

CHAPTER 277
RECRUITING OF WORKERS ACT

• Act • Subsidiary Legislation •

ACT

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CHAPTER 277
RECRUITING OF WORKERS ACT

An Act governing the recruitment of workers.

[12th August, 1939.]

1. Short title

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

2. Interpretation

(1) In this Act—

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

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

“notified place” means any country or place named or specified by the Minister in any notice for the time being in force under section 13;

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

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“worker” means a person who is intended to be employed in work of any kind, whether manual or clerical;

“worker-recruiter” means a person who, being employed as a worker, is authorised in writing by his or her employer to recruit other workers on behalf of his or her 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 herself 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 herself or by any other person, so long as such worker does not spontaneously offer his or her 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.

3. Persons who recruit to be licensed

(1) Subject to subsection (7), no person shall recruit workers unless he or she 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 or her discretion issue a licence—

- (a) if he or she 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 or she 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 a licence in any case where the licensee has been convicted of an offence under this Act or the regulations made thereunder 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 or her no longer a fit and proper person to hold a licence, and the licensing officer may suspend a licence pending the decision of the court or the making of any inquiry which he or she shall consider necessary.

(6) A person aggrieved by any decision of the licensing officer under this section may appeal to the Minister.

(7) The provisions of this section shall not apply to worker-recruiters.

4. Recruitment of persons under the age of eighteen years

Persons under the age of eighteen years shall not be recruited:

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

5. Examination of workers

(1) Recruited workers shall—

- (a) be brought before a magistrate; and
- (b) be medically examined,

in accordance with regulations made under this Act.

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

6. Expenses of workers

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 made under this Act.

7. Return of workers to their homes

A recruited worker who—

- (a) becomes incapacitated by sickness or accident during the journey to his or her place of employment;
- (b) is found on medical examination to be unfit for employment;
- (c) after being recruited is not engaged for a reason for which he or she 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 made under this Act.

8. Worker-recruiters

The provisions of this Act and the regulations made thereunder shall, except where 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.

9. Offences

A person who contravenes any of the provisions of this Act or the regulations made thereunder, shall be guilty of an offence and liable to a fine of three thousand dollars and to imprisonment for six months.

10. No emigration permitted without a permit in certain cases

No person—

- (a) being a recruited worker may proceed to any place outside Grenada; or
- (b) not being a recruited worker may proceed to any notified place,

unless such person shall have been granted a permit in accordance with the provisions of the next succeeding section.

11. Grant of permit

(1) A permit as aforesaid in the prescribed form shall be granted by a licensing officer to any applicant who—

- (a) is not a citizen of Grenada;
- (b) has paid (or, in the case of a recruited worker, has had paid on his or her behalf by a licensee) such sum not exceeding five dollars as may from time to time be prescribed;
- (c) has satisfied the licensing officer that there is no reasonable possibility of his or her having to be repatriated at Government expense.

(2) There shall be paid to the Permanent Secretary (Finance) in respect of every permit granted under this Act such sum as may be from time to time prescribed.

(3) Every such permit shall be made in duplicate and shall remain in force for one month from the granting thereof.

12. Application of Act to countries, etc., by Notice in the *Gazette*

(1) It shall be lawful for the Minister, from time to time, by Notice in the *Gazette*, to declare any country or place to be a country or place to which no person or class of person may proceed without a permit, and in the same manner to revoke any such declaration.

(2) From and after the publication of any such notice, and so long thereafter as such notice remains unrevoked, no person or person of the class named, as the case may be, shall proceed from Grenada to the country or place named in such notice without a permit granted under this Act.

(3) The name of every person proceeding to a notified place shall be sent by the licensing officer with the least possible delay to the Head of the appropriate diplomatic mission of the country or place to which such person is proceeding, and if the Head or other competent authority in any notified place pays the cost of repatriation to the Government of any emigrant in respect of whom a permit under this Act has been issued, such cost, not exceeding the sum stated in the permit, shall be repaid to such Head or other competent authority in the manner hereinafter provided.

