



TRINIDAD AND TOBAGO

No. 20—1949.

Amended by 22 - 1950.

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[L.S.]

I ASSENT,

J. V. W. SHAW,

Governor.

3rd June, 1949.

AN ORDINANCE to provide for the establishment of Wages Councils.

[9th June, 1949.]

Commencement.

ENACTED by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof. Enactment.

1. This Ordinance may be cited as the Wages Councils Ordinance, 1949. Short title.

Interpre-
tation.

2. In this Ordinance—

“superannuation scheme” means any law, rules, deed or other instrument, providing for the payment of annuities or lump sums to the persons with respect to whom the instrument has effect on their retirement at a specified age or on becoming incapacitated at some earlier age, or to the personal representatives or the widows, relatives or dependants of such persons on their death or otherwise, whether with or without any further or other benefits ;

“thrift scheme” means any arrangement for savings, for providing money for holidays or for other purposes, under which a worker is entitled to receive in cash sums equal to or greater than the aggregate of any sums deducted from his remuneration or paid by him for the purposes of the scheme ;

“wages council” and “commission of enquiry” mean respectively a wages council and a commission of enquiry established or set up under this Ordinance ;

“worker” means any person who has entered into or works under a contract with an employer, whether the contract be for 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, except that it does not include any person who is employed casually and otherwise than for the purposes of the employer’s business.

“outworker” means a person to whom articles or materials are given out to be made up, cleaned, washed, altered, ornamented, finished or repaired, or adapted for sale in his own home or on other premises not under the control or management of the person who gave out the materials or articles.

PART I

ESTABLISHMENT OF WAGES COUNCILS

3. Subject to the provisions of this Part of this Ordinance, the Governor in Council may by order (hereinafter in this Ordinance referred to as a “wages council order”) establish a wages council to perform, in relation to the workers described in the order and their employers, the functions specified in this

Power of
Governor to
establish
wages
councils.

Ordinance, in any case in which he is satisfied that no adequate machinery exists for the effective regulation of the remuneration of such workers, or that the existing machinery is likely to cease to exist or be adequate for that purpose, and that having regard to the remuneration existing among such workers, or any of them, it is expedient that such a council be established.

4. Before making a wages council order with respect to any workers and their employers, the Governor may, if he thinks fit, refer to a commission of enquiry appointed by him for the purpose, the question whether a wages council should be established with respect to such workers, or any of them, and their employers.

References to
commission of
inquiry.

5. (1) If a commission of enquiry, appointed under the last preceding section is of opinion with respect to the workers with whom it is concerned, or any of those workers whose position should in the opinion of the commission, be separately dealt with—

Proceedings
on references
to commis-
sion of
enquiry.

(a) that there exists machinery which is, or which can, by improvements which it is practicable to secure, be made, adequate for regulating the remuneration and conditions of employment of those workers ; and

(b) that there is no reason to believe that that machinery is likely to cease to exist or be adequate for that purpose,

the commission shall report to the Governor accordingly (and may include in its report any suggestions which it may think fit to make for the improvement of that machinery).

(2) Where any such suggestions are so included, the Governor shall take such steps as appear to him to be expedient and practicable to ensure the improvements in question.

(3) If the commission is of opinion with respect to the workers with whom it is concerned or any of those workers whose position should in the opinion of the commission be separately dealt with—

(a) that machinery for regulating the remuneration and conditions of employment of those workers is not, and cannot, by any improvements which it is practicable to secure, be made, adequate for that purpose, or does not exist ; or

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(b) that the existing machinery is likely to cease to exist or be adequate for that purpose, and that as a result a reasonable standard of remuneration amongst those workers is not being or will not be maintained, the commission may make a report to the Governor embodying a recommendation (hereinafter in this Ordinance referred to as a "wages council recommendation") for the establishment of a wages council in respect of those workers and their employers.

(4) Where the Governor receives a wages council recommendation, he may in Council and subject to the provisions of this Part of this Ordinance, make a wages council order giving effect to the recommendation, either in full or with such modification as he may think fit, being modifications which, in his opinion, do not effect important alterations in the character of the recommendation.

Making of
wages council
order.

