

No. 26/1946:

INDUSTRIAL RELATIONS ACT, 1946

AN ACT TO MAKE FURTHER AND BETTER PROVISION FOR PROMOTING HARMONIOUS RELATIONS BETWEEN WORKERS AND THEIR EMPLOYERS AND FOR THIS PURPOSE TO ESTABLISH MACHINERY FOR REGULATING RATES OF REMUNERATION AND CONDITIONS OF EMPLOYMENT AND FOR THE PREVENTION AND SETTLEMENT OF TRADE DISPUTES, AND TO PROVIDE FOR CERTAIN OTHER MATTERS CONNECTED WITH THE MATTERS AFORESAID.

[27th August, 1946.]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

PART I PRELIMINARY AND GENERAL

Short title. **1.** —This Act may be cited as the Industrial Relations Act, 1946 .

Commencement.

**2.** —This Act shall come into operation on the day appointed for the purpose by order of the Minister.

Definitions generally.

**3.** —In this Act—

the expression "the Court" means the Labour Court;

the expression "the Minister" means the Minister for Industry and Commerce;

the word "prescribed" means prescribed by regulations made by the Minister under this Act;

the expression "registered joint industrial council" has the meaning given to it by section 59 of this Act;

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

the expression "trade union" means a trade union which is the holder of a negotiation licence granted under the Trade Union Act, 1941 (No. 22 of 1941).

"worker".

**4.** —(1) In this Act (except Part VI) the word "worker" means any person of the age of fourteen years or upwards who has entered into or works under a contract with an employer whether the contract be for 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, other than—

( *a* ) a person who is employed by or under the State, or

( *b* ) a teacher in a secondary school, or

( *c* ) a teacher in a national school, or

( *d* ) a person who is employed by a local authority in any office or employment, or

( *e* ) an officer or servant of a vocational education committee, or

( *f* ) an officer or servant of a committee of agriculture, or

( *g* ) an officer of a school attendance committee, or

( *h* ) an agricultural worker, within the meaning of the Agricultural Wages Act, 1936 (No. 53 of 1936).

(2) For the purposes of this section, each of the following bodies (whether corporate or unincorporated) shall be a local authority—

( *a* ) a council of a county, a corporation of a county or other borough, a council of an urban district, a public assistance authority, the commissioners of a town, a port sanitary authority,

( *b* ) a committee or joint committee or board or joint board appointed (whether before or after the passing of this Act) by or under statute to perform the functions or any of the functions of one or more of the bodies mentioned in paragraph ( *a* ) of this subsection, and

( *c* ) a committee or joint committee or board or joint board, of or appointed by one or more of the bodies mentioned in

paragraphs (a) and (b) of this subsection, but not including a vocational education committee, a committee of agriculture, or a school attendance committee.

- Regulations. **5.**—The Minister may make regulations in relation to anything referred to in this Act as prescribed.
- Laying of regulations before Houses of the Oireachtas. **6.**—Every regulation made under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either House, within the next twenty-one days on which that House has sat after the regulation has been laid before it, the regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.
- Prosecutions by the Minister. **7.**—An offence under any section or subsection contained in this Act may be prosecuted by the Minister.
- Repeals. **8.**—The enactments specified in the second column of the First Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.
- Expenses. **9.**—The expenses incurred in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

## PART II THE LABOUR COURT

Establishment of the Labour Court. **10.**—(1) There shall be a body, to be known as the Labour Court, to fulfil the functions assigned to it by this Act.

(2) The Court shall consist of a chairman (in this Act referred to as the chairman) and four ordinary members (in this Act referred to as the ordinary members) of whom two shall be workers' members and two shall be employers' members.

(3) The chairman shall be appointed by the Minister and shall hold office on such terms as shall be fixed by the Minister when appointing him.

(4) The Minister shall, in respect of each workers' member, designate an organisation representative of trade unions of workers to nominate a person for appointment, and, in respect of each employers' member, designate a trade union of employers to nominate a person for appointment and the Minister shall appoint the person so nominated.

(5) If, when a particular appointment of workers' members (or, in the event of a casual vacancy, a workers' member) is to be made—

( a ) more than one organisation representative of trade unions of workers is in being, and

( b ) the Minister is of opinion that it is undesirable that the appointment should be made under subsection (4) of this section,

he may, by regulations, declare that the appointment, instead of being made under the said subsection (4), shall be made under this subsection, and thereupon the following provisions shall have effect—

(i) the Minister shall invite trade unions of workers and organisations representative of trade unions of workers to nominate persons for appointment, and

(ii) he shall make the appointment from amongst the persons so nominated.

(6) The Civil Service Regulation Acts, 1924 and 1926, shall not apply to the office of chairman or ordinary member of the Court.

(7) An ordinary member shall, unless he dies, resigns or is removed, hold office—

( a ) if appointed under subsection (4) of this section, for such period, not exceeding five years, as shall be fixed by the Minister when

appointing him,

( *b* ) if appointed under subsection (5) of this section, for five years or, if the regulations, by virtue of which he was appointed, are sooner revoked or annulled, until such revocation or annulment.

(8) An ordinary member may be removed from office by the Minister for stated reasons but, if the organisation by which he was nominated is in being, only with the consent of that organisation.

(9) The chairman and the ordinary members shall be paid such remuneration and allowances as the Minister, with the consent of the Minister for Finance, determines.

(10) The Chairman shall devote the whole of his time to the work of the Court.

(11) An ordinary member shall not hold the office of trustee, treasurer, secretary or any other office in, or be a member of any committee of, a trade union, or hold any office or employment which would prevent him from being at all times available for the work of the Court.

(12) A person shall not be appointed to be chairman or a member of the court unless he is ordinarily resident in the State.

Divisions of the Court. **11.** —Whenever the chairman is of opinion that for the speedy dispatch of the business of the Court it is expedient that the Court should act by divisions, he may direct accordingly, and, until he revokes his direction—

( *a* ) the Court shall be grouped into—

(i) a first division, consisting of the chairman (who shall be chairman of the division) and a workers' member and an employers' member selected by him, and

(ii) a second division, consisting of the deputy chairman (who shall be chairman of the division), the other workers' member and the other

employers' member;

( *b* ) the chairman shall assign to each division the business to be transacted by it;

( *c* ) for the purpose of the business so assigned to it, each division shall have all the powers of the Court and the chairman of the division shall have all the powers of the chairman and references in this Act to the Court and the chairman shall be construed as including references to a division and the chairman of a division, respectively.

**12.** —(1) The Minister shall appoint a deputy for the chairman who shall hold office on such terms as shall be fixed by the Minister when appointing him.

(2) The deputy chairman shall, in the absence of the chairman, act in his place and references in this Act to the chairman shall be construed as including references to the deputy chairman so acting.

(3) No person shall be appointed to be deputy chairman unless he is ordinarily resident in the State.

(4) The deputy chairman may be paid such fees as the Minister, with the consent of the Minister for Finance, determines.

Registrar and officers  
and servants of the  
Court.

**13.** —(1) ( *a* ) The Minister shall appoint to be registrar of the Court a practising barrister or practising solicitor of not less than ten years' standing.

( *b* ) For the purposes of paragraph ( *a* ) of this subsection, service in a situation in the Civil Service, for appointment to which only barristers and solicitors were eligible, shall be treated as practice as a barrister or solicitor.

(2) The Minister, after consultation with the Court and with the consent of the Minister for Finance, may appoint such officers and servants

of the Court as he thinks necessary to assist the Court in the performance of its functions.

(3) The registrar, officers and servants of the Court shall hold office on such terms and receive such remuneration as the Minister for Finance determines.

Technical assessors.

**14.** —(1) The Court may appoint technical assessors to assist it on any matter relating to proceedings before the Court.

(2) Technical assessors shall be paid such fees as the Minister, with the consent of the Minister for Finance, determines.

Places for sittings of the Court and lodgment of documents.

**15.** —(1) The headquarters of the Court shall be at Dublin, but sittings of the Court may be held elsewhere in the State.

