

TRADE UNIONS.

ORDINANCE No. 17 OF 1921.

A.D. 1921. AN ORDINANCE to provide for the Regulation and Registration of Trade Unions.

[18th June, 1921.]

BE it enacted by the Governor of British Guiana, with the advice and consent of the Court of Policy thereof, as follows:—

Short title. 1. This Ordinance may be cited as the Trade Union Ordinance, 1921.

Preliminary.

Interpretation of terms. 2.—(1) In this Ordinance unless the context otherwise requires the expression "Trade Union" means any combination, whether temporary or permanent, the principal objects of which are under its constitution statutory objects. Provided that any combination which is for the time being registered as a trade union shall be

deemed to be a trade union as defined by this Ordinance so long as it continues to be so registered.

The expression "statutory objects" means the regulation of the relations between workmen and masters or between workmen and workmen or between masters and masters, or the imposing of restrictive conditions on the conduct of any trade or business, and also the provision of benefit to members.

The expression "Registrar" means the Registrar appointed under this Ordinance.

The expression "the Rules" or "Rules" means rules made under this Ordinance.

(2) The fact that a combination has under its constitution objects or powers other than statutory objects within the meaning of this Ordinance shall not prevent the combination being a trade union for the purposes of this Ordinance so long as the combination is a trade union as defined by this Ordinance and any trade union shall have power to apply the funds of the union for any lawful objects or purposes for the time being authorized under its constitution.

Trade unions.

(3) This Ordinance shall not affect—

Exemptions.

- (a) Any agreement between partners as to their own business;
- (b) Any agreement between an employer and those employed by him as to such employment;
- (c) Any agreement in consideration of the sale of the goodwill of a business or of instruction in any profession, trade or handicraft.

Criminal and Civil Provisions.

3. The purposes of any trade union shall not, by reason merely that they are in restraint of trade, be deemed to be unlawful so as to render any member of such trade union liable to criminal prosecution for conspiracy or otherwise.

Trade union not criminal.

4. The purposes of any trade union shall not, by reason merely that they are in restraint of trade, be unlawful so as to render void or voidable any agreement or trust.

Trade union not unlawful for certain purposes.

5. Nothing in this Ordinance shall enable any court to entertain any legal proceedings instituted with the object of directly enforcing or recovering damages for the breach of any of the following agreements, namely,

Trade union contracts, when not enforceable.

1. Any agreement between members of a trade union as such, concerning the condition on which any members for the time being of such trade union shall or shall not sell their goods, transact business, employ, or be employed:
2. Any agreement for the payment by any person of any subscription or penalty to a trade union:
3. Any agreement for the application of the funds of a trade union,
 - (a) To provide benefits to members; or
 - (b) To furnish contributions to any employer or workman not a member of such trade union, in consideration of such employer or workman acting in conformity with the rules or resolutions of such trade union; or
 - (c) To discharge any fine imposed upon any person by sentence of a court of justice; or,

4. Any agreement made between one trade union and another; or
5. Any bond to secure the performance of any of the above-mentioned agreements.

But nothing in this section shall be deemed to constitute any of the above-mentioned agreements unlawful.

Prohibition of actions of tort against trade unions.

6.—(1) An action against a trade union, whether of workmen or masters, or against any members or officials thereof on behalf of themselves and all other members of the trade union in respect of any tortious act alleged to have been committed by or on behalf of the trade union, shall not be entertained by any court.

(2) Nothing in this section shall affect the liability of the trustees of a trade union to be sued in the events provided for by section fourteen of this Ordinance, except in respect of any tortious act committed by or on behalf of the union in contemplation or in furtherance of a trade dispute.

Provisions of Ordinance 1 of 1893, and 17 of 1913 not to apply to trade unions.

7. The following Ordinances, that is to say,

- (1) The Friendly Societies Ordinance, 1893, and any Ordinances amending the same; and
- (2) The Companies (Consolidation) Ordinance, 1913, and any Ordinances amending the same,

shall not apply to any trade union: Provided that a trade union which insures or pays money on the death of a child under ten years of age shall be deemed to be within the provisions of section forty of the Friendly Societies Ordinance, 1893.

No. 1 of 1893. See under "Friendly Societies."

Registered Trade Unions.

Appointment of Registrar of trade unions.