6. (1) Before making a wages council order whether in pursuance of a wages council recommendation or not, the Governor shall publish, in such manner as he thinks fit, notice of his intention to make the order, specifying a place where copies of a draft thereof may be obtained, and the time, which shall not be less than forty days from the publication, within which any objection made with respect to the draft order must be sent to him.

(2) Every objection so made must be in writing and must state—

- (a) the specific grounds of objection ; and
- (b) the omissions, additions or modifications asked for, and the Governor in Council shall consider any such objection, made by or on behalf of any person appearing to him to be affected, being an objection sent to him within the time specified in the notice, but shall not be bound to consider any other objection.

(3) The Governor in Council, having considered all the objections which he is required to consider under the last preceding section, may either—

- (a) make an order in the terms of the draft or subject to such modifications as he thinks fit, being modifications which, in his opinion, do not affect important alterations in the character of the draft order as published ; or

(b) refer the draft order to a commission of enquiry, for enquiry and report, in which case he shall consider its report and may then, if he thinks fit, make an order either in the terms of the draft or subject to such modifications as he thinks fit.

(4) Where the Governor in Council makes a wages council order, he shall publish it in such manner as he thinks fit, and the order shall come into operation on the date on which it is so published or on such later date as is specified therein.

7. (1) The Governor in Council may at any time by order abolish, or vary the field of operation of, a wages council, and the provisions of the last preceding section shall apply in relation to any such order as they apply in relation to wages council orders : Provided that where the order directs that a wages council shall cease to operate in relation to any workers and that another wages council shall operate in relation to them, but, save as aforesaid, does not affect the field of operation of any wages council—

Variation
and revoca-
tion of
wages council
order.

(i) the provisions of the last preceding section shall not apply ; but

(ii) when the order is made, the Governor shall publish it in such manner as he thinks fit, and it shall come into operation on the date on which it is so published or on such later date as is specified therein.

(2) Where an order of the Governor in Council directs that a wages council shall cease to operate in relation to any workers and that another wages council shall operate in relation to them, the order may provide that anything done by, or to give effect to any proposals made by, the first mentioned wages council shall have effect in relation to those workers as if it had been done by, or to give effect to proposals made by, the second mentioned wages council and may make such further provisions as appears to the Governor in Council to be expedient in connection with the transition.

(3) Where an order of the Governor in Council under this section directs that a wages council shall be abolished or shall cease to operate in relation to any workers, then, save as is otherwise provided by the order, anything done by, or to give effect to proposals made by the wages council shall except as respects things previously done or omitted to be done, cease to have effect or, as the case may be, cease to have effect in relation to the workers in relation to whom the wages council ceases to operate.

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General provisions as to wages councils.

8. (1) The provisions of the First Schedule to this Ordinance shall have effect with respect to the constitution, officers and proceedings of wages councils.

(2) A wages council shall consider, as occasion requires any matter referred to it by the Governor with reference to the industrial conditions prevailing as respects the workers and employers in relation to whom it operates, and shall make a report upon the matter to the Governor, and a wages council may, if it thinks it expedient so to do, make of its own motion a recommendation to the Governor with reference to the said conditions and, where such a recommendation is so made, the Governor shall forthwith take it into consideration.

General provisions as to commissions of enquiry.

9. (1) The provisions of the Second Schedule to this Ordinance shall have effect with respect to the constitution, officers and proceedings of commissions of enquiry.

(2) Where any question or matter is referred to a commission of enquiry under this Part of this Ordinance, the commission shall make all such investigations as appear to it to be necessary and shall publish in such manner as is prescribed by regulations to be made hereunder by the Governor in Council, a notice stating the questions which it is its duty to consider by virtue of the reference and further stating that it will consider representations with respect thereto made to it in writing within such period as may be specified in the notice, not being less than forty days from the publication thereof; and it shall consider any representations made to it within that period and then make such further enquiries as it considers necessary including, so far as it considers necessary, the hearing of oral evidence.

(3) Without prejudice to the generality of the last preceding subsection, where the Governor refers to a commission of enquiry under this Ordinance the question whether a wages council shall be established in relation to any workers and their employers, it shall be the duty of the commission to consider not only the subject matter of the reference but also any other question or matter which, in the opinion of the commission, is relevant thereto, and in particular to consider whether there are any other workers (being workers who, in the opinion of the commission, are engaged in work which is complementary, subsidiary or closely allied to the work performed by the workers specified in the reference or any of them) whose position should be dealt with together with that

of the workers, or some of the workers specified as aforesaid ; and, in relation to any such reference to a commission of enquiry, any reference in this Part of this Ordinance to the workers with whom the commission is concerned shall be construed as a reference to the workers specified as aforesaid and any such other workers as aforesaid.

