

CHAPTER 22. No. 11.

TRADE DISPUTES AND PROTECTION OF PROPERTY.

AN ORDINANCE TO MAKE PROVISIONS IN RESPECT OF TRADE DISPUTES, AND FOR THE PROTECTION OF PROPERTY AND PUBLIC UTILITY SERVICES.

Ordinances No. 7-1943. „ 33-1947.

[11th March, 1943.]

Commencement.

1. This Ordinance may be cited as the Trade Disputes and Protection of Property Ordinance.

Short title.

2. In this Ordinance—

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

Interpretation. Ord.33-1947, s. 2.

“ trade union ” has the meaning assigned to that term by section 2 of the Trade Unions Ordinance;

“ workmen ” means all persons employed in trade or industry whether or not in the employment of the employer with whom a trade dispute arises.

3. It shall be lawful for one or more persons, acting on their own behalf or on behalf of a trade union or of an individual employer or firm in contemplation or furtherance of a trade dispute, to attend at or near a house or place where a person resides or works or carries on business or happens to be, if they so attend merely for the purpose of

Peaceful picketing

peacefully obtaining or communicating information, or of peacefully persuading any person to work or abstain from working: Provided that nothing in this section shall be construed as conferring any legal right to enter or remain upon any land or premises.

Prevention of intimidation, annoyance by violence, besetting, etc.

Ord.33-1947,
s. 3.

4. (1) It shall not be lawful for any person, with a view to compel or induce any other person to abstain from doing or to do any act which such other person has a legal right to do or abstain from doing, wrongfully and without legal authority to—

(a) use violence to or intimidate such other person or his wife or children or injure his property; or

(b) persistently follow such other person about from place to place; or

(c) hide any tools, clothes, or other property owned or used by such other person, or deprive him of or hinder him in the use thereof; or

(d) watch or beset the house or other place where such other person resides, or works, or carries on business, or happens to be, or the approach to such house or place; or

(e) follow such other person in a disorderly manner in or through any street or road.

(2) Any person who acts in contravention of the provisions of this section shall be guilty of an offence and shall be liable to a fine of ninety-six dollars or to imprisonment for three months.

(3) Any such person may be arrested without a warrant by any constable.

Removal of liability for interfering with another person's business, etc.

5. An act done by a person in contemplation or furtherance of a trade dispute shall not be actionable on the grounds only that it induces some other person to break a contract of employment or that it is an interference with the trade business or employment of some other person or with the right of some other person to dispose of his capital or his labour as he wills.

6. An action against a trade union, whether of workmen or masters, or against any members or officials thereof on behalf of themselves and all other members of the trade union in respect of any tortious act alleged to have been committed by or on behalf of the trade union shall not be entertained in any court. Nothing in this section shall affect the liability of the trustees of a trade union to be sued in the events provided by section 14 of the Trade Unions Ordinance, except in respect of any tortious act committed by or on behalf of the trade union in contemplation of or in furtherance of a trade dispute.

Prohibition of actions of tort against trade unions.

7. (1) An agreement or combination of two or more persons to do or procure to be done any act in contemplation or furtherance of a trade dispute shall not be triable as a conspiracy if such act committed by one person would not be punishable as a crime.

Conspiracy in relation to trade disputes.

(2) An act done in pursuance of an agreement or combination by two or more persons shall, if done in contemplation or furtherance of a trade dispute, not be actionable unless the act, if done without any such agreement or combination, would be actionable.

(3) Nothing in this section shall exempt from punishment any person guilty of a conspiracy for which a punishment is awarded by any law in force in the Colony.

(4) Nothing in this section shall affect the law relating to riot, unlawful assembly, breach of the peace or sedition or any offence against the State or the Sovereign.

(5) A crime for the purposes of this section means an offence for the commission of which the offender is liable to be imprisoned either absolutely or at the discretion of the Court as an alternative for some other punishment.

(6) Where a person is convicted of any such agreement or combination as aforesaid to do or procure to be done an act which is punishable on summary conviction, and is sentenced to imprisonment, the imprisonment shall not exceed three months, or such longer time, if any, as may have been prescribed by the law for the punishment of the said act when committed by one person.

Breach of
contract by
persons
employed in
public
services..
Ord.33-1947,
s. 4.

8. (1) Where a person employed by Government or a municipal or other statutory authority, or by any company, undertaker, or contractor upon whom is imposed by law the duty, or who has otherwise assumed the duty of supplying any city, borough, town or place, or any part thereof, with any of the following public services, namely, electricity, water, railway, tramway, ship or other transport services, health, sanitary or medical services, wilfully and maliciously breaks a contract of service with Government or that authority or company or undertaker or contractor, knowing or having reasonable cause to believe that the probable consequences of his so doing, either alone or in combination with others, will be to deprive the inhabitants of that city, borough, town, place or part, wholly or to a great extent of any of the aforementioned services, he shall be liable to a fine of ninety-six dollars or to imprisonment for three months.

(2) Every municipal or other statutory authority, company, undertaker or contractor as is mentioned in this section shall cause to be posted up at the electricity stations or waterworks, railway or tramway stations, ship or other depots, or in the health, sanitary or medical centres, as the case may be, belonging to such authority, company, undertaker or contractor, a printed copy of this section in some conspicuous place where the same may be conveniently read by the persons employed; and as often as such copy becomes defaced, obliterated or destroyed, shall cause it to be renewed with all reasonable despatch.

(3) If any municipal or other statutory authority or company or undertaker or contractor make default in complying with the conditions of the preceding subsection in relation to such notice as aforesaid, they or he shall be liable to a fine of ten dollars for every day during which such default continues; and every person who unlawfully injures, defaces or covers up any notice so posted up as aforesaid in pursuance of this Ordinance shall be liable to a fine of ten dollars.

Penalty for
breach of
contract.
Ord.33-1947,
s. 5.

9. Where a person wilfully and maliciously breaks a contract of serving or of hiring, knowing or having reasonable cause to believe that the probable consequences of his

so doing, either alone or in combination with others, will be to endanger human life or to cause serious bodily injury or to expose valuable property, whether real or personal, to destruction or serious injury, he shall be liable to a fine of ninety-six dollars or to imprisonment for three months.

10. All offences under this Ordinance may be prosecuted and all penalties may be imposed or recovered in the manner provided by the Summary Courts Ordinance. Recovery of penalties.