



BELIZE

SETTLEMENT OF DISPUTES IN ESSENTIAL SERVICES ACT CHAPTER 298

REVISED EDITION 2000 **SHOWING THE LAW AS AT 31ST DECEMBER, 2000**

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Laws of Belize, Revised Edition 1980 - 1990.

This edition contains a consolidation of the following laws-

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Amendments in force as at 31st December, 2000.



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CHAPTER 298

SETTLEMENT OF DISPUTES IN ESSENTIAL SERVICES

ARRANGEMENT OF SECTIONS

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CHAPTER 298

SETTLEMENT OF DISPUTES IN ESSENTIAL SERVICES ACT

[24th October, 1953]

Ch. 146,
R. L., 1958.
CAP. 235,
R. E. 1980-1990.
40 of 1963.
1 of 1969.
15 of 1982.
22 of 1987.
17 of 1996.
S. I. 17 of 1964.
S. I. 57 of 1973.
S. I. 92 of 1981.
S. I. 51 of 1988.
Short title.

1. This Act may be cited as the Settlement of Disputes (Essential Services) Act.

Application.
40 of 1963.

2. This Act shall apply-

Schedule.

(a) to trade disputes in any of those services rendered by whomsoever to the public which are set out in the Schedule and in any others to which the Minister by Order published in the *Gazette* declares that this Act shall apply; and

(b) to persons employed by or under the Government, in the same way as if they were workmen employed by or under a private person.

Interpretation.
40 of 1963.

3. In this Act, unless the context otherwise requires:-

“appointed members” means the three members of the Tribunal appointed by

the Minister under section 5 not being representative either of employers or workers;

“lock-out” means the closing of a place of employment or the suspension of work, or the refusal by an employer to continue to employ any number of persons employed by him in consequence of a dispute, done with a view to compelling those persons, or to aiding another employer in compelling persons employed by him, to accept terms or conditions of or affecting employment;

“organisation” means an organisation representative of employers or an organisation representative of workers, as the case may be;

“strike” means the cessation of work by a body of persons employed, acting in combination, or a concerted refusal or refusal under a common understanding of any number of persons employed to continue to work for an employer in consequence of a dispute, done as a means of compelling their employer or any person or body of persons employed, or to aid other workmen in compelling their employer or any person or body of persons employed, to accept or not to accept terms or conditions of or affecting employment;

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

17 of 1996.

“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.

Constitution of Arbitration Tribunal. 40 of 1963.	4. There shall be constituted by the Minister, for the purpose of settling trade disputes which cannot otherwise be determined, an Essential Services Arbitration Tribunal, in this Act called “the Tribunal”.
Composition of Tribunal.	5.-(1) The Tribunal shall consist of the following persons appointed by the Minister, that is to say, three appointed members and two other members, one of whom shall be chosen to represent employers and the other to represent workers. (2) The Minister shall appoint one of the three appointed members to be Chairman of the Tribunal.
Panels for selection of members.	6. Panels of persons chosen to represent employers and workers respectively shall be constituted by the Minister after consultation with organisations, representative of employers and workers respectively, and the members chosen to represent employers and workers at any sitting of the Tribunal shall be selected by the Minister from the panels.
Terms of office of members. 40 of 1963.	7. The appointed members shall hold office for such term and on such conditions as to retirement as may be determined by the Minister.
Appointment of Secretary and other officers. S. I. 17 of 1964.	8. The Minister shall appoint a secretary to the Tribunal and may appoint such other officers and servants as he may consider necessary.
Quorum.	9.-(1) The quorum necessary to constitute a sitting of the Tribunal shall consist of one appointed member, one member chosen to represent employers and one member chosen to represent workers. (2) In the absence of the Chairman at any sitting of the Tribunal, one of the appointed members shall act as Chairman.
Regulation of proceedings of Tribunal.	10. Except as otherwise expressly provided in this Act, the Tribunal may regulate its procedure and proceedings as it thinks fit.

11.-(1) If any trade dispute exists or is apprehended, that dispute, if not otherwise determined, may be reported to the Minister by or on behalf of either party to the dispute, and the decision of the Minister as to whether a dispute has been so reported to him or not and as to the time at which a dispute has been so reported shall be conclusive for all purposes.

Trade disputes.

