

BARBADOS
LABOUR DEPARTMENT
CHAPTER 23

ARRANGEMENT OF SECTIONS

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SCHEDULE

An Act to provide for the duties of the Chief Labour Officer and other Officers of the Ministry of Labour and for related purposes.

1943-21.
1944-26.
1949-5.
1951-43.
1961-12.
1972-4.
L.N. 134/1966
L.N. 168/1967

[Commencement: 1st September, 1943]

Short title.

1. This Act may be cited as the Labour Department Act

Interpretation.

2. For the purposes of this Act-

“Chief Labour Officer” includes any person authorised in [1972-4.] writing by the Chief Labour Officer to act on his behalf;

“employer” includes any person, firm, company or corporation employing one or more employees;

“employee” means any person employed by any employer to do any work for hire or reward.

Duties of Chief Labour Officer

3. It shall be the duty of the Chief Labour Officer-

(a) to receive and investigate all representations whether of employers or of employees, made to him concerning any business, trade, occupation, or employment with a view to the settlement of disputes and grievances and to conciliation especially regarding hours and conditions of work and regulation of wages and to report thereon to the Minister ;

(b) to advise the Government with regard to the betterment of industrial relations and generally on all labour matters;

(c) to ensure the due enforcement of the Acts specified in the Schedule and of any other Acts which he may from time to time be required to enforce;

(d) to prepare cost of living indices and statistics of earnings and conditions of employment;

(e) to perform such further or other duties as may from time to time be required of him by any Act or by the Minister.

Officers authorised to perform inspection duties.

4. Labour inspection duties shall be performed by the Chief Labour Officer, the Deputy Chief Labour Officer and Labour Officers.
[1961-12.]

Duties of Officers. [1961-12.]

5. The duties of the Chief Labour Officer, the Deputy Chief [1961-12.] Labour Officer and Labour Officers in respect of labour inspection shall be-

- (a) to ensure that the laws in force concerning conditions of employment and the protection of employees in their occupations are fully applied ;
- (b) to give technical information and advice whenever necessary to employers and employees as to the most effective means of complying with the said laws;
- (c) to indicate in their inspection reports difficulties or abuses not specifically covered by existing laws;
- (d) to visit places of employment and to institute enquiries for the purpose of performing the duties set forth in paragraphs (a), (b) and (c) ; and
- (e) to establish statistical data in the course of their enquiries, as instructed by the Chief Labour Officer.

Officers not to have interest in undertakings inspected

6. No officer shall perform labour inspection duties in respect of any business or undertaking in which he has a direct or indirect interest. [1961-12.]

Power to enter premises and obtain information.

7. The Chief Labour Officer, Deputy Chief Labour Officer or a Labour Officer may - [1961-12.]

- (a) enter, inspect and examine at all reasonable times by day and night any premises or place liable to inspection, when he has reasonable cause to believe that any person is employed therein, and enter, inspect and examine by day any premises which he has reasonable cause to believe to be liable to inspection;
- (b) require from any employer returns giving information as to the wages, hours and conditions of work of the employees employed by him, as may be prescribed by regulation ;
- (c) carry out any examination, test or enquiry which he may consider necessary in order to satisfy himself that the legal provisions are being strictly observed and, in particular, may- [1951-43.]
 - (i) interrogate, alone or in the presence of witnesses, the employer or the staff of the undertaking on any matters concerning the application of the legal provisions or may apply for information to any other person whose evidence he may consider necessary;

(ii) require the production of any books registers or other documents the keeping of which is prescribed by Acts or regulations relating to conditions of work, in order to see that they are in conformity with the legal provisions and may copy such documents or make extracts from them;

(iii) enforce the posting of notices required by any legal provisions ;

(iv) take or remove for purposes of analysis samples of materials and substances used or handled, subject to the employer or his representative being notified of any samples or substances taken or removed for this purpose.

7. (2) The Chief Labour Officer, Deputy Chief Labour Officer [1951-43.] or a Labour Officer shall, when on an inspection visit, notify the employer or his representative of his presence, unless he considers that such notification may be prejudicial to the performance of his duties.

7. (3) Every employer shall grant to his employees and their representatives every facility for communicating freely with the Chief Labour Officer, Deputy Chief Labour Officer or a Labour Officer when on a visit of inspection.

Duty of employers to furnish information on request

8. Every employer who employs ten or more employees shall, when requested by the Chief Labour Officer, furnish him with the following particulars in respect of his business, trade or profession- [1961-12.]

