

CHAPTER 222.**TRADE DISPUTES (DECLARATION OF LAW).**

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SECTION.

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CHAPTER 222.**TRADE DISPUTES (DECLARATION OF LAW).**

An Ordinance to declare the Law relating to Trade Disputes, and to amend the Law relating to Conspiracy and to the protection of property, and for other purposes connected with the purposes aforesaid.

42 of 1939.
39 of 1946.

[25TH JANUARY, 1940.]

1. This Ordinance may be cited as the Trade Disputes (Declaration of Law) Ordinance, and shall apply to the Colony and Protectorate. Short title.

2. (1) In this Ordinance, unless the context otherwise requires— Interpretation.

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

“trade union” shall have the same meaning as that assigned to it by the Trade Unions Ordinance, or any Ordinance amending or replacing the same; Cap. 221.

“workmen” means all persons employed in trade or industry, whether or not in the employment of the employer with whom a trade dispute arises.

(2) For the purposes of this Ordinance an offence shall be deemed to have been committed maliciously whether it shall have been committed from malice conceived against the owner of the property in respect of which it shall be committed or otherwise.

Conspiracy
in trade
disputes.

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

(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 Ordinance or Imperial Statute in force in Sierra Leone.

(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 Sovereign.

(5) A crime for the purposes of this section means an offence which is punishable on information or punishable on summary conviction, and for the commission of which the offender is liable, under the Ordinance or Statute 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 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 Ordinance or Statute for the punishment of the said act when committed by one person.

4. 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 wills.

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

5. (1) Any person employed by the Government or by any local authority in connection with the supply of water or electricity to, or the performance of any vital and urgent sanitary service in any town or place or any part thereof, who wilfully and maliciously breaks a contract of service with the Government or local authority, as the case may be, knowing or having reasonable cause to believe that the probable consequences of his so doing, either alone or in company with others, will be to deprive the inhabitants of that town, place or part wholly or to a great extent of their supply of water or electricity, or of such vital and urgent sanitary service, shall be guilty of an offence against this section.

Breach of contract by persons employed on necessary public undertakings.

(2) The Government or local authority, as the case may be, shall cause to be posted up on the premises of the undertaking concerned a printed copy of this section in some conspicuous place where the same may be conveniently read by the persons employed, and as often as such copy becomes defaced, obliterated, or destroyed, shall cause it to be renewed with all reasonable despatch.

(3) Any public officer or employee of a local authority in charge of such premises as aforesaid who makes default in complying with the provisions of this section in relation to such notice as aforesaid, shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding five pounds for every day during which such default continues.

(4) Every person who unlawfully injures, defaces, or covers up any notice so posted up as aforesaid in pursuance of this section shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding forty shillings.

6. Where any person wilfully and maliciously breaks a contract of service or of hiring, knowing or having reasonable cause to believe that the probable consequences of his so doing, either alone or in combination with others, will be to endanger human life, or cause serious bodily injury, or to expose valuable property whether real or personal to destruction or serious injury, he shall be guilty of an offence against this section.

Breach of contract involving injury to persons or property.

Intimidation
or annoyance
by violence
or otherwise.

7. Every person who, with a view to compel 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—

(i) uses violence to or intimidates such other person or his wife or children, or injures his property, or

(ii) persistently follows such other person about from place to place, or

(iii) 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

(iv) 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

(v) follows such other person with two or more other persons in a disorderly manner in or through any street or road,

shall be guilty of an offence against this section.

Peaceful
picketing
and
prevention of
intimidation.

8. Notwithstanding anything contained in this Ordinance it shall be lawful for one or more persons, acting on their own behalf or on behalf of a trade union or of an individual employer or firm 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.

Prohibition
of actions of
tort against
Trade
Unions.

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

(2) Nothing in this section shall affect the liability of a trade union or of any official thereof to be sued in any Court touching or concerning the property or right of the trade union, except in respect of any tortious act committed by or on behalf of the Union in contemplation or in furtherance of a trade dispute.

10. Any person contravening any of the provisions of this Ordinance for which no penalty is specifically provided shall be liable on summary conviction to a fine of twenty pounds or to imprisonment with or without hard labour for a period of three months. ^{Penalty.}
