



**UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL**



Distr.
GENERAL

E/1978/8/Add.33
27 November 1981

ORIGINAL: ENGLISH

**IMPLEMENTATION OF THE INTERNATIONAL CONVENANT ON
ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

Reports submitted in accordance with Council resolution 1988 (LX)
by States parties to the Covenant, concerning rights covered by
articles 6 to 9

BARBADOS

[26 July 1979]

ARTICLE 6. THE RIGHT TO WORK

A. The Constitution of Barbados, the Employment Exchanges Act (chap. 345); the Employment Exchanges (Registration and Recruitment of Workers) Regulations, 1963; the Employment Exchanges (Registration and Recruitment of Workers) (Amendment) Regulations, 1976.

B. (1) The right of an individual to gain his living by work which he freely chooses is fully recognized and is limited only by the fact that there are an insufficient number of jobs for the labour force. Moreover, section 14 of the Constitution of Barbados provides that no person shall be required to perform forced labour. It should also be noted that Barbados has ratified the conventions of the International Labour Organisation (ILO) concerning forced or compulsory labour and the abolition of forced labour (Nos. 29 and 105, respectively). There is no legislation which guarantees against discrimination regarding access to employment in the private sector, but section 23 of the Constitution of Barbados provides that no person shall be treated in a discriminatory manner by any person acting by virtue of any written law or in performance of the functions of any public office or public authority. Draft legislation is being considered which will prohibit, among other things, inclusion of discriminatory provisions in contracts of employment based on sex, race, colour, creed, political opinion or social origin and ensure that no contract shall provide conditions less favourable than are required by law.

(2) Barbados ratified the ILO Employment Policy Convention on 15 March 1976. A report for the period 15 March 1976 to 30 June 1978 made by the Government of Barbados, in accordance with article 22 of the Constitution of the International Labour Organisation, on the measures taken to give effect to the provisions of the Convention, has been submitted to the ILO.

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(3) There is an employment exchange established under the Labour Department of the Ministry of Labour; consideration is being given to the desirability of expanding this service, which includes among its functions vocational guidance and placement services and special provision for the vocational rehabilitation of the disabled. Technical assistance is being sought with a view to the setting up of a manpower planning unit under the aegis of the Ministry of Labour, the duties of which will include the collection and analysis of employment statistics.

(4) Technical and vocational training are being offered to students at the Samuel Jackman Prescod Polytechnic, the Hotel School, the Housecraft Centre and the Handicraft Division of the Industrial Development Corporation. Classes are being arranged by the Community Development Division of the Ministry of Labour and Community Services. A bill to provide for the training of persons for or in gainful employment in occupations in all branches of economic activity has recently been introduced into Parliament. Vocational guidance seminars are arranged by the Ministry of Education with the vocational guidance officer of the Ministry of Labour participating as a lecturer and resource person. Young persons are provided with guidance services at the employment exchange. The guidance officer of the Ministry of Labour also pays visits to schools and youth organizations to provide orientation in areas of vocational guidance.

(5) Where a worker to whom the Severance Payments Act applies is wrongfully dismissed, he may obtain damages in a court of law of an amount no less than if he were dismissed on the grounds of redundancy. Draft legislation providing for compensation for unfair dismissal is being considered.

(6) None at present.

(C) The following figures, taken from the continuous household sample survey conducted by the Statistical Service, show the estimated levels of employment and unemployment at the end of the first quarter of 1978:

<u>Thousands of persons</u>				
<u>Adults in labour force</u> (15 years and over)			<u>Percentage of labour force</u>	
<u>Employed</u>	<u>Unemployed</u>	<u>Total</u>	<u>Employed</u>	<u>Unemployed</u>
91.6	13.0	104.6	87.6	12.4

The above estimates are subject to sampling error. No adjustment has been made for seasonality. The figures relate to adults living in private households.

ARTICLE 7. THE RIGHT TO JUST AND FAVOURABLE CONDITIONS OF WORK

A. Remuneration

(1) The Wages Council Act Cap. 362; the Labour Clauses (Public Contracts) (Amendment) Act 1975; Arrangements for Collective Bargaining.

(2) Collective bargaining and statutory minimum wage fixing are the principal methods used for fixing wages. The arrangements for collective bargaining cover about 40 per cent of the labour force, spread over most areas of economic activity. A further 5 to 6 per cent (comprising shop assistants) is covered by minimum wage fixing machinery set up along the lines of ILO Convention No. 26 on minimum-wage fixing machinery. The main categories of workers whose wages are not yet set by such methods are domestic servants, employees in agriculture (other than sugar cultivation), poultry and dairy farming and other small business enterprises.

