

ANGUILLA

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CHAPTER T25

TRADE DISPUTES (ARBITRATION AND INQUIRY) ACT

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TRADE DISPUTES (ARBITRATION AND INQUIRY) ACT

TABLE OF CONTENTS

SECTION

1. Interpretation
2. Trade disputes may be reported to the Governor
3. Vacancies on Arbitration Tribunal
4. Award of Arbitration Tribunal not to conflict with any law
5. Publication of award
6. Interpretation of award
7. Inquiry into trade disputes and industrial conditions by Board of Inquiry
8. Reports of the Board and publication
9. Evidence
10. Appearance of counsel or solicitor
11. Sittings may be public or private
12. Rules of procedure
13. Appointment
14. Expenses
15. Citation

TRADE DISPUTES (ARBITRATION AND INQUIRY) ACT

Interpretation

1. (1) In this Act—

"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 employment, or with the conditions of labour, of any person;

"workman" means any person who has entered into or works under a contract with an employer whether the contract is by way of manual labour, clerical work or otherwise, is expressed or implied or oral or in writing, and whether it is 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 workmen 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 Governor

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

(2) Where a trade dispute exists or is apprehended, the Governor may, subject as hereinafter provided, if he 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 Governor;

(b) an arbitrator appointed by the Governor, 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 workmen concerned, all of whom shall be appointed by the Governor, but 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 workmen concerned, and an independent chairman, all of whom shall be appointed by the Governor, but where all the members of the Arbitration Tribunal are unable to agree as to their award, the matter shall be decided by the chairman 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 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 subsection (2).

(4) The Arbitration Act shall not apply to any proceedings of an Arbitration Tribunal under this Act or to any award issued by it.

Vacancies on Arbitration Tribunal

3. (1) Whenever an Arbitration Tribunal consists of more than one arbitrator and any vacancy occurs in their number, the Arbitration 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 Arbitration 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 Arbitration Tribunal shall be called in question or invalidated by reason of any such vacancy, if in the circumstances referred to in subsection (1) the required consent has been first obtained.

Award of Arbitration Tribunal not to conflict with any law

4. 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, the Arbitration Tribunal shall not make any award which is inconsistent with the provisions of that Act.

Publication of award

5. Any award of an Arbitration Tribunal 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.

Interpretation of award

6. If any question arises as to the interpretation of any award of an Arbitration Tribunal, the Governor or any party to the award may apply to the Arbitration Tribunal for a decision on such question, and the Arbitration Tribunal shall decide the matter after hearing the parties, or without such hearing if the consent of the parties has been first obtained. The decision of the Arbitration 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 by Board of Inquiry

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

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

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

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

Reports of the Board and publication

8. (1) A Board may, if it thinks fit, make interim reports.

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

(3) The Governor may cause to be published in such manner as he thinks fit, any information obtained or conclusions arrived at by the Board as the result or in the course of the inquiry, but there shall not be included in any report or publication made or authorised by the Board or the Governor 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.

Evidence

9. For the purpose of dealing with any matter referred to it, an Arbitration Tribunal or a Board, 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 Arbitration Tribunal or the Board may require, and where necessary to attend before the Arbitration 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, but, if any witness objects to answer any question or to produce any document on the ground that it will tend to incriminate him or on any other lawful ground, he shall not be required to answer such question or to produce such documents, nor shall he be liable to any penalties for refusing to do so.

Appearance of counsel or solicitor

10. It shall be in the discretion of an Arbitration Tribunal or a Board, 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 Arbitration Tribunal or Board.

Sittings may be public or private

11. (1) It shall be in the discretion of an Arbitration Tribunal or Board, 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 an Arbitration 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, but, until the award or the result of the inquiry has been published by order of the Governor, no comment shall be published in respect of the proceedings or the evidence. Any person guilty of a contravention of this provision is liable on summary conviction to a penalty of $19,200.

Rules of procedure

12. The Governor, with the advice of the Executive Council, may make rules regulating the procedure to be followed by an Arbitration Tribunal or a Board, 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 Arbitration Tribunal or the Board, as the case may be, shall regulate its own procedure.

Appointment

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

Expenses

14. It shall be lawful for the Governor to pay to any person appointed under this Act such remuneration as may be approved by the Governor with the advice of the Executive Council.

Citation

15. This Act may be cited as the Trade Disputes (Arbitration and Inquiry) Act, Revised Statutes of Anguilla, Chapter T25.

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