
CHAPTER 318**RECRUITING OF WORKERS****ARRANGEMENT OF SECTIONS**

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CHAPTER 318

RECRUITING OF WORKERS

An Act to regulate the recruitment of workers.

*28 of 1939
E.L.A.O., 1974
5 of 1987*

*[Assent 27th February, 1939]
[Commencement 1st October, 1940]*

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

2. (1) In this Act, unless the context otherwise requires — Interpretation.

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

“licensing officer” means a person appointed by the Governor-General acting in accordance with the advice of the Public Service Commission, to be a licensing officer for the purposes of this Act; *E.L.A.O., 1974.*

“licensee” means the holder of a licence under this Act;

“magistrate” means a stipendiary and circuit magistrate or a commissioner;

“Minister” means the Minister responsible for Labour; *E.L.A.O., 1974.*

“prescribed” means prescribed by regulations made under this Act;

“worker” means a person who is intended to be employed in manual work of any kind, including the work of stevedore.

(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 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’ organisation and supervised by the Government.

Application of
Act.

- 3.** The provisions of this Act shall apply to —
- (a) the recruitment of workers for employment outside The Bahamas; and
 - (b) the recruitment of personal or domestic servants or non-manual workers for work outside The Bahamas if such recruiting is done by professional recruiting agents.

Persons who
recruit to be
licensed.

4. (1) 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 a 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 a licensing officer is satisfied that the conditions on which it was granted have been complied with.

(5) A licensing officer may cancel any licence in any case where the licensee has been convicted of an offence under this Act or the 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 a licensing officer may suspend any licence pending the decision of the court or the making of any inquiry which he shall consider necessary.

(6) Any person aggrieved by any decision of the licensing officer under this section may appeal to the Governor-General.

Non-adults not
to be recruited.

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

6. (1) Recruited workers shall —

Examination of workers.

- (a) be brought before a magistrate; and
- (b) be medically examined in accordance with regulations made under this Act.

(2) The magistrate before whom any recruited worker is brought shall satisfy himself that the provisions of this Act and the regulations made thereunder have been observed and that the worker has not been subjected to pressure or recruited by misrepresentation or mistake.

7. The expenses of the journey of recruited workers (and their families if authorised by agreement to accompany them) 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 or employer in accordance with regulations under this Act.

Expenses of workers.

8. A recruited worker who —

Return of workers to their homes.

- (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 magistrate to have been recruited by pressure or by misrepresentation or mistake,

and the family (if authorised by agreement to accompany him) of such recruited worker, and the family (if authorised by agreement to accompany him) 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.

9. Any person who acts in contravention of or fails to comply with any of the provisions of this Act, or the regulations made thereunder, shall be guilty of an offence and shall be liable on summary conviction to a fine of four hundred dollars or to imprisonment for twelve months or to both such fine and imprisonment.

Offences.

5 of 1987, s. 2.

10. 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

Power to make regulations.
E.L.A.O., 1974.

without prejudice to the generality of the foregoing power he may by regulation provide for —

- (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 restriction of recruiting to certain areas;
- (e) the form of written contract to be entered into between the recruited worker and the licensee;
- (f) the provision of transport for recruited workers and their families from the place of recruitment to the place of employment;
- (g) the amount of wages which may be paid in advance to recruited workers, and the conditions under which advances of wages may be made;
- (h) anything which by this Act is to be prescribed, or as to which regulations are to be made.