

CHAPTER 106.**RECRUITING OF WORKERS.****ARRANGEMENT OF SECTIONS.****SECTIONS.**

1. Short title.
2. Interpretation.
3. Exemptions.
4. Persons who recruit to be licensed.
5. Non-adults not to be recruited.
6. Examination of workers.
7. Expenses of workers.
8. Return of workers to their homes.
9. Worker-recruiters.
10. Offences.
11. Power to make regulations.

CHAPTER 106.**RECRUITING OF WORKERS.**

9 of 1943.

An Ordinance to regulate the Recruiting of Workers.

[5TH JUNE, 1943.]

Short title.

1. This Ordinance may be cited as the Recruiting of Workers Ordinance.

Interpreta-
tion.

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

“ 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 the person appointed by the Governor to be licensing officer for the purposes of this Ordinance ;

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

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

“ worker ” means a person who is intended to be employed in work of any kind, whether manual or clerical, and whether within or without the Colony ;

“ worker-recruiter ” means a person who, being employed as a worker, is authorised in writing by his employer to recruit other workers on behalf of his employer, but who does not receive any remuneration or other advantage for such recruiting.

(2) A person recruits within the meaning of this Ordinance 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.

3. The provisions of this Ordinance shall not apply to—

Exemptions.

(a) the recruiting of workers by or on behalf of employers who do not employ more than fifty workers ; or

(b) the recruiting of personal or domestic servants or non-manual workers,

or to any workers so recruited, unless such recruiting is done by professional recruiting agents.

4. (1) Subject to the provisions of subsection (7) of this section, no person shall recruit workers unless he is licensed in that behalf under the provisions of this Ordinance.

Persons who recruit to be licensed.

(2) Every person desirous of obtaining a licence under this section shall apply to the 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 the licensing officer is satisfied that the conditions on which it was granted have been complied with.

(5) The licensing officer may cancel any licence in any case where the licensee has been convicted of an offence under this Ordinance 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 the 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.

(7) The provisions of this section shall not apply to worker-recruiters.

Non-adults
not to be
recruited.

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

Provided that the Governor may by regulation permit persons under that age but of or above the age of fourteen years to be recruited with the consent of their parents or guardians for employment upon light work subject to such conditions as he may prescribe.

Examination
of workers.

6. (1) Recruited workers shall—

(a) be brought before an officer appointed by the Governor ; and

(b) be medically examined, in accordance with regulations made under this Ordinance.

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

Expenses of
workers.

7. The expenses of the journey of recruited worker and their families 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 (not being a worker-recruiter) or employer in accordance with regulations made under this Ordinance.

Return of
workers to
their homes.

8. A recruited worker who—

(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 the officer appointed under section 6 of this Ordinance to have been recruited by pressure or by misrepresentation or mistake,

and the family of such recruited worker, and the family 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 Ordinance.

9. The provisions of this Ordinance and the regulations made thereunder shall, unless otherwise expressly provided, apply to worker-recruiters as if they were licensees :

Worker-recruiters.

Provided that worker-recruiters shall recruit only in such areas as may be prescribed and shall not make advances of wages to recruited workers.

10. Any person who acts in contravention of or fails to comply with any of the provisions of this Ordinance, or the regulations made thereunder, shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

Offences.

11. The Governor in Council may make regulations for the purpose of giving effect to the provisions of this Ordinance or to any of the provisions of the Convention ; and without prejudice to the generality of the foregoing power he may by regulation provide for—

Power to make regulations.

(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 remuneration to be paid to the agents of licensees ;

(e) the restriction of recruiting to certain areas ;

(f) the supervision of worker-recruiters ;

(g) the documents to be given to the recruited worker by the licensee ;

(h) the provision of transport for recruited workers and their families from the place of recruitment to the place of employment ;

(i) anything which by this Ordinance is to be prescribed, or as to which regulations are to be made.