(2) The Minister shall consider any dispute reported to him under subsection (1) and, if in his opinion suitable means for settling the dispute already exist by virtue of the provisions of any agreement to which the parties are organisations representative of employers and workers respectively, he shall refer the matter for settlement in accordance with those provisions, so, however, that where a matter has been referred for settlement in accordance with this subsection and there is a failure to reach a settlement or, in the opinion of the Minister, a settlement is unduly delayed, the Minister may cancel the reference and substitute therefor a reference to the Tribunal.

(3) Where, in his opinion, no such suitable means of settlement exist as are mentioned in subsection (2), the Minister shall take any steps which seem to him expedient to promote a settlement of the dispute and may, if he thinks fit, refer the matter for settlement to the Tribunal.

(4) Where steps to promote a settlement of the dispute have been taken by the Minister under subsection (2) or subsection (3) (otherwise than by means of reference to the Tribunal) and those steps have not resulted in a prompt settlement of the dispute, the Minister shall refer the dispute for settlement to the Tribunal and shall do so within twenty-one days of the date on which the dispute was reported to him under subsection (1), unless, in his opinion, the special circumstances of the case make it necessary or desirable to postpone such reference.

40 of 1963.

(5) In the event of a disagreement among the members of the Tribunal relating to any agreement, decision or award to be made on any dispute referred to the Tribunal under this section, the agreement, decision or award of the majority shall prevail, and in the case of an equality of votes on such agreement,

decision or award, the Chairman shall have a casting vote.

(6) Any agreement, decision or award made by virtue of this section shall be binding on the employers and workers to whom the agreement, decision or award relates and, as from the date of such agreement, decision or award or as from such date as may be specified therein not being earlier than the date on which the dispute to which the agreement, decision or award relates first arose, it shall be an implied term of the contract between the employers and the workers to whom the agreement, decision or award relates that the rate of wages to be paid and the conditions of employment to be observed under the contract shall be in accordance with such agreement, decision or award until varied by a subsequent agreement, decision or award.

Reference to
Tribunal for
advice.

12. The Minister may refer to the Tribunal for advice any matter relating to or arising out of a trade dispute or trade disputes which, in his opinion, ought to be referred to it.

Award to be
made without
delay and may
be retroactive.

13.-(1) The Tribunal shall make its award or furnish its advice, as the case may be, without delay and where practicable within twenty-one days from the date of reference.

(2) An award on any matter referred to the Tribunal for settlement may be made retroactive to such date not being earlier than the date on which the dispute or question to which the award relates first arose.

(3) The decision of the Tribunal as to the date on which the dispute arose shall be final.

Reference made
to Tribunal in
cases of
difficulty in
interpreting
award.

14.-(1) Where any question arises as to the interpretation of any award of the Tribunal, the Minister or any party to the award may apply for a decision on such question and the Tribunal shall decide the matter after hearing the parties or without such hearing if the consent of the parties has been first obtained.

(2) The decision of the Tribunal referred to in subsection (1) shall be notified to the parties and shall be binding in the same manner as the decision in an original award. 40 of 1963.

15. An employer shall not declare or take part in a lock-out and a worker shall not take part in a strike in connection with any trade dispute, unless the dispute has been reported to the Minister in accordance with the provisions of this Act and a period of twenty-one days has elapsed since the date of the report and the dispute has not during that time been referred by the Minister for settlement in accordance with the provisions of this Act. Prohibition of lock-outs and strikes.

16. Any contravention of the provisions of section 15 shall, on summary conviction, be punishable by a fine of two hundred and fifty dollars or by imprisonment for a term not exceeding six months, or by both such fine and term of imprisonment: Penalty. 1 of 1969.

Provided that no prosecution for such a contravention shall be instituted without the consent of the Director of Public Prosecutions.

SCHEDULE

[Section 2 (a)]

Airports (Civil Aviation and Airport Security Services). 15 of 1982.
S. I. 57 of 1973.
S. I. 92 of 1981.
S. I. 51 of 1988.

Electricity Services.

Health Services.

Hospital Services.

Monetary and Financial Services (Banks, Treasury, Central Bank of Belize).

15 of 1982.

The National Fire Service.

The Port Authority (Pilots and Security Services).

Postal Services.

Sanitary Services.

The Social Security Scheme administered by the Social Security Board.

Telecommunications Services.

Telephone Services.

Water Services.

Services in which petroleum products are sold, supplied, transported, conveyed, handled, loaded, unloaded or sold.