(3) Some agencies give year end out-of-profits bonuses, others give production incentive bonuses. Hotels distribute to employees the service charge collected on sales.

(4) Statistical data showing the movement of statutory minimum wages and of the index of retail prices over the period 1972-1978 are presented in annex I below. No information on the evolution of the levels of average earnings in a representative sample of occupations is available at present.

(5) Barbados by ratification of ILO Conventions Nos. 100, on equal remuneration, and 111, on discrimination (employment and occupation) recognizes this right; it is in practice applied in both the private and public sectors. Legislation covering this matter is also under consideration.

(6) None.

B. Safe and healthy working conditions

(1) The laws and regulations which are applicable to safe and healthy working conditions are as follows:

(a) The Health Services Act, 1969.

(b) The Health Services (Nuisances) Regulations, 1969:

Section 3, subsections 13 and 15 to 17;

Section 4, subsections 1 and 2.

(c) The Health Services (Building) Regulations, 1969:

Section 7, subsections 1 and 2;

Section 8;

Section 15, subsection 2.

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- (d) (i) Factories Act, 1956-1958, parts 4 and 5;
- (ii) New Factories Act (as drafted):
 - Sections 45 to 50 (Health);
 - Sections 51 to 58 (Welfare);
 - Sections 59 to 71 (Health and welfare, special provisions).
- (e) The Quarries Act Cap. 353.
- (f) The Shops Act Cap. 356.

(2) Labour inspection carried out by the Labour Department and officers of the Ministry of Health. The chief labour officer and the chief medical officer are so entrusted. Penalties, including fines and imprisonment, are provided for non-observance of the provisions of the law.

(3) Those workers not covered by the law at (1) above.

(4) To date, no occupational diseases have been reported. Occupational accidents in 1977 numbered 1,374.

C. Equal opportunity for promotion

(1) None.

(2) Private sector unions safeguard this right in collective agreements. In the public sector, the right is safeguarded by the various services commissions, which are responsible for all public service promotions.

D. Rest, leisure, limitation of working hours, and holidays with pay

(1) Holidays with Pay Act. Arrangements under the General Orders for the Public Service.

(2) The normal period of weekly rest is Saturday and Sunday; the 40-hour work week is well established. Where work is done on Saturday or Sunday, other time off is allowed; or overtime at one and a half or twice the normal rate of pay is paid. All employees are entitled to statutory minimum holidays with pay; the employee must extend this leave by one day if a public holiday falls within his period of leave. Where work is permitted on public holidays, double time is usually paid.

(3) Other arrangements are made, in the case of the Police, a duty allowance is paid. Airlines etc. give other periods of rest in lieu. Overtime may also be paid.

(4) None, as the unions secure these privileges in all collective agreements.

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ARTICLE 8. TRADE UNION RIGHTS

A. Trade Unions Act Cap. 361

Trade Unions (Amendment) Act, 1974-40

The Trade Union Regulations, 1940

Section 21 of the Barbados Constitution

B. Right to form and join trade unions

(1) Under section 12 (2) of the Trade Unions Act any seven or more signatories to a set of rules may register a trade union with the Registrar of Trade Unions. Section 21 of the Constitution protects the right to join a trade union; section 5 of the 1974 Act protects the right to take part in trade union activities. Barbados has ratified the ILO conventions on freedom of association and the right to organize and collective bargaining.

(2) Formal restrictions are put on the police and the fire service, which may form associations. The constitutional guarantee of freedom of association is not subject to any restrictions other than those reasonably required by law to protect national security, public order and the freedom of others.

C. Right of trade unions to federate

There are no formal legal provisions for or against federation of trade unions. The largest union is affiliated to the Caribbean Congress of Labour and the ICFTU. There exist in Barbados, an Employers Confederation and a Sugar Producer's Association, the two most powerful employer groupings.

D. Right of trade unions to function freely

(1) The right to function freely is granted in section 2 of the Trade Unions Act, whereby the union is allowed full freedom to organize its procedures, in keeping with its purpose.

(2) Restrictions prohibit unlawful association of persons for other than trade union purposes.

