

**CHAPTER 114.****TRADE DISPUTES (ESSENTIAL SERVICES).**

## ARRANGEMENT OF SECTIONS.

## SECTIONS.

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**CHAPTER 114.****TRADE DISPUTES (ESSENTIAL SERVICES).**

5 of 1942. **An Ordinance to make provision for the conditional prohibition of lock-outs and strikes in certain Essential Services.**

[14TH FEBRUARY, 1942.]

Short title. **1. This Ordinance may be cited as the Trade Disputes (Essential Services) Ordinance.**

Interpreta-  
tion. **2. In this Ordinance, unless the context otherwise requires—**  
“employer ” means any person who has entered into a contract to employ any employee and includes the agent, foreman, manager or factor of such person, and also includes the Government and any officer of the Government who has entered into a contract of service on behalf of the Govern-  
ment ;

“employee ” 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 ;

“strike ” means the cessation of work by a body of employees acting in combination, or a concerted refusal or

a refusal under a common understanding of any number of employees to continue to work for an employer in consequence of a dispute, done as a means of compelling their employer or any person or body of employees, or to aid other employees in compelling their employer or any person or body of employees, to accept or not to accept terms or conditions of or affecting employment ;

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

“ trade union ” means a trade union duly registered under the Trades Unions Ordinance.

Cap. 113.

3. The Governor in Council may from time to time, by order, specify the services, or any branch or department of any service, (hereinafter referred to as “ an essential service ”) to which this Ordinance shall apply.

Power of Governor in Council to specify services to which this Ordinance is applicable.

4. (1) No employer engaged in an essential service shall declare or take part in a lock-out of employees employed in such service in connection with any trade dispute unless such employer has formally reported in writing to the Governor the existence of the said dispute and the Governor has not within one month of the receipt of the report appointed an Advisory Committee under either section 6 or section 7 of the Labour Ordinance to inquire into the dispute.

Prohibition of lock-outs and strikes without previous report to the Governor.

Cap. 103.

(2) No employee engaged in an essential service shall take part in a strike in connection with any trade dispute unless the existence of the said dispute has been formally reported in writing to the Governor by a trade union of which such employee is a member and the Governor has not within one month of the receipt of the report appointed an Advisory Committee under either section 6 or section 7 of the Labour Ordinance to inquire into the dispute.

Cap. 103.

5. The decision of the Governor as to whether any dispute has been formally reported to him or not and as to the date on which such dispute has been so reported shall be conclusive for all purposes and a certificate under the hand of the Chief Secretary containing such information shall be conclusive evidence in all courts of the facts therein contained.

Date of report to the Governor.



Offences.

6. (1) Every employer who declares or takes part in a lock-out and every employee who takes part in a strike contrary to the provisions of this Ordinance shall, on summary conviction, be liable to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding two months.

(2) The provisions of this Ordinance relating to an employer shall, when such employer is a company, be deemed to include every director, manager, secretary, attorney or other officer of the company unless any such director, manager, secretary, attorney or other officer shall satisfy the court that the lock-out was declared or taken part in without either his knowledge or assent.

Duration of  
Ordinance.

7. This Ordinance shall continue in force until such date as the Governor in Council may, by order,\* declare to be the date on which the emergency that is the occasion of the passing of this Ordinance came to an end, and shall then expire except as respects things previously done or omitted to be done.

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\* No order had been made up to the 1st July, 1953.