



**PROTOCOL
TO
ADDRESS
MIGRANT LABOUR CONDITIONS**

**PREPARED BY
THE MINISTRY OF LABOUR,
SOCIAL SECURITY
AND
HUMAN RESOURCE DEVELOPMENT**



DISCUSSION DOCUMENT



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General overview

The need for a document of this nature becomes necessary though it may be considered long outstanding, following the impact of globalization and the 2007 financial and economic recession which resulted in the constant movement of persons in search of employment, and a better standard of living in order to be in a position to repatriate money to support their families members who are left behind in their country of origin and to escape poverty.

The Government of Barbados, through the Ministry of Labour, Social Security and Human Resource Development has therefore prepared this Protocol to:

- i. detail the conditions which should be adhered to by employers who will be utilizing migrant labour;
- ii. set out the rights and responsibilities of the major players involved in migrant labour matters (employers, foreign workers);
- iii. ensure that migrant workers are treated with equity, and respect and to ensure that their human rights are not infringed upon; and
- iv. ensure that everyone is sensitized to the conditions that must be in place in order to comply with existing legislation and any international conventions that Barbados is signatory to. Thus avoiding any negative fallouts, volatile work environments or possible litigation.

This Protocol will seek to make all stakeholders knowledgeable of what is required and to set out the minimum conditions. The Protocol will therefore serve as a guide to provide the tools for employers and employees to create an enabling and productive work environment.

Finally, this document provides a list of organizations and their contact numbers that can be called if any grievance arises or if further information is required.

A. Who is a Migrant Worker

The term 'migrant worker' can be defined as follows:

United Nations

People who are working outside of their home country. Some of these are called expatriates.

International Labour Organization (ILO)

Persons who are working outside their country of origin for twelve months or more.

The United Nations Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families

A person who is engaged, or, has been engaged in a remunerated activity in a State of which he or she is not a national.

A foreign employee is an employee who is not a citizen of the State in which he/she is employed.

Category of Foreign Workers

There are different categories of foreign workers. There are:

- Documented foreign workers;
- Expatriates;
- Undocumented Foreign workers



B. Access to Justice and Employment Law

All employers and prospective employers must be cognizant that as long as the migrant worker is residing in Barbados, he or she is entitled to the same rights and privileges granted under the Laws of Barbados and also entitled to be treated equitably like any other worker on site.

Both employer and employee must be aware of the various pieces of legislation that would have an impact on their operations and places of business.

It would also be good for employers to be aware of some of the Conventions that Barbados has become a signatory to.

Barbados is a member of the International Labour Organization (ILO) which is a tripartite organization consisting of trade unions, governments and employers' representatives. In 1998, the ILO produced the **Declaration on Fundamental Principles and Rights at Work** where, in the Declaration, ILO member states agreed that they should all respect and promote core labour standards, whether they have been ratified or not.

The core labour standards consist of five standards, laid out in eight (8) Conventions. They are:

- Freedom of association and the effective recognition of the right to collective bargaining Convention No. 87 & No. 98;
- The elimination of all forms of forced and compulsory labour. Convention No. 29 & No. 105;
- The effective abolition of child labour. Convention No. 138 & No. 182;
- The elimination of discrimination in respect of employment and occupation. Convention No. 100 & No. 111.

The full list of ILO Conventions that Barbados has ratified as at December 31, 2015 are attached as Appendix II.

Listed below are the pieces of legislation that **all** employers and employees should be familiar with:

- **Employment Rights Act 2012;**
- **Holidays with Pay Act;**
- **Safety and Health at Work (SHaW) Act 2005;**
- **Shops Act 2015 – 30;**
- **Accidents and Occupational Diseases (Notification) Act;**

The most salient points of the Employment Rights Act 2012 are:

Right to Statement of Employment Particulars

The Employment Rights Act 2012 provides for the right to a written statement of **employment particulars** on the commencement of employment.

The Statement must contain:

- name of employee and employer and the employer's address;
- commencement date of employment;
- job title and a description of the work for which employed;
- wages rates and method of calculating wages;
- intervals at which wages are to be paid;
- normal working hours;
- the period of probation, if any;
- notice required for termination;
- the period of employment if temporary;
- date employment ends, if a fixed term contract;
- the place of work, if it varies, an indication of such;
- any collective agreement in effect and the parties to this agreement;
- policies pertaining to holidays with pay, sickness or injury, health and pension schemes;
- disciplinary and grievance procedures.

Right to an Itemised Pay Statement

An employee has the right to receive at about the time of payment an itemised pay statement. The statement must include the:

- gross amount of wages;
- amounts of any deductions and the reasons;
- net amount of wages;
- date of payment; and
- dates of the pay period being paid for.