(4) In considering for the purposes of this Ordinance whether any machinery is, or is likely to remain adequate for regulating the remuneration and conditions of employment of any workers, a commission of enquiry shall consider not only what matters are capable of being dealt with by that machinery but also to what extent those matters are covered by agreement or awards arrived at or given thereunder, and to what extent the practice is, or is likely to be, in accordance with those agreements or awards.

(5) Where the Governor receives a report from a commission of enquiry, he may, if he thinks fit, refer the report back to the commission and the commission shall thereupon reconsider it having regard to any observations made by him and shall make a further report, and the like proceedings shall be had on any such further report as in the case of an original report.

PART II

WAGES REGULATION ORDERS

10. (1) Subject to and in accordance with the provisions of this section, any wages council shall have power to submit to the Governor proposals (hereafter in this Ordinance referred to as "wages regulation proposals")—

Power to fix remuneration and holidays.

- (a) for fixing the remuneration to be paid, either generally or for any particular work, by their employers to all or any of the workers in relation to whom the council operates ;
- (b) for requiring all or any such workers as aforesaid to be allowed holidays by their employers.

The power to submit proposals for fixing remuneration shall include power to submit proposals for fixing holiday remuneration.

(2) Wages regulation proposals for requiring a worker to be allowed a holiday shall not be made unless both holiday remuneration in respect of the period of the holiday and remuneration other than holiday remuneration have been or are being fixed under this Part of this Ordinance for that worker, shall provide for the duration of the holiday being

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related to the duration of the period for which the worker has been employed or engaged to be employed by the employer who is to allow the holiday, and, subject as aforesaid, may make provision as to the times at which or the periods within which, and the circumstances in which, the holiday shall be allowed ; and wages regulation proposals for fixing holiday remuneration may contain provisions as to the times at which, and the conditions subject to which, that remuneration shall accrue and shall become payable, and for securing that any such remuneration which has accrued due to a worker during his employment by any employer shall, in the event of his ceasing to be employed by that employer before he becomes entitled to be allowed a holiday by him, nevertheless become payable by the employer to the worker.

(3) Before submitting any wages regulation proposals to the Governor, a wages council shall make such investigations as it thinks fit, and shall publish in such manner as shall be prescribed by regulations made by the Governor in Council hereunder notice of the proposals, stating the place where copies of the proposals may be obtained and the period, which shall be not less than sixty days from the date of the publication of the notice, within which written representations with respect to the proposal may be sent to the Council ; and the council shall consider any written representations made to it within that period and shall make such further inquiries as it considers necessary, and may then submit the proposals to the Governor either without amendment or with such amendment as it thinks fit having regard to the representations.

(4) Where the Governor receives any wages regulation proposals, he shall make an order (hereinafter in this Ordinance referred to as a "wages regulation order") giving effect to the proposals as from such date as may be specified in the order : Provided that the Governor may, if he thinks fit, refer the proposals back to the wages council and the wages council shall thereupon reconsider them having regard to any observations made by the Governor and may, if it thinks fit, re-submit the proposals to the Governor either without amendment or with such amendments as it thinks fit having regard to those observations ; and where proposals are so re-submitted, the like proceedings shall be had thereon as in the case of original proposals, except that the period within which representations on the amended proposals are to be made to the wages council may be reduced to thirty days.

The date to be so specified shall be a date subsequent to the date of the order, and where, as respects any worker who is paid wages at intervals not exceeding seven days, the date so specified does not correspond with the beginning of the period for which the wages are paid, the order shall, as respects that worker, become effective as from the beginning of the next such period following the date specified in the order.

(5) As soon as the Governor has made a wages regulation order, he shall give notice of the making thereof to the wages council and that wages council shall give such notice of the order and the contents thereof as may be prescribed for the purpose of informing, so far as practicable, all persons who will be thereby affected.