8. It shall be lawful for the Governor to appoint some fit and proper person to be the Registrar of trade unions. The Registrar shall receive such remuneration as may be fixed by rules made under this Ordinance.

Register to be kept of all trade unions.

9. The Registrar shall keep a register of all trade unions registered under this Ordinance in such form as may be required by the rules, and shall discharge all the duties required by this Ordinance and by any rules made thereunder.

Registry of trade unions.

10. Any seven or more members of a trade union may by subscribing their names to the rules of the union, and otherwise complying with the provisions of this Ordinance, with respect to registry, register such trade union under this Ordinance, provided that if any one of the purposes of such trade union be unlawful such registration shall be void.

Land for trade unions may be purchased or leased.

11. It shall be lawful for any trade union registered under this Ordinance to purchase or take upon lease in the names of the trustees for the time being of such union any land not exceeding one acre, and to sell, exchange, mortgage, or let the same, and no purchaser, assignee, mortgagee, or tenant shall be bound to inquire whether the trustees have authority for any sale, exchange, mortgage, or letting, and the receipt of the trustees shall be a discharge for the money arising therefrom; and for the purposes of this section every branch of a trade union shall be considered a distinct union.

12. All movable and immovable property whatsoever belonging to any trade union registered under this Ordinance shall be vested in the trustees for the time being of the trade union appointed as provided by this Ordinance, for the use and benefit of such trade union and the members thereof, and the movable or immovable property of any branch of a trade union shall be vested in the trustees of such branch or in the trustees of the trade union, if the rules of the trade union so provide, and be under the control of such trustees, their respective executors or administrators, according to their respective claims and interests, and upon the death or removal of any such trustees the same shall vest in the succeeding trustees for the same estate and interest as the former trustees had therein, and subject to the same trusts, without any conveyance or assignment whatsoever, save and except in the case of stocks and securities in the public funds of this Colony which shall be transferred into the names of such new trustees; and in all actions, or suits, or indictments, or summary proceedings before any court of summary jurisdiction, touching or concerning any such property, the same shall be stated to be the property of the person or persons for the time being holding the said office of trustee, in their proper names, as trustees of such trade union, without any further description.

Property of
the trade
unions
vested in
Trustees.

13. When any person, being or having been a trustee of a trade union registered under this Ordinance or of any branch of a trade union, and whether appointed before or after the legal establishment thereof, in whose name any stock belonging to such union or branch transferable at any bank in this Colony is standing, either jointly with another or others, or solely, is absent from this Colony or becomes bankrupt, or files any petition, or executes any deed for liquidation of his affairs by assignment or arrangement, or for composition with his creditors, or becomes a lunatic or is dead, or has been removed from his office of trustee, or if it be unknown whether such person is living or dead, the registrar, on application in writing from the secretary and three members of the union or branch, and on proof satisfactory to him, may direct the transfer of the stock into the names of any other persons as the trustees for the union or branch; and such transfer shall be made by the surviving or continuing trustees, and if there be no such trustees or if such trustee, refuse or be unable to make such transfer, and the Registrar so direct, then by the manager of the bank; and the bank is hereby indemnified for anything done in pursuance of this provision against any claim or demand of any person injuriously affected thereby.

Provision in
case of absence,
etc., of Trustee

14. The trustees of any trade union registered under this Ordinance or any other officer of such trade union who may be authorized so to do by the rules thereof, are hereby empowered to bring or defend, or cause to be brought or defended, any action, suit, prosecution, or complaint in any court of law or equity, touching or concerning the property right or claim to property of the trade union; and shall and may, in all cases concerning the movable or immovable property of such trade union, sue and be sued, plead and be impleaded, in any court of law or equity, in the proper names, without other description than the title of their office; and no such action, suit, prosecution, or complaint shall be discontinued

Actions, etc.,
by or against
Trustees, etc.

or shall abate by the death or removal from office of such persons or any of them, but the same shall and may be proceeded in by their successor or successors as if such death, resignation, or removal had not taken place; and such successors shall pay or receive the like costs as if the action, suit, prosecution, or complaint had been commenced in their names for the benefit of or to be reimbursed from the funds of such trade union, and the summons to be issued to such trustee or other officer may be served by leaving the same at the registered office of the trade union.

Limitation
of responsi-
bility of
Trustees.

15. A trustee of any trade union registered under this Ordinance shall not be liable to make good any deficiency which may arise or happen in the funds of such trade union, but shall be liable only for the moneys which shall be actually received by him on account of such trade union.

