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## CHAPTER 361

## TRADE UNIONS

*An Act to consolidate and revise the law relating to trade unions.* 1964-2.  
LN 168/  
1967.  
1974-18.  
1974-40.  
1982-54.  
1988-6.

[1st April, 1964] Commence-  
ment.

1. This Act may be cited as the *Trade Unions Act*.

Short title.

2. For the purposes of this Act, the expression  
"employer" means

Interpre-  
tation.

(a) a person who has entered into a contract to employ a workman;

(b) the agent, foreman, manager or factor of a person who has entered into a contract to employ a workman;

(c) the Crown, with respect to any person employed in a civil capacity thereunder and, subject to section 44, any other person employed by or under the Crown;

(d) a public officer or any other person who has, on behalf of the Crown entered into a contract to employ a workman;

"Registrar" means the registrar of trade unions appointed under this Act;

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

"rules" means rules made by a trade union as authorised by this Act;

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"trade dispute" means any dispute between employers and workmen, or between workmen and workmen, which is 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 any combination, whether temporary or permanent, the principal purposes of which are under its constitution the regulation of the relations between workmen and employers, or between workmen and workmen, or between employers and employers, whether such combination would or would not, if this Act had not been enacted, have been deemed to have been an unlawful combination by reason of some one or more of its purposes being in restraint of trade;

"workman" means any person who has entered into or works under a contract with an employer, whether the contract be by way of manual labour, clerical work or otherwise, be expressed or implied, oral or in writing, and whether it be a contract of service or of apprenticeship or a contract personally to execute any work or labour, and includes any person who is employed in a civil capacity under the Crown and, subject to section 44, any other person employed by or under the Crown in the same manner as if such person were employed by or under a private person.

Exemptions. **3.** Nothing in this Act shall

(a) affect

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

(b) preclude any trade union from providing benefits for its members.

4. (1) 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.

When objects of trade union not unlawful.

(2) 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.

5. (1) An agreement or combination by two or more persons to do or procure to be done any act in contemplation or furtherance of a trade dispute shall not be indictable as a conspiracy if such act committed by one person would not be punishable as a crime.

Conspiracy in connection with trade disputes.

(2) An act done in pursuance of an agreement or combination by two or more persons shall, if done in contemplation or furtherance of a trade dispute, not be actionable unless the act, if done without any such agreement or combination, would be actionable.

(3) Nothing in this section shall exempt from punishment any persons guilty of a conspiracy for which a punishment is awarded by any law in force in the Island.

(4) Nothing in this section shall affect the law relating to riot, unlawful assembly, breach of the peace or sedition or any offence against the State or the Crown.

(5) A crime for the purposes of this section means an offence punishable on indictment or an offence which is punishable on summary conviction, and for the commission of which the offender is liable under the enactment making the offence punishable to be imprisoned either absolutely or at the discretion of the court as an alternative for some other punishment.

(6) Where a person is convicted of any such agreement or combination as aforesaid to do or procure to be done an act which is punishable only on summary conviction and is sentenced to imprisonment, the imprisonment shall not exceed three months, or such longer time, if any, as may have been prescribed by the enactment for the punishment of the said act when committed by one person.

When trade union contracts not enforceable.

6. (1) Nothing in this Act shall enable any court to entertain any legal proceedings instituted with the object of directly enforcing or recovering damages for the breach of any agreement —

(a) between members of a trade union as such concerning the conditions on which any members for the time being of the trade union shall or shall not sell their goods, transact business, employ or be employed; or

(b) for the payment by any person of any subscription or penalty to a trade union; or

(c) for the application of the funds of a trade union —

(i) to provide benefits to its members; or

(ii) to furnish contributions to any employer or workman not a member of that trade union, in consideration of the employer or workman acting in conformity with the rules or resolutions of that trade union; or

(iii) to discharge any fine imposed upon any person by sentence of a court; or

(d) made between one trade union and another; or

(e) any bond to secure the performance of any of the agreements mentioned in this section.