(6) Any wages regulation proposals and any wages regulation order for giving effect thereto may make different provision for different cases, and may also contain provision for the amendment or revocation of previous wages regulation orders.

(7) No wages regulation order shall have effect so as to prejudice any rights as to remuneration or holidays conferred on any worker by or under any enactment other than this Ordinance.

(8) Remuneration (including holiday remuneration) fixed by a wages regulation order is hereinafter in this Ordinance referred to as "statutory minimum remuneration".

11. (1) If a contract between a worker to whom a wages regulation order applies and his employer provides for the payment of less remuneration than the statutory minimum remuneration, it shall have effect as if for that less remuneration there were substituted the statutory minimum remuneration, and if any such contract provides for the payment of any holiday remuneration at times or subject to conditions other than those specified in the order, it shall have effect as if for those times or conditions there were substituted the times or conditions specified in the order.

Effect and enforcement of wages regulation orders.

(2) If an employer fails to pay to a worker to whom a wages regulation order applies remuneration not less than the statutory minimum remuneration, or fails to pay to any such workers holiday remuneration at the times and subject to the conditions specified in the order or fails to allow to any such worker the holidays fixed by the order, he shall be liable on summary conviction to a fine not exceeding one hundred dollars for each offence, and where the employer or any other

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person charged as the person to whose act or default the offence was due has been found guilty of an offence under this section consisting of a failure to pay remuneration not less than the statutory minimum remuneration, the court may order the employer to pay such sum as is found by the court to represent the difference between the amount which ought to have been paid to the worker by way of remuneration, if the provisions of this Part of this Ordinance had been complied with, and the amount actually so paid.

(3) On the prosecution of any person for failing to pay remuneration not less than the statutory minimum remuneration it shall lie on that person to prove that he has not paid remuneration less than the statutory minimum remuneration.

(4) Where proceedings are brought under this section in respect of an offence consisting of a failure to pay remuneration not less than the statutory minimum remuneration, then, if notice of intention so to do has been served with the summons, warrant or complaint—

(a) evidence may, on the employer or any other person charged as a person to whose act or default the offence was due having been found guilty of the offence, be given of any like contravention on the part of the employer in respect of any period during the two years immediately preceding the date of the offence ; and

(b) on proof of the failure, the court may order the employer to pay such sum as is found by the court to represent the difference between the amount which ought to have been paid during that period to the worker by way of remuneration, if the provisions of this Part of this Ordinance had been complied with, and the amount actually so paid.

(5) The powers given by this section for the recovery of sums due from an employer to a worker shall not be in derogation of any right to recover such sums by civil proceedings.

Permits to
infirm and
incapacita-
ted persons.

12. (1) If as respects any worker employed or desiring to be employed in such circumstances that a wages regulation order applies or will apply to him, the wages council is satisfied on application being made to it for a permit under this section either by the worker or the employer or a prospective employer, that the worker is affected by infirmity or physical incapacity which renders him incapable of earning the statutory minimum remuneration, it may, if it thinks fit, grant, subject to such conditions, if any, as it may determine, a permit authorising

his employment at less than the statutory minimum remuneration, and while the permit is in force the remuneration authorised to be paid to him by the permit shall, if those conditions are complied with, be deemed to be the statutory minimum remuneration.

(2) Where an employer employs any worker in reliance on any document purporting to be a permit granted under the preceding subsection authorising the employment of that worker at less than the statutory minimum remuneration, then, if the employer has notified the wages council in question that, relying on that document, he is employing or proposing to employ that worker at a specified remuneration, the document shall, notwithstanding that it is not or is no longer a valid permit relating to that worker, be deemed, subject to the terms thereof and as respects only any period after the notification, to be such a permit until notice to the contrary is received by the employer from the wages council.

13. (1) Subject to the provisions of this section, any reference in this Part of this Ordinance to remuneration shall be construed as a reference to the amount obtained or to be obtained in cash by the worker from his employer after allowing for the worker's necessary expenditure, if any, in connection with his employment, and clear of all deductions in respect of any matter whatsoever, except any deductions lawfully made—

Computation
of remunera-
tion.

(a) in accordance with the provisions of the Truck Ordinance ; or

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(b) at the request of the worker, either for the purposes of a superannuation scheme, or a thrift scheme or for any purpose in the carrying out of which the employer has no beneficial financial interest either directly or indirectly.

