



ST. CHRISTOPHER AND NEVIS

CHAPTER 18.35

TRADE DISPUTES (ARBITRATION AND INQUIRY) ACT

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TRADE DISPUTES (ARBITRATION AND INQUIRY) ACT

Act 17 of 1939 ... in force 19th February 1940

Amended by: Act 6 of 1976

Act 7 of 1976

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CHAPTER 18.35

TRADE DISPUTES (ARBITRATION AND INQUIRY) ACT

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CHAPTER 18.35**TRADE DISPUTES (ARBITRATION AND INQUIRY) ACT**

AN ACT TO PROVIDE FOR THE SETTLEMENT OF TRADE DISPUTES; AND TO PROVIDE FOR RELATED OR INCIDENTAL MATTERS.

Short title.

1. This Act may be cited as the Trade Disputes (Arbitration and Inquiry) Act.

Interpretation.

2. (1) In this Act—

“Minister” means the Minister responsible for Labour;
(Inserted by Act 6 of 1976)

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

“worker” 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 Act shall not apply to persons in the naval, military, or air forces of the Crown or to the Police Force, but otherwise shall apply to workers employed by or under the Crown in the same manner as if they were employed by or under a private person.

Trade disputes may be reported to the Minister.

3. (1) Any trade dispute as defined by this Act, whether existing or apprehended, may be reported to the Minister by or on behalf of either of the parties to the dispute, and the Minister shall thereupon take the matter into his or her consideration and take such steps as seem to him or her expedient for promoting a settlement thereof.

(2) Where a trade dispute exists or is apprehended, the Minister may, subject as hereinafter provided, if he or she thinks fit and if both parties consent, refer the matter for settlement to an Arbitration Tribunal constituted by either—

- (a) a sole arbitrator appointed by the Minister;
- (b) an arbitrator appointed by the Minister, assisted by one or more assessors nominated by or on behalf of the employers concerned and an equal number of assessors nominated by or on behalf of the workers concerned, all of whom shall be appointed by the Minister:

Provided that the award shall be made and issued by the arbitrator only; or

- (c) one or more arbitrators nominated by or on behalf of the employers concerned and an equal number of arbitrators nominated by or on behalf of the workers concerned, and an independent chairperson, all of whom shall be appointed by the Minister:

Provided that where all the members of the Tribunal are unable to agree as to their award, the matter shall be decided by the chairperson as sole arbitrator.

(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 any agreement between organisations of employers and organisations of workers representative respectively of substantial proportions of the employers and workers engaged in that trade or industry, the Minister 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, Cap. 3.01 shall not apply to any proceedings of an Arbitration Tribunal under this Act or to any award issued by it.

Vacancies on the Tribunals.

4. (1) Whenever an Arbitration Tribunal consists of more than one arbitrator and any vacancy occurs in their number the Tribunal may, with the consent of the parties, act notwithstanding such vacancy.

(2) Whenever an Arbitration Tribunal consists of an arbitrator, assisted by assessors and any vacancy occurs in the number of assessors the Tribunal may in the discretion of the arbitrator either act notwithstanding such vacancy or consent to another assessor being nominated and appointed to fill such vacancy.

(3) No act, proceeding, or determination of the Tribunal shall be called in question or invalidated by reason of any such vacancy, provided that in the circumstances referred to in subsection (1) the required consent has been first obtained.

Award of Tribunal not to conflict with any law.

5. Where any trade dispute referred to an Arbitration Tribunal 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 Act, other than this Act, or by any other enactment, the Tribunal shall not make any award which is inconsistent with the provisions of that Act or other enactment.

(Amended by Act 6 of 1976)

Publication of the award.

6. Any award of an Arbitration Tribunal shall be submitted to the Minister who shall as soon as possible thereafter cause the same to be published in such manner as he or she thinks fit.

Interpretation of the award.

7. (1) If any question arises as to the interpretation of any award of an Arbitration Tribunal, the Minister or any party to the award may apply to the Tribunal for a decision on such question, and the Tribunal shall decide the matter after hearing the parties, or without such hearing provided the consent of the parties has been first obtained.