(2) Nothing in this section shall be deemed to constitute any of the agreements mentioned therein unlawful.

Prohibition of actions of tort against trade unions.

7. (1) An action against a trade union, whether of workmen or employers, 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 16, except in respect of any tortious act committed by or on behalf of the trade union in contemplation or furtherance of a trade dispute.

8. An act done by a person in contemplation or furtherance of a trade dispute shall not be actionable on the ground only that it induces some other person to break a contract of employment or that it is an interference with the trade, business or employment of some other person or with the right of some other person to dispose of his capital or his labour as he wishes.

Removal of liability for interfering with another person's business, etc.

8A. An Act done after 18th November, 1974<sup>1</sup> by a person in contemplation or furtherance of a trade dispute shall not be actionable in tort on the ground only

Certain acts not actionable in tort as delicts. 1974-40.

- (a) that it induces another person to break a contract to which that other person is a party or prevents another person from performing such a contract; or
- (b) that it consists in his threatening
  - (i) that a contract (whether one to which he is a party or not) will be broken or will be prevented from being performed, or
  - (ii) that he will induce another person to break a contract to which that other person is a party or will prevent another person from performing such a contract,

or be capable of giving rise to an action of reparation on any such ground only.

9. The following Acts, that is to say

- (a) the *Friendly Societies Act*; and
- (b) the *Companies Act*,

*Friendly Societies Act* and *Companies Act* not to apply to trade unions. Cap. 379. Cap. 308. 1982-54.

shall not apply to a trade union, and the registration of any trade union under either of the said Acts shall be void.

<sup>1</sup>Being the effective date of commencement of the Trade Union (Amendment) Act, 1974-40.

1988-6. **10.** The Registrar may receive such fees as may be fixed by the regulations.

Register of trade unions. **11.** The Registrar shall keep a register of all trade unions registered under this Act in the form required by the regulations and shall discharge all the duties required by this Act and by the regulations.

Compulsory registration. **12.** (1) Every trade union shall be registered in accordance with this Act or be dissolved within 3 months of the date

(a) of its formation; or

(b) of any notification by the Registrar that he has refused under subsection (3) of this section or paragraph (d) of section 21 to register the trade union.

(2) Any 7 or more members of a trade union may by subscribing their names to the rules of the trade union, and otherwise complying with the provisions of this Act with respect to registration, register such trade union under this Act.

(3) Where any of the purposes of a trade union is unlawful, such trade union shall not be registered; and, if registered, such registration shall be void.

(4) Every trade union which is not registered or dissolved within the period prescribed in subsection (1), and every officer thereof, is guilty of an offence punishable on conviction thereof by a magistrate's court with a fine of \$25 for every day it remains unregistered after the expiration of such period.

Trade unions may purchase, take on lease, sell, exchange, mortgage or let land. **13.** (1) Any trade union registered under this Act may purchase or lease, in the names of the trustees for the time being of the trade union, any land, and may sell, exchange, mortgage or let the land, and no purchaser, assignee, mortgagee or tenant shall be bound to enquire 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.

(2) For the purposes of this section every branch of a trade union shall be considered a distinct union.

**14. (1)** All real and personal property whatsoever belonging to any trade union registered under this Act shall be vested in the trustees for the time being of the trade union, appointed as provided by this Act, for the use and benefit of the trade union and the members thereof, and the real or personal property of any branch of a trade union shall be vested in the trustees of that 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 interest.

Property of  
trade unions  
vested in  
trustees of  
trade unions.

(2) Upon the death or removal of any such trustees, the property 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, except in the case of stocks and securities in the public funds of the Island, which shall be transferred to the names of the new trustees.

(3) In all actions, or suits or indictments or summary proceedings before any court touching or concerning any such property, the same shall be stated to be the property of the 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.