(2) Notwithstanding anything in subsection (1) of this section, wages regulation proposals and wages regulation orders may contain provisions authorising specified benefits or advantages, being benefits or advantages provided, in pursuance of the terms and conditions of the employment of workers, by the employer or by some other person under arrangements with the employer and not being benefits or advantages the provision of which is illegal by virtue of the Truck Ordinance or of any other enactment, to be reckoned as payment of wages by the employer in lieu of payment in cash, and defining the value at which any such benefits or advantages are to be reckoned.

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(3) If any payment is made by a worker in respect of any benefit or advantage provided as mentioned in the last preceding subsection, then—

- (a) if the benefit or advantage is authorised by virtue of that subsection to be reckoned as payment of wages by the employer in lieu of payment in cash, the amount of the payment shall be deducted from the defined value for the purposes of reckoning the benefit or advantage ;
- (b) if the benefit or advantage is authorised by virtue of that subsection to be reckoned as payment of wages by the employer in lieu of payment in cash, any excess of the amount of the payment over the defined value shall be treated for the purposes of subsection (1) of this section as if it had been a deduction not being one of the excepted deductions therein mentioned ;
- (c) if the benefit or advantage is specified in a wages regulation order as one which has been taken into account in fixing the statutory minimum remuneration, the whole of the payment shall be treated for the purposes of subsection (1) of this section as if it had been a deduction not being one of the excepted deductions therein mentioned.

(4) Nothing in this section shall be construed as authorising the making of any deduction, or the giving of remuneration in any manner, which is illegal by virtue of the Truck Ordinance, or of any other enactment.

14. (1) Where a worker to whom a wages regulation order applies is an apprentice or learner, it shall not be lawful for his employer to receive directly or indirectly from him, or on his behalf or on his account any payment by way of premium : Provided that nothing in this subsection shall apply to any such payment duly made in pursuance of any instrument of apprenticeship not later than four weeks after the commencement of the apprenticeship or to any such payment made at any time if duly made in pursuance of any instrument of apprenticeship approved for the purposes of this proviso by a wages council.

(2) If any employer acts in contravention of this section, he shall be liable on summary conviction in respect of each offence to a fine not exceeding one hundred dollars and the court may, in addition to imposing a fine, order him to repay to the worker or other person by whom the payment was made the sum improperly received by way of premium.

15. (1) The employer of any workers to whom a wages regulation order applies shall keep such records as are necessary to show whether or not the provisions of this Part of this Ordinance are being complied with as respects them, and the records shall be retained by the employer for three years.

Records and Notices.

(2) The employer of any workers shall post in the prescribed manner such notice as may be prescribed for the purpose of informing them of any wages regulation proposals or wages regulation order affecting them, and, if it is so prescribed, shall give notice in any other prescribed manner to the said workers of the said matters and of such other matters, if any, as may be prescribed.

(3) If an employer fails to comply with any of the requirements of this section, he shall be liable on summary conviction to a fine not exceeding one hundred dollars.

16. (1) Where the immediate employer of any worker is himself in the employment of some other person and that worker is employed on the premises of that other person, that other person shall for the purposes of this Part of this Ordinance be deemed to be the employer of that worker jointly with the immediate employer.

Criminal liability of agent and superior employer, and special defence open to employer.

(2) Where an employer is charged with an offence under this Part of this Ordinance, he shall be entitled, upon information duly laid by him and on giving to the prosecution not less than three days' notice in writing of his intention, to have any other person to whose act or default he alleges that the offence in question was due brought before the court at the time appointed for the hearing of the charge; and if, after the commission of the offence has been proved, the employer proves that the offence was due to the act or the default of that other person, that other person may be convicted of the offence, and, if the employer further proves that he has used all due diligence to secure that this Part of this Ordinance and any relevant regulation or order made thereunder are complied with, he shall be acquitted of the offence.

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(3) Where a defendant seeks to avail himself of the provisions of subsection (2) of this section—

(a) the prosecution, as well as the person whom the defendant charges with the offence, shall have the right to cross-examine him if he gives evidence and any witnesses called by him in support of his pleas and to call rebutting evidence;

(b) the court may make such order as it thinks fit for the payment of costs by any party to the proceedings to any other party thereto.