(2) The decision of the Tribunal shall be notified to the parties and shall be deemed to form part of and shall have the same effect in all respects as the original award.

Inquiry into trade disputes and industrial conditions and appointment of a Board of Inquiry.

8. (1) Where any trade dispute exists or is apprehended the Minister may, whether or not the dispute is reported to him or her under this Act, inquire into the causes and circumstances of the dispute, and, if he or she thinks fit, refer any matter appearing to him or her to be connected with or relevant to the dispute to a Board of Inquiry (hereinafter referred to as the Board) appointed by him or her for the purpose of such reference, and the Board shall inquire into the matters referred to it and report thereon to the Minister.

(2) The Minister may also refer any matter connected with the economic or industrial conditions in the State to the Board for inquiry and report.

(3) The Board shall consist of a chairperson and such other persons as the Minister thinks fit to appoint, or may, if the Minister thinks fit, consist of one person appointed by the Minister.

(4) The Board may act notwithstanding any vacancy in its number.

Reports of the Board and publication.

9. (1) A Board of Inquiry may, if it thinks fit, make interim reports.

(2) Any report of the Board, and any minority report, shall be submitted to the Minister.

(3) The Minister may cause to be published in such manner as he or she thinks fit, any information obtained or conclusions arrived at by the Board as the result or in the course of the inquiry:

Provided that there shall not be included in any report or publication made or authorised by the Board or the Minister any information obtained by the Board in the course of the inquiry as to any trade union or as to any individual business (whether carried on by a person, firm or company) which is not available otherwise than through evidence given at the inquiry, except with the consent of the secretary of the trade union or of the person, firm, or company in question, nor shall any individual member of the Board or any person concerned in the inquiry, without such consent, disclose any such information.

(Amended by Act 6 of 1976)

Evidence.

10. For the purpose of dealing with any matter referred to it, an Arbitration Tribunal or a Board of Inquiry, as the case may be, shall have full power by order to require any person to furnish, in writing or otherwise, such particulars in relation to such matter as the Tribunal or the Board may require, and where necessary to attend before the Tribunal or the Board and give evidence on oath or otherwise, and to require the production of documents, so as to elicit all such information as in the circumstances may be considered necessary, without being bound by the rules of evidence in civil or criminal proceedings:

Provided that, if any witness objects to answer any question or to produce any document on the ground that it will tend to incriminate him or her or on any other lawful ground, he or she shall not be required to answer such question or to produce such documents, nor shall he or she be liable to any penalties for refusing to do so.

Appearance of counsel or solicitor.

11. It shall be in the discretion of an Arbitration Tribunal or a Board of Inquiry, as the case may be, to permit any interested person to appear by counsel or solicitor on any proceedings or inquiry under this Act before such Tribunal or Board.

Sittings may be public or private.

12. (1) It shall be in the discretion of an Arbitration Tribunal or Board of Inquiry, as the case may be, to admit or exclude the public or the press from any of its sittings.

(2) Whenever the press shall have been allowed to be present at a sitting of a Tribunal or of the Board, and not otherwise, a fair and accurate report or summary of the proceedings including the evidence adduced at that sitting may be published:

Provided however that until the award or the result of the inquiry has been published by order of the Minister no comment shall be published in respect of the proceedings or the evidence.

(3) Any person who contravenes this provision commits an offence and shall be liable, on summary conviction, to a penalty not exceeding one thousand five hundred dollars.

(Amended by Acts 7 of 1976 and 9 of 1986)

Rules of procedure.

13. The Minister may make rules regulating the procedure to be followed by an Arbitration Tribunal or a Board of Inquiry, and whenever any question shall arise in the course of an arbitration or an inquiry in respect of which rules have not been made, the Tribunal or the Board, as the case may be, shall regulate its own procedure.

(Amended by Act 6 of 1976)

Appointment.

14. The Governor-General may appoint such officers and other servants as may be necessary for carrying out the purposes of this Act.

(Amended by Act 6 of 1976. Section 15 deleted by Act 6 of 1976)
