

# Labour Legislation in Barbados

By Sheena Mayers  
Industrial Relations Officer  
Barbados Employers' Confederation

*Published December 3, 2012 in the Barbados Business Authority*

On the heels of the proclamation of the Occupational Pension Benefits Act with effect from February 2011 and the passing of the Employment Rights Bill 2012 in April this year, Barbados is currently preparing for the proclamation of a new piece of labour related legislation; the Safety and Health at Work Act 2005. Against this backdrop, it is fitting to have a brief look at the labour legislation within Barbados.

Legislation becomes active or enforceable once it has been proclaimed by the Governor General. As such, the Employment Rights Act and the Safety and Health at Work Act 2005 are currently not on the statute books. These Acts have been passed in both Houses of Parliament but will only become law when they are proclaimed by the Governor General. However, employees and employers are encouraged to use the intervening time to become familiar with these instruments prior to proclamation as well as to move towards compliance and an easy transition to new systems once legislated.

There are twenty-two (22) pieces of law that constitute the Labour Legislation of Barbados and while some Acts are frequently referenced, and unfortunately misquoted on many occasions, they each contribute to shaping our industrial relations landscape. Twenty-two (22) Acts may seem like a lot, in fact it isn't. In comparison to other jurisdictions, such as Trinidad and Canada, Barbados has very little legislation that covers the critical area of labour and the employee-employer relationship.

Some of the most frequently referenced pieces of legislation include:

- Holiday with Pay Act
- Employment of Women (Maternity Leave) Act
- Severance Payments Act
- Protection of Wages Act
- Public Holidays Act

It is prudent, however, to also be aware of some of the other Acts which are vital but less recognised, such as the Shops Act, Trade Union Legislation, Labour Department Act and the National Insurance Act.

The Shops Act is a critical piece of legislation which, in many instances, acts as a guide for employment standards within Barbados. This piece of legislation specifically sets standards for Shop Assistants who are defined as "any person, except a member of the occupier's family, wholly or mainly employed in a shop in connection with the serving of customers, the receipt of money or orders for goods, or the

delivery or dispatch of goods.” While the Act speaks specifically to Shops and Shop Assistants, these standards are regularly referenced as common labour standards throughout Barbados.

Important legislation, such as the Employment (Miscellaneous Provisions) Act maybe disregarded by some, however, this act not only differentiates between children and young people for employment purposes but also restricts their hours and type of work. Barbados has generally accepted the presence of trade unions and this may be the cause of the Trade Unions Act and the Trade Disputes Act being overlooked, however the Trade Union Act regulates the establishment of Trade Unions while the Trade Disputes Act makes provision for Tribunals to be established to resolve disputes.

Two (2) important pieces of legislation that are not regularly considered are the Labour Department Act and the National Insurance Act. The Labour Department Act was one of the first pieces of labour legislation, initially passed in 1943. In establishing the Labour Department, the Act created an effective mechanism for the oversight of labour management relations and this entity has continued to be vital social partner in the development of Barbados. The National Insurance Department plays a vital role in our social fabric, and while many Barbadians expect a pension at retirement, the provision of injury, disability, sickness and unemployment benefits cannot be undervalued.

A relatively unknown fact is the role of the International Labour Organisation in shaping legislation throughout the world and by extension within Barbados. If a matter is not addressed in existing legislation, persons can refer to ILO Conventions and Recommendations (commonly referred to as Labour Standards) for guidance on the matter. These International Labour standards are developed through a tripartite process with representation from governments, labour and employers. Each year at the International Labour Conference the delegations from countries across the globe meet and discuss emerging labour issues, and as a result the Conventions and Recommendations benefit from a wealth of expertise. The Barbados Employers’ Confederation (BEC), as the organisation most representative of Barbadian employers, represents Barbadian employers annually at the International Labour Conference. It is worthy to note that Barbados has ratified thirty six (36) ILO conventions.

As the face of business continues to change it has introduced new and dynamic concepts such as flexi-time, telecommuting and internet powered solutions, all of which impact our working conditions. These realities always stir discussions about the adequacy of current legislation and stimulate conversation on new legislation. The Employment Rights Act and the Safety and Health at Work Act are examples of modern labour legislation. The BEC will endeavour to keep you informed through this column of emerging areas and new legislation that impacts the labour-management relationship.