(4) Where it appears to an officer acting for the purposes of this Part of this Ordinance that an offence has been committed in respect of which proceedings might be taken under this Part of this Ordinance against an employer, and the officer is reasonably satisfied that the offence of which complaint is made was due to an act or default of some other person and that the employer could establish a defence under subsection (2) of this section, the officer may cause proceedings to be taken against that other person without first causing proceedings to be taken against the employer.

In any such proceedings the defendant may be charged with and, on proof that the offence was due to his act or default, be convicted of, the offence with which the employer might have been charged.

Officers.

17. (1) The Governor may appoint officers to act for the purposes of this Part of this Ordinance.

(2) Every officer acting for the purposes of this Part of this Ordinance shall be furnished by the Colonial Secretary with a certificate of his appointment or authority so to act, and when acting under this Part of this Ordinance shall, if so required by any person affected, produce the certificate to him.

(3) An officer acting for the purposes of this Part of this Ordinance shall have power for the performance of his duties—

(a) to require the production of wages sheets or other records of wages kept by an employer, and records of payments made to outworkers by persons giving out work, and any other such records as are required by this Part of this Ordinance to be kept by employers, and to inspect and examine those sheets or records and copy any material part thereof ;

(b) to require any person giving out work and any outworker to give any information which it is in his power to give with respect to the names and addresses of the persons to whom the work is given out or from whom the work is received, as the case may be, and with respect to the payments to be made for the work ;

- (c) at all reasonable times to enter any premises at which any employer to whom a wages regulation order applies carries on his business (including any place used, in connection with that business, for giving out work to outworkers and any premises which the officer has reasonable cause to believe to be used by or by arrangement with the employer to provide living accommodation for workers) ;
- (d) to inspect and copy any material part of any list of outworkers kept by an employer or person giving out work to outworkers ;
- (e) to examine, either alone or in the presence of any other person, as he thinks fit, with respect to any matters under this Part of this Ordinance, any person whom he has reasonable cause to believe to be or to have been a worker to whom a wages regulation order applies or applied or the employer of any such person or a servant or agent of the employer employed in the employer's business and to require every such person to be so examined and to sign a declaration of the truth of the matters in respect of which he is so examined :

Provided that no person shall be required under paragraph (e) of this subsection to give any information tending to criminate himself.

(4) An officer acting for the purposes of this Part of this Ordinance may institute proceedings for any offence under this Part of this Ordinance and may, although not of counsel or a solicitor, conduct any such proceedings.

(5) An officer acting for the purposes of this Part of this Ordinance who is authorised in that behalf by general or special directions of the Governor may, if it appears to him that a sum is due from an employer to a worker on account of the payment to him of remuneration less than the statutory minimum remuneration, institute on behalf of and in the name of that worker civil proceedings for the recovery of that sum and in any such proceedings the court may make an order for the payment of costs by the officer as if he were a party to the proceedings.

The power given by this subsection for the recovery of sums due from an employer to a worker shall not be in derogation of any right of the worker to recover such sums by civil proceedings.

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(6) Any person who obstructs an officer acting for the purposes of this Part of this Ordinance in the exercise of any power conferred by this section, or refuses to comply with any requirement of such an officer made in the exercise of any such power, shall be liable on summary conviction to a fine not exceeding one hundred dollars.

Penalty for false entries in records, producing false records or giving false information.

18. If any person makes or causes to be made or knowingly allows to be made any entry in a record required by this Part of this Ordinance to be kept by employers, which he knows to be false in a material particular, or for purposes connected with this Part of this Ordinance produces or furnishes, or causes or knowingly allows to be produced or furnished, any wages sheet, record, list or information which he knows to be false in a material particular, he shall be liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

PART III

MISCELLANEOUS

Regulations.

19. The Governor in Council may make regulations for prescribing anything which by this Ordinance is required or authorised to be prescribed.

Expenses.

20. There shall be paid out of the general revenue of the Colony—

- (a) any expenses incurred by wages councils, commissions of enquiry, or officers in carrying into effect this Ordinance ; and
- (b) the remuneration of officers appointed under this Ordinance.