Treasurers,
etc., to
account.

16. Every treasurer or other officer of a trade union registered under this Ordinance, at such times as by the rules of such trade union he should render such account as hereinafter mentioned, or upon being required so to do, shall render to the trustees of the trade union, or to the members of such trade union, at a meeting of the trade union, a just and true account of all moneys received and paid by him since he last rendered the like account, and of the balance then remaining in his hands, and of all bonds or securities of such trade union, which account the said trustee shall cause to be audited by some fit and proper person or persons by them to be appointed; and such treasurer, if thereunto required, upon the said account being audited, shall forthwith hand over to the said trustees the balance which on such audit appears to be due from him, and shall also, if required, hand over to such trustees all securities and effects, books, papers, and property of the said trade union in his hands or custody; and if he fail to do so the trustees of the said trade union may sue such treasurer in any competent court for the balance appearing to have been due from him upon the account last rendered by him, and for all the moneys since received by him on account of the said trade union, and for the securities and effects, books, papers, and property in his hands or custody, leaving him to set off in such action the sums, if any, which he may have since paid on account of the said trade union; and in such action the said trustees shall be entitled to recover their full costs of suit, to be taxed as between solicitor and client.

Punishment
for withholding
money, etc.

17. If any officer, member, or other person being or representing himself to be a member of a trade union registered under this Ordinance, or the nominee, executor, administrator, or assignee of a member thereof, of any person whatsoever, by false representation or imposition obtain possession of any moneys, securities, books, papers, or other effects of such trade union, or, having the same in his possession, wilfully withhold or fraudulently misapply the same, or wilfully apply any part of the same, to purposes other than those expressed or directed in the rules of such trade union, or any part thereof, the court of summary jurisdiction for the place in which the registered office of the trade union is situate, upon a complaint made by any person on behalf of such trade union, or by the registrar, may, by summary order, order such officer, member, or other person to deliver up all such moneys,

securities, books, papers, or other effects to the trade union, or to repay the amount of money applied improperly, and to pay, if the court thinks fit, a further sum of money not exceeding one hundred dollars, together with costs not exceeding five dollars; and, in default of such delivery of effects, or repayment of such amount of money or payment of such penalty and costs aforesaid, the said court may order the said person so convicted to be imprisoned, with or without hard labour, for any time not exceeding three months: Provided that nothing herein contained shall prevent the said trade union from proceeding by indictment against the said party: Provided also, that no person shall be proceeded against by indictment if a conviction shall have been previously obtained for the same offence under the provisions of this Ordinance.

Registry of Trade Union.

18. With respect to the registry, under this Ordinance, of a trade union, and of the rules thereof, the following provisions shall have effect:—

Regulations
for registry.

- (1) An application to register the trade union and printed copies of the rules, together with a list of the titles and names of the officers, shall be sent to the registrar under this Ordinance.
- (2) The Registrar, upon being satisfied that the trade union has complied with the regulations respecting registry in force under this Ordinance shall register such trade union and such rules.
- (3) No trade union shall be registered under a name identical with that by which any other existing trade union has been registered, or so nearly resembling such name as to be likely to deceive the members of the public.
- (4) The Registrar shall not register any combination as a trade union unless in his opinion, having regard to the constitution of the combination, the principal objects of the combination are statutory objects, and may withdraw the certificate of registration of any such registered trade union if the constitution of the union has been altered in such a manner that, in his opinion, the principal objects of the union are no longer statutory objects, or if in his opinion the principal objects for which the union is actually carried on are not statutory objects.
- (5) Any person aggrieved by any refusal of the Registrar to register a combination as a trade union, or by the withdrawal under this section of a certificate of registration, may appeal to the Supreme Court within the time and in the manner and on the conditions directed by rules of court; and the decision of the Supreme Court shall be final.
- (6) Where a trade union applying to be registered has been in operation for more than a year before the date of such application, there shall be delivered to the Registrar before the registry thereof a general statement of the receipts, funds, effects, and expenditure of such trade union in the same form, and showing the particulars as if it were the annual general statement required as hereinafter mentioned to be transmitted annually to the Registrar.

(7) The Registrar upon registering such trade union, shall issue a certificate of registry, which certificate, unless proved to have been withdrawn or cancelled, shall be conclusive evidence that the regulations of this Ordinance with respect to registry have been complied with.