Terms and Conditions – The Holidays with Pay Act and the Shops Act

- The *Holidays with Pay Act* provides for annual holiday (vacation) of three (3) weeks for the first year of employment onward and four (4) weeks from the fifth year onward.
- “average pay” is payable where a person has been employed for at least three months and has rendered service for at least 48 days.
- At termination by either party, the employee is entitled to ‘average pay’ which will be proportional in respect of the part of the vacation entitlement accrued but not taken.
- Holiday is to be given in one period. If both parties agree it can be taken in no more than two periods.
- Where there is mutual agreement the holiday may be granted before the employee becomes entitled to it.
- An employer may postpone an employee’s holiday for no more than six months. After this, postponement can only be facilitated by the written consent of the Chief Labour Officer.
- The employer has the right to determine when the holiday is taken but must give the employee no less than 14 days notice. ***Notwithstanding, consultation on both sides is encouraged in determining dates for holiday***
- Where a public holiday falls **within** a period of holiday an additional day must be given for each such public holiday.
- Notice of termination during or immediately prior to holiday is null and void.
- Holiday pay is to be paid for any part of holiday being taken, not later than the day before the holiday starts.
- The Shops Act, 2015 and the Domestic Employee’s (Hours of duty) Act provide for an hour lunch after not more than four and a half consecutive hours from the commencement of the work day. **There are no statutory provisions for other categories of employees but generally where there is not a shift system in operation, a lunch break of one hour is the accepted norm.**

Wages/Salaries

There is no national minimum wage in Barbados.

The Wages Council (Wages Regulations) (Shop Assistants) Order 2012 currently regulates the minimum wage for *Shop Assistants*. In all other cases the rates of pay is negotiable between the parties.

In a unionised establishment the rate of pay may be determined by collective agreement.

The Labour Clauses (Public Contracts) Act, on public contracts, requires the contractor to pay rates of pay and observe hours and conditions of labour that are no less favourable than those established in the trade or industry where the work is carried out.

Collective bargaining is the preferred approach to the establishment of wages and terms and conditions of employment.

In the absence of established rates and conditions, **the Chief Labour Officer shall**, after consultation, prepare and furnish a schedule setting out fair and reasonable rates and conditions on public contracts.

Some Employment Standards at a Glance

Working Hours

For Shop Assistants, the Shops Act, 2015 provides for a 40 hour work week and an eight (8) hour work day not including the lunch hour. Generally hours of work are not stipulated by law however the eight (8) hour day, five (5) day week, forty (40) hour work week is the established norm. Special circumstances may necessitate some deviation. These should be clear and should attract considerations of premium pay.

Overtime

The Shops Act and the Domestic Employees Act provide for payment of overtime at a rate of time and one half for work done in excess of eight hours on an ordinary working days and double pay for Public Holidays and off days. In construction and manufacturing time and one half tend to be the norm for work over 8 hours a day and work on Saturdays. Double time tend to be the norm for Sundays and public Holidays.

The Shops Act 2015 – 30 can be used as a guide to employment standards generally.

Entitlements and Practices on Termination

The employer is obligated to pay any outstanding wages and holiday or 'average' pay. All other payments are based on the nature of the termination and other considerations and requirements. Where the circumstances warrant summary dismissal no notice is required. In most circumstances notice as set out under Section 22 of the Employment Rights Act would be required. That Act provides an outline on matters of employment and termination.

Sick Leave

There is no statutory provision for sick leave. Certified sick leave must be substantiated by a Doctor's Certificate after two days absence.

Occupational Safety and Health

Two main pieces of legislation on the management of safety and health at work are the *Safety and Health at Work (SHaW) Act* and the *Accidents and Occupational Diseases (Notification) Act*,

The **SHaW Act** generally outlines the statutory requirements for the management of safety and health in all places of work. The Act makes provision for:

- securing the health, safety and welfare of persons at work;
- protecting other persons against risks to health and safety in connection with the activities of persons at work;
- controlling the release of certain emissions into the environment; and
- consolidating the law relating to health, safety and welfare in the workplace.

Sections of the Act that warrant particular attention by employers in the construction sector include, but are not limited to:

Notification of Construction Work - Section 85 - Under Section 85 any person who undertakes any building operations or works of engineering construction **shall no less than 7 days before the commencement** of such operations serve notice in writing on the Chief Labour Officer stating the prescribed particulars.