**15. (1) Where —**

- (a) a person is or has been a trustee of a trade union registered under this Act or of any branch of such trade union, whether he was appointed as such before or after the legal establishment of that trade union or branch; and
- (b) there is standing in the name of such person, either jointly with another or others, or solely, any stock, moneys or securities belonging to such trade union or branch there-

Absence or  
disability of  
trustees.

of that is transferable at any bank in the Island,  
and such person is absent from the Island or —

- (i) becomes bankrupt; or
- (ii) files any petition or executes any deed for liquidation of his affairs by assignment or arrangement or for composition with his creditors; or
- (iii) becomes a person certified to be insane or otherwise adjudged to be of unsound mind; or
- (iv) is dead; or
- (v) has been removed from his office of trustee; or
- (vi) it is not known whether such person is living or dead,

the Registrar on application in writing from the secretary and three members of the said trade union or branch thereof and on proof satisfactory to him, may direct the transfer of the stock, moneys or securities into the names of any other person as trustees for that trade union or branch thereof.

(2) A transfer referred to in subsection (1) shall be made by the surviving or continuing trustees, and where there is no such trustee or such trustee refuses or is unable to make such transfer and the Registrar so directs, then by the manager of any bank at which the said stocks, moneys or securities are transferable; and such bank is hereby indemnified for anything done by it or any of its officers in pursuance of this provision against any claim or demand of any person injuriously affected thereby.

Trustees of  
trade unions  
may sue and  
be sued.

**16. (1)** The trustees of any trade union registered under this Act, or any other officer of such trade union authorised to do so 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, touching or concerning the property, right or claim to property of the trade union and shall and may, in all cases concerning the real or personal property of such trade union, sue and be sued, plead and be impleaded, in any court, in their proper names, without other description than the title of their office.

(2) No action, suit, prosecution or complaint referred to in subsection (1) shall be discontinued or shall abate by the death,

resignation or removal from office of the said 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 trustees or other officer may be served by leaving the same at the registered office of the trade union.

17. A trustee of any trade union registered under this Act 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 are actually received by him on account of such trade union.

Liability of  
trustees of  
trade unions.

18. (1) Every treasurer or other officer of a trade union registered under this Act, at such times as by the rules of their trade union he should render such account as hereinafter mentioned or upon being required to do so, shall render to the trustees of the trade union, or to the members thereof, 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 securities of such trade union, which account the trustees shall cause to be audited by some fit and proper person or persons appointed by the Registrar.

Accounts  
and audit.

(2) The treasurer, if so required, upon the account being audited, shall forthwith hand over to the trustees the balance which on such audit appears to be due from him and shall also, if required, hand over to the trustees all securities and effects, books, papers and property of the trade union in his hands or custody.

(3) Where the treasurer fails to do so, the trustees of the trade union may sue him in any 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 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 trade union; and in such action the trustees shall be entitled to recover their full costs of suit, to be taxed as between attorney-at-law and client.

Withholding  
or misapply-  
ing trade  
union  
effects.

19. (1) Subject to subsection (2), where any officer or member of a trade union registered under this Act, or the nominee, executor, administrator or assignee of a member of that trade union, or any other person representing himself to be a member of that trade union, or any other person whatsoever—

- (a) by false representation or imposition obtains possession of any moneys, securities, books, papers or other effects of the trade union; or
- (b) having the same in his possession, wilfully withholds or fraudulently misapplies the same; or
- (c) wilfully applies any part of the same to purposes other than those expressed or directed in any rule of the trade union,

a magistrate, upon a complaint made by any person on behalf of such trade union or by the Registrar, may order such officer, member or other person —

- (i) to deliver up all such moneys, securities, books, papers or other effects to the trade union; or
- (ii) to repay the amount that was improperly applied; and
- (iii) to pay, if the magistrate 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 or costs, the magistrate may order the officer, member or other person to be imprisoned for three months.