(8) The Governor-in-Council may from time to time make regulations respecting registry under this Ordinance, and respecting the seal (if any) to be used for the purpose of such registry, and the forms to be used for the purpose of such registry, and the inspection of documents kept by the Registrar under this Ordinance, and respecting the fees, if any, to be paid on registry, not exceeding the fees specified in the Second Schedule to this Ordinance, and generally for carrying this Ordinance into effect.

Second
Schedule.

Rules of
registered
trade unions.

First Schedule.

19. With respect to the rules of a trade union registered under this Ordinance, the following provisions shall have effect:—

(1) The rules of every such trade union shall contain provisions in respect of the several matters mentioned in the first Schedule to this Ordinance.

(2) A copy of the rules shall be delivered by the trade union to every person on demand on payment of a sum not exceeding twenty-five cents.

Registered
office of
trade unions.

20. Every trade union registered under this Ordinance shall have a registered office to which all communications and notices may be addressed; if any trade union under this Ordinance is in operation for seven days without having such an office, such trade union and every officer thereof shall each incur a penalty not exceeding twenty-five dollars for every day during which it is so in operation. Notice of the situation of such registered office and of any change therein, shall be given to the Registrar and recorded by him; until such notice is given the trade union shall not be deemed to have complied with the provisions of this Ordinance.

Withdrawal
or cancelling
of certificate.

21. No certificate of registration of a trade union shall be withdrawn or cancelled otherwise than by the registrar, and in the following cases:—

(1) At the request of the trade union to be evidenced in such manner as such Registrar shall from time to time direct.

(2) On proof to his satisfaction that a certificate of registration has been obtained by fraud or mistake, or that the registration of the trade union has become void under section seven of this Ordinance or that such trade union has wilfully and after notice from the registrar violated any of the provisions of this Ordinance, or has ceased to exist.

(3) Under the provisions of sub-section four of section eighteen of this Ordinance.

With regard to sub-sections one and two of this section not less than two months' previous notice in writing specifying briefly the ground of any proposed withdrawal or cancelling of certificate (unless where the same is shown to have become void as aforesaid, in which cases it shall be the duty of the Registrar to cancel the same forthwith) shall be given by the Registrar to a trade union before the certificate of registration of the same can be withdrawn or cancelled (except at its request).

A trade union whose certificate of registration has been withdrawn or cancelled shall, from the time of such withdrawal or cancelling, absolutely cease to enjoy as such the privileges of a registered trade union, but without prejudice to any liability actually incurred by such trade union, which may be enforced against the same as if such withdrawal or cancelling had not taken place.

Miscellaneous.

22. A person under the age of twenty-one, but above the age of sixteen, may be a member of a trade union, unless provision be made in the rules thereof to the contrary, and may, subject to the rules of the trade union, enjoy all the rights of a member except as herein provided, and execute all instruments and give all acquittances necessary to be executed or given under the rules, but shall not be a member of the committee of management, trustee, or treasurer of the trade union. Membership of minors.

23. A member of a trade union not being the age of sixteen years may, by writing under his hand, delivered at, or sent to, the registered office of the trade union, nominate any person not being an officer or servant of the trade union (unless such officer or servant is the husband, wife, father, mother, child, brother, sister, nephew, or niece of the nominator), to whom any moneys payable on the death of such member not exceeding two hundred and forty dollars shall be paid at his decease, and may from time to time revoke or vary such nomination by a writing under his hand similarly delivered or sent; and on receiving satisfactory proof of the death of a nominator, the trade union shall pay to the nominee the amount due to the deceased member not exceeding the sum aforesaid. Nominator.

24. A trade union may, with the approval in writing of the Registrar change its name by the consent of not less than two-thirds of the total number of members. Change of name.

No change of name shall affect any right or obligation of the trade union or of any member thereof, and any pending legal proceedings may be continued by or against the trustees of the trade union or any other officer who may sue or be sued on behalf of such trade union notwithstanding its new name.

25. Any two or more trade unions may, by the consent of not less than two-thirds of the members of each or every such trade union, become amalgamated together as one trade union, with or without any dissolution or division of the funds of such trade unions, or either or any of them; but no amalgamation shall prejudice any right of a creditor of either or any union party thereto. Amalgamation.