General Duties of an Occupier/Employer - Section 6 - It is the duty of every occupier to:

- ensure the safety and health of workers. This includes the provision and maintenance of a safe place of work, safe systems of work, safe access and competent fellow employees;
- ensure that every part of any ways, works, plant or thing in a workplace is of safe construction, sound material and properly maintained; and every dangerous part of such ways, works, plant or thing shall be so enclosed, covered, fenced or otherwise effectively guarded as to prevent danger;
- keep the workplace so that the safety of persons in the workplace is not likely to be endangered;
- take precautions as are reasonable in the circumstances to ensure the safety of every person in the workplace;
- conduct assessment of risks the basis of which informs the necessary preventative and protective measures as are reasonable to be adopted to ensure that all activities, machinery, equipment, tools and workplaces under the employer's control are safe for use. Where there is any material change in the work or circumstances the assessment must be reviewed and appropriate adjustments made;
- ensure that any article which is erected or installed for use at work is safe and unlikely to present risk to safety and health when properly used. Note that the erection of scaffolding may provide example of an area of work in which this is especially important;

- provide and maintain equipment, and systems of work that are safe and without risk to health. This includes all tools, vehicles and building materials;
- ensure the safe handling, storage, transport and use of articles and substances;
- provide full information, instruction, training and supervision to all workers on the hazards and risks they may encounter;
- ensure so far as is reasonably practicable, the maintenance of any place of work in a condition that is safe and without risks to health and safety;
- ensure the provision and maintenance of means of access and egress that are safe and without risks;
- ensure that work related transportation is appropriate, safe and in accordance with acceptable practices. Such transportation should have seating and be sheltered.

General Duties of Employees - Sections 9 – 10 -

Every employee shall:

- take reasonable care of his/her health and safety and that of others;
- make proper use of all safeguards, safety devices and other appliances furnished for his/her protection or the protection of others;
- be careful not to interfere with, move or remove any safety device or other appliance furnished for his/her protection or the protection of others, or tamper with any method or process adopted with a view to avoiding accidents and injury to health;
- report to a supervisor, conditions that the worker believes are hazardous to safety and health; and
- comply with the safety and health measures put in place by the employer and fully cooperate with the employer to ensure compliance with the relevant employers' duties.

Chains, Ropes and Lifting Tackle - Section 20 requires that:

- No chain, rope, lifting tackle, hoist, or lift shall be used unless it is of good construction, sound material, adequate strength, free from patent defect and it shall be properly maintained;
- All chains, ropes and lifting tackle in use shall be thoroughly examined by an "Authorized Person" at least once in every period of 3 months.
- All chains, ropes and lifting tackle in use shall be thoroughly examined by a competent person at least once in a period of 12 months.

Cranes and Lifting Machines - Section 21 requires that:

- All parts and working gear whether fixed or movable and appliances of every machine being used in connection with lifting, shall be of good construction, sound material, adequate strength, free from patent defect and shall be properly maintained.
- Every crane and lifting machine shall, before being put into operation for the first time, be tested and all such parts and working gear shall be thoroughly examined by a Competent Person and the machine certified as being fit to be put into operation in a workplace. Every crane and lifting machine shall be thoroughly examined by a Competent Person at least once in a period of 12 months.

Safety Provisions in Case of Fire - Sections 32, 38-42. Employers are responsible for making provisions for fire safety and escape which should include:

- ensuring there is a means of escape in case of fire;
- testing the means of fire escape regularly;
- the provision of adequate and appropriate fire-fighting equipment;
- an audio visual fire warning system;
- ensuring that an adequate number of persons are trained in the use of fire-fighting apparatus;

The provisions for fire safety and escape should be documented and communicated to the workers in a form that is easily understood.

Welfare and Well-being

- Adequate washing up facilities shall be available at each place of work and should be adequately maintained.
- Adequate supplies of clean drinking water shall be provided.
- Bathroom facilities should be provided and adequately maintained.
- Facilities for the taking of meals shall be provided and adequately maintained.
- Facilities for the storage of personal effects shall be provided.
- Suitable first aid equipment shall be provided.

- A sufficient number of persons shall be trained in first aid such that at least one person is available at all time persons are at work.
- A person trained in first aid shall have responsibility for the first-aid supplies which shall be kept in a first aid box or cupboard; and
- The supplies should be clearly identified with the appropriate sign; and
- Be kept in a readily accessible location;
- The first-aid requisites provided shall meet the requirements outlined by the CLO under the advice of the Chief Medical Officer.

Safety Consultation - Section 103 - Every employer is required to consult with employees, or their representatives for the purpose of developing measures to promote safety and health in the workplace. This consultation must be effected through the establishment of Health and Safety Committees consisting of equal number of representatives appointed by the employer and representatives appointed by employees. There is provision for the appointment of one or more safety delegates in workplaces where there are less than 25 persons employed.

The committee shall meet no less than once per quarter and the records of the meetings shall be kept for inspection.

Right to Refuse Dangerous Tasks - Section 104 - Where there is sufficient evidence to indicate that an employee's health and safety is in imminent danger that employee may refuse to carry out the tasks assigned to him pending consultation with the safety committee, trade union, staff association or the Chief Labour Officer. No other person should be assigned to carry out the work pending the investigation and decision of the Chief Labour Officer.

