



ST. CHRISTOPHER AND NEVIS

CHAPTER 18.18

LABOUR ACT

Revised Edition

showing the law as at 31 December 2002

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, No. 9 of 1986..

This edition contains a consolidation of the following laws—

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CHAPTER 18.18

LABOUR ACT

AN ACT TO MAKE PROVISION FOR THE APPOINTMENT OF LABOUR COMMISSIONER; THE SUPERVISION AND INSPECTION OF WORKERS CONDITIONS OF EMPLOYMENT; AND TO PROVIDE FOR RELATED OR INCIDENTAL MATTERS.

Short title.

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

Interpretation.

2. In this Act, unless the context otherwise requires—

“employer” means any person or body of persons, corporate or unincorporate, hiring or employing the labour or service of any worker;

“Labour Commissioner” means the person appointed as such under the provisions of section 3 of this Act;

“Minister” means the Minister charged for the time being with responsibility for the subject of labour relations;

“worker” means any person who has entered into or works under a contract with an employer whether the contract be by way of manual labour, clerical work or otherwise, be expressed or implied, oral or in writing, and whether it be a contract of service or of apprenticeship or a contract personally to execute any work or labour.

Appointment of Labour Commissioner and Establishment of Department of Labour.

3. (1) There shall be established a Department of Labour.

(2) It shall be lawful for the Governor-General, acting on the recommendation of the Public Service Commission, to appoint a Labour Commissioner for the State and such officers and clerks of the Department of Labour as may from time to time be necessary.

(Amended by the Constitution)

Salary of Labour Commissioner, etc.

4. The Labour Commissioner and such officers and clerks as may be appointed shall receive such salaries as may be assigned to them by the Minister with the consent of the National Assembly.

(Amended by Act 6 of 1976)

Duties of Labour Commissioner.

5. (1) The Labour Commissioner shall be charged with the administration of the Department of Labour and shall, subject to the provisions of this Act use his or her utmost endeavour to safeguard and promote the general welfare of workers of the State.

(2) Without prejudice to the generality of subsection (1) of this section, the Labour Commissioner shall—

- (a) regularly supervise and review the conditions of the various forms of employment of workers which exist in the State;
- (b) ensure the due performance of such laws as he or she may from time to time, be required to enforce;
- (c) bring to the notice of the Minister with reasonable speed every matter or thing, including the alleged or suspected breach of any law, which in his or her opinion is or is likely to be prejudicial to the welfare of any description or class of workers or which is causing or is likely to cause disagreement between any such workers and their employers;
- (d) make recommendations to the Minister, from time to time, as occasion demands for safeguarding and promoting the general welfare of the workers.

Powers of Labour Commissioner.

6. (1) Where any complaint is made to the Labour Commissioner either by an employer or a worker or where any matter which may tend to the detriment of good industrial relations is brought to the notice of the Labour Commissioner by any means whatsoever, the Labour Commissioner shall be entitled to summon to appear before him or her any person whom he or she considers necessary to enable him or her to inquire into the matter and to make recommendations for a settlement and any person so summoned shall be obliged to attend on the Labour Commissioner at the time and place appointed.

(2) Any person who, having been summoned in accordance with subsection (1), fails, neglects or refuses to attend, commits an offence and shall be liable, on summary conviction, to a fine not exceeding three hundred dollars for a first offence.

(Substituted by Act 25 of 1972)

Labour Commissioner to have powers of an Inspector under the Act.

7. The Labour Commissioner shall have, for the purpose of the execution of this Act, all the powers hereinafter conferred upon an Inspector appointed under this Act.

Labour Commissioner and Inspectors *ex officio* Inspectors under Labour (Minimum) Act.

8. The Labour Commissioner and any Inspector appointed under this Act, shall *ex officio* be Inspectors to act for the purposes of the Labour (Minimum Wage) Act, or any Act amending or substituted for the same.

Annual report.

9. The Labour Commissioner shall, not later than the thirty-first day of March in each year, furnish the Minister with a report, in such form as the Minister may prescribe, on the working of this Act during the immediately preceding year.

Appointment of Inspectors.

10. (1) The Governor-General, acting on the recommendation of the Public Service Commission, may appoint such Inspectors (under whatever title he or she may, from time to time fix) as he or she may think necessary to assist the Labour

Commissioner in the execution of this Act.

(Amended by the Constitution)

(2) Every Inspector shall be subject in the performance of his or her duties to the direction of the Labour Commissioner and before he or she assumes his or her duties, he or she shall make a declaration as set out in the Schedule to this Act.

(3) Every Inspector shall keep such records and make such returns as may from time to time be prescribed by the Minister.

(4) Every Inspector acting for the purposes of this Act shall be furnished by the Labour Commissioner with a Certificate of his or her appointment or authority so to act, which he or she shall produce, if so required by any person affected.

(Amended by Act 6 of 1976)

Duties of Inspector.

11. (1) The duties of an Inspector shall be—

- (a) to investigate and report whether the laws in force concerning conditions of employment and the protection of workers in their occupations are duly applied;
- (b) to give technical information and advice whenever necessary to employers and workers as to the most effective means of complying with existing laws;
- (c) to indicate in his or her inspection reports difficulties or abuses not specifically covered by existing laws;
- (d) to visit and inspect places where workers are employed and to institute inquiries for the purpose of performing his or her duties as set out in paragraphs (a), (b) and (c) above; and
- (e) to establish statistical data in the course of his or her inquiries and inspections as he or she may be instructed by the Labour Commissioner.

