

BARBADOS
PROTECTION OF WAGES
CHAPTER 351

1951-64.
1955-22.
1975-16.
L.N. 168/ 1967.

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An Act to make provision for the protection of wages of workers.

[Commencement: 12th November, 1951]

Short title.

1. This Act may be cited as the Protection of Wages Act.

Interpretation. [1975-16.]

2. For the purposes of this Act -

"wages" means remuneration or earnings however designated or calculated, capable of being expressed in terms of money and fixed by mutual agreement or by law, which are payable by virtue of a contract of employment either expressed or implied by an employer to an employee for work done or to be done or for services rendered or to be rendered;

"worker" means a person to whom wages are paid or are payable under a contract of employment (including a contract of apprenticeship) expressed or implied.

Wages to be paid in legal tender [1975-16.]

3. (1) Subject to subsection (2), in all contracts of employment, the wages of a worker shall be made payable in legal tender and not otherwise, and if in any such contract the whole or any part of such wages is made payable in any other manner, such contract shall be illegal, null and void.

3. (2) Notwithstanding subsection (1), the wages of a worker under a contract of employment may, with the consent of the worker, be paid by cheque drawn on a bank licensed under the Banking Act, [Cap. 322.] or by postal order or money order.

Agreements to place and manner of spending wages illegal.

4. No employer shall impose in any contract for the employment of any worker any terms as to the place at which, or the manner in which, or the person with whom, any wages paid to the worker are to be expended, and every contract between an employer and a worker containing such terms shall be illegal, null and void.

Wages to be paid entirely in legal tender.

5. Except where otherwise expressly permitted by this Act, the entire amount of the wages earned by, or payable to, any worker in respect of any work done by him shall be actually paid to him in legal tender, and every payment of, or on account of, any such wages made in any other form shall be illegal, null and void.

Worker's right to recover. [1975-16.]

6. Every worker shall be entitled to recover in a court so much of his wages, exclusive of sums lawfully deducted in accordance with this Act, as shall not have been actually paid to him in accordance with section 3.

Interest on advances prohibited.

7. No employer shall make any deduction by way of discount, interest or any similar charge on account of any advance of wages made to any worker in anticipation of the regular period of payment of such wages.

Deductions or payment in respect of fines restricted.

8. Except where otherwise expressly permitted by this Act or any other Act, no employer shall make any deduction or make any agreement or contract with a worker for any deduction from the wages to be paid by the employer to the worker, or for any payment to the employer by the worker, for or in respect of any fine or for bad or negligent work or for injury to the materials or other property of the employer save when such injury is occasioned by the wilful misconduct or neglect of the worker.

Deduction and assignment of wages [1975-16.]

9. (1) An employer may deduct or stop from the wages payable to a worker under any contract of employment in respect of the following-

(a) the actual or estimated cost to the employer of any materials, tools and implements supplied by the employer to the worker at the latter's request to be employed by him in his occupation; or

(b) any money advanced by way of loan by the employer to the worker, whether paid to the worker himself or to another person at the worker's request in anticipation of the regular period of payment of his wages.

9. (2) A worker may assign a part of the wages payable to him under any contract of employment.

9. (3) The total amount which may be-

(a) deducted or stopped from the wages of a worker under subsection (1) ;

(b) assigned by a worker out of his wages under any contract of employment pursuant to subsection (2) ; and

(c) attached under any law,

shall not, in any pay period, exceed one-third of the wages of the worker in that pay period.

Illegal advances to be irrecoverable.

10. All advances made otherwise than in accordance with this Act or any regulations shall be unlawful and shall be irrecoverable in a court of law whether by way of counterclaim, set-off or otherwise.

Savings as to judgment debts.

11. During the period of his contract, a worker receiving an advance under this Act shall not by reason only of such advance be deemed to have or to have had means and ability to pay any sum due by him under any judgment of a court.

Agreements of co-operation.

12. Nothing in this Act shall be held to apply to any body of persons working on an agreement of co-operation.

Remuneration other than wages. [1975-16.]