(2) The Court may designate suitable places at which documents for the Court may be lodged.

Conciliation officers.

**16.** —The Court may appoint officers of the Court to act as Conciliation Officers.

Finality of decisions of the Court.

**17.** —No appeal shall lie from the decision of the Court on any matter within its jurisdiction to a court of law.

Seal of the Court.

**18.** —(1) The Court shall have an official seal which shall be judicially noticed.

(2) The seal of the Court shall, when affixed to any document, be authenticated by the signature of the chairman or the registrar of the Court or of a person authorised by the Court to authenticate it.

(3) Every document purporting to express an order, award or other decision of the Court and to be sealed with the seal of the Court authenticated in accordance with this section shall, unless the contrary is proved, be deemed to have been duly and lawfully so sealed and shall, unless as aforesaid, be received in evidence as such order, award or decision without further proof and, in particular, without proof of any signature affixed to such document for the purpose of such authentication and without proof of the office or authority of the person whose signature such signature purports to be.

Proof of orders of the Court.

**19.** —(1) [Section 4](#) of the Documentary Evidence Act, 1925 (No. 24 of 1925), shall apply to every order of the Court.

(2) Subsection (1) of section 6 of the Documentary Evidence Act, 1925, is hereby amended by adding to the official documents mentioned in that subsection orders of the Court, and the said section 6 shall have effect accordingly.

Procedure of the Court.

**20.** —(1) Subject to section 11 of this Act and subsection (2) of this section, the quorum for a meeting or sitting of the Court shall be five.

(2) The chairman may direct that, for the consideration of a particular matter, the Court shall consist of the chairman and two ordinary members selected by him, namely, a workers' member and an employers' member, and, if the chairman so directs, no other member shall act as a member of the Court in respect of that matter.

(3) Where—

( a ) any question arises under this Act at a meeting or sitting of the Court, and

( b ) the members of the Court are unable to agree upon the determination of the question,

the following provisions shall have effect—

(i) if the majority of the ordinary members agree upon the determination of the question, the question shall be determined accordingly,

(ii) if a majority of the ordinary members do not agree, but a majority of all the members agree, the question shall be determined accordingly,

(iii) otherwise, the question shall be determined in accordance with the opinion of the chairman.

(4) The decision of the Court shall be pronounced by the chairman or such other member as the chairman shall authorise for the purpose, and no other opinion, whether assenting or dissenting, shall be pronounced nor shall the existence of any such other opinion be disclosed.

(5) Subject to this section, the Court may make rules for the regulation of its proceedings.

(6) Rules under this section may provide for the cases in which persons may appear before the Court by counsel or solicitor and, except as so provided, no person shall be entitled to appear by counsel or solicitor before the Court.

(7) The Court may hold any sitting or part of a sitting in private.

Power of Court to  
summon witnesses, etc.

**21.** —(1) The Court may for the purposes of any proceedings before it under this Act do all or any of the following things—

( a ) summon witnesses to attend before it,

( b ) examine on oath (which a member or the registrar of the Court is hereby authorised to administer) the witnesses attending before it,

( c ) require any such witness to produce to the Court any document in his power or control.

(2) A witness before the Court shall be entitled to the same immunities and privileges as if he were a witness before the High Court.

(3) If any person—

( a ) on being duly summoned as a witness before the Court makes default in attending, or

( b ) being in attendance as a witness refuses to take an oath legally required by the Court to be taken, or to produce any document in his power or control legally

required by the Court to be produced by him, or to answer any question to which the Court may legally require an answer,

he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding ten pounds.

(4) Where a witness attends before the Court in pursuance of a summons under this section, the Minister may, if he thinks fit, pay to him such sum in respect of expenses incurred by him in connection with his attendance as the Minister, with the sanction of the Minister for Finance, determines.

Prohibition on disclosure of information.

**22.** —The Court shall not include in any report any information obtained by it in the course of any proceedings before it under this Act as to any trade union or as to the business carried on by any person which is not available otherwise than through evidence given at the proceedings, without the consent of the trade union or persons concerned, nor shall any member of the Court or the registrar or any officer or servant of the Court or any person concerned in the proceedings, without such consent, disclose any such information.

Reports, etc., by Court.

**23.** —(1) The Court shall, as soon as may be after the expiration of each year, make to the Government a general report (in this section referred to as an annual report) of its proceedings under this Act during that year.

(2) The Court shall include in each annual report any observations it may wish to make on the trend of wages rates.

(3) An annual report shall contain particulars of each registered joint industrial council together with the name of the secretary of the council and the address of its principal office.

(4) A copy of each annual report shall be laid before each House, of the Oireachtas.

(5) The Court shall furnish to the Minister a copy of each order, recommendation and award made by the Court under this Act as soon as may be after it is made.

Duty of Court to consider certain matters with regard to employment conditions referred to it by the Minister.

**24.** —The Court shall consider any matter referred to it by the Minister concerning the employment conditions prevailing as regards the workers of any class and their employers and shall furnish a report thereon to the Minister together with such recommendations (if any) as it thinks proper, and the Minister shall consider any report and recommendation so made.

### PART III AGREEMENTS RELATING TO WAGES AND CONDITIONS OF EMPLOYMENT

Definitions for purposes of Part III Employment agreement.

**25.** —In this Part—

the expression "employment agreement" means an agreement relating to the remuneration or the conditions of employment of workers of any class, type or group made between a trade union of workers and an employer or trade union of employers or made, at a meeting of a registered joint industrial council, between members of the council representative of workers and members of the council representative of employers;

the expression "the register" means the Register of Employment Agreements;

the word "registered", in relation to an employment agreement, means for the time being registered in the register;

the expression "registered employment agreement" means an employment agreement for the time being registered in the register.

Register of Employment Agreement.

**26.** —The Court shall maintain a register to be known as the Register of Employment Agreements.

Registration of employment agreements.

**27.** —(1) Any party to an employment agreement may apply to the Court to register the agreement in the register.

(2) Every application to register an employment agreement shall be accompanied by a copy of the agreement.

(3) Where an application is duly made to the Court to register in the register an employment

agreement, the Court shall, subject to the provisions of this section, register the agreement in the register if it is satisfied—

( *a* ) that, in the case of an agreement to which there are two parties only, both parties consent to its registration and, in the case of an agreement to which there are more than two parties, there is substantial agreement amongst the parties representing the interests of workers and employers, respectively, that it should be registered,

( *b* ) that the agreement is expressed to apply to all workers of a particular class, type or group and their employers where the Court is satisfied that it is a normal and desirable practice or that it is expedient to have a separate agreement for that class, type or group,

( *c* ) that the parties to the agreement are substantially representative of such workers and employers,

( *d* ) that the agreement is not intended to restrict unduly employment generally or the employment of workers of a particular class, type or group or to ensure or protect the retention in use of inefficient or unduly costly machinery or methods of working,

( *e* ) that the agreement provides that if a trade dispute occurs between workers to whom the agreement relates and their employers a strike or lock-out shall not take place until the dispute has been submitted for settlement by negotiation in the manner specified in the agreement, and

( *f* ) that the agreement is in a form

suitable for registration.

(4) Where an application is made to the Court to register an employment agreement, the Court shall direct such parties thereto as the Court shall specify to publish specified particulars of the agreement in such manner as, in the opinion of the Court, is best calculated to bring the application to the notice of all persons concerned.

(5) ( a ) The Court shall not register an employment agreement until the lapse of fourteen days after publication of particulars of the agreement in accordance with subsection (4) of this section.

( b ) If within that period the Court receives notice of an objection to the agreement being registered, the Court shall, unless it considers the objection frivolous, consider the objection and shall hear all parties appearing to the Court to be interested and desiring to be heard, and if, after such consideration, the Court is satisfied that the agreement does not comply with the requirements specified in subsection (3) of this section, the Court shall refuse to register the agreement.

(6) A registered employment agreement shall not prejudice any rights as to rates of remuneration or conditions of employment conferred on any worker by another Part of this Act or by any other Act.

