

THE RECRUITING OF WORKERS ACT

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THE RECRUITING OF WORKERS ACT

Cap. 336.
Act
42 of 1969
3rd. Sch.

[6th June, 1940.]

1.—(1) This Act may be cited as the Recruiting of Workers Act. Short title.

(2) The provisions of this Act shall not apply to the recruitment of workers for any foreign country or place which, before the 6th June, 1940, has been proclaimed under section 3 of the Emigrants Protection Act. Application.

2.—(1) In this Act—

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

“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;

“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 authorized in writing, by his employer, to recruit other workers on behalf of 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

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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' organization and supervised by the Government of the Island.

Exemptions.

3. The provisions of this Act shall not apply to—

- (a) the recruiting of workers by or on behalf of employers who do not employ more than ten workers; or
- (b) the recruiting of workers within twenty miles of the place of employment; or
- (c) the recruiting of personal or domestic servants or non-manual workers,

or to any workers so recruited, unless such recruiting is done by professional recruiting agents.

Persons who
recruit to be
licensed.

4.—(1) Subject to the provisions of subsection (7), no person shall recruit workers unless he is licensed in that behalf under the provisions of 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 any 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 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 shall consider necessary.

(6) Any 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.

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

Non-adults
not to be
recruited.

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

6.—(1) Recruited workers shall—

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

in accordance with regulations made under this Act.

Examination
of workers.

(2) The Justice before whom any recruited worker is brought shall satisfy himself that the provisions of this Act and any regulations made thereunder have been

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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 made under this Act.

Return of workers to their homes. 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 Justice 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.

Worker-recruiters. 9. The provisions of this Act and of any regulations made thereunder 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 any regulations made thereunder, shall be guilty of an offence,

and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding one hundred dollars or to imprisonment not exceeding three months or to both such fine and imprisonment.

11.—(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, and without prejudice to the generality of the foregoing power he may by regulation provide for—

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- (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:

(2) Regulations made under subsection (1) shall be subject to affirmative resolution.

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