26. Notice in writing of every change of name or amalgamation signed, in the case of a change of name, by seven members, and countersigned by the secretary of the trade union changing its name, and accompanied by a statutory declaration by such secretary that the provisions of this Ordinance in respect of changes of names have been complied with, and in the case of an amalgamation signed by seven members, and countersigned by the secretary of each or every union party thereto, and accompanied by a statutory Registration of change of names and amalgamations.

declaration by each or every such secretary that the provisions of this Ordinance in respect of amalgamations have been complied with, shall be sent to the registrar to be registered, and until such change of name or amalgamation is so registered the same shall not take effect.

Dissolution.

27. Notice of every dissolution of a trade union under the hand of the secretary and seven members of the same, shall be sent within fourteen days thereafter to the Registrar, and shall be registered by him.

Penalty for failure to give notice.

28. A trade union which fails to give any notice or send any document which it is required by this Ordinance to give or send, and every officer or other person bound by the rules thereof to give notice or send the same, or if there be no such officer, then every member of the committee of management of the union, unless proved to have been ignorant of, or to have attempted to prevent the omission to give or send the same, is liable on summary conviction to a penalty of not less than five dollars and not more than twenty-five dollars, recoverable at the suit of the Registrar, or of any person aggrieved, and to an additional penalty of the like amount for each week during which the omission continues.

Annual returns to be prepared as registrar may direct.

29. A general statement of the receipts, funds, effects, and expenditure of every trade union registered under this Ordinance shall be transmitted to the Registrar before the first day of June in every year, and shall show fully the assets and liabilities at the date, and the receipts and expenditure during the year preceding the date to which it is made out, of the trade union; and shall show separately the expenditure in respect of the several objects of the trade union, and shall be prepared and made out up to such date, in such form, and shall comprise such particulars as the Registrar may from time to time require; and every member of, and depositor in, any such trade union shall be entitled to receive, on application to the treasurer or secretary of that trade union, a copy of such general statement, without making any payment for the same.

Together with such general statement there shall be sent to the registrar a copy of all alterations of rules and new rules and changes of officers made by the trade union during the year preceding the date up to which the general statement is made out, and a copy of the rules of the trade union as they exist at that date.

Every trade union which fails to comply with or acts in contravention of this section, and also every officer of the trade union so failing, shall each be liable on summary conviction to a penalty not exceeding twenty-five dollars for each offence.

Every person who wilfully makes or orders to be made any false entry in or any omission from any such general statement, or in or from the return of such copies of rules or alterations of rules, shall on summary conviction be liable to a penalty not exceeding two hundred and forty dollars for each offence.

Registrar to lay reports.

30. The registrar shall lay before the Court of Policy annual reports with respect to the matters transacted by such registrar in pursuance of this Ordinance.

Circulating
false copies
of rules, etc., a
misdemeanour.

31. If any person with intent to mislead or defraud gives to any member of a trade union registered under this Ordinance, or to any person intending or applying to become a member of such trade union, a copy of any rules or of any alteration or amendments of the same other than those respectively which exist for the time being, on the pretence that the same are the existing rules of such trade union, or that there are no other rules of such trade union, or if any person with the intent aforesaid gives a copy of any rules to any person on the pretence that such rules are the rules of a trade union registered under this Ordinance which is not so registered, every person so offending shall be liable on summary conviction to a penalty not exceeding fifty dollars.

SCHEDULES.

FIRST SCHEDULE.

Of matters to be provided for by the Rules of Trade Unions registered under this Ordinance.

1. The name of the trade union and place of meeting for the business of the trade union.
2. The whole of the objects for which the trade union is to be established, the purposes for which the funds thereof shall be applicable, and the conditions under which any member may become entitled to any benefit thereby, and the fines and forfeitures to be imposed on any member of such trade union.
3. The manner of making, altering, amending, and rescinding rules.
4. A provision for the appointment and removal of a general committee of a trustee or trustees, treasurer, and other officers.
5. A provision for the investment of the funds, and for an annual or periodical audit of accounts.
6. The inspection of the books and names of members of the trade union by every person having an interest in the funds of the trade union.
7. The manner of dissolution.

SECOND SCHEDULE.

MAXIMUM FEES.

For registering trade union	...	...	...	...	...	...	...	\$5.00
For registering alterations in rules	...	...	...	...	...	...	...	2.50
For inspection of documents	...	...	...	...	...	...	...	.50

TRAFFIC.

See HIGHWAYS.