Variation of registered employment agreement.

**28.** —(1) If a registered employment agreement provides for the variation of the agreement in accordance with this section, any party to the agreement may apply to the Court to vary it in its application to any worker or workers to whom it applies.

(2) Where an application is made under this section to vary an agreement, the following provisions shall have effect:—

( a ) the Court shall consider the application and shall hear all persons

appearing to the Court to be interested and desiring to be heard;

( *b* ) after such consideration, the Court may, as it thinks fit, refuse the application or make an order varying the agreement in such manner as it thinks proper;

( *c* ) if the Court makes an order varying the agreement, the agreement shall, as from such date not being earlier than the date of the order as the Court specifies in the order, have effect as so varied.

Cancellation of registration.

**29.** —(1) The registration of an employment agreement may be cancelled by the Court on the joint application of all parties thereto if the Court is satisfied that the consent of all such parties to its cancellation has been given voluntarily.

(2) The Court may cancel the registration of an employment agreement if satisfied that there has been such substantial change in the circumstances of the trade or business to which it relates since the registration of the agreement that it is undesirable to maintain registration.

(3) Where a registered employment agreement does not provide for its duration or termination, the Court may, after the lapse of twelve months from the date of registration, cancel the registration on the application, made after six months' notice to the Court, of all parties thereto representative of workers or of employers.

(4) ( *a* ) Where a registered employment agreement is expressed to be for a specified period, it shall, if in force at the end of that period, and notwithstanding any provision that it shall cease to have effect at the expiration of such period, continue in force until its registration is cancelled in accordance with this Part.

( *b* ) The registration of an employment agreement continued in

force under paragraph (a) of this subsection may be cancelled by the Court on the application of any party thereto, made after three months' notice to the Court, and consented to by all parties thereto representative of workers or of employers.

(5) Where a registered employment agreement is terminated by any party thereto in accordance with its terms, the Court shall, on receiving notice of the termination, cancel the registration.

Adaptation of contracts of service consequential upon registration of employment agreement.

**30.** —(1) A registered employment agreement shall, so long as it continues to be registered, apply, for the purposes of this section, to every worker of the class, type or group to which it is expressed to apply, and his employer, notwithstanding that such worker or employer is not a party to the agreement or would not, apart from this subsection, be bound thereby.

(2) If a contract between a worker of a class, type or group to which a registered employment agreement applies and his employer provides for the payment of remuneration at a rate (in this subsection referred to as the contract rate) less than the rate (in this subsection referred to as the agreement rate) provided by such agreement and applicable to such worker, the contract shall, in respect of any period during which the agreement is registered, have effect as if the agreement rate were substituted for the contract rate.

(3) If a contract between a worker of a class, type or group to which a registered employment agreement applies and his employer provides for conditions of employment (in this subsection referred to as the contract conditions) less favourable than the conditions (in this subsection referred to as the agreement conditions) fixed by the agreement and applicable to such worker, the contract shall in respect of any period during which the agreement is registered, have effect as if the agreement conditions were substituted for the contract conditions.

Publication of particulars in relation to employment agreements and right

**31.** —(1) When an employment agreement is registered the Court shall publish in such manner as it thinks fit notice of the registration together with such particulars of the agreement as the

to obtain copies thereof.

Court considers necessary.

(2) When a registered employment agreement is varied the Court shall publish in such manner as it thinks fit notice of the variation together with such particulars of the variation as the Court considers necessary.

(3) When the registration of an employment agreement is cancelled the Court shall publish in such manner as it thinks fit notice of the cancellation.

(4) The Court may from time to time publish in such manner as it thinks fit lists of registered employment agreements together with such particulars of the agreements as the Court considers necessary.

(5) The Court shall cause to be supplied to any person who applies therefor and pays the prescribed fee a copy of a registered employment agreement.

Breaches of registered employment agreements.

**32.**—(1) If a trade union representative of workers affected by a registered employment agreement complains to the Court that any employer of any class to which the agreement relates has failed or neglected to comply with the agreement, the following provisions shall have effect—

( a ) the Court shall consider the complaint, and shall hear all persons appearing to the Court to be interested and desiring to be heard;

( b ) if, after such consideration, the Court is satisfied that the complaint is well-founded, the Court may by order direct the said employer to do such things (including the payment of any sum due to a worker for remuneration in accordance with the agreement) as will in the opinion of the Court result in the said agreement being complied with by the said employer.

(2) If an employer or a trade union representative of employers affected by a registered employment

agreement complains to the Court that a trade union representative of workers affected by the agreement is promoting or assisting out of its funds in the maintenance of a strike which to the knowledge of the general committee of management of the trade union of workers is in contravention of the agreement and which has for its object the enforcement of a demand on an employer to grant to a worker remuneration or conditions other than those fixed by the agreement, the following provisions shall have effect—

( a ) the Court shall consider the complaint and shall hear all persons appearing to the Court to be interested and desiring to be heard;

( b ) if, after such consideration, the Court is satisfied that the complaint is well-founded—

(i) the Court may, by order, direct the said trade union of workers to refrain from assisting out of its funds in the maintenance of the said strike;

(ii) the Court may cancel the registration of the agreement.

(3) Where—

( a ) a strike continues after the Court has made an order under subsection (2) of this section in respect of the strike, and

( b ) members of a trade union of workers, whose rates of remuneration or conditions of employment are not the subject of the strike, are unable or decline to work while the strike continues,

then, the payment to those members of strike benefit in accordance with the rules of the trade union shall not be regarded, for the purposes of this section, as assisting in the maintenance of the strike.

(4) If, where an order is made by the Court under paragraph (b) of subsection (1) of this section or under subparagraph (i) of paragraph (b) of subsection (2) of this section, the direction contained in the order is not carried out, the person to whom the direction is given shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding one hundred pounds, and, in the case of a continuing offence, a further fine not exceeding ten pounds for every day during which the offence is continued.

Interpretation of registered employment agreements.

**33.**—(1) The Court may at any time, on the application of any person, give its decision on any question as to the interpretation of a registered employment agreement or its application to a particular person.

(2) A court of law, in determining any question arising in proceedings before it as to the interpretation of a registered employment agreement or its application to a particular person, shall have regard to any decision of the Court on the said agreement referred to it in the course of the proceedings.

(3) If any question arises in proceedings before a court of law as to the interpretation of a registered employment agreement or its application to a particular person, the court of law may, if it thinks proper, refer the question to the Court for its decision, and the decision of the Court thereon shall be final.

#### PART IV REGULATION BY THE COURT OF REMUNERATION AND CONDITIONS OF EMPLOYMENT OF CERTAIN WORKERS

##### *Definitions.*

Definitions for purposes of Part IV. **34.**—  
In this Part—

the expression "employment regulation order" means an order made under section 43 of this Act;

the expression "establishment order" means an order made under section 35 of this Act;

the word "inspector" means a person appointed an inspector under section 51 of this Act;

the expression "joint labour committee" means a committee established under section 35 of this Act;

the expression "statutory conditions of employment" means, in relation to a worker to whom an employment regulation order, which fixes conditions of employment, applies, the conditions of employment fixed by the order in respect of that worker;

the expression "statutory minimum remuneration" means, in relation to a worker to whom an employment regulation order, which fixes remuneration, applies, the remuneration fixed by the order in respect of that worker.

*Joint Labour Committees.*

Power of the Court to establish joint labour committees.

**35.** —Subject to the provisions of this Part, the Court may by order establish a committee to perform, in relation to the class, type or group of workers described in the order and their employers, the functions assigned to it by this Part.

Applications for establishment orders.

**36.** —An application for the establishment of a joint labour committee with respect to any workers and their employers may be made to the Court by—

( a ) the Minister, or

( b ) a trade union, or

( c ) any organisation or group of persons claiming to be representative of such workers or of such employers.

Restrictions on making establishment orders.