(2) Nothing in subsection (1) shall prevent any trade union referred to in that subsection from proceeding by indictment against any officer, member or other person referred to in the subsection; but no such person shall be proceeded against by indictment if a conviction has previously been obtained for the same offence under this Act.

**20. (1) Where any officer of a trade union is convicted under section 19, such officer shall —**

- (a) from the date of such conviction, cease to hold whatever office he held in the trade union at the time when he was so convicted; and
  - (b) from and after the date of such conviction not be eligible to hold any office in the trade union.
- (2) A person who —

- (a) holds or appoints any person to an office in a trade union; or
- (b) knowingly permits any person to hold such an office,

in contravention of subsection (1), is guilty of an offence and liable on conviction thereof by a magistrate's court to a fine of five hundred dollars and to a further fine of fifty dollars for each day during which the offence continues and, in default of payment of any such fine, to imprisonment for six months.

**21. With respect to the registration under this Act of a trade union, and of the rules thereof, the following provisions shall have effect, that is to say—**

- (a) 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;
- (b) the Registrar, upon being satisfied that the trade union has complied with the regulations respecting registration in force under this Act shall register such trade union and such rules;
- (c) 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;
- (d) 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 the purposes set forth in the definition of the expression "trade union" in section 2, and may withdraw the certificate of registration of any such registered trade

No person to hold office in trade union after conviction under section 19.

Registration of trade unions.

union if the constitution of the trade union has been altered in such a manner that, in his opinion, the principal objects of the trade union are no longer the purposes set forth in that definition, or if in his opinion the objects for which the trade union is actually carried on are not in keeping with those purposes. When the Registrar refuses to register a trade union, he shall forthwith inform the applicants in writing of the grounds of his refusal;

- (e) any person aggrieved by any refusal of the Registrar to register a combination as a trade union, or by the withdrawal or cancellation of a certificate of registration, may appeal to the High Court within the time and in the manner and on the condition directed by rules of court;
- (f) the Registrar, upon registering such trade union, shall issue a certificate of registration, which certificate, unless proved to have been withdrawn or cancelled, shall be conclusive evidence that the provisions of this Act or of any regulations with respect to registration have been complied with.

1974—40.

Rules of registered trade unions.

**22.** With respect to the rules of a trade union registered under this Act, the following provisions shall have effect, that is to say —

- (a) the rules of every such trade union shall contain provision in respect of the several matters mentioned in the First Schedule;
- (b) a copy of the rules shall be delivered by the trade union to every person on demand on payment of a sum not exceeding sixty cents;
- (c) alteration of the rules of a registered trade union shall be registered with the Registrar and shall take effect from the date of registration unless some later date is specified in the rules.

First Schedule.

Trade unions to have registered offices.

**23.** (1) Every trade union registered under this Act shall have a registered office to which all communications and notices may be addressed; if any trade union registered under this Act is in operation for seven days without having such an office, such trade union and every officer thereof is guilty of an offence

punishable on conviction thereof by a magistrate's court with a fine of twenty-five dollars for every day during which it is so in operation.

(2) Notice of the situation of such registered office, and of any change therein, shall be given to the Registrar and recorded by him, and until such notice is given the trade union shall not be deemed to have complied with this Act.

**24.** (1) No certificate of registration of a trade union shall be withdrawn or cancelled otherwise than by the Registrar, and in the following cases; namely —

Withdrawal or cancellation of certificate of registration.

- (a) at the request of the trade union, to be evidenced in the manner from time to time directed by him;
- (b) on proof to the satisfaction of the Registrar that —
  - (i) a certificate of registration has been obtained by fraud or by mistake; or
  - (ii) the registration of the trade union has become void under section 12; or
  - (iii) such trade union has wilfully and after notice from the Registrar violated any of the provisions of this Act or has ceased to exist;
- (c) under paragraph (d) of section 21.