13. Duty of shipping agents

(1) No shipping agent or other person engaged or employed in booking or receiving passengers for any ship shall—

- (a) book any person to any notified place; or
- (b) book any person whom he or she knows or has reasonable grounds for believing to be a recruited worker for any country or place outside Grenada,

unless such person first produces and leaves with him or her a permit granted under this Act.

(2) The shipping agent or other person aforesaid shall sign and deliver to the holder of such permit a receipt in the prescribed form.

14. Duty of master of ship

(1) The master of a ship bound for any place outside Grenada—

- (a) shall not receive or have on board as a passenger any person whom he or she knows or has reasonable grounds for believing to be—
 - (i) bound for some notified place, or
 - (ii) a recruited worker,

unless such person is furnished with a permit granted to him or her under the provisions of this Act or with a receipt for that permit signed by the shipping agent or other person who booked him or her as a passenger by that ship; and

- (b) shall, before demanding clearance for his or her ship, sign in duplicate a list called a passengers' list which shall correctly set forth the name and other particulars of the ship and of every passenger going by such ship giving their names and the places to which they have respectively taken passages.

(2) The passengers' list shall be countersigned by the Chief of Police, or by a police officer deputed by the Chief of Police in writing for the purpose, and then delivered by the master to the Comptroller of Customs and Excise from whom a clearance is demanded, and that officer shall thereupon countersign and return to the master one copy which shall be marked the "Master's List" and shall retain the other which shall be attached to the outward manifest of the ship.

(3) If at any time after the passengers' list has been signed and delivered as aforesaid any additional passenger is taken on board, the master shall add to the master's list and also enter on a separate list signed by him or her the name and other particulars of such additional passenger.

(4) The separate list shall be countersigned by the Chief of Police, or by a police officer deputed by the Chief of Police in writing for the purpose, and shall, together with the master's list to which the addition has been made, be delivered to the Comptroller of Customs and Excise who shall thereupon countersign the master's list and return the same to the master, and shall retain the separate list, and so on in like manner whenever any additional passenger is taken on board.

15. Power to search ship

(1) It shall be lawful for the Chief of Police, or a police officer authorised generally by the Chief of Police in writing, to go on board any ship on which he or she reasonably suspects any passenger to be in respect of whom a permit under this Act should have been granted and—

- (a) to require the master of the ship to produce to him or her any passenger on board such ship who has taken passage from Grenada and who is reasonably suspected to be a passenger in respect of whom a permit should have been granted; or
- (b) to search such ship and remove therefrom any passenger who has not been granted a permit in accordance with the provisions of this Act but who is reasonably suspected of being a passenger in respect of whom a permit should have been granted.

(2) Any such passenger may be arrested without a warrant and taken before a magistrate to be dealt with according to law.

16. Power to make regulations

(1) 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 concerning the Regulation of certain Special Systems of Recruiting adopted by the International Labour Conference in June, 1936.

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations to 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.

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RECRUITING OF WORKERS ACT

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

1. Recruiting of Workers Regulations
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Recruiting of Workers Regulations

ARRANGEMENT OF REGULATIONS

1. Citation.
2. Welfare of the population to be considered before granting permission to recruit labour.

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3. Provisions relating to the family of the recruited worker.
 4. Grouping of workers under ethnical conditions.
 5. Employment of juveniles.
 6. Information to be supplied to workers of conditions of employment.
 7. Period of contract.
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 10. Care and repatriation of worker's family.
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RECRUITING OF WORKERS REGULATIONS

[Section 16.]

[4th October, 1941.]

1. Citation

These Regulations may be cited as the Recruiting of Workers Regulations.

2. Welfare of the population to be considered before granting permission to recruit labour

(1) Before granting permission to recruit labour in any area, the licensing officer shall take into consideration the possible effects of the withdrawal of adult males on the social life of the population concerned, and in particular shall consider—

- (a) the density of the population, its tendency to increase or decrease, and the probable effect upon the birth-rate of the withdrawal of adult males;
- (b) the possible effects of the withdrawal of adult males on the health, welfare and development of the population concerned, particularly in connection with the food supply;
- (c) the dangers to the family and morality arising from the withdrawal of adult males; and
- (d) the possible effects of the withdrawal of adult males on the social organisation of the population concerned.