**37.** —The Court shall not make an establishment order in respect of any workers and their employers unless the Court is satisfied—

( *a* ) in case the application is made by an organisation or a group of persons claiming to be representative of such workers or such employers, that the claim is well-founded, and

( *b* ) that either—

(i) there is substantial agreement between such workers and their employers to the establishment of a joint labour committee, or

(ii) the existing machinery for effective regulation of remuneration and other conditions of employment of such workers is inadequate or is likely to cease or to cease to be adequate, or

(iii) having regard to the existing rates of remuneration or conditions of employment of such workers or any of them, it is expedient that a joint labour committee should be established

Inquiry into application for an establishment order.

**38.** —Where an application is duly made to the Court for an establishment order, the Court shall consider such application and, subject to section 37 of this Act, the following provisions shall have effect—

( *a* ) the Court shall, after consultation with such parties as it thinks necessary, prepare a draft establishment order (in this section referred to as the draft),

( *b* ) the Court shall publish in the prescribed manner a notice

setting out—

(i) that the Court proposes to hold an inquiry into the application,

(ii) the day (which shall not be earlier than thirty days or later than forty-five days from the date of the publication of the notice) and time and place at which the inquiry will be held,

(iii) the place where copies of the draft may be obtained,

( c ) objections to the draft may, before the date for the holding of the inquiry, be submitted to the Court, and every such objection shall be in writing and state the grounds of objections and the omissions, additions or modifications asked for,

( d ) the Court shall hold the inquiry on the day so specified in the notice and consider any objections to the draft which have been submitted in accordance with paragraph ( c ) of this section.

Making of establishment orders.

**39.** —(1) Where the Court has held, in pursuance of section 38 of this Act, an inquiry into an application for an establishment order, the Court may, subject to section 37 of this Act, if it thinks fit make the order either in terms of the draft prepared in accordance with the said section 38 or with such modifications of the said terms as it considers necessary.

(2) Where the Court makes an

establishment order, it shall publish the order in the prescribed manner, and the order shall come into operation on the date on which it is so published or such later date (not being later than fourteen days after the date on which it is so published) as is specified therein.

Revocation and variation of establishment orders.

**40.** —Where an establishment order in respect of any workers and their employers is in force, the Court, on the application (which shall specify the grounds on which it is made) of—

( a ) the Minister, or

( b ) any trade union, or

( c ) any organisation or group of persons which claims to be and is, in the opinion of the Court, representative of such workers or of such employers,

may by order abolish the joint labour committee established by such establishment order or amend such establishment order, and the provisions of section 38 and section 39 of this Act shall apply in relation to such application and to the order (if any) made under this section as if the application were an application under section 36 and the order were an establishment order.

Constitution officers and proceedings of joint labour committees.

**41.** —The provisions set out in the Second Schedule to this Act shall have effect with respect to the constitution, officers and proceedings of joint labour committees.

### *Employment Regulation Orders.*

Proposals by joint labour committees in relation to remuneration and conditions of employment.

**42.** —(1) Subject to the provisions of this section, a joint labour committee may submit to the Court proposals for fixing the minimum rates of

remuneration to be paid either generally or for any particular work to all or any of the workers in relation to whom the committee operates, and such proposals may provide for a minimum weekly remuneration for all or any of such workers.

(2) Subject to the provisions of this section, a joint labour committee may submit to the Court proposals for regulating the conditions of employment of all or any of the workers in relation to whom the committee operates.

(3) A joint labour committee shall not submit proposals under this section for revoking or amending an employment regulation order unless the order has been in force for at least six months.

Making of employment regulation orders.

**43.**—(1) Where the Court receives from a joint labour committee proposals under subsection (1) or subsection (2) of section 42 of this Act or under both those subsections, the Court shall consider them and thereupon the following provisions shall have effect—

( a ) the Court may, if it thinks fit, refer the proposals back to the committee with such observations thereon as the Court thinks proper, and in that case, the committee shall reconsider the proposals having regard to such observations and may, if it thinks fit, re-submit the proposals to the Court either without amendment or with such amendments as it thinks fit having

regard to those observations;

( *b* ) if the Court does not so refer the proposals back to the committee or, having so referred them back, the committee re-submit them to the Court with or without amendment, the Court shall publish in the prescribed manner a notice setting out—

(i) that the proposals have been submitted,

(ii) the place where copies of the proposals may be obtained, and

(iii) that representations with respect to the proposals may be made to the committee within the period of thirty days after the date of such publication;

( *c* ) where the said notice is published and any representations with respect to the proposals are made to the committee within the said period, the committee shall consider the representations and may, if it thinks fit, re-submit the proposals with or without amendment to the Court;

( *d* ) where the said notice is published and either no

representations are so made within the said period or the committee re-submits the proposals under paragraph ( c ) of this subsection, the Court may, as it thinks fit, either make an order giving effect to the proposals as from such date (subsequent to the date of the order) as the Court thinks proper and specifies in the order or refuse to make an order.

(2) As soon as the Court makes an employment regulation order, it shall publish notice of the making of the order and the contents thereof in the prescribed manner.

(3) An employment regulation order shall not prejudice any rights as to rates of remuneration or conditions of employment conferred on any worker by another Part of this Act or by any other Act.

(4) An employment regulation order may amend or revoke any previous employment regulation order.

(5) An employment regulation order may contain different provisions for different descriptions of workers.

Adaptation of contracts of service consequential upon employment regulation orders.

**44.** —(1) The employer of a worker to whom an employment regulation order applies, shall—

( a ) in case the order fixes remuneration, pay to such worker remuneration not less than the statutory minimum remuneration,

( b ) in case the order fixes conditions of employment, grant to such worker conditions of

employment not less favourable than the statutory conditions of employment.

(2) If a contract between a worker (being a worker to whom an employment regulation order, which fixes remuneration, applies) and his employer provides for the payment of less remuneration than the statutory minimum remuneration, the contract shall have effect as if the statutory minimum remuneration were substituted for the less remuneration.

(3) If a contract between a worker (being a worker to whom an employment regulation order, which fixes conditions of employment, applies) and his employer provides for conditions of employment (in this subsection referred to as the contract conditions) less favourable than the statutory conditions of employment, the contract shall have effect as if the statutory conditions of employment were substituted for the contract conditions.

Enforcement of employment regulation orders.

**45.** —(1) If an employer fails to pay to a worker (being a worker to whom an employment regulation order, which fixes remuneration, applies) remuneration not less than the statutory minimum remuneration, the employer shall be guilty of an offence under this subsection and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds.

(2) Where the employer or any other person charged, in accordance with section 50 of this Act as a person to whose act or default the offence was due has been found guilty of an offence under subsection (1) of this section consisting of a failure to pay to a worker remuneration not less than the statutory minimum remuneration, the court by which he is convicted may

order the employer to pay to the worker such sum as is found by the said court to represent the difference between the statutory minimum remuneration and the remuneration actually paid.

(3) If, in respect of any worker (being a worker to whom an employment regulation order, which fixes conditions of employment, applies), the statutory conditions of employment are not complied with by the employer—

( *a* ) the employer shall be guilty of an offence under this subsection and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds,

( *b* ) the court by which the employer is convicted may order the employer to pay to the worker such compensation as it considers fair and reasonable in respect of such non-compliance.

(4) Where proceedings are taken under subsection (1) of this section in respect of an offence consisting of a failure to pay to a worker remuneration not less than the statutory minimum remuneration, and notice of intention to avail of paragraph (*a*) of this subsection has been served with the summons, warrant or complaint—

( *a* ) evidence may, if the employer or any other person charged, in accordance with section 50 of this Act, as a person to whose act or default the offence was due is found guilty of the offence, be given of any like contravention on the part

of the employer in respect of any period during the three years immediately preceding the date of the offence, and

( *b* ) on proof of such contravention, the court before which the proceedings are taken may order the employer to pay to the worker such sum as is found by the said court to represent the difference between the amount which ought to have been paid during that period to the worker by way of remuneration, if the worker were paid remuneration in accordance with the statutory minimum remuneration, and the amount actually so paid.

