

Serial Number 1939/204.



THE STRIKE AND LOCKOUT EMERGENCY REGULATIONS 1939.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 4th day of
October, 1939.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to the Emergency Regulations Act, 1939, 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. These regulations may be cited as the Strike and Lockout Emergency Regulations 1939.

2. In these regulations,—

“ Minister ” means the Minister of Labour :

“ Strike ” includes any strike within the meaning of the Industrial Conciliation and Arbitration Act, 1925 :

“ Strike ” also includes—

(a) The act of any number of workers who are or have been in the employment, whether of the same employer or of different employers,—

(i) In discontinuing that employment, whether wholly or partially ; or

(ii) In breaking their contracts of service ; or

(iii) In refusing or failing after any such discontinuance to resume or return to their employment ; or

(iv) In refusing or failing to accept engagement for any work in which they are usually employed :

(b) Any reduction in the normal output of workers in their employment :

(c) Any other transaction in the nature of a strike or combination, agreement, common understanding, or concerted action on the part of any workers,—

being (in any of the aforesaid cases marked (a), (b), and (c) of this definition), intended or having a tendency to interfere with the manufacture, production, output, supply, delivery,

or carriage of goods or articles or carriage of persons in or in connection with any industry or undertaking or otherwise to interfere with the effective conduct of any industry or undertaking :

“ Lockout ” includes any lockout within the meaning of the Industrial Conciliation and Arbitration Act, 1925 :

“ Lockout ” also includes—

(a) The act of an employer—

- (i) In closing his place of business, or suspending or discontinuing his business in any branch thereof ; or
- (ii) In discontinuing the employment of any workers, whether wholly or partially ; or
- (iii) In breaking his contracts of service ; or
- (iv) In refusing or failing to engage workers for any work for which he usually employs workers :

(b) Any other transaction in the nature of a lockout :

(c) Any transaction in the nature of a combination, agreement, common understanding, or concerted action on the part of any employers relating to or connected with the employment of workers,—

being (in any of the aforesaid cases marked (a), (b), and (c) of this definition), intended or having a tendency to interfere with the manufacture, production, output, supply, delivery or carriage of goods or articles or carriage of persons in or in connection with any industry or undertaking or otherwise to interfere with the effective conduct of any industry or undertaking.

3. During the continuance of these regulations no person shall—

- (a) Be a party to a strike or lockout ; or
- (b) Encourage or procure a strike or lockout or the continuance of a strike or lockout ; or
- (c) Incite any person or any class of persons or persons in general to be or to continue to be a party or parties to a strike or lockout.

4. Any person who acts in a manner contrary to the last preceding regulation commits an offence against these regulations.

5. The Minister may from time to time by notice in the *Gazette* appoint any number of persons, not exceeding seven, to be an Emergency Disputes Committee for the purposes of these regulations.

6. Of the persons so appointed not more than three shall be appointed as representatives of employers and not more than three as representatives of workers, and one other person shall be appointed as Chairman of the Committee.

7. Every person appointed to the Committee shall hold office during the pleasure of the Minister.

8. The Committee shall meet at such times and places as the Minister may by reasonable notice to the members from time to time appoint.

9. Where in any industry or undertaking any dispute arises which in the opinion of the Minister is likely to result in a strike or lockout the Minister may by notice to the appropriate tribunal require such dispute to be decided by that tribunal as hereinafter provided.

10. If the dispute arises in an industry which is covered by an award of the Court of Arbitration or industrial agreement in which provision exists for setting up a disputes committee, then the appropriate tribunal shall be that disputes committee, or if provision so exists for more than one disputes committee it shall be the committee to which the Minister thinks proper to refer the dispute.

11. In any other case the appropriate tribunal shall be the Emergency Disputes Committee set up under these regulations.

12. If by reason of non-appointment of members or for any other reason a disputes committee provided for by an award or industrial agreement is in the opinion of the Minister incapable of considering a dispute, or if any such committee reports to the Minister that it has been unable to reach a final decision in regard to any dispute referred to it, the Minister may refer the dispute to the Emergency Disputes Committee set up under these regulations.

13. The appropriate tribunal shall forthwith inform itself of the matter and merits of the dispute and shall invite persons affected, or their representatives, to appear and be heard before the tribunal, and shall give such decisions relating thereto as it considers to be fair and equitable in the circumstances.

14. The decisions of the appropriate tribunal shall be final and binding on all persons directly affected by the dispute and shall not be affected by reason of any omission to notify or hear any person claiming to be concerned or interested therein or by reason of any matter of form or procedure.

15. The appropriate tribunal may for the purpose of its decisions give all such directions as are reasonably proper for carrying its decisions into effect, and every person to whom any such direction is given shall forthwith comply with and carry out such direction.

C. A. JEFFERY,
Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette*: 5th day of October, 1939.

These regulations are administered by the Department of Labour.