ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER L5

LABOUR DEPARTMENT ACT

Showing the Law as at 31 December 2022

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

This Edition consolidates—
Act 14/2018, Part 10 in force 3 January 2019,
except sections 46 and 110 and Part 10,
which came into force 31 August 2019

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LABOUR DEPARTMENT ACT

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LABOUR DEPARTMENT ACT

Interpretation

1. In this Act—

"Commissioner" means the Labour Commissioner appointed under section 3(2);

"employer" means any person or body of persons, incorporated or unincorporated, hiring or employing the labour or service of any worker;

"Inspector" means any Labour Inspector appointed under section 8(1);

"Minister" means the member of Executive Council charged for the time being with responsibility for the subject of labour and labour relations;

"worker" means any person who has entered into or works under a contract with an employer whether the contract is by way of manual labour, clerical work or otherwise, written or oral or expressed or implied and whether it is a contract of service or of apprenticeship or a contract personally to execute any work or labour.

Application

2. This Act shall not apply to persons holding office in the public service of the Government of Anguilla, in the naval, military or air forces of the Crown or in the Royal Anguilla Police Force, but otherwise shall apply to all workers.

Establishment of Labour Department

3. (1) There shall be established a Labour Department.

(2) The Governor, acting after consultation with the Public Service Commission, shall appoint a Labour Commissioner and such other officers and clerks of the Labour Department as from time to time may be necessary.

Duties and responsibilities of the Labour Commissioner

4. (1) The Commissioner shall be in charge of the day-to-day administration of the Labour Department, and, subject to the directions of the Minister, shall administer such laws and regulations as may be in force from time to time regulating relationships in the field of labour.

(2) Without prejudice to the generality of the foregoing, the Commissioner shall—

(a) be available to assist in the resolution of any question arising out of the employer-employee relationship whether or not arising under the provisions of a labour law;

(b) participate in the preparation, co-ordination and administration of national employment policy;

(c) provide technical advice to the Government in all labour matters;

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(d) keep under review the situation of the employed, unemployed and under-employed and draw attention to their terms and conditions of employment and working life and submit proposals for improvement;

(e) make technical advice available to employers and workers and their respective organisations at their request;

(f) make his service available to employers, workers and their respective organisations with a view to promoting effective co-operation between the Government, employers and workers; and

(g) receive all questions, complaints, petitions or notifications of differences between employer and employees and take the steps necessary to resolve them.

Institution of proceedings

5. The Commissioner may institute proceedings in respect of any offence committed by an employer under the provision of any Act which he administers and such proceedings may be prosecuted on his behalf by a legal representative or by a police officer on behalf of the Department.

Commissioner to have powers of Inspector

6. The Commissioner shall have and may exercise all the powers hereinafter conferred upon an Inspector appointed under this Act.

Annual report

7. The Commissioner shall, as soon as practicable after the 31st day of December, in each year, furnish the Minister with a report, in such form as the Minister may approve, on the operations of the Labour Department during the preceding 12 months.

Appointment of Labour Inspectors

8. (1) The Governor, after consultation with the Public Service Commission, may appoint such persons as may from time to time be requisite as Labour Inspectors to assist the Commissioner in the execution of his duties.

(2) Every Inspector shall be furnished with a certificate of appointment as such in the form set out in the Schedule, and, when visiting any premises or questioning any person in connection with the exercise of his powers shall, upon request, produce and display his certificate of appointment.

General duties and responsibilities of Inspectors

9. Under the general directions of the Commissioner, an Inspector shall—

(a) investigate and report whether the laws in force concerning conditions of employment and the protection of workers in their occupations are being duly applied;

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

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

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

(e) collect such statistical data in the course of his duties as he may be instructed by the Commissioner to collect.