(5) In any proceedings against a person under subsection (1) of this section it shall lie with such person to prove that he has paid remuneration not less than the statutory minimum remuneration.

(6) In any proceedings against a person under subsection (3) of this section it shall lie with such person to prove that he has complied with the statutory conditions of employment.

(7) The powers given by this section for the recovery of sums due by an employer to a worker shall not be in derogation of any right of the worker to recover such sums in civil proceedings.

Permits authorising employment of infirm and incapacitated persons at less than the statutory minimum remuneration.

**46.** —(1) If, as respects any worker employed or desiring to be employed in such circumstances that an employment regulation order which fixes remuneration applies or will apply to him, the appropriate joint labour committee is satisfied, on application

being made to it for a permit under this section either by the worker or the employer or a prospective employer, that the worker is affected by infirmity or physical incapacity which renders him incapable of earning the statutory minimum remuneration, the committee may, if it thinks fit, grant, subject to such conditions (if any) as it may determine, a permit authorising his employment at less than the statutory minimum remuneration, and while the permit is in force the remuneration authorised to be paid to him by the permit shall, if those conditions are complied with, be deemed, for the purposes of this Act, to be the statutory minimum remuneration.

(2) Where an employer employs any worker in reliance on any document purporting to be a permit granted under subsection (1) of this section authorising the employment of that worker at less than the statutory minimum remuneration, then, if the employer has notified the joint labour committee in question that, relying on that document, he is employing or proposing to employ that worker at a specified remuneration, the document shall, notwithstanding that it is not or is no longer a valid permit relating to that worker, be deemed, subject to the terms thereof and as respects only any period after the notification, to be such a permit until notice to the contrary is received by the employer from the committee.

Computation of remuneration.

**47.** —(1) Subject to subsection (2) of this section, any reference in this Part to remuneration shall be construed as a reference to the amount obtained or to be obtained in cash by the worker from his employer clear of all deductions in respect of any matter whatsoever, except any deductions lawfully made under any enactment for the time being in force requiring or authorising

deductions to be made from remuneration.

(2) Subject to any enactment for the time being in force, an employment regulation order may authorise specified benefits or advantages, provided for a worker by or on behalf of his employer, to be reckoned as payment of remuneration by the employer in lieu of payment in cash and such order shall define the monetary value at which every such benefit and advantage is to be reckoned.

Employers not to receive premiums from apprentices or learners.

**48.** —(1) ( *a* ) Where a worker (being a worker to whom an employment regulation order, which fixes remuneration, applies) is an apprentice or a learner, it shall not be lawful for his employer to receive directly or indirectly from him, or on his behalf or on his account, any payment by way of premium.

( *b* ) Nothing in paragraph ( *a* ) of this subsection shall apply to any such payment as is referred to therein duly made in pursuance of any instrument of apprenticeship approved for the purpose of this subsection by a joint labour committee.

(2) If any employer receives any payment by way of premium in contravention of this section he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds, and the court by which he is convicted may, in addition to the fine, order him to pay to the worker or other person by whom the payment was made the sum received by way of premium.

Records and notices.

**49.** —(1) The employer of any workers to whom an employment regulation order applies shall keep such records as are necessary to show whether or not the provisions of this Part are being complied with as respects them, and the records shall be retained by the employer for three years.

(2) The employer of any workers shall post in the prescribed manner such notices as may be prescribed for the purpose of informing them of any proposals under section 42 of this Act affecting such workers or any employment regulation order affecting such workers and shall give notice in any other manner which may be prescribed to the said workers of the said matters and of such other matters, if any, as may be prescribed.

(3) If an employer fails to comply with any of the requirements of this section, he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty pounds.

Criminal liability of agent and superior employer and special defence open to employer.

**50.** —(1) Where the immediate employer of any worker is himself in the employment of some other person and the worker is employed on the premises of that other person, that other person shall for the purposes of this Part be deemed to be the employer of the worker jointly with the immediate employer.

(2) Where an employer is charged with an offence under any section or subsection contained in this Part, he shall be entitled, upon information duly laid by him and on giving to the prosecution not less than three days' notice of his intention, to have any other person to whose act or default he alleges that the offence was due brought before the court hearing the charge at the time appointed for the hearing of the charge, and thereupon

the following provisions shall have effect—

( a ) if, after the commission of the offence has been proved, the employer proves that the offence was due to the act or the default of that other person, that other person may be convicted of the offence,

( b ) if the employer further proves that he has used all due diligence to secure that this Part and any relevant regulation or order made thereunder were complied with, he shall be acquitted of the offence.

(3) Where a defendant seeks to avail himself of subsection (2) of this section—

( a ) the prosecution, as well as the person whom the defendant charges with the offence, shall have the right to cross-examine him, if he gives evidence, and any witnesses called by him in support of his pleas and to call rebutting evidence,

( b ) the court hearing the charge may make such order as it thinks fit for the payment of costs by any party to the proceedings to any other party thereto.

(4) Where—

( a ) it appears to an inspector that an offence

has been committed in respect of which proceedings might be taken under this Part against an employer, and

( *b* ) the inspector is reasonably satisfied that the offence of which complaint is made was due to an act or default of some other person, and that the employer could establish a defence under subsection (2) of this section,

the following provisions shall have effect—

(i) the inspector may cause proceedings to be taken against that other person without first causing proceedings to be taken against the employer,

(ii) if such proceedings are so taken, that other person may therein be charged with and, on proof that the offence was due to his act or default, be convicted of the offence with which the employer might have been charged.

Inspectors.

**51.** —(1) The may appoint such and so many persons as he thinks fit to be inspectors for the purposes of this Part.

(2) Every inspector shall be furnished by the Minister with a certificate of his appointment and when exercising any of the powers conferred on him by this

Part shall, if so required by any person affected, produce such certificate to him.

Powers of Inspectors.

**52.** —(1) An inspector may, for the purpose of enforcing the provisions of this Part, do all or any of the following things, that is to say:—

( *a* ) enter at all reasonable times any premises where he has reasonable grounds for believing that any workers to whom an employment regulation order applies are employed,

( *b* ) require the production of wages sheets or other records of remuneration kept by an employer and any such records as are required by this Part to be kept by employers, and inspect and examine those sheets or records and copy any material part thereof,

( *c* ) examine with respect to any matters under this Part any person whom he has reasonable grounds for believing to be or have been a worker to whom an employment regulation order applies or the employer of any such worker and require such person or employer to answer such questions (other than questions tending to incriminate such person) as such inspector may put touching such matters and to sign a declaration of the truth of the answers to

such questions.

(2) If any person—

( *a* ) obstructs or impedes an inspector in the exercise of any of the powers conferred on such inspector by this section, or

( *b* ) refuses to produce any record which an inspector lawfully requires him to produce, or

( *c* ) prevents, or attempts to prevent any person from appearing before or being questioned by an inspector, or

( *d* ) wilfully fails or refuses to comply with any lawful requirement of an inspector under paragraph (*b*) of subsection (1) of this section,

such person shall be guilty of an offence under this subsection and shall be liable on summary conviction thereof to a fine not exceeding twenty pounds.

(3) If any person required by this Part to keep records keeps or causes to be kept, or produces or causes to be produced or knowingly allows to be produced to an inspector, any record which is false in any material respect knowing it to be false, he shall be guilty of an offence under this subsection and shall be liable on summary conviction thereof to a fine not exceeding one hundred pounds or imprisonment for a period not exceeding three months or to both such

fine and imprisonment.

(4) An inspector may institute proceedings for an offence under any section or subsection contained in this Part.

(5) ( a ) Any inspector may, if it appears to him that a sum is due from an employer to a worker (being a worker to whom an employment regulation order, which Lies remuneration, applies) on account of the payment to him of remuneration less than the statutory minimum remuneration, institute on behalf of and in the name of that worker civil proceedings for the recovery of that sum and in any such proceedings an order may be made for the payment of costs by the inspector as if he were a party to the proceedings.

( b ) The power given by paragraph ( a ) of this subsection for the recovery of sums due by an employer to a worker shall not be in derogation of any right of the worker to recover such sums in civil proceedings.