E. Right to strike

There is no legal right to strike, there being nothing in law preventing an employer from dismissing an employee for breach of his contract of service. However, trade unions are given immunity against criminal proceedings and actions of tort, or for breach of contract when exercising this right in pursuing lawful trade union activities. The right to strike is not usually exercised until after conciliation and arbitration have failed.

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F. Section 44 of the Trade Unions Act exempts the Police and the armed forces from exercise of the rights above. The Public service enjoys these rights through its agents the National Union of Public Workers and Barbados Workers' Union.

G. None.

ARTICLE 9. RIGHT TO SOCIAL SECURITY

The Barbados National Insurance Scheme covers all working people who are over 16 years of age and under 65, whether they are self-employed or engaged under a contract of service.

Insured persons are covered up to the first \$230.00 per week or \$1,000 per month of earnings in the case of workers paid on a monthly basis.

Contributions in respect of persons under a contract of service are at the rate of 6.5 per cent of insurable earnings - 3 per cent payable by the worker and 3.5 per cent payable by the employer. In the case of self-employed persons, a total contribution of 6 per cent of insurable earnings is payable. The additional 0.5 per cent payable in respect of persons employed under a contract of service relates to employment injury benefits for which self-employed persons are not covered.

The Scheme provides for the payment of the following benefits:

Sickness

Maternity

Funeral

Invalidity (grant or pension)

Old age contributory (grant or pension)

Survivors' (grant or pension)

Employment injury.

The rates at which these benefits are paid are as follows:

Sickness and maternity benefit. Sixty per cent of average insurable weekly earnings.

Funeral grant. A sum of \$200 is payable on the death of a qualifying insured person or spouse. A funeral grant is also payable where death results from an employment accident or occupational disease. Where a funeral grant is payable following an employment accident or occupational disease, the funeral grant to which there would otherwise be entitlement is not payable.

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Invalidity, old age contributory and survivors' grants. A lump sum payment equal to six weeks average insurable weekly earnings for each 50 contributions actually paid or credited to insured persons account. In the case of survivors' grant, this sum is apportioned in the relevant amounts between qualifying spouse and children.

Invalidity, old age contributory and survivors' pensions. The annual rate of pension is 40 per cent of the average annual insurable earnings of the insured person, supplemented by 1 per cent of the total insurable earnings on which contributions were based subsequent to the first 500 contributions paid or credited, but subject to a maximum of 60 per cent of the average annual insurable earnings. In the case of survivors' pension the benefit is apportioned in the relevant amounts between qualifying spouse and children.

Employment injury benefit. Seventy-five per cent of the average insurable weekly earnings. Also payable under the head of Employment Injury Benefits are the following:

(a) Disabled benefit: a benefit payable to an insured person who, following the end of the period for which injury benefit is payable, is suffering from a loss of physical or mental faculty as a result of an employment accident or a prescribed disease;

(b) Medical expenses: reasonable expenses (including the cost of medicines and travelling) incurred in the treatment of an employment injury or a prescribed disease;

(c) Funeral grant: a payment of \$200 to assist with the funeral expenses of a worker whose death results from an accident at work or from a prescribed disease;

(d) Death benefit: a weekly payment to the surviving spouse, children and other persons who were wholly or mainly dependent for support on the insured person at the time of his death.

The number of persons registered under the Scheme is approximately 157,000.

The contributions are payable into the National Insurance Fund, which is separately funded, and the benefits of the Scheme are payable from this Fund.

A list of the acts and regulations governing the Scheme is presented in annex II below.

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Annex I

Table 1. Movement of statutory minimum remuneration of shop assistants, 1972-1977

Category	Effective 3.7.72	Effective 23.12.74	Percentage increase	Effective 1.12.77	Percentage increase	Percentage increase since 1972
18 years and over	36.00	48.00	33.3	64.00	33.3	77.8
Under 18 years	30.00	40.00	33.3	55.00	37.5	83.3

Table 2. Index of retail prices

Base: October 1965 - 100

Date	All items	Annual percentage increase	Percentage increase since December 1972
December 1972	162.4		
" 1973	204.6	26.0	
" 1974	279.6	36.7	
" 1975	314.0	12.3	
" 1976	326.2	3.9	
" 1977	358.4	9.9	
" 1978	398.8	11.3	145.6