The Accidents and Occupational Diseases (Notification) Act Cap.338

The Accidents and Occupational Diseases (Notification) Act, Cap 338 makes provision for the reporting of workplace accidents and occupational diseases to the Chief Labour Officer.

Where any accident arising out of and in the course of the employment occurs and

- causes loss of life to a worker; or
- disables a worker for more than 3 days, the employer shall send written notice of the accident, in the prescribed form, to the Chief Labour Officer.

Every medical practitioner attending on a patient whom he believes to be suffering from any occupational disease contracted in the course of employment shall, unless such a notice has been previously sent, forthwith send to the Chief Labour Officer a notice setting out the prescribed particulars.

Any employer who has reasonable grounds for believing or suspecting that a case of occupational disease has occurred shall forthwith send written notice to the Chief Labour Officer and to the Chief Medical Officer setting out the prescribed particulars.

C. Right to organize

Every worker, local or foreign has the right to associate or to become a member of an established, recognized Trade Union.

Where a trade union expresses an interest in being recognized as the workers' representative at a particular workplace, that trade union must prove that it represents fifty (50%) percent plus one (1) of the category of workers for whom it requests recognition.

In some instances an individual worker may indicate that he/she wishes to have the union represent him or her in any discussion pertaining to, for example:

- Terms and conditions of employment;
- Any grievances that may arise.

D. Recruitment and Placement of the Migrant Worker

Section 17 of the **Immigration Act, CAP 190** provides the guidelines which prospective employers have to follow in order to apply for Work Permits for non-nationals to fill jobs in Barbados.

All non-national desirous of working in Barbados are required to register with the Immigration Department prior to commencing employment.

All contractors/developers who intend to recruit foreign workers/migrant labour are therefore reminded to follow the procedures as set out in the Immigration Act, and to contact the Immigration Department for guidance.

Detailed below is useful information that will help employers who are desirous of utilizing migrant labour.

1. Details on the work permit – cost and time involved

An employer who wishes to recruit an individual who does not have the right to work in Barbados may apply to the Immigration Department for either a short-term or long-term work permit on behalf of the individual.

A short term permit may be valid for up to eleven (11) months, and a long term work permit may be valid for up to five (5) years, provided the prospective employer can establish that there is no citizen or resident of Barbados available for the position.

There are two fees payable for the work permit. There is the application fee which is **\$300.00**, and a final fee. The final fee varies, depending on the occupational category, and the duration of the proposed employment in keeping with the **Immigration (Forms and Fees) (Amendment) Regulations, 2011**.

The employer is given **twenty-eight (28) days** to pay the cost of the work permit.

Immigration laws, regulations and or policies do not address the issue of the recoupment of any fee by the employer. However, if it is the intention of the employer to recoup any monies paid for the work permit, employers should be aware of the **Protection of Wages Act, CAP 351** which stipulates that deductions and assignment of wages **should not exceed 1/3 of wages of a pay period.**

2. What action must be taken and by whom when the work permit expires?

A work permit should be renewed by the employer or by his /her representative at least **one (1) month** prior to the expiry date using the requisite forms required for the initial application.

3. Can either the employer or employee void the work permit?

Either party can void the work permit and **must** inform the Immigration Department in writing.

If the migrant worker is desirous of remaining in Barbados and has identified a new place of employment, the onus is on his/her prospective employer to seek a new work permit for that worker.

4. Is the employer to inform the Immigration Department if a worker quits his/her job prematurely?

In the case where the worker quits his/her job prematurely, it is the obligation of the employer to ensure that the employee leaves the island within **two (2) weeks** of his/her cessation of employment and inform the Immigration Department in writing.

5. Information on the payment of National Insurance and other payments

When a work permit is approved, the Immigration Department does not advise on the payment of National Insurance or other taxes nor does it ensure that health services are available to these workers. However, copies of the approval letters are routinely sent to the National Insurance and Inland Revenue departments.

6. What measures are taken to ensure that local workers are not available to fill the positions work permits are being requested for?

The employer must submit evidence that the position/vacancy has been advertised in the local newspapers for **no less than two times per week over a two week period**. In addition, the employer must submit clippings of the advertisements, the objection notices and copies of the applications received from Barbadians. The employers must also submit the reasons why those Barbadians who have applied were deemed unsuitable.

Prospective employers are encouraged to check the Immigration Department's website for further information as copies of the forms that have to be filled out and the fees payable can be viewed on line. The webpage is www.immigration.gov.bb

Other considerations

Contractors/developers are reminded that they will be responsible for the migrant labour while they are in their employment.