*Provisions in relation to trade boards.*

Existing trade boards to become joint labour Committees.

**53.** —Any trade board which exists immediately before the commencement of this Act shall, upon such commencement, by virtue of this section be deemed to be a joint labour committee established under this Part by an establishment order

(notwithstanding that its constitution is not in all respects in accordance with the provisions of this Act) and operating in relation to the workers and employers in relation to whom it operated immediately before such commencement.

Existing orders under the Trade Boards Acts, 1909 and 1918.

**54.** —Any order in force immediately before the commencement of this Act confirming, varying or cancelling any rate under the Trade Boards Acts, 1909 and 1918, shall continue in force and be deemed to be an employment regulation order.

Pending notices of proposals varying minimum rates of wages under the Trade Boards Acts, 1909 and 1918.

**55.** —If any notice of proposals for varying minimum rates of wages under the Trade Boards Acts, 1909 and 1918, has been duly given by a trade board before the commencement of this Act, the like proceedings may be had on those proposals as might have been had thereon if the said Acts had not been repealed by this Act, and if an order is made confirming the proposals that order shall be deemed to be an employment regulation order.

Adaptation of references to trade boards.

**56.** —References in any document (other than an enactment repealed by this Act) to a trade board shall be construed as references to a joint labour committee.

#### Determination of certain questions.

Determination of certain questions.

**57.** —(1) The Court may at any time, on the application of any person, give its decision on the question whether a particular joint labour committee operates as respects a particular

person or whether a particular employment regulation order applies to a particular person.

(2) A court of law, in determining any question arising in proceedings before it whether a particular joint labour committee operates as respects a particular person or whether a particular employment regulation order applies to a particular person, shall have regard to any decision of the Court referred to it in the course of the proceedings.

(3) If any question arises in proceedings before a court of law whether a particular joint labour committee operates as respects a particular person or whether a particular employment regulation order applies to a particular person, the court of law may, if it thinks proper, refer the question to the Court for its decision, and the decision of the Court thereon shall be final.

*Standard wages for areas.*

Standard wages for areas.

**58.**—(1) The Court, after publication, in such manner as it thinks fit, of notice of its intention, may, on its own motion or on the application of any interested party, fix, in respect of any area selected by the Court, the wage (in this section referred to as the standard wage) which, in the opinion of the Court, should be paid to a male adult worker performing in that area unskilled work for a normal working week.

(2) In fixing the standard wage for any area the Court shall have regard to the prevailing level of wages for other workers in that area.

(3) Where the Court fixes

a standard wage for any area it shall publish particulars thereof in such manner as it thinks fit.

(4) Nothing in this section shall be construed as imposing an obligation on employers in an area to pay the standard wage fixed under this section for that area.

## PART V REGISTERED JOINT INDUSTRIAL COUNCILS

Definitions  
for purposes  
of Part V.

**59.** —In this Part—

the expression "qualified joint industrial council" means an association of persons which complies with the following conditions—

( a ) that it is substantially representative of workers of a particular class, type or group and their employers,

( b ) that its object is the promotion of harmonious relations between such employers and such workers,

( c ) that its rules provide that, if a trade dispute arises between such workers and their employers a lock-out or strike will not be undertaken in support of the dispute until the dispute has been referred to the association and considered by it;

the expression "the register" means the Register of Joint Industrial Councils;

the word "registered" means registered in the register;

the expression "registered joint industrial council" means an association which is for the time being registered in the register.

Register of Joint Industrial Councils.	<b>60.</b> —The Court shall maintain a register to be known as the Register of Joint Industrial Councils.
Registration of Joint Industrial Councils.	<p><b>61.</b> —(1) Where an association claiming to be a qualified joint industrial council applies to the Court to be registered in the register, the Court shall, if satisfied that the claim is well-founded, register the association in the register.</p> <p>(2) An application by an association for registration in the register shall be accompanied by copies of its rules and such other information with respect to the association as the Court may require.</p> <p>(3) Where the Court registers an association in the register, it shall cause to be entered therein the name of the association, its principal office and the name of its secretary.</p>
Cancellation of registration.	<p><b>62.</b> —The Court shall cancel the registration in the register of any association if—</p> <p style="padding-left: 40px;">( a ) the association applies to the Court to do so, or</p> <p style="padding-left: 40px;">( b ) the Court is of opinion that the association has ceased to be a qualified joint industrial council, or has ceased to act.</p>
Inspection of rules of registered joint industrial council.	<b>63.</b> —The rules of a registered joint industrial council shall be open for public inspection at the offices of the Court at such times as may be fixed by the Court.
Appointment of chairman and secretary of a joint industrial council.	<b>64.</b> —The Court may, at the request of a registered joint industrial council, appoint the chairman and a secretary of the council.
Registered joint industrial council to be a body in respect of which section 3 of the Trade Union Act, 1942 , is applicable.	<b>65.</b> —A registered joint industrial council shall be a board in relation to which section 3 of the Trade Union Act, 1942 (No. 23 of 1942), is applicable.

## PART VI TRADE DISPUTES

"Worker"  
for the  
purposes  
of Part IV.

**66.** —In the subsequent sections of this Part the word "worker" means any person, being either a worker within the meaning of section 4 of this Act or an agricultural worker, within the meaning of the Agricultural Wages Act, 1936 (No. 53 of 1936).

Power of Court to investigate trade dispute.

**67.** —(1) Subject to the provisions of this section, where a trade dispute exists or is apprehended, the Court may investigate the dispute.

(2) The Court shall not investigate a trade dispute between persons who are represented on a registered joint industrial council unless—

( a ) the council so requests,  
or

( b ) the Court is of opinion  
that the dispute is likely to  
lead to a stoppage of work.

(3) The Court shall not investigate a dispute to which section 11 of the Electricity Supply Board (Superannuation) Act, 1942 (No. 17 of 1942), applies, except at the request of the tribunal established under section 9 of that Act.

(4) The Court shall not investigate a trade dispute in which a trade union is concerned, if the trade union establishes to the satisfaction of the Court that there is an agreement in force between the trade union and the other parties to the dispute which provides another method of determining the dispute, unless the Court is of opinion that the dispute is likely to lead to a stoppage of work.

(5) The Court shall not investigate a trade dispute between persons to whom a registered employment agreement, within the meaning of Part III of this Act, applies concerning matters to which the

agreement relates unless—

( a ) a party to the agreement so requests, or

( b ) the Court is of opinion that the dispute is likely to lead to a stoppage of work.

Recommendation by court on trade dispute.

**68.** —(1) The Court, having investigated a trade dispute, shall make a recommendation setting forth its opinion on the merits of the dispute and the terms on which, in the public interest and with a view to promoting industrial peace, it should be settled, due regard being had to the fairness of the said terms to parties concerned, and the prospects of the said terms being acceptable to them.

(2) The Court shall communicate a recommendation under this section to all the parties to the dispute and to such other persons as the Court thinks fit, and the Court may also publish the recommendation in such manner as it thinks fit.

Mediation in trade dispute by conciliation officer.

**69.** —(1) The chairman of the Court may, before the Court undertakes the investigation of a trade dispute, appoint a conciliation officer to act as mediator in the dispute for the purpose of effecting the permanent settlement thereof or such temporary settlement as will ensure that no stoppage of work shall occur pending the investigation of the dispute.

(2) The chairman of the Court may give a general authority to a conciliation officer to act as mediator in relation to trade disputes generally or trade disputes of a particular character.

Reference of trade dispute to arbitration.

**70.** —Where, a trade dispute has occurred or is apprehended, the Court, with the consent of all the parties concerned in the dispute, may refer the dispute to the arbitration of one or more persons (who shall be paid such fees as the Minister, with the consent of the Minister for

Investigation by the Court of certain trade disputes resulting in stoppage of work and power to make awards in relation thereto.

Finance, determines) or may itself arbitrate upon the dispute.

