

TRINIDAD AND TOBAGO.

No. 1.—1920.

I ASSENT,

[L.S.]

J. R. CHANCELLOR,
Governor

14th January, 1920.

*Expired
30th June, 1920.*

AN ORDINANCE to make provision for the settlement of differences between Employers and Workmen pending the report of the recently appointed Committee on wages and temporarily to restrict the promotion or organization of Strikes and Lock-outs.

[14th January, 1920.]

WHEREAS on the nineteenth day of December, Preamble. nineteen hundred and nineteen the Governor appointed a committee (in this Ordinance referred to as the "Wages Committee") to consider and report upon the rates of wages paid to labour in the Colony, and to examine into the economic position of the various classes of workers with a view to recommending rates of wages suited to the present conditions.

And whereas it is expedient, pending the report of the Wages Committee, that provision should be made for the settlement of disputes between employers and their

workmen, and that the promotion or organization of strikes and lock-outs should be restricted.

Now, therefore, be it enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows:—

Short title
and duration

1. This Ordinance may be cited as the Strikes and Lock-outs Ordinance, 1920, and shall expire at the end of three months from the publication of the final report of the Wages Committee or on the thirtieth day of June next, whichever shall first occur.

Definitions.

2. In this Ordinance, unless the context otherwise requires:—

The expression "strike" means the cessation of work by workmen acting in combination or under a common leader, or at the order, request, or suggestion of a common leader, or a concerted refusal or a refusal under a common understanding or under common leadership, or at the order, request, or suggestion of a common leader, by workmen to continue to work for their employer as a means of procuring an alteration in the terms or conditions of their employment or the terms or conditions of the employment of any other workmen, or as a means of compelling their own or any employer to conform to the wishes of his workmen, or as a means of compelling their own or any employer or any other body of workmen to refuse or to accept or to procure an alteration of a settlement or a suggested settlement of a dispute, or as a means of compelling their own or any employer to withdraw demands or suggestions lawfully made by him for the alteration of the terms or conditions of their employment.

The expression "lock-out" means the closing of a place of employment, or the suspension of work, or the refusal by an employer to continue to employ workmen employed by him as a means of compelling his own or any other workmen to accept an alteration of the terms or conditions of their employment, or as a means of compelling his own or any other workmen to conform to the wishes of their employer, or as a means of compelling his own or any other workmen or any other employer to refuse or to accept or to procure an alteration of the terms of

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a settlement or a suggested settlement of a dispute, or as a means of compelling his own or any other workmen to withdraw demands or suggestions lawfully made by them or on their behalf for the alteration of the terms or conditions of their employment.

The expression "workmen" means persons employed in any capacity at an hourly, daily, weekly, or monthly wage.

3.—(1.) If during the continuance of this Ordinance any difference arises or is apprehended between an employer and his workmen as to rates of wages, hours of work, or otherwise as to the terms or conditions of their employment, either party may report the difference to the Wages Committee, who, if they are satisfied that the report is made in good faith and that a substantial number of workmen are affected by the difference, shall as soon as possible investigate and, after giving both parties or their representatives an opportunity of being heard, issue their award on the difference, and for that purpose shall have all the powers of the Supreme Court to summon and examine witnesses on oath.

Settlement of
disputes by
Wages Com-
mittee.

(2.) Provided that the Wages Committee shall not by any award alter the rate of wages paid to any workmen unless—

- (a.) The Committee have in accordance with the terms of the recited reference investigated and are in a position to recommend the rate of wages to be paid to other workmen doing similar work in other parts of the Colony, or
- (b.) They consider that undue hardship will be caused by postponement of alteration of the rate.

(3.) The provisions of the Arbitration Ordinance shall not apply to the proceedings of the Wages Committee in connection with such a difference or to any award issued by them.

Ord. No. 41.

(4.) It shall be the duty of the employer to signify to the Wages Committee within fourteen days from the issue of the award whether he accepts or rejects the award, and it shall be the duty of the Wages Committee to ascertain

within the period aforesaid by consultation with the representatives (if any) of the workmen concerned or by such other means as the committee thinks expedient whether the workmen concerned or a majority of them accept or reject the award.

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

(6.) The Wages Committee shall publish the decision of the workmen or of the majority of them to accept or reject an award and also the decision of the employer to accept or reject an award 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 as the case may be.

(7.) Any award which is accepted by both the employer and workmen shall be binding on both parties during the continuance of this Ordinance or for such less period as may be specified in the award, and any employer who thereafter while the award remains in force employs or keeps in his employ any workmen on less favourable terms as to rate of wages, hours of work, or otherwise than those specified in the award, and any workman who thereafter while the award remains in force demands from his employer terms more favourable to him than those specified in the award shall be guilty of an offence against this Ordinance.

(8.) If any person incites or advises any employer or workman to repudiate an award which has been accepted by both parties, or incites or advises any employer to refuse or discontinue employment on the terms of such award or to hire workmen on terms not in accordance with the award, or incites or advises any workman to refuse or discontinue work on the terms of such award or to demand terms not in accordance with the award, he shall be guilty of an offence against this Ordinance.

(9.) The Wages Committee may from time to time delegate all or any of their duties and powers under this Ordinance to one or more sub-committees either generally or for the purposes of any particular difference or class of differences.

(10.) The Governor may, if he thinks fit, from time to time by order substitute any person or body of persons to be named in the order for the Wages Committee for the purpose of performing their duties and exercising their power under this Ordinance, either generally or with respect to any particular difference or class of differences, and any reference in this Ordinance to the Wages Committee except that in sub-section (2) of section 3 shall be deemed to include a reference to such substituted person or body of persons.

(11.) An order by the Governor under this section may be varied from time to time or revoked.

4.—(1.) During the continuance of this Ordinance no person shall promote, organize, declare, or assist any strike or lock-out, unless the difference with which the strike or lock-out is concerned has been reported to the Wages Committee and either—

Temporary
restriction on
organization of
strikes and
lock-outs.

(a.) The award has been rejected by one of the parties and fourteen days have elapsed after such rejection, or

(b.) The committee fails to issue an award within one month from the date on which the dispute was referred to them.

(2.) The certificate of the Wages Committee as to the date on which a difference was reported to them or as to the date on which a dispute was rejected by either party shall be conclusive evidence of the fact.

(3.) If any person acts in contravention of this section, he shall be guilty of an offence against this Ordinance.

5.—(1.) Any person guilty of an offence against this Ordinance shall on summary conviction before a magistrate be liable—

Punishments.

(a.) For the first offence to a fine not exceeding one hundred pounds, and, if the offence is a continuing offence, for each day or part of a day beyond the first during which the offence continues, to an additional fine not exceeding five pounds, and, if the person guilty of the offence is an employer, to such additional fine for each man in respect of whom the offence takes place, and

(b.) For the second and each subsequent offence either to any fines which could be imposed for a first offence or to imprisonment with or without hard labour for any period not exceeding six months, or to both such fines and imprisonment.

(2.) When a company is guilty of an offence against this Ordinance, the chairman, secretary, and every director, and every person concerned in the management of the company shall be guilty of the like offence unless he proves that the offence was committed without his consent.

Passed in Council this Thirteenth day of January in the year of Our Lord one thousand nine hundred and twenty.

G. L. GUPPY,
Acting Clerk of the Council.