

**SAINT CHRISTOPHER NEVIS AND ANGUILLA**

**THE LABOUR ORDINANCE, 1966**

No. 8 of 1966

An Ordinance for the appointment of a Labour Commissioner, the supervision and inspection of workmen's conditions of employment and purposes incidental thereto.

(On Proclamation)

*Commencement: 4th May, 1966*

Be it enacted by the Queen's Most Excellent Majesty, by with the advice and consent of the Legislative Council of Saint Christopher Nevis and Anguilla, and by the authority of the same as follows:-

*Short Title*

1. This Ordinance may be cited as the Labour Ordinance, 1966

*Interpretation.*

2. In this Ordinance, unless the context otherwise requires –

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

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

“Minister means the member of Executive council charged for the time being with responsibility for the subject of labour relations;

“workman” means any person who has entered into or works under a contract with an employer whether 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 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.
3. (2) It shall be lawful for the Administrator to appoint a Labour Commissioner for the Colony and such officers and clerks of the Department of Labour as may from time to time be necessary.
3. (3) The Labour Commissioner shall hold office during Her Majesty's pleasure.

*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 Administrator with the consent of the Legislative Council.

*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 Ordinance, use his utmost endeavor to safeguard and promote the general welfare of workmen of the Colony.
5. (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 workmen which exist in the Colony;
  - (b) ensure the due performance of such laws as he 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 laws, which in his opinion is or is likely to be prejudicial to the welfare of any description or class of workmen or which is causing or likely to cause disagreement between any such workmen 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 workmen.

*Power of Labour Commissioner.*

6. The Labour Commissioner may enquire informally, if the parties so consent, into any complaint which an employer may have to make against any workman or which any workman may have to make against an employer or which may be otherwise brought to his notice and to use his good offices and

influence to bring about a fair and reasonable settlement of such complaint without recourse being had to legal proceedings.

*The Labour Commissioner to have powers of an inspector under the Ordinance.*

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

*Labour Commissioner and Inspectors ex officio Inspectors under Cap. 344.*

8. The Labour Commissioner and any Inspector appointed under this Ordinance shall ex officio be Inspectors to act for the purposes of the Labour (Minimum Wage) Act, Cap. 344, or any Ordinance 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 Ordinance during the immediately preceding year.

*Appointment of Inspectors.*

10. (1) The Administrator may appoint such Inspectors (under whatever title he may from time to time fix) as he may think necessary to assist the Labour Commissioner in the execution of this Ordinance.

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

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

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

*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 workmen in their occupations are duly applied.

(b) to give technical information and advice whenever necessary to employers and workmen as to the most effective means of complying with existing laws;

(c) to indicate in his inspection reports difficulties or abuses not specifically covered by existing laws;

(d) to visit and inspect places where workmen are employed and to institute inquiries for the purpose of performing his duties as set out in paragraphs (a), (b) and (c) above; and

(e) to establish statistical data in the course of his inquiries and inspections as he may be instructed by the Labour Commissioner.

11. (2) No inspector shall have any direct or indirect interest in any enterprise under his 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, foundry, work-shop, work-room, foundry, printing-office, shop, store, counting-house, warehouse, dock, wharf or other place where he has reasonable cause to believe that workmen are employed or are about to be employed;

(b) enter by day any premises which he may have reasonable cause to believe to be liable to inspection;

(c) inspect the state, condition, and general treatment of workmen 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 workmen employed and the wages, hours and conditions of work of such workmen;

(e) require by notice in writing from employers, returns giving information as to the number of workmen employed and the wages, hours and conditions to work of such workmen;

(f) require by notice in writing from employers, reports giving information as to the causes and circumstances relating to accidents to workmen employed by them, involving loss of life or disability for more than three days;

(g) require from any workman 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 may consider necessary to satisfy himself that any law relating to the employment and the protection of workmen is being with and, in particular, may –

(i) interrogate either alone or in the presence of witnesses, the employer on any matters concerning the application of such law, or apply for information to any other whose evidence he may consider necessary;

(ii) require the production of any books, registers or other documents which may be prescribed by law applying to the conditions of employment and the workmen, and may, in the execution of his 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 a police officer into any such place in or on which he has reasonable cause to apprehend any execution of his duty.

*Inspections of private premises where domestic servants are employed.*

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

*Notification of presence.*

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

*Duties of employers.*

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

(a) permit his workmen 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 duties.

*Manufacturing and commercial secrets not to be divulged.*

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

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

*Source of information or complaint not to be divulged.*

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

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

17. (3) For the purposes of this section the expression "unauthorized 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 under the provisions of this Ordinance;

(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 by the Provisions of this Ordinance;

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

*Liability of attorney, agent, & c.*

19. Where any offences against this Ordinance 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 Administrator in Council may make Regulations generally for the proper carrying out the provisions of this Ordinance.

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

*Application.*

21. Thus Ordinance 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 workmen.

*Repeal Cap. 343.*

22. The Labour Commissioner Ordinance, Cap 343, is hereby repealed.

*Commencement.*

23. This Ordinance shall come into force on a date to be appointed by the Administrator by proclamation published in the *Gazette*.

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**SCHEDULE**

**Declaration of Official Secrecy.**

I .....of .....in  
pursuance of section 10 (2) of the Labour Ordinance, 1966, No. 8 of 1966 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 Ordinance 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 authorized by this Ordinance .

Declared before and in the presence of

Magistrate for District

Date.....