(2) Subject to subsection (3), where the Registrar proposes to withdraw or cancel the certificate of registration of a trade union, he shall, except at the request of the trade union, give to the trade union before he withdraws or cancels the said certificate of registration, not less than two months' previous notice thereof in writing specifying briefly the ground of such proposed withdrawal or cancellation.

(3) Where the certificate of registration of a trade union is shown to have become void under and by virtue of subsection (3) of section 12, the Registrar shall forthwith cancel that certificate.

(4) A trade union whose certificate of registration has been withdrawn or cancelled shall, from the time of such withdrawal or cancellation, cease to enjoy as such the privileges of a registered trade union and shall be dissolved and shall

proceed to wind up its affairs, but without prejudice to any liability actually incurred by such trade union, which may be enforced against the same as if such withdrawal or cancellation had not taken place.

(5) Where after the withdrawal or cancellation of its certificate of registration a trade union continues in active operation for any purpose other than that of winding up its affairs, every secretary, trustee, member of the committee or other officer of the trade union remaining in office or taking any active part in its operations is guilty of an offence and liable on conviction thereof by a magistrate's court to a penalty of five dollars for every day during which such trade union continues in active operation.

Membership of minors. 1974—18.

25. A person under eighteen years of age but above sixteen years of age may be a member of a trade union, unless provision is made in the rules thereof to the contrary and may, subject to those rules, enjoy all the rights of a member except as otherwise provided in this section and execute all instruments and give all acquittances necessary to be executed or given under the rules; but such person shall not be a member of the committee of management, trustee or treasurer of the trade union.

Nomination of payee by certain minors.

26. A member of a trade union who is not under sixteen years of age may, by writing under his hand delivered at or sent to the registered office of the trade union, nominate any person, who is not an officer or servant of the trade union (except, being such officer or servant, such person 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 fifty 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 any amount due to the deceased member not exceeding the sum of two hundred and fifty dollars.

Change of name of trade union.

27. (1) Notice of any change of name of a trade union made in accordance with this Act and the rules of such trade union shall



be published by the Registrar in the *Official Gazette* not less than fourteen days before the day on which the Registrar registers such change of name.

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

28. Any two or more trade unions may, by the consent of not less than two-thirds of the members of each of those trade unions, 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 the right of a creditor of either or any trade union that is a party to such amalgamation.

Amalgamation of trade unions.

29. Notice in writing of every change of name or amalgamation, signed —

Registration of changes of name and of amalgamations.

(a) 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 declaration by such secretary that the provisions of this Act in respect of changes of names have been complied with; and

(b) in the case of an amalgamation, by seven members and countersigned by the secretary of each trade union that is a party thereto, and accompanied by a declaration by each such secretary that the provisions of this Act in respect of amalgamations have been complied with,

shall be sent to the Registrar, and until such change of name or amalgamation is so registered the same shall not take effect.

30. The rules of every trade union shall provide for the manner of dissolving such trade union and notice of every dissolution of a trade union under the hand of the secretary and seven members of the trade union shall be sent, within fourteen days after such dissolution, to the Registrar and shall be registered by him.

Dissolution.

Failure to give notice or to send documents required by this Act to be given or sent.

**31.** A trade union which fails to give any notice or send any document which by this Act it is required to give or send, and every officer or other person bound by the rules thereof to give or send the same, or, where there is no such officer, then every member of the committee of management of the trade 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 conviction thereof by a magistrate's court 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 Registrar.

**32. (1)** A general statement of the receipts, funds, effects and expenditure of every trade union registered under this Act shall be transmitted to the Registrar before the first day of June in every year and that statement —

- (a) shall show fully the assets and liabilities of the trade union at the date to which the statement is made out as well as the receipts and expenditure of the trade union during the year preceding that date;
- (b) shall show separately the expenditure in respect of the several objects of the trade union;
- (c) shall be prepared and made up to such date, in such form and shall comprise such particulars as the Registrar may from time to time require.

