

TRINIDAD AND TOBAGO.

No. 26.—1920.

I ASSENT,

[L.S.]

T. A. V. BEST,
Acting Governor.

17th August, 1920.

AN ORDINANCE to provide for the establishment of an Industrial Court for the settlement of industrial disputes and for advising the Governor on industrial and economic questions.

[17th August, 1920.]

BE it enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows:—

Short Title.

1. This Ordinance may be cited as the Industrial Court Ordinance, 1920, and shall expire on the thirtieth day of June, nineteen hundred and twenty-one.

Definitions.

2. For the purposes of this Ordinance,—

The expression "industrial dispute" means any dispute or difference between employers and workmen, or between workman and workman connected with the employment or non-employment, or the terms of the employment, or with the conditions of labour of any person:

The expression "workman" means any person who has entered into or works under a contract with

an employer in any capacity, whether the contract be express 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.

3.—(1.) There shall be established a standing Industrial Court whose duty it shall be to settle any industrial dispute which may be referred to it for settlement, and also to advise the Governor on any industrial or economic question which he may refer to it for advice.

*Constitution
of Industrial
Court.*

(2.) The Industrial Court shall consist of a president and other persons to be appointed by the Governor from time to time, of whom some (including the president) shall be independent persons, some shall be persons representing employers, and some shall be persons representing workmen. All members of the Industrial Court shall hold office during the pleasure of the Governor.

(3.) A reference to the Industrial Court may be either to the whole Court or to any of its members who shall for the purpose of that reference be deemed to be the Industrial Court.

(4.) A person may be appointed a member of the Industrial Court temporarily or for the purpose of a specific matter.

(5.) Every reference to the Industrial Court shall appoint a chairman for the purpose of that reference, and shall name a quorum of members competent to act.

(6.) Every question before the Industrial Court shall be settled by the majority of votes of the members present. If the votes are equal the chairman shall have a second or casting vote.

(7.) For the purpose of dealing with any matter referred to it, the Industrial Court shall have all the powers of the Supreme Court to summon and examine witnesses on oath and order the production of documents.

(8.) Subject to the directions of the Governor, the Industrial Court may sit in public or in private as it thinks most expedient, and may regulate its own procedure.

Ordinance
No. 41.

(9.) The Arbitration Ordinance shall not apply to any proceedings of the Industrial Court or to any award issued by it.

Power to
report
industrial
disputes to
president.

4. Any party to an industrial dispute, whether existing or apprehended, may report it to the president who shall, as soon as practicable, investigate and report to the Governor the circumstances attending the dispute, and in particular whether a reference of the dispute to the Industrial Court is likely to lead to a settlement and whether all parties consent to such a reference.

Power of
Governor to
refer industrial
disputes to
Industrial
Court.

5.—(1.) Whenever an industrial dispute exists or is apprehended, the Governor may, if he thinks fit, whether or not the dispute has been reported to the president—

(a.) If all parties consent, refer the dispute for settlement by the arbitration of the Industrial Court; or

(b.) Whether all parties consent or not, refer the dispute to the Industrial Court for it to endeavour to effect a settlement.

(2.) The Court may make suggestions and do all things which it deems right and proper for inducing the parties to come to a fair and amicable settlement of the dispute, and may adjourn the proceedings from time to time to allow the parties to agree upon terms of settlement.

(3.) The award of the Industrial Court in any arbitration, and the terms of any settlement effected by it shall as soon as possible be published in the *Royal Gazette*.

(4.) If the Court is unable to effect a settlement, it shall after giving all parties or their representatives an opportunity of being heard report in writing to the Governor stating the facts and the terms of settlement which it considers ought to be accepted by all parties, and also whether it considers any party to the dispute has been unreasonable and in what respect.

(5.) The Governor may, if he thinks fit, cause the whole or any part of any report made to him under this section to be published in the *Royal Gazette* and in any newspaper, and may make such use of the report as he thinks expedient.

6.—(1.) It shall be the duty of the employer to signify to the Court within fourteen days from the issue of an award or settlement whether he accepts or rejects the award or settlement, and it shall be the duty of the Court to ascertain within the period aforesaid by consultation with the representatives (if any) of the workmen concerned or by such other means as the Court thinks expedient whether the workmen concerned or a majority of them accept or reject the award or settlement.

Acceptance or
rejection of
award.

(2.) If the employer fails to signify his rejection of an award or settlement within the time aforesaid he shall be deemed to have accepted the award or settlement.

(3.) The Court shall publish the decision of the workmen or of the majority of them to accept or reject an award or settlement and also the decision of the employer to accept or reject an award or settlement in the *Royal Gazette*, and thereupon all the workmen and also the employer concerned shall for the purposes of this Ordinance be deemed to have accepted or rejected the award or settlement as the case may be.

7.—(1.) An award or settlement which is accepted by both the employer and workman shall be binding on both parties until either the employer or the representative of the workmen shall by notice in writing to the Chairman of the Court signify his intention to repudiate the award or settlement and if during the continuance of the award or settlement and before the end of fourteen days after notice of repudiation has been given, an employer employs or keeps in his employ any workman on less favourable terms than those specified in the award or settlement, or any person whether a workman or not incites a workman to strike with a view to procuring the alteration of any matter settled by the award or settlement, that employer or person shall on summary conviction before a magistrate be liable to a fine not exceeding fifty pounds.

Prohibition of
strikes without
notice of
repudiation of
award.

(2.) It shall be the duty of the Chairman of the Court who receives notice of repudiation of an award or settlement to inform the other party or the representative of such other party.

(3.) Every award or settlement shall nominate a representative of the workmen to and by whom notices for the purposes of this section may be given. The Chairman of the Court may change the representative from time to time if satisfied that the majority of the workmen concerned so desires.

References to
Industrial
Court for
advice.

8. The Governor may, if he thinks fit, refer to the Industrial Court for advice on any matter in connection with an industrial dispute or with the economic or industrial conditions in the Colony.

Application
Ordinance to
the Crown.

9. This Ordinance shall not apply to persons in naval, military, or air services of the Crown, or to the Constabulary, but otherwise shall apply to workmen employed by or under the Crown in the same manner as if they were employed by or under any private person.

Passed in Council this Twenty-third day of July, in the year of our Lord one thousand nine hundred and twenty.

G. D. OWEN,
Acting Clerk of the Council.