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Annex II

ACTS AND REGULATIONS

Acts

1. The National Insurance and Social Security Act, 1966-15
2. The National Insurance and Social Security (Amendment) Act, 1967-32
3. The National Insurance and Social Security (Amendment) Act, 1970-3
4. The National Insurance and Social Security (Amendment) Act, 1971-1
5. The National Insurance and Social Security (Amendment) (No. 2) Act, 1971-36
6. The National Insurance and Social Security (Amendment) Act, 1973-51
7. The National Insurance and Social Security (Amendment) Act, 1976-4

Other Acts Relating to National Insurance

Companies (Amendment) Act, 1975-53

Regulations

1. The National Insurance and Social Security (Contributions) Regulations, 1967
2. The National Insurance and Social Security (Benefit) Regulations, 1967
3. The National Insurance and Social Security (Determination of Claims and Questions) Regulations, 1967
4. The National Insurance and Social Security (Persons Abroad and Voluntary Contributors) Regulations, 1967
5. The National Insurance and Social Security (Collection of Contributions) Regulations, 1967
6. The National Insurance and Social Security (Classification) Regulations, 1967
7. The National Insurance and Social Security (Claims and Payments) Regulations, 1967
8. The National Insurance and Social Security (Employed Persons) (Appointed Day) Order, 1967

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9. The National Insurance and Social Security (Stamps) Regulations, 1967
10. The National Insurance and Social Security (Benefit) (Amendment) Regulations, 1970
11. The National Insurance and Social Security (Contributions) (Amendment) Regulations, 1970
12. The National Insurance and Social Security (Claims and Payments) (Amendment) Regulations, 1970
13. The National Insurance and Social Security (Benefit) (Amendment) (No. 2) Regulations, 1970
14. The National Insurance and Social Security (Self-Employed Persons) Regulations, 1970
15. The Employment Injury (Claims and Payments) Regulations, 1970
16. The Employment Injury (Appointed Day) Order, 1970
17. The National Insurance and Social Security (Self-Employed Persons) (Appointed Day) Order, 1970
18. The Employment Injury (Determination of Claims and Questions) Regulations, 1970
19. The Employment Injury (Benefit) Regulations, 1970
20. The National Insurance and Social Security (Collection of Contributions) (Amendment) Regulations, 1970
21. The Employment Injury (Prescribed Disease) Regulations, 1971
22. The National Insurance and Social Security (Mariners and Airmen) Regulations, 1971
23. The Employment Injury (Insurable and Expected Employment) Regulations, 1971
24. The National Insurance and Social Security (Classification) (Amendment) Regulations, 1971
25. The National Insurance and Social Security (Collection of Contributions) (Amendment) Regulations, 1971
26. The National Insurance and Social Security (Benefit) (Amendment) Regulations, 1971
27. The Employment Injury (Determination of Claims and Questions) (Amendment) Regulations, 1971

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28. The National Insurance and Social Security (Claims and Payments) (Amendment) Regulations, 1972
29. The National Insurance and Social Security (Benefit) (Amendment) Regulations, 1974
30. The National Insurance and Social Security (Self-Employed Persons) (Amendment) Regulations, 1974
31. The National Insurance and Social Security (Collection of Contributions) (Amendment) Regulations, 1974
32. The National Insurance and Social Security (Benefit) (Amendment) Regulations, 1974
33. The National Insurance and Social Security Act, 1966 Employment Injury (Benefit) (Amendment) Regulations, 1975
34. The National Insurance and Social Security (Self-Employed Persons) (Amendment) Regulations, 1976
35. The National Insurance and Social Security (Classification) (Amendment) Regulations, 1976
36. The National Insurance and Social Security (Benefit) (Amendment) Regulations, 1976
37. The National Insurance and Social Security (Benefit) (Amendment) Regulations, 1977
38. The National Insurance and Social Security (Benefit) (Amendment) Regulations, 1977
39. The National Insurance and Social Security (Collection of Contributions) (Amendment) Regulations, 1978
40. The National Insurance and Social Security (Self-Employed Persons) (Amendment) Regulations, 1978
41. The National Insurance and Social Security (Benefit) (Amendment) Regulations, 1978
42. The Employment Injury (Benefit) (Amendment) Regulations, 1978
43. The National Insurance and Social Security (Stamps) (Revocation) Regulations, 1978
44. The National Insurance and Social Security (Claims and Payments) (Amendment) Regulations, 1978

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45. The Employment Injury (Claims and Payments) (Amendment) Regulations, 1978
 46. The National Insurance and Social Security (Benefit) (Amendment) (No. 2) Regulations, 1978
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