Powers of Inspectors

10. An Inspector may, subject to the general direction of the Commissioner—

(a) enter freely and without previous notice at any reasonable hour of the day or night any workplace liable to inspection;

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

(c) carry out any reasonable examination, test or inquiry which he may consider necessary in order to satisfy himself that the requirements of the law relating to labour matters are being strictly observed;

(d) question alone or in the presence of witnesses, the employer or any staff of the undertaking on any matter concerning the application of the requirements of any law relating to labour;

(e) require the production of any books, registers or the documents, the keeping of which is prescribed by any law relating to conditions of work, in order to see that they are in conformity with the provisions thereof, and copy such documents or make extracts from them;

(f) enforce the posting of notices as required by law;

(g) take or remove, for purposes of analysis, samples of materials and substances used or handled, subject to the employer or his representative being notified of any such samples or substances taken or removed for such purpose;

(h) require from any employer information as to the number of workers employed and the wages, hours and conditions of work of such workers; and

(i) take with him a police officer into any such place in or on which he has reasonable cause to apprehend any serious obstructions in the execution of his duty.

Inspection of premises where domestic servants are employed

11. Notwithstanding sections 10(a) and (b), no visit or inspection of private premises where domestic servants are employed or believed to be employed may be made except at reasonable times between the hours of 9:00 a.m. and 6:00 p.m.

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Notification of presence

12. On the occasion of an inspection visit, the Inspector shall notify the employer or his representative of his presence, unless he considers that such notification may be prejudicial to the performance of his duties.

Restrictions on Inspectors

13. (1) An Inspector shall—

(a) not have any direct or indirect interest in any enterprise under his inspection or supervision;

(b) not reveal, even after leaving the service, any manufacturing or commercial secrets or working processes which may come to his knowledge in the course of his duties; and

(c) treat as absolutely confidential the source of any complaint bringing to his notice a defect or breach of the law and shall give no intimation to the employer or his representative that a visit of inspection was made in consequence of the receipt of such a complaint.

(2) A person who contravenes this section is guilty of an offence and is liable on summary conviction to a fine of $1,000 or to imprisonment for a term of 6 months or to both.

Duties of employers

14. Every employer or his representative whose premises are visited by an Inspector performing inspection duties shall—

(a) permit him access to any place or undertaking to be inspected;

(b) furnish him with any information as will enable him to carry out the duties of his office; and

(c) grant to his workers and their representatives, every facility for communicating freely with the Inspector when on a visit of inspection.

Tripartite consultation

15. The Minister shall consult with employers and workers or their respective representatives if any, from time to time in such manner as he may think fit, on any matter affecting the relationship between employers and workers and conditions of working life in general.

Offences

16. Any person who—

(a) hinders or obstructs the Commissioner or any Inspector in the exercise of the powers and duties conferred upon him by the provisions of this Act;

(b) fails or refuses to permit his workers free access to and communication with an Inspector while on a visit of inspection;

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(c) refuses or wilfully neglects to furnish the Commissioner or any Inspector, any information or return or particular that may be required by him under the provisions of this Act; or

(d) knowingly furnishes, or causes, or allows to be furnished to the Commissioner or any Inspector any information or return which is false in any material particular;

commits an offence and is liable on summary conviction to a fine of $500 or to imprisonment for 3 months or to both.

Liability of attorney, agent, etc.

17. Where any offence under this Act 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 is liable to be proceeded against and punished accordingly.

Power to make regulations

18. (1) The Governor may make regulations generally for the proper carrying out of the provisions of this Act.

(2) Regulations made under this Act may prescribe for any contravention thereof or failure to comply therewith a fine of $200 on summary conviction.

Citation

19. This Act may be cited as the Labour Department Act, Revised Statutes of Anguilla, Chapter L5.

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SCHEDULE

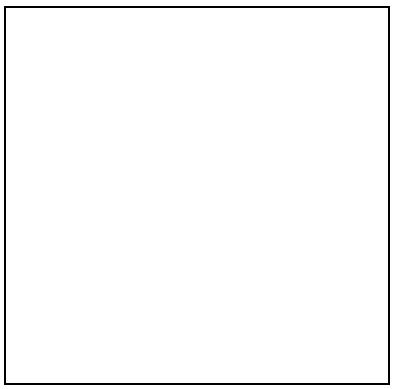
(Section 8(2))

CERTIFICATE OF APPOINTMENT

This is to certify that

……..……

whose photograph and signature are affixed hereto has been appointed as Inspector in accordance with the provisions of section 8(1) of the Labour Department Act.



Signed ……..……. ……..…….
Minister Signature of Holder

Date ……..…….

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