(2) Every member of and depositor in a trade union registered under this Act shall be entitled to receive, on application to the treasurer or secretary of that trade union, a copy of the general statement referred to in subsection (1) as respects that trade union without making any payment for the same.

(3) 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 to which the general statement is made out.

(4) 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 conviction thereof by a

magistrate's court to a penalty of twenty-five dollars for each offence.

(5) 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 new rules or alterations of rules shall for each offence on conviction by a magistrate's court be liable to a penalty of two hundred and fifty dollars.

**33.** The annual reports with respect to the matters transacted by the Registrar in pursuance of this Act shall be laid before both Houses. Registrar's reports for Parliament.

**34.** A person is guilty of an offence and liable on conviction thereof by a magistrate's court to a penalty of fifty dollars if with intent to mislead or defraud — Circulating false copies of rules.

- (a) he gives to any member of a trade union registered under this Act or to any person intending or applying to become a member of such trade union, a copy of any rules or of any alterations or amendments thereof 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
- (b) he 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 Act which is not so registered.

**35.** (1) The funds of a trade union shall not be applied either directly or in conjunction with any other trade union, association or body, or otherwise indirectly, in the furtherance of any political object, other than the political objects specified in this section, and unless the furtherance of those objects or any one or more of them has been approved as an object of the trade union by a resolution for the time being in force passed on ballot of the members of the trade union taken in accordance with this section for the purpose by a majority of the members voting; and where such a resolution is in force, unless rules to be approved by the Registrar are in force providing — Restrictions on applications of funds for certain political purposes.

- (a) that any payment in the furtherance of those objects is to be made out of a separate fund (in this Act referred to as the political fund of a trade union);
- (b) that a member who is exempt (in the manner hereinafter specified) from the obligation to contribute to the political fund of the trade union shall not be excluded from any benefits of the trade union, or placed in any respect either directly or indirectly under any disability or at any disadvantage as compared with other members of the trade union (except in relation to the control or management of the political fund) by reason of his being so exempt, and that contribution to the political fund of the trade union shall not be made a condition for admission into the trade union.

(2) Where any member of a trade union alleges that he is aggrieved by a breach of any rule made in pursuance of this section, he may complain to the Registrar, and the Registrar, after giving the complainant and any representative of the trade union an opportunity of being heard, may, if he considers that such a breach has been committed, make such order for remedying the breach as he thinks just under the circumstances; and, subject to subsection (2A), any such order of the Registrar —

1974—40.

- (a) shall be binding on all parties; and
- (b) on being recorded in the office of the Registrar of the Supreme Court, may be enforced as if it had been an order of the High Court.

1974—40.

(2A) A complainant or trade union aggrieved by an order of the Registrar made under subsection (2) may appeal to the High Court within the time, in the manner and subject to the conditions prescribed by rules of court and the High Court may affirm, vary or reverse the order.

(3) The political objects to which this section applies are the expenditure of money —

- (a) on the payment of any expenses incurred either directly or indirectly by a candidate or prospective candidate for election to the House of Assembly or to any public office,

before, during or after the election in connection with his candidature or election; or

- (b) on the holding of any meeting or the distribution of any literature or documents in support of any such candidate or prospective candidate; or
- (c) in connection with the registration of electors or the election of a candidate for the House of Assembly or any public office; or
- (d) on the holding of political meetings of any kind or on the distribution of political literature or political documents of any kind unless the main purpose of the meetings or of the distribution of the literature or documents is the furtherance of the purposes set forth in the definition of the expression "trade union" in section 2.

The expression "public office" in this subsection means the office of a member of any public body with power to raise money, either directly or indirectly, by means of a rate.

(4) A resolution under this section approving political objects as an object of a trade union shall take effect as if it were a rule of the trade union and may be rescinded in the same manner and subject to the same provisions as such a rule.

(5) The provisions of this section as to the application of the funds of a trade union for political purposes shall apply to a trade union which is in whole or in part an association or combination of other trade unions as if the individual members of the component trade unions were the members of that trade union and not of the said trade unions; but nothing in this section shall prevent any such component trade union from collecting from any of their members who are not exempt on behalf of the association or combination any contribution to the political fund of the association or combination.