(2) The licensing officer may, in order to safeguard the populations concerned against any untoward consequences of the withdrawal of adult males, fix the maximum number of adult males who may be recruited in any given social unit in such manner that the number of adult males remaining in the said unit does not fall below a prescribed percentage of the normal proportion of adult males to women and children.

3. Provisions relating to the family of the recruited worker

(1) The recruiting of the head of a family shall not be deemed to involve the recruiting of any member of his or her family.

(2) The licensing officer may take the necessary measures to encourage recruited workers to be accompanied by their families, more particularly in the case of workers recruited for agricultural or similar employment at a long distance from their homes and for periods exceeding a year.

(3) Except at the express request of the persons concerned, recruited workers shall not be separated from wives and minor children who have been authorised to accompany them to, and to remain with them at, the place of employment.

(4) In default of agreement to the contrary before the departure of the worker from the place of recruiting, an authorisation to accompany a worker shall be deemed to be an authorisation to remain with him or her for the full duration of his or her term of service.

4. Grouping of workers under ethnical conditions

The licensing officer may make it a condition of permitting recruiting that the recruited workers shall be grouped at the place of employment under suitable ethnical conditions.

5. Employment of juveniles

No juvenile between the ages of sixteen and eighteen shall be recruited except with the consent of his or her parents or guardian and provided the conditions of employment are stated in writing and approved by the Magistrate of the district in which he or she is recruited or to be employed and the Magistrate must satisfy himself or herself that the work is suitable and that the welfare of the juvenile is sufficiently safeguarded.

6. Information to be supplied to workers of conditions of employment

The licensing officer shall, as a condition of granting a licence, require the issue to each recruited worker, who is not engaged at or near the place of recruiting, of a document in writing such as a memorandum of information, a work book or a provisional contract containing such particulars as the authority may determine, as for example particulars of the identity of the workers, the prospective conditions of employment and any advances of wages made to the workers.

7. Period of contract

The period of employment for recruited workers shall not exceed a maximum of two years from the date of their arrival at the place to which they are recruited for work:

Provided that at the end of such period of two years the employer may, with the consent and approval of the recruited worker, extend such period for a further period of twelve months.

8. Transport facilities to be provided

(1) The recruiter or employer shall whenever possible provide transport to the place of employment for recruited workers.

(2) The licensing officer shall take all necessary measures to ensure—

- (a) that the vehicles or vessels used for the transport of workers are suitable for such transport, are in good sanitary condition and are not overcrowded;

- (b) that when it is necessary to break the journey for the night suitable accommodation is provided for the workers; and
- (c) that in the case of long journeys all necessary arrangements are made for medical assistance and for the welfare of the workers.

(3) When recruited workers have to make long journeys on foot to the place of employment, the licensing officer shall take all necessary measures to ensure—

- (a) that the length of the daily journey is compatible with the maintenance of the health and strength of the workers; and
- (b) that, where the extent of the movement of labour makes this necessary, rest camps or rest houses are provided at suitable points on main routes and are kept in proper sanitary condition and have the necessary facilities for medical attention.

(4) When recruited workers have to make long journeys in groups to the place of employment, they shall be accompanied by a responsible person.

9. Travelling and maintenance expenses to be defrayed by the recruiter or employer

(1) The expenses of the journey of recruited workers to the place of employment, including all expenses incurred for their protection during the journey, shall be borne by the recruiter or employer.

(2) The recruiter or employer shall furnish recruited workers with everything necessary for their welfare during the journey to the place of employment, including particularly, as local circumstances may require, adequate and suitable supplies of food, drinking water, fuel and cooking utensils, clothing and blankets.

10. Care and repatriation of worker's family

Where the families of recruited workers have been authorised to accompany the workers to the place of employment the Magistrate shall take all necessary measures for safeguarding their health and welfare during the journey and more particularly—

- (a) the two preceding regulations shall apply to such families;
- (b) in the event of the worker being repatriated by virtue of section 7 of the Act, his or her family shall also be repatriated; and
- (c) in the event of the death of the worker during the journey to the place of employment, his or her family shall be repatriated.