When recruiting workers from abroad, employers and or prospective employers should address the following:

- The contract of employment should be signed before the worker leaves his/her home country and prior to entry in Barbados;
- The costs that are typically associated with the recruitment of migrant labour should be clearly identified, and there should be an agreement as to how the costs associated with: entry visas, work permits, airfare and accommodation are to be borne;
- Employers should never seek to retain the migrant workers' passports in their possession. That can be tantamount to human trafficking;

- Where the migrant worker leaves the employment on account of termination, or, some other reason is given, where necessary, the Labour Department once made aware of the situation will facilitate discussion with the worker and the employer to ensure that any terminal payments or benefits that are due to the worker are honoured.



E. Living Conditions and Access to Basic Amenities

History has shown that for most of the construction projects that have been undertaken by foreign developers and or contractors, that some of these contractors/developers have provided living arrangements for the migrant worker on the construction site.

While recognizing therefore that these will be temporary living arrangements, it would however be necessary to set out the minimum conditions that must be adhered to according to the following:

Housing

Any new building or existing building renovated for the housing of migrant workers must be approved by the Town and Country Development Planning Office and the Environmental Protection Department.

The premises must be registered with the Ministry of Health.

Regulatory requirements for the accommodation of migrant labour falls under five (5) pieces of legislation namely:

- **Health Services Act Cap.44;**
- **Health Services (Building) Regulations 1969;**
- **Health Services (Lodging Houses and Barracks) Regulations 1970;**
- **Health Services (Food Hygiene) Regulations 1969; and**
- **Health Services (Restaurants) Regulations 1969**

Definitions

Regulation 2 of the Health Services (Building) Regulations 1969 defines: Building as any structure used for the purposes of human habitation, or in which any person is employed and includes a hospital, market or school.

Regulation 3 (1) - A person who desired to construct, extend or effect any material alteration to any building shall apply in writing to the Minister (Minister with responsibility for health).

Regulation 3 (2) - The application shall be accompanied by scaled drawings prepared in duplicate, showing details of the proposed construction, extension or material alteration and the proposed drainage and sanitary facilities.

Regulation 2 of the Health Services (Lodging Houses and Barracks) Regulations 1970 defines:

Barrack as any building not being a hotel, guest-house or inn, divided into rooms occupied singly or in sets to which there are common conveniences and any appurtenances to such a building.

Common conveniences include bathing, washing and sanitary facilities provided for use by the occupants of more than one room or set of rooms.

Lodging house means that class of house or building not being a hotel, guest house or inn in which persons on payment of a fee are received for short periods and, though strangers to one another, are allowed to inhabit one common room.

Room means a room in which persons are permitted to sleep.

Sanitary facilities mean any receptacle for the disposal of human excreta and include a cesspit, suckwell, septic tank, drain or sewer used in connection therewith.

While some employers may place the onus on the foreign worker to source his/her own accommodation the following Regulations under the Health Services (Lodging Houses and Barracks) Regulations 1970 should be known:

- **Regulation 3 (1)**

The owner, keeper or person in charge of a lodging house or barrack shall apply in writing to the Medical Officer of Health for the area in which such lodging house is situated for registration of the lodging house.

- **Regulation 3 (2)**

The application for registration shall state:

- the name and address of the person in charge;
- the location;
- the number and dimensions of each room.

- **Regulation 4 (1)**

A Medical Officer of Health on receiving an application for the registration of a lodging house or barrack shall satisfy himself that such lodging house or barrack complies with the provisions of these regulations and on being satisfied, shall cause to be entered in a register to be kept by him for the purpose the particulars of such lodging house or barrack set out in the application.

- **Regulation 4 (2)**

The Medical Officer of health shall deliver to the keeper or owner, or to the agent of every lodging house or barrack which has been registered a certificate of registration and such certificate shall state:

- the name and address of the owner or keeper;
- the name and address of the person in charge;
- the location of the lodging house or barrack;
- the rooms therein;
- the maximum number of persons that may be accommodated at any one time in each room of the lodging house or barrack.

Under the Town and Country Planning Act, Cap 240, the term 'temporary housing' has a different meaning in a Planning context. Section 14 (2) of the Act states: "***Where on the 8th. July, 1968, land is being used temporarily for a purpose other than the purpose for which it is normally used, planning permission is not required for the resumption of the use of the land for the last mentioned purpose.***"

Physical and Welfare Facilities

The relevant Regulations which apply to sleeping facilities and the provision of adequate air and floor space for occupants of a lodging house or barrack are:

- **Regulation 9(1)**

The number of lodgers received at any one time in a lodging house or barrack and the number of persons permitted to sleep in any room therein shall not be greater than will allow **forty square feet of floor space for each person over the age of ten years and twenty square feet for persons of ten years of age and under.**

- **Regulation 9(2)**

Notwithstanding Regulation 9 (1), if the sleeping facilities provided are in the form of bunks constructed in tiers, sufficient air space shall be available for the occupier of each bunk to have not **less than 300 cubic feet of air space.**

- **Regulation 9(3)**

In calculating the floor area, no part of a floor under ceiling of less than **eight feet in height** shall be taken into account, and in calculating air space no ceiling of less than eight or of more than **fourteen feet in height** shall be taken into account.