(2) No Inspector shall have any direct or indirect interest in any enterprise under his or her inspection or supervision.

Powers of Inspector.

12. An Inspector may—

- (a) at any working hour of the day or night, without previous notice, enter and inspect any estate, factory, boiling-house, curing-house, workshop, work-room, foundry, printing-office, shop, store, counting-house, warehouse, dock, wharf or other place where he or she has reasonable cause to believe that workers are employed or are about to be employed;
- (b) enter by day any premises which he or she may have reasonable cause to believe to be liable to inspection;
- (c) inspect the state, condition, and general treatment of workers therein or thereon and the state and condition of their dwelling-houses or barracks;
- (d) require from any employer information as to the number of workers employed and the wages, hours and conditions of work of such workers;

- (e) require by notice in writing from employers, returns giving information as to the number of workers employed and the wages, hours and conditions of work of such workers;
- (f) require by notice in writing from employers, reports giving information as to the causes and circumstances relating to accidents to workers employed by them, involving loss of life or disability for more than three days;
- (g) require from any worker information on all or any of the matters referred to in paragraphs (c) to (f) of this section;
- (h) carry out any examination, test or inquiry which he or she may consider necessary to satisfy himself or herself that any law relating to the employment and the protection of workers is being complied with and, in particular, may—
 - (i) interrogate either alone or in the presence of witnesses, the employer on any matter concerning the application of such law, or apply for information to any other person whose evidence he or she may consider necessary;
 - (ii) require the production of any books, registers or other documents which may be prescribed by any law applying to the conditions of employment and the protection of workers, and may, in the execution of his or her duties, copy such documents or make extracts therefrom;
 - (iii) enforce the posting of notices required by law;
 - (iv) take or remove for the purposes of analysis samples of materials and substances used or handled, subject to the employer being notified of any samples or substances taken or removed for this purpose;
 - (v) take with him or her a police officer into any such place in or on which he or she has reasonable cause to apprehend any serious obstruction in the execution of his or her duty.

Inspection of private premises where domestic servants are employed.

13. Notwithstanding the provisions of paragraph (a) of section 12 of this Act, no visit or inspection of private premises where domestic servants are employed may be made except at reasonable times between the hours of 9 a.m. and 6 p.m.

Notification of presence.

14. An Inspector shall, when on a visit of inspection, notify the employer of his or her presence, unless he or she considers that such notification would be prejudicial to the performance of his or her duties.

Duties of employers.

15. Every employer whose premises are visited by an Inspector for the purposes of this Act shall—

- (a) permit his or her workers and their representatives to communicate freely with the Inspector;

- (b) allow the Inspector free access to any place or undertaking to be inspected; and
- (c) furnish to the Inspector such information as the Inspector may require for the performance of his or her duties.

Manufacturing and commercial secrets not to be divulged.

16. (1) Except in the performance of his or her duties as an Inspector, no Inspector shall at any time whether during or after his or her service under the Crown divulge any manufacturing or commercial secret or any working process which may come to his or her knowledge in the course of his or her duties under this Act.

(2) Any person who contravenes the provisions of this section commits an offence and shall be liable, on summary conviction, to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding twelve months.

(Amended by Act 9 of 1986)

Source of information or complaint not to be divulged.

17. (1) Subject to the provisions of any other law in force in the State, no Labour Commissioner, Inspector, officer or clerk of the Department of Labour shall knowingly divulge to any unauthorised person the source of any information or complaint concerning the breach of the provisions of any law relating to the employment and protection of workers.

(2) Any person who contravenes the provisions of subsection (1) commits an offence and shall be liable, on summary conviction, to a fine not exceeding one thousand five hundred dollars or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

(Amended by Act 9 of 1986)

(3) For the purposes of this section, the expression “unauthorised person” means any person other than an officer required to deal with the information or complaint in the course of that officer’s duties.

Offences.

18. Any person who—

- (a) refuses or wilfully neglects to furnish to the Labour Commissioner or any Inspector any information or return or particular that may be required by him or her under the provisions of this Act;
- (b) knowingly furnishes or causes or allows to be furnished to the Labour Commissioner or any Inspector any information or return which is false in any material particular;
- (c) assaults, hinders or obstructs the Labour Commissioner or any Inspector in the exercise of the powers and duties conferred upon him or her by the provisions of this Act,

commits an offence and shall be liable, on summary conviction, to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment.

(Amended by Act 9 of 1986)

Liability of attorney, agent, etc.

19. Where any offence against this Act is proved to have been committed with the consent or connivance of, or to be attributable to any reckless neglect of duty on the part of the director, secretary, attorney, agent, foreman, manager or clerk of an employer, such person shall, as well as the employer, be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Power to make Regulations.

20. (1) The Minister may make Regulations generally for the proper carrying out of the provisions of this Act.

(2) Regulations made under this Act may prescribe for any contravention thereof or failure to comply therewith a fine not exceeding five hundred dollars on summary conviction.

Application.

21. This Act shall not apply to persons in the naval, military or air forces of the Crown or in the Police Force, but otherwise shall apply to workers.

SCHEDULE

DECLARATION OF OFFICIAL SECRECY

I of in
pursuance of section 10(2) of the Labour Act hereby declare that I will regard and
deal with all information, returns and documents which may come to my knowledge
in the course of my duties under this Act as secret and confidential and that I will not
at any time divulge in any manner any such information or anything contained in
such returns and documents save as authorised by this Act.

Declared before and in the presence of

Magistrate for District “ ”

Date
