



BELIZE

**TRADE DISPUTES (ARBITRATION AND INQUIRY) ACT
CHAPTER 299**

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CHAPTER 299

TRADE DISPUTES (ARBITRATION AND INQUIRY)

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CHAPTER 299

TRADE DISPUTES (ARBITRATION AND INQUIRY)

[22nd April, 1939]

Ch. 143,
R. L., 1958.
CAP. 236,
R. E. 1980-1990.
40 of 1963.
18 of 1996.
42 of 1999.

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

Interpretation. **2.** In this Act, unless the context otherwise require,

18 of 1996. “trade dispute” means any dispute or difference between employers and workmen, or between workmen and workmen, or between employers and trade unions, connected with the employment or non-employment, or the terms of the employment, or the conditions of labour, of any person, or trade union recognition;

“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.

Application of Act to the State. **3.** This Act shall not apply to persons in the naval, military, or air services of the State, or to the police department, but otherwise shall apply to workmen employed by or under the State in the same manner as if they were employed by or under a private person.

Trade disputes may be reported to the Minister. **4.**-(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 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 Minister may, subject as hereinafter provided, if he thinks fit and if both parties consent, refer the matter for settlement to an Arbitration Tribunal constituted of either,

- (a) a sole arbitrator appointed by the Minister; or
- (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 workmen concerned, all of whom shall be appointed by the Minister,

40 of 1963.

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 workmen 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) Where 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 organisations of employers and organisations of workmen representative respectively of substantial proportions of the employers and workmen 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. 125 shall not apply to any proceedings of an Arbitration Tribunal under this Act or to any award issued by it.

Vacancies on the Tribunal.

5.-(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 the 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) of this section the required consent has been first obtained.

Award of Tribunal not to conflict with any law.

6. 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 an Act other than this Act, the Tribunal shall not make any award which is inconsistent with the provisions of that Act.

Publication of the award.

7. Any award of an Arbitration Tribunal shall be submitted to the Minister who shall within thirty days thereafter cause it to be published in such manner as he thinks fit.

Interpretation of the award.

8.-(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 first been 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.

9.—(1) Where any trade dispute exists or is apprehended, the Minister 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 matters appearing to him to be connected with or relevant to the dispute to a Board of Inquiry (in this Act 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 thereupon to the Minister.

Inquiry into trade disputes and industrial conditions.

Appointment of a Board of Inquiry.

(2) The Minister may also refer to any matter connected with the economic or industrial conditions in Belize 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.

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

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

Reports of the Board and publication.

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

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

- (a) 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;
- (b) no individual member of the Board or any person concerned in the inquiry shall, without such consent, disclose any such information.

Power to summon witnesses.

11.—(1) An Arbitration Tribunal and a Board of Inquiry shall have power to summon any person to attend before the Tribunal or the Board, as the case may be, and to give evidence or to produce any paper, book, record or document in the possession or under the control of such person.

(2) A summons under this section shall be in the form prescribed in the Schedule and shall be signed by the arbitrator, the Chairperson of the Arbitration Tribunal, or the Chairperson of the Board of Inquiry, as the case may be.

(3) A summons under this section shall be served by a police officer.

Duty and privileges of witnesses.

12.—(1) All persons summoned to attend and give evidence or produce any paper, book, record or document before an Arbitration Tribunal or a Board of Inquiry,

- (a) shall be bound to obey the summons served upon them;
- (b) shall be entitled, in respect of such evidence or the disclosure of any communication or the production of any such paper, book, record or document, to the same right or privilege as before a court of law;
- (c) shall be entitled to be paid their expenses, at the rates prescribed for witnesses before the Supreme Court who are entitled to have their expenses paid from public funds,

Provided that an Arbitration Tribunal or a Board of Inquiry, as the case may be, may disallow the whole or any part of such expenses in any case, if it thinks fit.

(2) Witnesses' expenses shall be paid by the Accountant General on the production of a certificate from the secretary or other authorised officer of the Tribunal or Board, as the case may be, certifying the attendance of such witnesses for the purpose of giving evidence and the amount to which they are entitled.

13. 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 attorney-at-law in any proceedings or inquiry under this Act before such Tribunal or Board.

Appearance of attorney-at-law.

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

Sittings may be public or private.

(2) Whenever the press has been allowed to be present at a sitting of the 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.

(3) Until the award or 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.

40 of 1963.

(4) Any person guilty of a contravention of this provision is liable on summary conviction to a fine not exceeding one thousand dollars.

15. 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 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.

Rules of procedure. 40 of 1963.

16.-(1) The Minister may pay to any arbitrator or assessor or to any member of a Board of Inquiry appointed under this Act such remuneration as the Minister thinks fit.

Expenses.

(2) The Minister 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 Act.

(3) Any expenses incurred in carrying this Act into operation and approved of by the Minister shall be paid out of the Consolidated Revenue Fund.

Penalty for disobedience, disrespect or obstruction.

17.-(1) Any person who,

- (a) without sufficient cause, fails or refuses when ordered by an Arbitration Tribunal or a Board of Inquiry under section 11 of this Act, to furnish in writing or otherwise such particulars as may be required by the Tribunal or the Board;
- (b) without sufficient cause, fails or refuses to attend before an Arbitration Tribunal or a Board of Inquiry in obedience to a summons issued under this Act or fails or refuses to produce any paper, book, record or document which it was required by such summons to produce;
- (c) being a witness, leaves the Arbitration Tribunal or Board, as the case may be, without permission of the Tribunal or the Board;
- (d) being a witness, refuses without sufficient cause to answer any question put to him by or with the permission of the Tribunal or the Board; or
- (e) wilfully obstructs or interrupts the proceedings of an Arbitration Tribunal or a Board of Inquiry,

commits an offence and is liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months.

(2) A prosecution for an offence under this section shall not be instituted except by or with the consent of the Director of Public Prosecutions.

SCHEDULE

TRADE AND DISPUTES (ARBITRATION AND INQUIRY) ACT

Summons to Witness

[Section 11 (2)]

TO: (name of person summoned and his calling and address, if known)

YOU are hereby summoned to appear before the (Arbitration Tribunal or Board of Inquiry as the case may be) appointed by the Minister to (state briefly the matter referred to the Tribunal or the Board) at (place) upon the day of 20, at o'clock and to give evidence respecting the matter which has been referred to the (Tribunal or Board, as the case may be)

(If the person summoned is to produce any documents, add):

AND you are required to bring with you (specify the papers, books, records and documents required).

THEREFORE fail not at your peril.

GIVEN under the hand of (Arbitrator, or Chairperson of the Arbitration Tribunal, or Chairperson of the Board of Inquiry, as the case may be)

this _____ day of _____ 20.....