- **Regulation 10 (1)**

The owner, keeper, or person in charge of a lodging house or barrack shall to the satisfaction of the Medical Officer of Health provide sufficient and suitable beds or bunks for all persons permitted to occupy any room therein, and where there is more than one such bed or bunk in a room **there shall be a clear space of not less than two feet six inches between such bed or bunk.**

- **Regulation 10 (2)**

If the sleeping facilities provided are in the form of bunks constructed in tiers, the following provisions shall apply:

- No tier shall consist of more than three bunks;
- The lowest bunk shall be no less than eighteen inches above the level of the floor;
- The vertical distance between any two bunks in a tier shall not be less than three feet;
- There shall be a space of not less than two feet six inches between any two tiers or bunks.

- **Regulation 11 (1)**

Subject to Regulation 10 (2), **where persons of both sexes are to be accommodated in a lodging house or barrack**, the owner, keeper, or person in charge of the lodging house or barrack **shall provide sleeping accommodation for persons of each sex who are over the age of seven years.**

- **Regulation 11 (2)**

Regulation 11 (1) shall not apply to the accommodation in a lodging house or barrack of persons who are members of the same family.

Sanitary conveniences

Sanitary conveniences shall be provided at a ratio of **one (1) to every eight (8) persons**. No unisex sanitary conveniences shall be permitted.

Conveniences whether opened to the open air or directly into a building must be:

- Properly lighted and vented;
- Provided with windows or roof lights opening directly to the open air;
- Provided with an opening not less than one-tenth of the floor area;
- Prevented from opening directly into a habitation room other than a bedroom;
- Fly-proof and constructed as to prevent the entry of storm water;
- Must be kept in good repair and must operate efficiently.

Where other toilet facilities are used, such as portable toilets, they should be kept clean and sanitary and be properly maintained.

A ledger of the maintenance of these facilities should be kept for examination by the Public Health authorities.

Toilet tissues should be provided for all toilet accommodations

All sewage, filth, human excreta shall be disposed of in a manner consistent with the provisions of the **Health Services (Nuisances) Regulations, 1969 - Regulations 3 (1), (2) and (3). Health Services (Disposal of Offensive Matter) Regulations, 1969 - Regulation 3.**



General sanitation

1. The accommodation must be provided with the following to ensure good sanitary conditions according to the Health Services (Lodging Houses and Barracks) Regulations, Sections 12 and 13:
 - Adequate lighting facilities (including emergency lighting);
 - A proper and sufficient supply of potable running water;
 - Adequate bathroom and sanitary facilities (one toilet per 20 workers)
 - Housekeeping and laundry facilities;
 - Adequate means to keep the premises free of vermin;
 - Suitable and sufficient receptacles for the collection of garbage;
 - Sanitary convenience – provided with adequate hand washing and hand drying facilities.
2. The interior of the accommodation must undergo a general (industrial) cleaning at least every six (6) months.
3. Premises must be kept free of public health nuisances. **Health Services (Nuisances) Regulations, Section 3.**
4. Premises must be kept free of stagnant water or other conditions that may be capable of breeding and harbouring of vectors. **Health Services (Control of Mosquitoes) Regulations, 1970; Health Services (Nuisances) Regulations and Health Services (Rodent Control) Regulations.**



Waste Management

1. Rodent proof garbage containers which should be made from a material that is easily cleaned and sanitized shall be provided for all buildings used for housing migrant workers. These containers should be sufficient to store all garbage accumulated between collections.
2. Refuse should be placed at curb-side on specified days for collection and removal by the Sanitation Services Authority. Arrangements can also be made with a private waste hauler provider.

Food Hygiene

In circumstances where workers are provided with food for their consumption, the following are to be provided:

- Facilities for food preparation;
- Adequate storage facilities for hot and cold foods;
- Utilities for cooking, serving and preparing foods; and
- The provision of potable running water.

The facilities must be registered under the Health Services (Food Hygiene) Regulations 1969 or the Health Services (Restaurants) Regulations 1969.

Health Care

1. Personnel at the ports of entry will monitor migrant workers on arrival and will investigate their medical status by ensuring that their health documentation is valid.
2. Where medical services are provided, attention must be paid to the notification of diseases listed in the First and Second Schedules of the Health Services (Communicable and Notifiable Diseases) Regulations.

3. Where housing is provided on the worksite, persons that are required to be isolated or prohibited from the workplace under the Health Services Regulations should be housed at another location authorized by the Chief Medical Officer.
4. Workers who are prohibited from the workplace due to a communicable disease may return to work only with the approval of a Medical Officer of Health.

