

**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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**CHAPTER 277**  
**RECRUITING OF WORKERS ACT**

**SUBSIDIARY LEGISLATION**

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*List of Subsidiary Legislation*

1. Recruiting of Workers Regulations
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**Recruiting of Workers Regulations**

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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.

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**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.

*Recruiting of Workers Act – Subsidiary Legislation*

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: .....

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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*

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*Licensing Officer*

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