(6) A ballot for the purpose of this section shall be taken in accordance with the rules of the trade union to be approved for the purpose by the Registrar, but the Registrar shall not approve any such rules unless he is satisfied that every member has an equal right and, if reasonably possible, a fair opportunity of voting and that the secrecy of the ballot is properly secured.

(7) Any person who acts in contravention of any of the provisions of this section is guilty of an offence and liable on conviction thereof by a magistrate's court to a fine of nine hundred and sixty dollars or to be imprisoned for twelve months or to both such fine and such imprisonment.

Notice of objection to contribute towards political objects. Second Schedule.

**36.** (1) A member of a trade union may at any time give notice, in the form set out in the Second Schedule, or in a form to the like effect, that he objects to contribute to the political fund of the trade union, and, on the adoption of a resolution of the trade union approving the furtherance of political objects as an object of the trade union, notice shall be given to the members of the trade union acquainting them that each member has a right to be exempt from contributing to the political fund of the trade union, and that a form of exemption notice can be obtained by or on behalf of a member either by application at or by post from the head office or any branch office of the trade union or the office of the Registrar.

(2) Any such notice to members of the trade union shall be given in accordance with rules of the trade union approved for the purpose by the Registrar, having regard in each case to the existing practice and to the character of the trade union.

Member on giving notice to be exempt from political fund.

**37.** On giving notice in accordance with this Act of his objection to contribute, a member of a trade union shall be exempt, so long as his notice is not withdrawn, from contributing to the political fund of the trade union as from the first day of January next after the notice is given, or, in the case of a notice given within one month after the notice given to members under section 36 on the adoption of a resolution approving the furtherance of political objects, as from the date on which the member's notice is given.

Mode of giving effect to exemption from contribution to political fund.

**38.** Effect may be given to the exemption of members to contribute to the political fund of a trade union either by a separate levy of contributions to that fund from the members of the trade union who are not exempt (and in that case the rules shall provide that no moneys of the trade union other than the amount raised by such separate levy shall be carried to that fund) or by relieving any members who are exempt from the

payment of the whole or any part of any periodical contributions required from the members of the trade union towards the expenses of the trade union, and, in that case, the rules shall provide that the relief shall be given as far as possible to all members who are exempt on the occasion of the same periodical payment and for enabling each member of the trade union to know as respects any such periodical contribution, what portion, if any, of the sum payable by him is a contribution to the political fund of the trade union.

**39.** It shall be lawful for one or more persons, appointed by the trade union, the firm or the individual employer directly concerned in contemplation or furtherance of a trade dispute, to attend at or near a house or place where a person resides or works or carries on business or happens to be, if they so attend merely for the purpose of peacefully obtaining or communicating information or of peacefully persuading any person to work or abstain from working.

Peaceful picketing.

**40.** Every person who, with a view to compelling any other person to abstain from doing or to do any act which such other person has a legal right to do or abstain from doing, wrongfully and without legal authority—

Intimidation or annoyance.

- (a) uses violence to or intimidates such other person or his wife or children or injures his property; or
- (b) persistently follows such other person about from place to place; or
- (c) hides any tools, clothes or other property owned or used by such other person or deprives him of or hinders him in the use thereof; or
- (d) watches or besets the house or other place where such other person resides or works or carries on business or happens to be, or the approach to such house or place; or
- (e) follows such other person with two or more other persons in a disorderly manner in or through any street or road,

is guilty of an offence punishable on conviction by a magistrate's court with a fine of one hundred dollars or with imprisonment for three months.

Adversely affecting employee or employer on account of trade union activities.  
1974—40.