SCHEDULES

FIRST SCHEDULE

Constitution, Officers and Proceedings of Wages Councils

1, A Wages Council shall consist of persons appointed by the Governor, being—

- (a) not more than three persons chosen by the Governor as being independent persons ;
- (b) such number as the Governor thinks fit of persons who, in his opinion, represent employers in relation to whom the wages council or, as the case may be, the wages councils in question, is or are to operate ;

- (c) such number as the Governor thinks fit of persons who, in his opinion, represent workers in relation to whom the wages council or, as the case may be, the wages councils in question, is or are to operate.
2. Of the persons appointed under sub-paragraph (a) of paragraph 1 of this Schedule, one shall be appointed by the Governor to act as Chairman, and another may be appointed by the Governor to act as deputy Chairman in the absence of the Chairman.
3. Before appointing a person under sub-paragraph (b) or sub-paragraph (c) of the said paragraph 1, the Governor shall consult any organisations appearing to him to represent employers or, as the case may be, workers, concerned, and the persons appointed under those sub-paragraphs shall be equal in number.
4. The Governor may appoint a secretary and such other officers as he thinks fit of a wages council.
5. The proceedings of a wages council shall not be invalidated by reason of any vacancy therein or by any defect in the appointment of a member.
6. A wages council may, if it thinks fit, delegate any of its powers under this Ordinance (except the powers to submit wages regulation proposals) to a committee consisting of such number of persons, being members of the wages council, as the wages council thinks fit : Provided that the members of the committee representing employers and the members of the committee representing workers shall be equal in number.
7. The Governor in Council may make regulations as to the meetings and procedure of a wages council and of any committee thereof, including regulations as to the quorum and the method of voting, but, subject to the provisions of this Ordinance and to any regulations so made, a wages council and any committee thereof may regulate the procedure in such manner as it thinks fit.
8. The term for which a member of a wages council is to hold office shall be such as may be determined by the Governor at the time of his appointment, and the conditions subject to which he is to hold office shall be such as may be prescribed.
9. There shall be paid out of the general revenue of the Colony to the members of a wages council appointed under sub-paragraph (a) of paragraph 1 of this Schedule such remuneration and ^{to any member of such council} such travelling and other allowances (including compensation for loss of working time) as may be approved by the Governor.

SECOND SCHEDULE

Constitution, Officers and Proceedings of Commissions of Enquiry

1. Every commission of enquiry shall consist of persons appointed by the Governor, being—
- (a) not more than three persons chosen by the Governor as being independent persons ;
 - (b) not more than two persons chosen by the Governor to represent employers ;
 - (c) not more than two persons chosen by the Governor to represent workers.

2. Of the persons appointed under sub-paragraph (a) of paragraph 1 of this Schedule, one shall be appointed by the Governor to act as Chairman, and another may be appointed by the Governor to act as deputy Chairman in the absence of the Chairman.

3. The persons appointed by the Governor under sub-paragraphs (b) and (c) of the said paragraph 1 shall be equal in number and shall be appointed after such consultation as the Governor may consider necessary with such organisations representing employers and workers respectively as he thinks fit, and the said persons shall be persons who, in the opinion of the Governor, are not connected with or likely to be affected by the matters to be inquired into by the commission.

4. (1) The Governor may appoint such number of persons as he thinks fit as assessors to be available to any commission of enquiry, being persons who, in the opinion of the Governor, have an expert knowledge of any of the matters with which the commission's enquiry is concerned.

(2) An assessor shall not vote or otherwise be a party to any report or recommendation of the commission.

5. The Governor may appoint a secretary and such other officers as he thinks fit of any commission of enquiry.

6. The proceedings of a commission of enquiry shall not be invalidated by reason of any vacancy therein or by any defect in the appointment of a member.

7. The Governor in Council may make regulations as to the meetings and procedure of commissions of enquiry, including regulations as to the quorum, but, subject to the provisions of this Ordinance and to any regulations, so made, a commission of enquiry may regulate its procedure in such manner as it thinks fit.

8. There shall be paid out of the general revenue of the Colony to the members of, and assessors to, any commission of enquiry such remuneration and such travelling and other allowances (including compensation for loss of working time) as may be approved by the Governor.

Passed in Council this twentieth day of May, in the year of Our Lord one thousand nine hundred and forty-nine.

T. F. FARRELL,
Clerk of the Council.

1949

TRINIDAD AND TOBAGO
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