11. Medical examination and appearance before the Magistrate

(1) Every worker to be recruited shall first be medically examined by the Medical Officer of the district in which he or she resides as to his or her fitness to engage in the type of employment in the place of such employment.

(2) Every worker shall produce to the Magistrate of the district in which he or she resides, the Medical Officer's certificate and the contract to be signed for such employment.

(3) If the Magistrate is satisfied that the medical certificate is in order and that the terms of the contract provide adequate protection for the welfare of the worker, he or she shall endorse thereon his or her permission for the contract to be signed.

12. Grant of permit

The licensing officer shall grant a permit to a worker in the Form annexed hereto, on production to him or her of the contract duly signed and endorsed in accordance with the preceding regulation. The fee therefor shall be one dollar. The licensing officer shall retain a duplicate copy of each permit issued by him or her.

13. Records to be kept

Every licensee shall keep, in such form as may be required by the licensing officer, records from which the regularity of every recruiting operation can be verified and every recruited worker can be identified.

14. Licensee’s assistants to obtain a permit

(1) No person shall assist a licensee in a subordinate capacity in the actual recruiting operations unless he or she has been approved in writing by the licensing officer on the written application of the licensee.

(2) Licensees shall be responsible for the proper conduct of such assistants.

15. Licence fees

The fee to be paid to the Permanent Secretary (Finance) for a recruiting licence, or for any renewal thereof, with respect to each period of twelve months or less expiring on the 31st December following the date of issue of the licence shall be fifty dollars:

Provided that whenever a licence authorises the recruiting of not more than one hundred workers, only one-half of the fee shall be paid.

16. Amount of security bond

Before a licence is issued, the licensee shall enter into a bond in the Form set out hereunder with sufficient sureties to the satisfaction of the licensing officer for such sum as the licensing officer shall determine having regard to the number of workers to be recruited, the nature of their employment and wages, and the places of their employment.

BOND FORM

RECRUITING OF WORKERS ACT

RECRUITING OF WORKERS REGULATIONS

Licence Security Bond

[Regulation 16.]

Know all men by these presents that we
of and
of and
of are held and firmly bound to Our Sovereign Lady the Queen, Her Heirs and Successors, in the sum of dollars to be paid to Our said Lady the Queen, Her Heirs and Successors, for which payment to be well and truly made we bind ourselves and each and any two of us, our and each and any two of our heirs, executors, and administrators jointly and severally by these presents.

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Dated this day of, 20.....

Whereas of hereinafter called “the licensee” in obedience to the Recruiting of Workers Act, Chapter 277, has applied for a licence to hire and engage workers, hereinafter called “the workers” for the purpose of being employed as workers in (name of country and place or locality within such country where work or service is to be rendered).

And whereas the licensing officer has consented to grant such licence as is required by the said Act upon the licensee entering into the above-written bond subject to the condition hereinafter mentioned.

Now therefore, the condition of the above-written bond or obligation is such that if the licensee shall well and truly observe and perform all and every the provisions of the Recruiting of Workers Act, Chapter 277, and all and every the conditions and stipulations in the contract to be made and entered into between the licensee and the workers in pursuance of and under the provisions of the said Act, and shall answer whenever so required and pay all damages and costs which shall or may be recovered by the workers or any of them in any action upon or for any breach of such contract, then the above-written bond or obligation shall be void, but otherwise the same shall remain in full force and virtue.

Signed and delivered by the licensee in the presence of:

Name:

Address:

Occupation:

Signed and delivered by:

in the presence of:

Name:

Address:

Occupation:

Signed and delivered by:

in the presence of:

Name:

Address:

Occupation:

WORKERS’ PERMIT FORM

RECRUITING OF WORKERS ACT

RECRUITING OF WORKERS REGULATIONS

Recruited Workers’ Permit

[Regulation 12.]

Permission is hereby granted to of , a recruited worker, to proceed to under the terms and conditions provided in the Recruiting of Workers Act, Chapter 277.

This permit shall be in force for one month from the date of issue.

Dated this day of, 20.....

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Recruiting of Workers Act – Subsidiary Legislation

Licensing Officer