(a) the nature of the business, trade or profession;

(b) the name of the undertaking and form of its ownership;

(c) the number of employees employed during specified periods, including an analysis of this number into the the numbers of adults and juveniles, and the numbers of both sexes, and, where appropriate, the number of skilled, semi-skilled and unskilled;

(d) the man-hours worked, specifying normal hours and overtime hours ;

(e) the task work or piece work performed, specifying, where appropriate, customary or average hours required per task or per piece;

(f) wages and salaries paid, distinguishing basic wages and salaries, cost of living allowances, bonuses, fees and any other payments and honoraria for services rendered, and distinguishing amounts paid to operatives in

important occupational groups, and to administrative, technical and clerical employees, but excluding the names of individuals.

Individual returns not to be published.

9. (1) No individual return of particulars of information and no part of an individual return furnished and no answer to any question put shall, without the previous consent in writing of the person making or giving the return or answer, be published, nor, except for the purposes of a prosecution under this Act, shall any person not engaged in connection with the collection or preparation of statistics under this Act be permitted to see any such individual return or any such part of an individual return.

9. (2) No person engaged in connection with the collection or preparation of statistics under this Act shall disclose or, except for the purposes of this Act, make use of the contents of any such individual return or any such part of an individual return or any such answer as aforesaid; and any person who knowingly acts in contravention of this subsection is guilty of an offence.

9. (3) Every person who, having possession of any information which to his knowledge has been disclosed in contravention of this section, publishes or communicates to any other person any such information, is guilty of an offence.

9. (4) Any person guilty of an offence under this section shall be liable on conviction before a magistrate to a fine of one hundred and twenty dollars or to imprisonment for three months.

Offence to reveal manufacturing or commercial secrets or sources of complaint.

10. (1) The Chief Labour Officer, Deputy Chief Labour Officer and every Labour Officer shall maintain, and aid in maintaining even after leaving the public service, any manufacturing or commercial secrets or working processes which may come to his knowledge in the course of his duties. [1951-43., L.N. 168/1967., 1961-12.]

10. (2) The Chief Labour Officer, Deputy Chief Labour Officer or a Labour Officer shall not divulge, when performing labour inspection duties, the source of any information or complaint which reaches him concerning the contravention of any of the provisions of this Act even where such information or complaint is the reason for an inspection visit or enquiry.

10. (3) Every person who wilfully acts in contravention of this section is liable on summary conviction to a fine of two hundred and forty dollars or to imprisonment for six months or to both such fine and imprisonment. [1951-43.]

Publication of returns not to identify individual person or business. [1961-12.]

11. In any report, summary of statistics or other publication prepared in accordance with this Act with reference to any trade or industry, the particulars

comprised in any individual report shall not be disclosed in any manner whatsoever, or arranged in such manner as will enable any person to identify any particulars as being particulars relating to any individual person or business.

Offences. [1961-12.]

12. Every person who, being required in accordance with this Act to furnish information or particulars to the Chief Labour Officer, Deputy Chief Labour Officer or a Labour Officer-

(a) wilfully refuses or without lawful cause neglects to furnish the information or particulars required within the time specified or in the form specified or prescribed or to authenticate the same in the prescribed manner or to deliver the same at the place or in the manner specified or described for the delivery thereof; or

(b) wilfully furnishes or causes to be furnished any false information or particulars lawfully requested; or

(c) refuses to answer or wilfully gives a false answer to any question necessary for the provision of any information or particulars required; or

(d) hinders, obstructs or molests the Chief Labour Officer, Deputy Chief Labour Officer or a Labour Officer in the exercise of any of the powers conferred upon him by law, is guilty of an offence and shall be liable on summary conviction to a fine of fifty dollars or to imprisonment for three months.

Institution of proceedings. [1961-12.]

13. The Chief Labour Officer, Deputy Chief Labour Officer or a Labour Officer may institute proceedings in his own name against an employer for any contravention of or offence committed under this Act and may appear and conduct any such proceedings.

Regulations. [1961-12.]

14. (1) The Minister may make regulations for prescribing anything which is required by this Act to be prescribed and generally for the better carrying out of this Act.

14. (2) All regulations shall be subject to negative resolution.

Supervision of the Weighing of Sugar Canes Act.
Employment of Women, Young Persons, and Children Act;
Recruiting of Workers Act;
Shops (Closing) Act.