**71.** —(1) Where the Court becomes aware that a trade dispute has occurred resulting in a stoppage of work in any trade or industry the Court may investigate the dispute, if satisfied that no trade union of workers is promoting or assisting the dispute.

(2) Where the Court decides to investigate a trade dispute in accordance with this section the following provisions shall have effect—

( a ) the Court shall cause to be published in at least one newspaper circulating in the area in which the dispute has occurred notice of the time (which shall be not less than two clear days after the date of publication of such newspaper) and place at which the Court will sit to take evidence in relation to the dispute from persons concerned therein;

( b ) the Court shall, at such sitting or any adjournment thereof, take evidence in relation to the dispute from all persons, appearing before it to give evidence, who, in the opinion of the Court, are concerned in the dispute;

( c ) on hearing evidence the Court shall, as it thinks proper—

(i) decide not to take any action in regard to the dispute, or

(ii) publish a recommendation setting forth the opinion of the

Court on the merits of the dispute and the manner in which it should be settled, or

(iii) make an award (which shall not be inconsistent in its terms with a registered employment agreement, within the meaning of Part III of this Act), setting forth the conditions on which, in the opinion of the Court, the dispute should be settled.

Effect of awards under section 71.

**72.** —Whenever the Court makes an award under section 71 of this Act in relation to any workers and their employers, the following provisions shall have effect—

( a ) the award shall be in force for the period of three months commencing on the date of the award;

( b ) an employer who, otherwise than with the consent of the Court, employs or agrees to employ, during the said period, a worker under conditions inconsistent with those of the award shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding one hundred pounds.

PART VII TRANSITORY PROVISIONS IN RELATION TO WAGES  
(STANDARD RATE) ORDERS AND BONUS ORDERS UNDER EMERGENCY  
POWERS (No. 166) ORDER, 1942, AND EMERGENCY POWERS (No. 260)  
ORDER, 1943

Definitions  
for purposes  
of Part VII.

**73.** —In this  
Part—

the expression "bonus order" means an order made under Article 11 or Article 11A or Article 11 AA of Order 166 or under Article 11 of the Emergency Powers (No. 166) Order, 1942 (Fifth Amendment) Order, 1942 (S. R. & O., No. 444 of 1942) or under Article 18 or Article 19 or Article 20 or paragraph (4) of Article 21 of Order 260, which is in force immediately before the commencement of this Act;

the expression "Order 166" means the Emergency Powers (No. 166) Order, 1942 (S. R. & O., No. 121 of 1942);

the expression "Order 260" means the Emergency Powers (No. 260) Order, 1943 (S. R. & O., No. 50 of 1943);

the word "recorded" means, in relation to a wages (standard rate) order or a bonus order, recorded under section 76 of this Act;

the expression "wages (standard rate) order" means an order made under Article 10 or Article 10A of Order 166 or under Article 16 or Article 17 or paragraph (3) of Article 21 of Order 260 which is in force immediately before the commencement of this Act.

Duration of Part VII.

**74.** —(1) This Part shall continue in force for one year from the commencement of this Act and shall then expire unless further continued by regulations of the Minister under subsection (2) of this section.

(2) The Minister, after consultation with organisations representative of trade unions of workers and trade unions representative of employers, may, if he thinks fit, by regulations, made before the expiration of one year from the commencement of this Act, continue this Part for such further period as he thinks fit and specifies in the order, and in that case this Part shall continue in force until the end of the period so specified and shall then expire.

Restriction on operation of Part VII.

**75.** —This Part does not apply to workers whose remuneration is fixed by a Minister of State under any enactment for the time being in force.

Recording of wages (standard rate) orders and bonus orders.

**76.** —(1) Where an application is made to the Court by a trade union or any body of persons, which appears to the Court to be representative of workers to whom a wages (standard rate) order and a bonus order apply, to record such orders under this section, the Court shall, subject to subsection (2) of this section,

cause the said orders to be recorded.

(2) The Court shall not cause a wages (standard rate) order or a bonus order to be recorded under this section unless the application to record the order is made within the period of four months beginning on the commencement of this Act.

(3) An application under this section to record a wages (standard rate) order and a bonus order may be made by registered post and shall be accompanied by copies of the orders.

(4) The Court may appoint one, of its officers to receive applications under this section and record wages (standard rate) orders and bonus orders.

Court wages order.

**77.**—(1) An application may be made to the Court by a trade union or other body for an order fixing rates of remuneration for a class of workers to whom, immediately before the commencement of this Act, no wages (standard rate) order applied.

(2) Where an application is made to the Court under this section in respect of a class of workers, the following provisions shall have effect—

( *a* ) if the applicant appears to the Court to be representative of workers of that class, the Court shall publish notice of the application in such manner its, in the opinion of the Court, is best calculated to bring the application to the notice of all persons concerned;

( *b* ) the Court shall consider the application and shall hear all persons appearing to the Court to be concerned and desiring to be heard;

( *c* ) the Court may, as it thinks fit, refuse the application or make an order providing for such rates of remuneration for the said class of workers as the Court thinks fit;

( *d* ) where the Court makes such order—

(i) if the applicant notifies the Court, within sixteen days after the

making of the order, that the order is not acceptable, the Court shall thereupon revoke the order,

(ii) if the applicant does not so notify the Court the order shall, as on and from the expiration of the said sixteen days, have the like effect as if it were a recorded wages (standard rate) order and bonus order, and

(iii) references in the subsequent sections of this Part to wages (standard rate) orders and bonus orders shall be construed as including references to orders under this section, with the modifications that references to recording shall, in relation to an order under this section, have effect as references to the making of the order, and references to cancellation of a recording shall have effect as references to the revocation of the order.

Effect of recording of orders.

**78.**—(1) Where a wages (standard rate) order and a bonus, order are recorded, the following provisions shall, during the period during which the said orders continue to be recorded, have effect, that is to say:—

( *a* ) the employer of any worker to whom the said orders relate shall pay to such worker remuneration at a rate not less than the appropriate rate specified in the wages (standard rate) order, together with the bonus specified in the bonus order;

( *b* ) If a contract between any worker to whom the said orders relate and his employer provides for payment of remuneration at a rate (in this paragraph referred to as the contract rate) less than the rate specified in the wages (standard rate) order, together with the bonus specified in the bonus order, the contract shall, in respect of the said period have

effect as if it provided for payment of remuneration at the rate specified in the wages (standard rate) order together with the said bonus in lieu of the contract rate;

( *c* ) if a trade union of workers complains to the Court that an employer has, in respect of any worker to whom the said orders relate, failed or neglected to comply with paragraph (*a*) of this subsection—

(i) the Court shall consider the complaint, and shall hear all persons appearing to the court to be interested and desiring to be heard,

(ii) if, after such consideration, the Court is satisfied that the complaint is well-founded, the Court may by order direct the said employer to pay any sum due to the worker for remuneration in accordance with the orders;

( *d* ) if an employer to whom the said orders relate or a trade union representative of such employers complains to the Court that a trade union of workers is promoting or assisting out of its funds in the maintenance of a strike which to the knowledge of the general committee of management of the trade union of workers has for its object the enforcement of a demand on an employer to pay to a worker to whom the orders relate remuneration other than that provided by the orders, the following provisions shall have effect:—

(i) the Court shall consider the complaint and shall hear all persons appearing to the Court to be interested and desiring to be heard;

(ii) if, after such consideration, the Court is satisfied that the complaint is well-founded—

(I) the Court may, by order, direct the said trade union of workers to refrain from assisting out of its funds in the maintenance of the said strike;

(II) the Court may cancel the recording of the orders.

(2) Where—

( *a* ) a strike continues after the Court has made an order under subsection (1) of this section in respect of the strike, and

( *b* ) members of a trade union of workers whose rates of remuneration are not the subject of the strike, are unable or decline to work while the strike continues,

then, the payment to those members of strike benefit in accordance with the rules of the trade union shall not be regarded, for the purposes of this section, as assisting in the maintenance of the strike.

