

CHAPTER 354

RECRUITING OF WORKERS 1938-12

This Act came into operation on 30th December, 1938.

Amended by:

1967/168

Guide to symbols in historical notes:

- indicates an amendment made by an Act

/ indicates an amendment made by statutory instrument

CHAPTER 354

RECRUITING OF WORKERS 1938-12

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**BARBADOS****RECRUITING OF WORKERS
1938-12**

An Act to carry out certain Conventions relating to recruiting of workers.

[Commencement: 30th December, 1938]

Short title

1. This Act may be cited as the Recruiting of Workers Act.

Interpretation

- 2.(1) For the purposes of this Act, the expression—

“Convention” means the Convention concerning the Regulation of certain Special Systems of Recruiting Workers adopted by the International Labour Conference in June, 1936;

“licensing officer” means the person appointed by the Governor-General to be licensing officer for the purposes of this Act;

“licensee” means the holder of a licence under this Act;

“Minister” means the Minister responsible for Labour;

“prescribed” means prescribed by regulations made under this Act;

“worker” means a person who is intended to be employed in work of any kind, whether manual or clerical, and whether within or without the Island;

“worker-recruiter” means a person who, being employed as a worker, is authorised in writing by his employer but who does not receive any remuneration or other advantage for such recruiting.

(2) A person recruits within the meaning of this Act who by himself or through others procures, engages, hires or supplies or undertakes or attempts to procure, engage, hire or supply workers for the purpose of being employed by himself or by any other person, so long as such worker does not spontaneously offer his services at the place of employment or at a public emigration or employment office or at an office conducted by an employers’ organisation and supervised by the Government.

Exemptions

3. The Minister may exempt from this Act—
- (a) the recruiting of workers by or on behalf of employers who do not employ more than such number of workers as shall from time to time be fixed by order of the Minister; or
 - (b) the recruiting of personal or domestic servants or non-manual workers, or any workers so recruited, unless such recruiting is done by professional recruiting agents.

Persons who recruit to be licensed

- 4.(1) Subject to subsection (7), no person shall recruit workers unless he is licensed in that behalf under this Act.
- (2) Every person desirous of obtaining a licence under this section shall apply to the licensing officer who may in his discretion issue a licence—
- (a) if he is satisfied that the applicant is a fit and proper person to be granted a licence;

- (b) if the prescribed security has been furnished; and
 - (c) if he is satisfied that adequate provision has been made for safeguarding the health and welfare of the workers to be recruited.
- (3) A licence shall be subject to such conditions as shall be prescribed and shall not be transferable.
- (4) No licence shall be issued for a period exceeding one year, but it may be renewed if the licensing officer is satisfied that the conditions on which it was granted have been complied with.
- (5) The licensing officer may cancel any licence in any case where the licensee has been convicted of an offence under this Act or the regulations, or has not complied with the conditions under which it was granted, or is guilty of conduct which in the opinion of the licensing officer renders him no longer a fit and proper person to hold a licence, and the licensing officer may suspend any licence pending the decision of the court or the making of any enquiry which he considers necessary.
- (6) Any person aggrieved by any decision of the licensing officer under this section may appeal to the Minister.
- [1967/168]*
- (7) The provisions of this section shall not apply to worker-recruiters.

Restriction on age of recruitment

5. Persons under the age of sixteen years shall not be recruited:

Provided that the Minister may by regulations permit persons under that age but of or above the age of fourteen years to be recruited with the consent of their parents or guardians for employment upon light work subject to such conditions as he may prescribe.

Examination of workers

- 6.(1)** Recruited workers shall—
- (a) be brought before a magistrate; and
 - (b) be medically examined,

in accordance with regulations.

(2) The magistrate before whom any recruited worker is brought shall satisfy himself that the provisions of this Act and the regulations have been observed and that the worker has not been subjected to pressure or recruited by misrepresentation or mistake.

Expenses of workers

7. The expenses of the journey of recruited workers and their families to the place of employment, including all expenses incurred for their protection during the journey, shall be borne, and necessaries for the journey shall be provided, by the recruiter (not being a worker-recruiter) or employer in accordance with regulations.

Return of workers to their home

- 8.** A recruited worker who—
- (a) becomes incapacitated by sickness or accident during the journey to his place of employment;
 - (b) is found on medical examination to be unfit for employment;
 - (c) is not engaged after being recruited for a reason for which he is not responsible; or
 - (d) is found by a magistrate to have been recruited by pressure or by misrepresentation or mistake,

and the family of such recruited worker, and the family of a recruited worker who dies during the journey to the place of employment, shall be returned to their homes at the expense of the recruiter or employer in accordance with regulations.

Worker-recruiters

9. The provisions of this Act and the regulations shall, unless otherwise expressly provided, apply to worker-recruiters as if they were licensees:

Provided that worker-recruiters shall recruit only in such areas as may be prescribed and shall not make advances of wages to recruited workers.

Offences

10. Any person who acts in contravention of or fails to comply with any of the provisions of this Act or the regulations shall be guilty of an offence and shall be liable on summary conviction before a magistrate to a fine of ninety-six dollars or to imprisonment for four months, or to both such fine and imprisonment.

Regulations

11. The Minister may make regulations not inconsistent with this Act for the purpose of giving effect thereto or to any of the provisions of the Convention; and he may by regulation provide for—

- (a) the manner and form in which application shall be made for licences, the particulars to be furnished upon every such application, the conditions under which any licence may be issued, the form of licences, the fees payable therefor and the particulars to be set forth therein;
- (b) the security to be furnished by applicants for licences;
- (c) the records to be kept by licensees;
- (d) the remuneration to be paid to the agents of licensees;
- (e) the restriction of recruiting to certain areas;

- (f) the supervision of worker-recruiters;
- (g) the documents to be given to the recruited worker by the licensee;
- (h) the provision of transport for recruited workers and their families from the place of recruitment to the place of employment;
- (i) the amount of wages which may be paid in advance to recruited workers and the conditions under which advances of wages may be made;
- (j) anything which by this Act is to be prescribed or as to which regulations are to be made.

Saving

12. Nothing in this Act contained shall affect the provisions of the *Emigration Act, Cap. 187*.