

Serial Number 1948/23



**THE COOK ISLANDS TRADE DISPUTE INTIMIDATION
REGULATIONS 1948**

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington, this 6th day of
March, 1948

Present :

THE RIGHT HON. P. FRASER PRESIDING IN COUNCIL

PURSUANT to the Cook Islands Act, 1915, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS

1. (1) These regulations may be cited as the Cook Islands Trade Dispute Intimidation Regulations 1948.

(2) These regulations shall come into force in the Cook Islands other than Niue when publicly notified by the Resident Commissioner of Rarotonga in such manner as he thinks proper, and in the Island of Niue when publicly notified by the Resident Commissioner of Niue in such manner as he thinks proper.

2. In these regulations, unless inconsistent with the context,—

“Employer” includes persons, firms, companies, and corporations employing one or more workers :

“Industrial direction” means a determination of a dispute made under the authority of the Cook Islands Industrial Unions Regulations 1947 or an order made on appeal against any such determination and under the authority aforesaid :

“Industry” includes—

(a) Any business, trade, manufacture, undertaking, or calling of employers ; and

(b) Any calling, service, employment, handicraft, or occupation of workers :

- “To intimidate” means to cause in the mind of a person a reasonable apprehension of injury to him or to any member of his family or to any of his dependants, or of violence or damage to any person or property; and the expression “injury” used in this definition includes injury to a person in respect of his business, occupation, employment, or other source of income, and includes any actionable wrong:
- “Lockout” means the act of an employer in closing his place of business or suspending or discontinuing his business or any branch thereof—
- (a) With intent to compel or induce any workers to agree to terms of employment, or comply with any demands made upon them by the said or any other employer; or
 - (b) With intent to cause loss or inconvenience to the workers employed by him or to any of them; or
 - (c) With intent to incite, aid, abet, instigate, or procure any other lockout; or
 - (d) With intent to assist any other employer to compel or induce any workers to agree to terms of employment or comply with any demands made by him.
- “Registered union” means a union registered under the Cook Islands Industrial Unions Regulations 1947:
- “Strike” means the act of any number of workers who are or have been in the employment, whether of the same employer or of different employers, in discontinuing the employment, whether wholly or partially, or in breaking their contracts of service, or in refusing or failing after any such discontinuance to resume or return to their employment, the said discontinuance, breach, refusal, or failure being due to any combination, agreement, or common understanding, whether express or implied, made or entered into by the said workers—
- (a) With intent to compel or induce any such employer to agree to terms of employment, or comply with any demands made by the said or any other workers; or
 - (b) With intent to cause loss or inconvenience to any such employer in the conduct of his business; or
 - (c) With intent to incite, aid, abet, instigate, or procure any other strike; or
 - (d) With intent to assist workers in the employment of any other employer, to compel or induce that employer to agree to terms of employment or comply with any demands made upon him by any workers:
- “Unlawful lockout” means a lockout by any employer who is bound at the commencement of the lockout by an industrial direction:
- “Unlawful strike” means a strike of any workers who are bound at the commencement of the strike by an industrial direction:
- “Worker” means any person of any age of either sex employed by any employer to do any work for hire or reward.

3. Every person commits an offence who, with a view to compel any other person to abstain from doing or to do any act which any other person has a legal right to do or abstain from doing, wrongfully and without legal authority :—

- (a) Uses violence to or intimidates any other person or the wife or child of any other person, or injures or threatens to injure the property of any other person ; or
- (b) Follows any other person about from place to place ; or
- (c) Hides any tools, clothes, or other property owned or used by any other person, or deprives him of or hinders him in the use thereof ; or
- (d) Watches or besets the house or other place where any other person resides or works or carries on business or happens to be, or the approach to such house or place ; or
- (e) Follows any other person with two or more other persons in a disorderly manner in or through any public way or public place.

4. When a strike takes place in any industry every worker commits an offence who is or becomes a party to the strike and who is at the commencement of the strike bound by any industrial direction affecting that industry.

5. When a lockout takes place in any industry every employer commits an offence who is or becomes a party to the lockout and who is at the commencement of the lockout bound by any industrial direction affecting that industry.

6. Every person commits an offence who incites, instigates, aids, or abets any unlawful lockout or unlawful strike, or the continuance of any unlawful lockout or unlawful strike, or who incites, instigates, or assists any person to become a party to any unlawful lockout or unlawful strike.

7. Every person who makes any gift of money or other valuable thing to or for the benefit of any other person who is a party to any unlawful lockout or unlawful strike, or to or for the benefit of any registered union or other society or association of which any such other person is a member, shall be deemed to have aided or abetted the lockout or strike within the meaning of the last preceding regulation unless he proves that he so acted without the intent of aiding or abetting the lockout or strike.

8. When a lockout or strike takes place and a majority of the members of any registered union are at any time parties to the lockout or strike that union shall be deemed to have instigated the lockout or strike.

9. Any corporate body committing an offence against these regulations is liable to a fine not exceeding £50.

10. Any person other than a corporate body committing an offence against these regulations is liable to a fine not exceeding £20 or to three months' imprisonment.

T. J. SHERRARD,
Acting Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 11th day of March, 1948.

These regulations are administered in the Department of Island Territories.