(3) If, where an order is made by the Court under subparagraph (ii) of paragraph (c) of subsection (1) of this section or under clause (I) of subparagraph (ii) of paragraph (d) of subsection (1) of this section, the direction contained in the order is not carried out, the person to whom the direction is given shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding one hundred pounds and, in the case of a continuing offence, a further fine not exceeding ten pounds for every day during which the offence is continued.

Applications for variation of recorded wages (standard rate) orders and bonus orders.

**79.** —Where a wages (standard rate) order and bonus order have been recorded, the following provisions shall have effect—

( *a* ) application may be made from time to time by trade unions and other bodies for an increase in the rates of remuneration specified in the orders;

( *b* ) if any such applicant appears to the Court to be representative of workers to whom the orders relate, the Court shall publish notice of the application in such manner as, in the opinion of the Court, is best calculated to bring the application to the notice of all persons concerned;

( *c* ) the Court shall consider the application and shall hear all persons appearing to the Court to be concerned and desiring to be heard;

( *d* ) the Court may, as it thinks fit, refuse the application or make an order providing for such increased rates of remuneration as it thinks fit;

( *e* ) if the Court makes such order, it shall specify in the order the trade unions of workers or bodies representative of workers (in this section referred to as interested parties) who shall be entitled to require the revocation of the order or the cancellation of the recording of the wages (standard rate) order and the bonus order in accordance with this section;

( *f* ) if any interested party, within sixteen days after the making of the order, notifies the Court either—

(i) that it requires the order to be revoked, or

(ii) that it requires the order to be revoked and the recording to be cancelled,

the Court shall comply with the requirement;

( *g* ) if an interested party does not so notify the Court, the wages (standard rate) order and the bonus order shall, as on and from the expiration of the said sixteen days, have, for the purposes of section 78 of this Act, effect as if they were amended in accordance with the terms of the order so made by the Court;

( h ) if the Court refuses the application it shall specify the trade unions or bodies who shall be entitled to reject the refusal, and, if within sixteen days after the refusal, any such trade union or body notifies the Court that it rejects the refusal, the Court shall thereupon cancel the recording of the wages (standard rate) order and the bonus order.

Cancellation of recording of wages (standard rate) order and bonus order.

**80.** —(1) Where an employment agreement, within the meaning of Part III of this Act, relating to remuneration is registered under the said Part III, the Court shall thereupon cancel the recording of any wages (standard rate) order and bonus order which in the opinion of the Court relate to the same class of workers as that to which the said agreement applies.

(2) The Court, if satisfied, on the complaint of any person, that the recording of a wages (standard rate) order and bonus order was obtained on the application of a trade union or body which did not represent the majority of the workers to whom the said orders relate, may cancel the recording.

Publication of Particulars.

**81.** —(1) When a wages (standard rate) order and a bonus order are recorded the Court shall publish in such manner as it thinks fit notice of the recording together with such particulars of the orders as the Court considers necessary.

(2) When a wages (standard rate) order and bonus order are varied by order under section 79 of this Act the Court shall publish in such manner as it thinks fit notice of the variation together with such particulars of the variation as the Court considers necessary.

(3) When the recording of a wages (standard rate) order and bonus order is cancelled the Court shall publish in such manner as it thinks fit notice of the cancellation.

Determination or certain questions.

**82.** —(1) The Court may at any time, on the application of any person, give its decision on any question as to the interpretation of a wages (standard rate) order and bonus order or their application to a particular person.

(2) A court of law, in determining any question arising in proceedings before it as to the interpretation of a wages (standard rate) order and bonus order or their application to a particular person shall have

regard to any decision of the Court on the said orders referred to it in the course of the proceedings.

(3) If any question arises in proceedings before a court of law as to the interpretation of a wages (standard rate) order and bonus order or their application to a particular person, the court of law may, if it thinks proper, refer the question to the Court for its decision, and the decision of the Court thereon shall be final.

*Section 8.*

FIRST SCHEDULE

ENACTMENTS REPEALED.

Session and chapter or Number and Year	Short title	Extent of Repeal
59 & 60 Vic., c. 30.	The Conciliation Act, 1896.	The whole Act.
9 Ed. VII, c. 22.	The Trade Boards Act, 1909.	The whole Act.
3 & 4 Geo. V, c. clxii.	The Trade Boards Provisional Orders Confirmation Act, 1913.	The whole Act.
8 & 9 Geo. V, c. 32.	The Trade Boards Act, 1918.	The whole Act.
9 & 10 Geo. V, c. 69.	The Industrial Courts Act, 1919.	The whole Act.
No. 2 of 1936.	The Conditions of Employment Act, 1936 .	Section 50.
No. 4 of 1938.	The Shops (Conditions of Employment) Act, 1938 .	Part V.

*Section 41.*

SECOND SCHEDULE

CONSTITUTION, OFFICERS AND PROCEEDINGS OF JOINT LABOUR COMMITTEES.

1. In this Schedule, the word "committee" means a joint labour committee.

2. (1) A committee shall consist of—

( a ) members (in this Schedule referred to as independent members) appointed by the Minister and chosen as being independent persons, being—

(i) a chairman and

(ii) not more than two other persons, and

( b ) members (in this Schedule referred to as representative members) appointed by the Court being—

(i) such number, as the Court thinks fit, of persons (in this Schedule referred to as representative (employers) members) who, in the opinion of the Court, represent employers in relation to whom the committee is to operate, and

(ii) an equal number of persons (in this Schedule referred to as representative (workers) members) who, in the opinion of the Court, represent workers in relation to whom the committee is to operate.

(2) Before appointing a representative member of a committee the Court shall, so far as is reasonably practicable, consult any organisation of employers or, as the case may be, workers concerned.

(3) Every independent member of a committee shall hold office during the pleasure of the Minister.

(4) Where a representative member of a committee ceases, in the opinion of the Court, to be representative of the employers or, as the case may be workers, whom he was appointed to represent, the Court shall determine his membership.

(5) The Court may, in its discretion, determine the membership of any representative member of a committee.

(6) Where the membership of any representative member of a committee is determined, such member shall cease to be a member of the committee.

3. Such officers and servants as are required to assist a committee in the exercise of its functions shall be provided from the officers and servants of the Court.

4. The proceedings of a committee shall not be invalidated by reason of any vacancy therein or of any defect in the appointment of a member.

5. In order to constitute a meeting of a committee at least one independent member and at least one-third of the whole number of the representative members must be present.

6. (1) Subject to the provisions of this paragraph, every member of a committee shall have one vote.

(2) If at any meeting of a committee the group of representative (employers) members present does not equal in number the group of representative (workers) members present—

( a ) whichever of the said groups is in the majority may arrange that any one or more of its number shall refrain from voting so as to preserve equality,

( b ) if no such arrangement is made, the chairman of the committee or, in his absence, the person who is acting as chairman of the meeting, may adjourn the voting on any question to another meeting of the committee.

(3) At a meeting of a committee, the chairman of the committee, or, in his absence, the person who is acting as chairman of the meeting shall have a second or casting vote on any question on which the voting is otherwise equal.

7. (1) A committee shall meet at such places and times as it may from time to time determine to be suitable for the discharge of its functions under this Act, and may adjourn any of its meetings.

(2) A committee shall, save as otherwise provided by this Act, adopt such procedure at its meetings and otherwise, as it may determine to be suitable for the discharge of its functions under this Act.

8. (1) A committee, with the consent of the Court, may appoint sub-committees to assist it.

(2) A sub-committee of a committee may consist of members of the committee and such other persons as the committee with the concurrence of the Court may appoint.

(3) A district trade committee established under the Trade Boards Acts, 1909 and 1918, established by a committee when it was a trade board shall be deemed to be a sub-committee appointed by the committee under subparagraph (1) of this paragraph.

9. Any member of the Court may be present at a meeting of a committee and shall have the right to take part in the proceedings but shall not have the right to vote.

10. Members of a committee or of a sub-committee, may be paid such remuneration and allowances (including compensation for loss of time) as the Minister, with the consent of the Minister for Finance, may determine.