Accessibility and Availability of Primary Health Care Services to Migrants

In Barbados, primary health care services are delivered by the island's nine polyclinics, three out-patient clinics, the Albert Graham Development Centre, the Psychiatric Hospital, the HIV/AIDS programme and selected services are delivered at the Queen Elizabeth Hospital, (QEH).

Although primary health care (PHC) is considered a public good, not all services delivered through the PHC system are non-excludable to migrants in Barbados, (i.e. readily available to migrants free of cost at the point of delivery.)

PHC Services Available to Migrants Free at the Point of Delivery

Listed below are the types of services that are free at the point of delivery:

- All Health Education Promotion services and activities
- All Environmental Health services;
- Epidemiology and Disease Surveillance
 - Management (prevention and treatment) of syndromes and communicable diseases under regional surveillance or conditions which are notifiable in Barbados;
 - Disease investigation;
 - Public Health laboratory services
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- Community Mental Health Services
- All HIV services: Migrants have equal accessibility to these services (prevention, medical consultation, ART treatment, laboratory monitoring, counseling and psychological support) via the Ladymeade Reference Unit.
 - HIV Prevention services
 - HIV Treatment services;
 - Care and Support services
- Selected Maternal and Child Health services
 - Prenatal care up to thirty-two (32) weeks then referred to the QEH for continued antenatal care
 - Post-natal care and post-natal visits up to six (6) weeks
 - Mandatory immunization against selected diseases for example:- mumps, measles, rubella, tuberculosis, diphtheria, pertussis, pneumococcal disease, polio, tetanus, and Haemophilus influenza type B.
- Selected School Ophthalmology services
- Selected Dental Health Services
 - Dental emergencies: toothache, dental abscess, tooth fractures, avulsed teeth, post extraction haemorrhage and dry socket syndrome;
 - Migrant children: if the child presents with pain and a visible lesion is seen, a temporary filling is done or extraction;
 - Migrant adults: only extractions are available.
- Selected Barbados Drug Services
 - Medication is provided free of cost at point of delivery for sexual transmitted infections. However, special consideration is given on a case by case basis for provision of free drugs for diseases of public health significance, notifiable diseases or diseases under regional or international surveillance.

- Selected General Practice services
 - Emergency and urgent care services including triaging and routine medical assessments;
 - Asthma Clinic;
 - Medical care for urgent acute medical conditions, illnesses, infections or injuries associated with non-communicable diseases.

The polyclinics are proposing a six (6) tier triage system, where migrants would have access to services free of cost at the point of delivery as follows:

- Category 1A: includes ill clients whose needs exceed the capacity of the polyclinics and who require immediate stabilization and transfer to QEH;
- Category 1B: includes stable patients who need investigation not available at polyclinics to rule out significant diagnosis or review and/or admission at the tertiary centre. Those persons who require transfer to the QEH.
- Category 2: includes clients with new problems or exacerbation of chronic problems with airway, breathing or circulation issues or significant pain. Once stabilized these clients are likely to be discharged

For the remaining categories of the triage system, migrants are referred to a private primary care physician:

- Category 3 includes clients with new problems or exacerbation of old problems. Presenting no acute issue.
- Category 4 includes clients with old problem. No acute issue.
- Category 5 includes clients who are scheduled for review.

The Accident and Emergency Department of the QEH utilizes a four (4) tier triage system. Migrants who are referred to the QEH from polyclinics or access the QEH themselves must be in the following categories to have full access to services free of cost at the point of delivery:

- Category 1 includes patients in need of immediate care.
- Category 2A includes patients in need of urgent care in a hospital setting.
- Category 2B includes all other patients in need of investigation and care in a hospital setting.

Migrants who are assigned to Category 3, which includes all patients who should be treated in a primary care setting are referred to the polyclinics if the condition is urgent, but can be managed in a polyclinic setting, or to a private primary care physician or facility.

In addition to primary, secondary and tertiary prevention health care, primary health care institutions offer referrals to medical specialists, diagnostic and other services at governmental, private sector and civil society organizations.

F. Rights and Responsibilities

- **Employer**
- **Migrant Worker**

It is not the purpose of this document to attempt to infringe on the rights of any person involved in the various construction projects.

Indeed it is felt that all the stakeholders' rights should be protected and respected.

Hence both groups (employers and employees) should adhere to the contract of employment which is agreed to by the parties involved.

It is therefore expected that **all** workers will comply with the terms and conditions of their engagement and return, receive the wages and or salary agreed to.

G. Adherence to local laws

Migrant workers are reminded that while they can be assured of legal and labour administration protection against the worst forms of exploitation, they should be cognizant of the fact that they should comply with Barbados' laws.

Any illegal and criminal activity will lead to arrest, prosecution, possible incarceration and definitely deportation.

Workers should ensure that they refrain from the use of excessive alcohol, driving while under the influence of alcohol, or, narcotics and they should not make a public nuisance of themselves by being disorderly, loud or aggressive.

