Appendix I

Trade Unionism and Trade Disputes in Ireland.

by Bernard Shillman

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APPENDIX I

"TRADE UNIONISM AND TRADE DISPUTES IN IRELAND"

by Bernard Schillman.

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The contents of this short book are presented in full as it deals very adequately with the matters raised in the general index on page 64 of the book. It is presented in photo-copy form as the book printed in 1961 has been out of print for several years. The material on trade union membership in relation to the Constitution of Ireland should be read in conjunction with the writers own script on the Educational Company and Becton Dickenson cases.

It should also be noted that the details of Negotiation Licences and their requirements, as set out from the bottom of page 57 to the end of the second paragraph on page 60, have now been changed in accordance with the Trade Union Act 1941 as set out in the writers script.

The Industrial Relations Act 1946 referred to on page 60 has, of course, been amended by the Industrial Relations Act 1969 as indicated in the writers script on the Act and, therefore, the factual requirements as set out in Shillman's book from the third paragraph of page 60 to the end at page 63 should be ignored for the purpose of present day practice. However, this section of Shillman's book could be read with particular reference to the reporting of the case of Branigan v. Keady and others referred to on page 61.

The legal position with regard to strikes, threat to strike and picketing in relation to the requirements of the Trade Disputes Act 1906 is very adequately dealt with in this book. It will be noted that a full text of the Trade Disputes Act 1906 is set out on page 66.

Andrew F. Ryan.

TRADE UNIONISM
AND TRADE DISPUTES
IN IRELAND

By

BERNARD SHILLMAN

Senior Councel

THE DUBLIN PRESS

20 Merrion Square, Dublin.

Barcode No: 31000102842089
Library No : 331·88 STACKS
Date Input : 13/4/2010

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ACKNOWLEDGEMENT

I am indebted to my brother barrister, Earnan de Blaghd, who very kindly read over the galley proofs and inserted the references to the cases in the Official Law Reports.

The Law Library,
Four Courts,
Dublin, November 1960.

BERNARD SHILLMAN

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APPENDIX III

THE TRADE DISPUTES ACT 1906
(6 Edw. 7. Ch. 47)

AN ACT TO PROVIDE FOR THE REGULATION OF TRADE UNIONS AND TRADE DISPUTES

21st December, 1906

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Amendment of Law of Conspiracy in the Case of Trade Disputes

1. The following paragraph shall be added as a new paragraph after the first paragraph of section three of the Conspiracy and Protection of Property Act 1875:

> "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".

Peaceful Picketing

2.—(1) 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.

(2) Section seven of the Conspiracy and Protection of Property Act 1875 is hereby repealed from "attending at or near" to the end of the section.

Removal of Liability for Interfering with Another Person's Business, &c.

3. 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.

Prohibition of Actions of Tort Against Trade Unions

4.—(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 the trustees

Act 1871, section nine, except in respect of any tortious act committed by or on behalf of the union in contemplation or in furtherance of a trade dispute.

Short Title and Construction

5.—(1) This Act may be cited as the Trade Disputes Act 1906, and the Trade Union Acts 1871 and 1876, and this Act may be cited together as the Trade Union Acts 1871 to 1906.

(2) In this Act the expression "trade union" has the same meaning as in the Trade Union Acts 1871 and 1876, and shall include any combination as therein defined, notwithstanding that such combination may be the branch of a trade union.

(3) In this Act and in the Conspiracy and Protection of Property Act 1875, the expression "trade dispute" means any dispute between employers and workmen, or between workmen and workmen, which is connected with the employment or non-employment or the terms of the employment, or with the conditions of labour, of any person, and the expression "workmen" means all persons employed in trade or industry, whether or not in the employment of the employer with whom a trade dispute arises; and, in section three of the last-mentioned Act, the words "between employers and workmen" shall be repealed.