

## CHAPTER 72.

## TRADE DISPUTES (ARBITRATION).

AN ORDINANCE TO PROVIDE FOR THE ESTABLISHMENT OF AN ARBITRATION BOARD IN CONNECTION WITH TRADE DISPUTES, AND TO MAKE PROVISION FOR THE SETTLEMENT OF SUCH DISPUTES. 10 of 1949.  
7 of 1950.  
10 of 1950.

[1st June, 1949.]

1. This Ordinance may be cited as the Trade Disputes (Arbitration) Ordinance. Short title.

2. (1) In this Ordinance unless the context otherwise requires :— Definitions.

“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 workman ;

“Workman” 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.

(2) This Ordinance shall not apply to persons in the Naval, Military, or Air services of the Crown, or to members of the Police Force, but otherwise shall apply to workmen employed by the Government in the same manner as if they were employed by a private person.

3. (1) Any trade dispute, may be reported to the Governor by or on behalf of either of the parties to the dispute, and the Governor shall thereupon take such steps as seem to him expedient for promoting a settlement thereof. Trade disputes may be reported to the Governor.

[Note. This Ordinance is applied to the Dependencies by the Revised Edition of the Laws (Amendment) (Dependencies) Ordinance, 1950.]

Reference of  
disputes to  
arbitration.  
board and  
constitution  
of the  
board.

(2) Where a trade dispute exists, the Governor may, subject as hereinafter provided, if both parties consent, refer the matter for settlement to an Arbitration Board (hereinafter referred to as the "Board") constituted of either—

- (a) a sole arbitrator appointed by the Governor ; or
- (b) an arbitrator appointed by the Governor, assisted by not more than three assessors nominated by or on behalf of the employers concerned and an equal number of assessors nominated by or on behalf of the workmen concerned, all of whom shall be appointed by the Governor: Provided that the award shall be made and issued by the arbitrator only ; or
- (c) not more than three arbitrators nominated by or on behalf of the employers concerned and an equal number of arbitrators nominated by or on behalf of the workmen concerned, and an independent chairman, all of whom shall be appointed by the Governor: Provided that where all the members of the Board are unable to agree as to their award, the matter shall be decided by the chairman as sole arbitrator.

10 of 1950.

(3) If there are existing in any trade or industry any arrangements for settlement by conciliation or arbitration of disputes in such trade or industry, or any branch thereof, made in pursuance of an agreement between organizations of employers and organizations of workmen representative respectively of substantial proportions of the employers and workmen engaged in that trade or industry, the Governor shall not, unless with the consent of both parties to the dispute, and unless and until there has been a failure to obtain a settlement by means of those arrangements, refer the matter for settlement in accordance with the foregoing provisions of this section.

(4) The Arbitration Act 1889 or any Act amending or substituted for it shall not apply to any proceedings of a Board under this Ordinance or to any award issued by it.

Vacancies on  
Board.

4. (1) Whenever a vacancy occurs in the number of assessors on a Board constituted under section (3) (2) (b) hereof the Board may in the discretion of the arbitrator

either act notwithstanding such vacancy or consent to another assessor being appointed to fill such vacancy.

(2) Whenever a vacancy occurs in the number of arbitrators on a Board constituted under section 3 (2) (c) hereof the Board may, with the consent of the parties, act notwithstanding such vacancy.

(3) No act, proceeding or finding of the Board shall be invalidated by reason of any such vacancy provided that the consent required under subsection (2) hereof was first obtained.

5. Where a trade dispute referred to a Board involves questions as to wages, or as to hours of work, or otherwise as to the terms or conditions of or affecting employment which are regulated by any Ordinance other than this Ordinance, any award which is inconsistent with the provisions of that Ordinance shall be invalid.

Award of Board not to conflict with any law.

6. The award of a Board shall be submitted to the Governor who shall as soon as possible thereafter cause the same to be published in such manner as he thinks fit.

Publication of the award.

7. Where a question arises as to the interpretation of an award of a Board the Governor may refer the question, or any party to the award may apply to the Board for a decision, and the Board shall decide the matter after hearing the parties, or without such hearing provided the consent of the parties has been first obtained. The decision of the Board shall be notified to the Governor and to the parties and shall be deemed to form part of and shall have the same effect in all respects as the original award.

Interpretation of the award.

8. For the purpose of dealing with any matter referred to it a Board shall have full power to order any person to furnish, in writing or otherwise, such particulars in relation to such matter as the Board may require, and attend before the Board and give evidence on oath or otherwise, and to require the production of documents, so as to elicit all such information as the Board may consider necessary, without being bound by the rules of evidence in civil or criminal proceedings: Provided always that, if any witness objects to answer any question on the ground that it will tend to

Evidence.

incriminate him or on any other lawful ground, he shall not be required to answer the question nor be liable to any penalties for refusing to answer.

Appearance  
of Counsel  
or Solicitor.

9. It shall be in the discretion of a Board to permit any interested person to appear by counsel or solicitor in any proceedings before such Board.

Sitting may  
be public  
or private.

10. (1) It shall be in the discretion of a Board to admit or exclude the public or the press from any of its sittings.

(2) Any person who shall, before an award of a Board has been published by order of the Governor, publish any comment on the Board, any proceedings or evidence, other than a fair and accurate report or summary of the proceedings including the evidence adduced at a sitting of the Board, shall be liable on summary conviction to a fine not exceeding £50.

Rules of  
procedure.

11. The Governor in Council may make rules regulating the procedure to be followed by a Board, and whenever any question shall arise in the course of an arbitration in respect of which rules have not been made, the Board shall regulate its own procedure.

Expenses.  
10 of 1950.

12. (1) The Governor may pay to any arbitrator or assessor appointed under this Ordinance such remuneration as the Governor shall think fit.

(2) The Governor may appoint at such remuneration and on such terms and conditions as he may determine such officers and other servants as may be necessary for carrying out the purposes of this Ordinance.

7 of 1950.

(3) The expenses incurred in the operation of this Ordinance shall be defrayed as directed by the Governor in Council.