
CHAPTER 232

THE LABOUR COMMISSIONER ACT

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LABOUR COMMISSIONER

(1st January, 1951.)

311950.
1711967.
1811989.
S.I. 39/1989.

1. This Act may be cited as the Labour Commissioner **Short title.**
Act.

2. In this Act— **Interpretation.**

"employer" includes attorney, agent, foreman, manager, clerk, and any other person engaged in hiring, employing or superintending the labour or

service of any workman, and also a body of persons corporate or incorporate;

“wages” means any money or other thing had or contracted to be paid, delivered or given as a recompense, reward or remuneration for any work or labour done or to be done, whether within a certain time or to a certain amount, or for a time; or an amount uncertain;

“workman” means any person who has entered into or works 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 a contract of service or of apprenticeship or a contract personally to execute any work or labour.

**Appointment of
Labour
Commissioner
and Officers.**

3. It shall be lawful for the Public Service Commission to appoint a Labour Commissioner for Antigua and Barbuda and such officers and clerks to assist such Labour Commissioner as they consider necessary.

Salaries.

4. The Labour Commissioner and such officers and clerks as may be appointed shall receive such salaries as may be assigned to them by Parliament.

**Duties of Labour
Commissioner.**

5. (1) The Labour Commissioner shall, subject to the provisions of this Act, use his utmost endeavour to safeguard and promote the general welfare of workmen of Antigua and Barbuda.

(2) Without prejudice to the generality of the foregoing provision he shall—

(a) regularly supervise and review the conditions of the various forms of employment of workmen which exist in Antigua and Barbuda;

(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 is 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.

6. (1) The Labour Commissioner is empowered and authorized—

**Powers of
Labour
Commissioner,
obstruction, &c.**

(a) to visit and inspect any premises in which workmen other than domestic servants are employed, and to obtain and to require from any employer information as to the number of such workmen employed and the wages, hours and conditions of work of such workmen;

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

(c) to obtain and to require by a 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 twenty-four hours;

(d) to inspect in any premises in which workmen other than domestic servants are employed, the state, condition and general treatment of such workmen therein or thereon and the state and condition of their dwelling houses or barracks;

(e) to enquire 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;

(f) to summon any person including the parties to a dispute, to attend an enquiry and to give evidence

or to produce any paper, book, record or document in the possession or under the control of such person.

(2) The occupier of any premises in which workmen are employed, his agents and servants, shall furnish the means reasonably required by the Labour Commissioner as necessary for any inspection or enquiry into or in relation to any such premises.

(3) Any such person who refuses or wilfully neglects to furnish such means shall be guilty of an offence against this Act and liable on summary conviction to a fine not exceeding one thousand dollars.

(4) Any person who assaults, hinders or obstructs the Labour Commissioner acting in the execution of his duty under this section shall be guilty of an offence against this Act and liable on summary conviction to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding three months with or without hard labour.

(5) Any employer who, without good and sufficient cause, fails, on being required so to do, to furnish to the Labour Commissioner any of the information or any returns specified in subsection (1), shall be liable on a summary conviction to a fine not exceeding two hundred and fifty dollars.

(6) Any employer who knowingly furnishes or allows to be furnished to the Labour Commissioner any information or return which is false in any material particular, shall be liable on summary conviction to a fine not exceeding three thousand dollars or to imprisonment for a term not exceeding three months.

(7) Any person who having been summoned to attend an enquiry under the provisions of paragraph (f) of subsection (1), refuses, or without lawful excuse neglects, to attend at any place or time at which his attendance is required, shall be guilty of an offence and upon summary conviction shall be liable to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months.

**Form of
summons.**

7. (1) A summons issued under paragraph (f) of subsection (1) of section 6 shall be in the form prescribed

in the Schedule and shall be signed by the Labour Commissioner. **Schedule.**

(2) A summons in accordance with subsection (1) may be served by a constable.

8. All persons summoned to attend and give evidence at an enquiry or to produce any paper, book, record or document shall— **Duty and privilege of witnesses.**

(a) be bound to obey the summons served upon them;

(b) be entitled, in respect of such evidence or the disclosure of any communication or the production of such paper, book, record or document, to the same right or privilege as before a court of law;

(c) be entitled to be paid their expense including travelling expenses at the rates prescribed by the Supreme Court (Witnesses Allowances) Rules for witnesses who are entitled to have their expenses paid from public funds.

9. (1) Any person who—

Penalty for disobedience.

(a) without sufficient cause, fails or refuses to attend at an enquiry in obedience to a summons issued under paragraph (f) of subsection (1) of section 6, or fails or refuses to produce any paper, book, record or document which he was required by such summons to produce; or

(b) being a witness, leaves an enquiry without the permission of the Labour Commissioner; or

(c) being a witness, refuses without sufficient cause, to answer any question put to him by or with the permission of the Labour Commissioner; or

(d) wilfully obstructs or interrupts the proceedings of an enquiry,

shall be liable on summary conviction before a Magistrate to a fine not exceeding two hundred and fifty dollars or in default of payment thereof to imprisonment for a term not exceeding three months.

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Labour Commissioner

(2) A person shall not be convicted for failing or refusing to attend at an enquiry unless the summons requiring him so to attend has been served on him at least seven days before the day on which he is required to attend.

Regulations. **10.** The Cabinet may make regulations prescribing the form in which the information and the returns mentioned in paragraph (b) of subsection (1) of section 6 shall be furnished.

Application. **11.** This Act 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.

SCHEDULE

S. 7

Summons to Witness

To (name) of (address)

(occupation) You are hereby

summoned to appear before the Labour Commissioner at

(place) on the day of 19

at o'clock, regarding an enquiry

(state briefly the subject of enquiry)

and to give evidence respecting such enquiry.

(If the person summoned is to produce documents add) And you

are required to bring with you and produce (specifying the papers,

books, records or documents required).

Therefore fail not at your peril.

Given under my hand this day of 19

Labour Commissioner.