Conclusion

It is hoped that the contents of this document will indeed have provided useful information on the minimum standards that must be in place when a decision has been made to utilize migrant workers.

Indeed, it is considered that all stakeholders in the construction sector (employers and workers) can benefit from the material contained in this Protocol.

The ability to complete construction projects within the specified time-frame and within budget is crucial. A satisfied worker will ensure that minimum mistakes are made on the job. Thus it is of equal importance that workers are treated fairly and be given decent work. Discrimination of any sort has no place in any environment.

Important Agencies and their Contact Information

Agency	Address	Telephone Number
Ministry of Labour, Social Security and Human Resource Development	3 rd . Floor, West Wing, Warrens Office Complex Warrens, St. Michael	535-1400
Labour Department	2 nd Floor, Warrens Office Complex Warrens. St. Michael	535-1500
National Insurance Department	Frank Walcott Building Culloden Road, St. Michael	431-7400
Congress of Trade Unions and Staff Associations of Barbados	Jessamine Cot Beckles Road St. Michael or P.O. Box 1100 Bridgetown	426-0897
Barbados Workers Union	Harmony Hall, St. Michael	426-3492
Barbados Employers' Confederation	Braemar Court, Deighton Road, St. Michael or P.O. Box 33B Brittons Hill, St. Michael	435-4753
Royal Barbados Police Force		Emergency 211 430-7100
Immigration Department	Careenage House, The Wharf, Bridgetown	434-4100
Ministry of Health	Frank Walcott Building Culloden Road, St. Michael	467-9300
Environmental Protection Department	L.V. Harcourt Lewis Building Dalkeith, St. Michael	535-4600
Town and Country Development Planning Office	Block C Garrison, St. Michael	535-3000

CONVENTIONS RATIFIED BY BARBADOS AS AT 31 DECEMBER 2015

	NAME OF INSTRUMENT	DATE ADOPTED	RATIFICATION DATE
	Constitution of the ILO as amended	46-10-09	67-05-08
11	Right of Association (Agriculture)	21-10-25	67-05-08
12	Workmen's Compensation (Accident)	21-10-25	67-05-08
17	Equality of Treatment (Accident)	25-10-25	67-05-08
19	Equality of Treatment (Accident Compensation)	25-06-10	67-05-08
22	Seamen's Articles of Agreement	26-06-05	67-05-08
26	Minimum Wage- Fixing Machinery	28-06-24	67-05-08
29	Forced Labour	30-06-28	67-05-08
42	Workmen's Compensation (Occupational Diseases) (Revised)	34-06-21	67-05-08
50	Recruiting of Indigenous Workers	36-06-20	67-05-08
63	Statistics of Wages and Hours of Work	38-06-20	67-05-08
65	Penal Sanctions (Indigenous Workers)	39-06-27	67-05-08
74	Certificate of Able Seamen	46-06-29	67-05-08
81	Labour Inspection	47-07-11	67-05-08
86	Contracts of Employment (Indigenous Workers)	47-07-11	67-05-08
87	Freedom of Association and Protection of the Right to Organise	48-07-09	67-05-08
90	Night Work of Young Persons (Industry) (Revised)	48-07-10	76-01-15
94	Labour Clause (Public Contracts)	49-06-29	67-05-08
95	Protection of Wages	49-07-01	67-05-08
97	Migration for Employment (Revised)	49-07-01	67-05-08
98	Right to Organise and Collective Bargaining	49-07-01	67-05-08
100	Equal Remuneration	51-06-29	74-09-19
101	Holidays with Pay (Agriculture)	52-06-26	67-05-08
102	Social Security (Minimum Standards)	52-06-28	72-07-11
105	Abolition of Forced Labour	57-06-28	67-05-08
108	Seafarers' Identity Document	58-05-13	67-05-08
111	Discrimination (Employment and Occupation)	58-06-25	74-10-14
115	Radiation Protection	60-06-22	67-05-08
118	Equality Treatment (Social Security)	62-06-28	74-10-14
122	Employment Policy	61-07-19	64-07-09
128	Invalidity, Old Age and Survivors Benefits	61-01-09	67-06-29
135	Workers' Representatives	71-06-23	77-04-25
138	Minimum Age	73-06-26	00-01-04
144	Tripartite Consultation (International Labour Standards)	76-06-21	83-04-06
147	The Merchants Shipping Minimum Standards	76-10-29	94-05-16
172	Working Conditions (Hotels and Restaurants)	91-06-25	97-06-22
182	Worst Forms of Child Labour	99-06-17	00-10-23
	MLC, 2006 - Maritime Labour Convention	06-02-23	13-06-20

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***Ministry of Labour, Social Security
and Human Resource Development
3rd Floor
Warrens Office Complex
Warrens
St. Michael***

PBX: 1-246 535-1400