**40A. An employer who —**

- (a) dismisses a workman or adversely affects the employment or alters the position of a workman to his prejudice because that workman —
- (i) is or proposes to become an officer, delegate or member of a trade union,
  - (ii) being a member of a trade union which is seeking better labour conditions, is dissatisfied with his conditions,
  - (iii) has absented himself from work without leave after he has made an application for leave for the purpose of carrying out his duties or exercising his rights as an officer or delegate of a trade union and such leave has unreasonably been refused or withheld, or
  - (iv) takes part in trade union activities outside or, with the consent of the employer, within working hours; or
- (b) threatens to dismiss a workman or to adversely affect the employment or alter the position of a workman to his prejudice —
- (i) because that workman is or proposes to become an officer, delegate or member of a trade union or other combination which has applied to be registered as a trade union, or
  - (ii) with intent to dissuade or prevent that workman from becoming an officer, delegate or member of a trade union,

is guilty of an offence and liable on summary conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 6 months or to both.

Regulations. **41. (1)** The Minister may make regulations respecting the following matters —

- (a) the registration of a trade union under this Act;
- (b) the forms to be used for such registration;
- (c) the seal (if any) to be used for such registration;



(d) the inspection of documents kept by the Registrar under this Act;

(e) the fees (if any) to be paid under this Act; except that until such fees are fixed, those specified in the Third Schedule shall be charged; and

Third  
Schedule.

(f) generally, for carrying this Act into effect.

(2) Regulations made under this section shall be subject to negative resolution.

42. All fees received by the Registrar under this Act or under any regulations made under the authority of this Act, shall be paid into the Consolidated Fund.

Fees to be  
paid into  
Consolidated  
Fund.

43. (1) Any register of trade unions kept by the Registrar in pursuance of section 12 of the *Trade Union Act, 1939*,<sup>1</sup> and which is in existence immediately before 1st April 1964 shall be the register of trade unions for the purposes of this Act.

Saving  
provisions.

(2) Any trade union which was registered under and in accordance with any enactment repealed by this Act<sup>1</sup> and was so registered immediately before 1st April 1964 shall be deemed to be registered in accordance with this Act.

(3) Every certificate of registration issued by the Registrar under and by virtue of any enactment repealed by this Act<sup>1</sup> and which was in force immediately before 1st April 1964 shall be deemed to have been issued by the Registrar pursuant to this Act.

(4) Any regulation made under any enactment repealed by this Act<sup>1</sup> and which is in force on 1st April 1964 shall continue in force as if it was made under section 41, until such regulation is revoked or rendered inconsistent by any regulation made under section 41.

44. This Act shall not apply to persons in the naval, military or air services of the Crown or in the Police Force.

Non-  
application  
to Crown or  
Police.

<sup>1</sup> Act 1939—19 (as amended) repealed by this Act.

s.22.

FIRST SCHEDULE

MATTERS TO BE PROVIDED FOR BY THE RULES OF TRADE UNIONS REGISTERED UNDER THIS ACT

1. The name of the trade union and place of meeting for its business.
2. The whole of the objects for which the trade union is to be established, the purpose for which its funds shall be applicable and the conditions under which any member may become entitled to any benefit assured thereby and the fines and forfeitures to be imposed on any member of the 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 management, of a trustee or trustees, treasurer and other officers.
5. A provision for the investment of 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 its funds.
7. The manner of dissolution.

s.36.

SECOND SCHEDULE

FORM OF EXEMPTION NOTICE

Name of Trade Union.....

POLITICAL FUND (EXEMPTION NOTICE)

I hereby give notice that I object to contribute to the political fund of the Union and am in consequence exempt, in manner provided by the Trade Unions Act, Chapter 361 Laws of Barbados from contributing to that fund.

A.B.....

Address.....

Membership number (if any).....

..... day of.....19.....

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**THIRD SCHEDULE**

s.41.

**FEEs**

For registering trade union	\$5.00
For registering alterations in rules	\$1.00
For inspection of documents	50¢

**THE LAWS OF BARBADOS**

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