



TRINIDAD AND TOBAGO GAZETTE

(EXTRAORDINARY)

VOL. 43

Port-of-Spain, Trinidad, Monday 21st June, 2004—Price \$1.00

No. 105

1234

REPUBLIC OF TRINIDAD AND TOBAGO

No. of 2004.

IN THE INDUSTRIAL COURT

INJUNCTION – ILLEGAL INDUSTRIAL ACTION

IN THE MATTER OF

THE INDUSTRIAL RELATIONS ACT, CHAP. 88:01

AND

IN THE MATTER OF

THE EDUCATION ACT, CHAP. 39:01

AND

IN THE MATTER OF AN APPLICATION BY THE HONOURABLE MINISTER OF LABOUR AND SMALL AND MICRO ENTERPRISE DEVELOPMENT FOR AN *EX PARTE* INJUNCTION UNDER THE PROVISIONS OF THE INDUSTRIAL RELATIONS ACT, CHAP. 88:01 AND IN PARTICULAR UNDER SECTIONS 7(1) AND/OR 10(1)(b) AND/OR 65 THEREOF AND/OR UNDER ITS INHERENT POWERS AS A SUPERIOR COURT OF RECORD

Between

THE HONOURABLE MINISTER OF LABOUR AND SMALL
AND MICRO ENTERPRISE DEVELOPMENT

Party No. 1

And

THE TRINIDAD AND TOBAGO UNIFIED TEACHERS ASSOCIATION (OTHERWISE KNOWN AS TTUTA)

Party No. 2

EX-PARTE

IN CHAMBERS:

Dated this 21st day of June, 2004.

Entered this 21st day of June, 2004.

BEFORE HER HONOUR GLADYS GAFOOR AND HIS HONOUR VERNON ASHBY

Appearances:

Mr. Reginald T. A. Armour, S.C. leading Mr. Neil Byam, Ms. Avyann Ferguson of Counsel and Instructed by Ms. Deowattee Dilraj for Party No.1.

1234—Continued

UPON APPLICATION for an *Ex Parte* Injunction this day made unto this Court by Senior Counsel for Party No. 1.

The above-mentioned Application having been heard by this Honourable Court on the 21st day of June, 2004, leave having been granted to lodge all documents herein for filing.

AND UPON READING the Notice lodged herein on the 21st day of June, 2004.

AND UPON READING the affidavits of Selby Brathwaite, Harrilal Seecharan and Angela Jack sworn and filed herein on the 21st day of June, 2004 together with the exhibits thereto.

AND UPON MATURE CONSIDERATION AND DELIBERATION IT IS ORDERED THAT:

- (1) The Trinidad and Tobago Unified Teachers Association, otherwise known as TTUTA (hereinafter referred to as "TTUTA") whether by its President, Vice-President, Secretary, Treasurer, Trustees, Officers, Executive Members, servants and/or agents and/or its members or all workers and/or employees and/or other persons who are Teachers within the meaning of and/or under and by virtue of the provisions of the Education Act, Chap. 39:01 (hereinafter collectively referred to as "the Teachers") who are employed with the Government/State of the Republic of Trinidad and Tobago and/or the Ministry of Education of the Government/State of the Republic of Trinidad and Tobago (hereinafter referred to as "the Government") and/or Teachers who are employed with and/or who are currently engaged in negotiations with the Chief Personnel Officer for improved remuneration and/or terms and conditions of employment with the Government or any of them or howsoever otherwise be restrained from taking and/or continuing to take industrial action within the meaning of the Industrial Relations Act, Chap. 88:01 (hereinafter referred to as "the Act") and in particular sections 65, 67 and 69 thereof in relation to all schools within the meaning of the Education Act.
- (2) TTUTA, its President, Vice-President, Secretary, Treasurer, Trustees, Officers, servants and/or agents and/or its members and/or all Teachers employed by the Government and/or any and all Teachers who are currently engaged in negotiations for improved remuneration and/or terms and conditions of employment with the Government and who are engaged in industrial action be and are hereby enjoined from taking and/or continuing and/or threatening to take any such industrial action within the meaning of the provisions of the Act.
- (3) All the workers and/or employees and/or Teachers of the Government and/or members of TTUTA shall not take part in and by this Order are restrained from taking and/or participating howsoever otherwise in any industrial action in accordance with sections 67 and 69 of the Act.
- (4) The Order made herein is without prejudice to the Government's rights under section 63(1)(c) of the Act in relation to all workers and/or employees and/or Teachers who are at present engaged in industrial action.

1234—Continued

- (5) Leave is hereby granted to Party No. 1 to cause the text of the Order to be disseminated with immediate effect via the electronic media, radio and television in order to ensure the widest publication/notice of the grant of this Order of this Honourable Court this 21st day of June, 2004.

AND IT IS ALSO ORDERED that leave be and the same is hereby granted to serve a copy of the said affidavits of Selby Brathwaite, Harrilal Seecharan and Angella Jack sworn and filed herein on the 21st day of June, 2004 together with the exhibits thereto together with a copy of this Order on TTUTA, with liberty to Party No. 1 to serve such other person or persons as Party No. 1 may deem fit.

AND IT IS FURTHER ORDERED that this Order be published once in the *Trinidad and Tobago Gazette* and once in two (2) daily newspapers circulating in Trinidad and Tobago.

AND IT IS FURTHER ORDERED that leave be granted to Party No. 2 and/or any other persons affected by this Order to apply to this Court to vary and/or discharge this Order upon giving not less than 72 hours Notice to Attorneys-at-law for Party No. 1.

NAME AND ADDRESS OF THE ATTORNEY-AT-LAW FOR PARTY NO. 1:

The Attorney-at-law on record for Party No. 1 is Ms. Deowattee Dilraj of Chief State Solicitor’s Department, Cabildo Chambers, Nos. 23-27 St. Vincent Street, in the city of Port-of-Spain whose address for service is the same.

AND IT IS FURTHER ORDERED that a penal clause be endorsed hereon as shown in red.

.....
 HER HONOUR GLADYS GAFOOR
Industrial Court

.....
 HIS HONOUR VERNON ASHBY
Industrial Court

1234—Continued

NOTE: IF YOU THE WITHIN NAMED TRINIDAD AND TOBAGO UNIFIED TEACHERS OF TRINIDAD AND TOBAGO OTHERWISE KNOWN AS TTUTA WHETHER BY ITS PRESIDENT, VICE-PRESIDENT, SECRETARY, TREASURER, TRUSTEES, OFFICERS, EXECUTIVE MEMBERS, SERVANTS AND/OR AGENTS AND/OR ITS MEMBERS AND/OR ALL TEACHERS WITHIN THE MEANING OF THE EDUCATION ACT AND/OR EMPLOYED WITH THE GOVERNMENT OF TRINIDAD AND TOBAGO AND/OR OTHER PERSONS CURRENTLY ENGAGED IN NEGOTIATIONS WITH THE CHIEF PERSONNEL OFFICER FOR IMPROVED TERMS AND CONDITIONS OF EMPLOYMENT WITH THE GOVERNMENT DISOBEY THIS ORDER YOU WILL BE LIABLE TO PROCESS OF EXECUTION FOR THE PURPOSE OF COMPELLING YOU TO OBEY THE SAME.