13. (1) Notwithstanding anything contained in this Act, an employer may by contract or by agreement with a worker pay to the worker as remuneration, in addition to any monetary wages, allowances other than monetary allowances in accordance with subsection (2).

13. (2) The allowances referred to in subsection (1) shall-

- (a) be of personal benefit to the worker and his family;
- (b) be of a fair and reasonable value; and
- (c) not be in the form of noxious drugs or intoxicating liquor.

Wages not to be paid on certain premises

14. No employer shall pay wages to any worker at or within any retail shop or place for the sale of any spirits, wine, beer or other spirituous or fermented liquor or any office or place belonging thereto or occupied therewith, save and except such wages as are paid by the resident owner or occupier of such retail shop or place to any worker *bona fide* employed by him.

Penalties.

15. Any employer or his agent who-

- (a) enters into any agreement or contract or gives any remuneration for employment contrary to this Act or declared by this Act to be illegal; or
- (b) makes any deduction from the wages of any worker or receives any payment from any worker contrary to this Act; or
- (c) contravenes section 14,

shall be guilty of an offence and shall be liable on conviction by a court of summary jurisdiction to a fine of forty-eight dollars or for a second or subsequent offence to a fine of ninety-six dollars. [1955-22.]

Exemption of employer on conviction of actual offender.

16. (1) Where an employer is charged with an offence under this Act, he shall be entitled, upon information duly laid by him, to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge, and if, after the commission of the offence has been proved, the employer proves to the satisfaction of the court that he has used due diligence to enforce this Act and that the other person has committed the offence in question without his knowledge, consent or connivance, the other person shall be summarily convicted of such offence and the employer shall be exempt from any penalty.

16. (2) When it is made to appear to the satisfaction of the Chief Labour Officer at the time of discovering the offence that the employer has used due diligence to enforce this Act and also by what person such offence has been committed, and also that it has been committed without the knowledge, consent or connivance of the employer, then the Chief Labour Officer shall proceed against the person whom he believes to be the actual offender in the first instance without first proceeding against the employer.

16. (3) Where with the lodging of an information charging an offence under paragraph (b) of section 15 a notice in the prescribed form is served by the informant in the prescribed manner on the employer, the magistrate may, on the offence being proven, order the employer to pay to the worker concerned that part of the wages found to have been deducted, or, as the case may be, received as payment contrary to this Act. [1955-22.]

16. (4) Payment of any sum ordered by a magistrate to be paid [1955-22.] under subsection (3) may be enforced in the manner prescribed under section 85 of the Magistrates Jurisdiction and Procedure Act.

16. (5) The power of the magistrate to make an order under [1955-22.] subsection (3) shall not be in derogation of any right of the worker concerned to recover the sum by any other proceeding:

Provided that no worker shall be entitled in any other proceedings to recover any amount which a magistrate has ordered to be paid under subsection (3).

Register of wage payments.

17. (1) Every employer shall keep a register of wage payments and workers' accounts and every worker shall be entitled, on demand, to a copy of his account in any pay period.

17. (2) Every employer who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction by a court of summary jurisdiction to a fine of forty-eight dollars. [1955-22.]

Exclusion of certain workers from application of Act. [1975-16.]

17A. The Minister responsible for Labour may, after consultation with the organisations of employers and the organisations of workers, by order published in the Official Gazette, exclude from the provisions of this Act any worker or category of worker who -

(a) is not employed in manual labour; or

(b) is employed in domestic service or similar work, and whose circumstances or conditions of employment are such that application of such provisions is inappropriate.

Regulations.

18. (1) The Chief Labour Officer, with the approval of the Minister, may make regulations for the purpose of carrying this Act into effect.

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

Deduction for provident or pension funds.

19. Notwithstanding anything in this Act contained, an employer may with the consent of the worker make deductions from the wages of the worker and pay to the appropriate person any contributions to provident or pension funds or schemes agreed to by the worker and approved of by the Chief Labour Officer.

Prosecution to be instituted within one year of offence.

20. No prosecution for any offence under this Act shall be instituted after the expiration of one year from the date of the commission of the offence.