employer, as the case may be, shall be guilty of an offence and liable on summary conviction—

(a) in the case of an employer, to the fine and imprisonment prescribed in subsection (2) of section 34;

(b) in the case of a member of the Executive of the trade union, to the fine and imprisonment prescribed in subsection (4) (a) of section 34.

(3) A worker who takes part in such a strike shall, notwithstanding that he has not been separately notified to discontinue such strike, be guilty of an offence and liable on summary conviction to a fine of two hundred and fifty dollars or to three months imprisonment or to both such fine and imprisonment.

Offence for  
union, not  
a party to  
dispute, to  
call strike.

34B. (1) A trade union or a member of the Executive of such union, not being a party to a trade dispute, which calls a strike or declares a lockout shall be guilty of an offence and shall be liable on summary conviction to a fine of twenty thousand dollars or to imprisonment for two years or to both such fine and imprisonment.

(2) In this section a strike or lockout has its general and ordinary meaning and is not restricted to the meaning assigned to it in section 2.

Offence for persons to contribute financial assistance to promote or support strike or lockout.

34C. (1) Any person who, for the purpose of promoting or maintaining a strike or lockout declared contrary to any of the provisions of this Act, directly or indirectly contributes financial assistance—

(a) to a trade union of workers which calls a strike or to any worker involved in such strike;

(b) to any employer or trade union of employers which declares a lockout, shall be 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.

(2) Any trade union 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 shall be 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.

(3) Any worker who receives financial assistance for the purpose of supporting a strike called or declared in contravention of this Act shall be 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.

34D. A prosecution for any contravention of any provision of section 34, 34A, 34B or 34C shall not be instituted save by and with the consent of the Attorney General,";

(iii) by substituting in subsection (5) of section 36—

(a) the words "court may" for the words "court shall" occurring in line five thereof;

(b) the words "order the cancellation of the registration of such trade union for the words "cancel the registration of such trade union" occurring at the end thereof;

(iv) in section 37 by substituting—

- (a) the words “order the cancellation of the registration of such trade union” for the words “cancel the registration of such trade union” occurring therein;
- (b) the words “court may” for the words “court shall” occurring in line six thereof;

(v) in section 39—

- (a) by substituting for subsection (1) thereof the following:

“(1) An award shall, subject to this section, continue in force for the period specified in the award, being not less than three years from the date upon which the award comes into force. ;
- (b) by deleting the word “labour” occurring in line four of subsection (3) thereof;
- (c) by substituting the word “three” for the word “two” occurring in line one of subsection (4) thereof;

(vi) in section 41—

- (a) by substituting for subsection (1) the following:

“(1) Where any trade union, employer or worker or person bound by an order or award of the Court commits any breach of the order or award, that trade union employer or worker or person shall be liable to such penalty as the Court shall have fixed for the breach thereof, and if no amount is fixed, then to a penalty of two thousand five hundred dollars.”;
- (b) by substituting in subsection (2)—
  - (i) the words “or a trade union” for the words “or an organization” occurring in line two of paragraph (a) thereof;

- (ii) the words "of workers" for the words "or organisation" occurring in line three of paragraph (a) thereof;
- (iii) the words "of workers" for the words "or other organisation" occurring in line two of paragraph (b) thereof;
- (iv) the words "trade union" for the words "an organisation" occurring in line three of paragraph (b) thereof;
- (c) by deleting the words "or other organisation representative" occurring in subsection (3) thereof.

10. Sections 47, 49, 50 and 51 of the Act are repealed.

Sections 47, 49, 50 and 51 repealed.

11. Where, before the commencement of this Act any proceedings are pending in the Court such proceedings shall be continued under and in conformity with the Industrial Stabilisation Act, 1965, as amended by this Act, if all things and matters required to be done by the parties to such proceedings under the Industrial Stabilisation Act, 1965 have been done in accordance with that Act.

Provision to apply to pending proceedings.

12. (1) Subject to subsection (2), where before the commencement of this Act the Court has, in any award, made an order for the re-instatement of a worker in his former employment or a similar position or made any award or order relating to wages and terms and conditions of employment and no notice of appeal has been given or no appeal challenging the validity of such award or order is pending, such award or order shall be deemed to be as valid and effective as if it had been made under the Industrial Stabilisation Act, 1965 as amended by this Act.

Validation of certain re-instatement orders.

(2) Subsection (1) shall not be construed so as to make any party who has not complied with an order for re-instatement to which that subsection refers, liable to any penalty that may be imposed for such non-compliance or to give the Court the power to make an order for the payment of compensation, in lieu of re-instatement under the provision of the Industrial Stabilisation Act, 1965 as amended by this Act.

Minor  
amendments.

13. The amendments set out in the second column of the Schedule to this Act shall have effect in respect of the provisions of the Industrial Stabilisation Act, 1965, specified in the first column of the said Schedule.

THE SCHEDULE

(Section 4)

<i>Provision</i>	<i>Amendment</i>
The Long Title ...	Delete the words "and Organisations".
The Act ...	Delete the words "such fine and such imprisonment" wherever those words occur therein and substituting the words "such fine and imprisonment".
Sections 19(1), 26(1), 36(5), 37(3), 38(b), 44(3), 47(1)(a) and (2) and section 52	Delete the words "or other organisation".
Section 40 ...	(i) Delete the words "or other organisations" occurring in paragraph (d) of subsection (1) thereof; (ii) substitute the words "person, trade union, employer or worker" for the words "person, trade union or other organisation" occurring in line one of subsection (2) thereof.
Section 43 ...	Substitute the word "worker" for the word "employee" occurring therein.

Passed in the House of Representatives this 9th day of June, 1967.

G. R. LATOUR  
*Clerk of the House of Representatives*

Passed in the Senate this 13th day of June, 1967.

A. A. DARLINGTON  
*Clerk of the Senate (Acting)*