



ANTIGUA AND BARBUDA	2	<i>The Antigua and Barbuda Labour Code (Amendment) Act, 1998.</i>	No. 16 of 1998.	No. 16 of 1998.	<i>The Antigua and Barbuda Labour Code (Amendment) Act, 1998.</i>	3	ANTIGUA AND BARBUDA
		„strike' means a partial or total withdrawal of services from an employer by two or more of the employees, in concert or pursuant to a common understanding, or at the request or upon the order of their bargaining agent, either (a) as a protest against a condition of work or employer action related thereto, or (b) as a device to induce or compel their employer, or his bargaining agent, to accept conditions of employment <i>which</i> they have requested, <i>which</i> request has been refused."		7. Section C3 is amended by the repeal of the definition of "redundancy" and by the substitution of the following -		Amendment of section C3.	
		(c) by inserting after its appropriate alphabetical order the following — "temporary employee" means a worker who is employed for a specific period not exceeding six months.		"redundancy" means a situation in which by virtue of lack of customers orders, retrenchment, the installation of labour saving machinery, an employer's going out of business, a <i>force majeure</i> , or any other reason, work which a person was last employed to perform has ceased or substantially diminished.			
				8. Section C10 of the principal Act is amended by the repeal of subsection (1) and the substitution of the following —		Amendment of section C10.	
Amendment of section A6.		3. The principal Act is hereby amended in section A6 by deleting the words "operating or doing business" wherever these words occur.		"(1) Upon termination by an employer of an employee's employment subsequent to the expiration of the latter's probation period, the employer shall, within seven (7) days of the termination or notice thereof, furnish to such employee a written statement of the precise reason for the termination".			
Amendment of section B3.		4. Section B3 of the principal Act is amended by inserting immediately after the definition of the words "severance pay" appearing therein the following —  "suspension" means temporary lay off from work for not more than four weeks with or without pay as a penalty or pending investigation of the employee's alleged misconduct".		9. Section C16 of the principal Act is amended as follows -		Amendment of section C16.	
Amendment of section B9.		5. Section B9 of the principal Act is hereby amended in subsection (1) by the insertion immediately after the word 'dismissals' appearing there in line 3 of the words "or suspension".		(a) by the repeal of paragraph (1) and by the substitution of the following -  "(i) said leave shall be taken only in connection with actual illness or other physical incapacitation for work, evidence of <i>which</i> in the form of a Doctor's Certificate or other satisfactory means, must be furnished by the involved employee to his employer on the third (3) consecutive day of any such leave".			
Amendment of section B12.		6. Section B 12 of the principal Act is amended in subsection (1) by the repeal of paragraph (b) and by the substitution thereof of the following-  "(b) in an unfair dismissal or suspension without pay matter, he may order the payment of a sum of money equal to loss of wages sustained and, in addition thereto he may also order the re-instatement or restoration of the person dismissed or suspended, or the payment of a sum of money in lieu of such reinstatement".		(b) by the repeal of paragraph (ii) and by the substitution of the following —  "(ii) in the event that, in the opinion of his employer the extent of such leave taken renders the employee unfit to continue in his employment and the employer terminates the employment therefor, the employee shall receive compensation			

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		calculated in the manner specified under Part 4 or a collective agreement in force relating to compensation for severance pay".			(3) A female employee who is granted maternity leave under this section is entitled to receive not less than forty percentum of her basic wages during the period of the maternity leave.		
	(c)	by the insertion immediately after paragraph (ii) of the following new paragraph -			12. Section C22 of the principal Act is amended by the repeal of subsection (3) and by the substitution of the following -	Amendment of section C22.	
		"(iii) in the event that the illness of an employee or his incapacity is such that he is unable to continue to exercise his duties under his contract of employment, then he may apply to be examined by a medical board appointed in accordance with regulations made under this Act and where the Board decides that he is unable to continue to exercise his duties under his contract, then he shall receive compensation calculated in the manner specified under Part 4 of a collective agreement in force relating to compensation for severance pay..			"(3) Giving full consideration to the recommendations of the said committee, the Minister may thereupon issue an order prescribing the basic minimum wage payable for each such occupation and each level within such occupation:		
					Provided that an order issued by the Minister under this subsection shall not continue in force for more than two years.		
Amendment of Section C19.	10.	Section C19 of the principal Act is amended by the repeal of subsection (1) thereof and the substitution thereof of the following -			13. The proviso to section C27 of the principal Act is repealed and replaced by the following -	Amendment of section C27.	
		"(1) Any employer who contravenes the provisions of section C14, C15, C17 or C18 is guilty of an offence and is liable on summary conviction to a fine of \$500 or to imprisonment for six months."			"Provided that the Minister, may after consultation with employer and employee representatives, revise these standards for any given industry or enterprise by the issuance of an Order to that effect."		
	11. Section C20 of the principal Act is repealed and replaced by the following				14. Section C28 of the principal Act is amended by the repeal of subsection (2) and the substitution of the following -	Amendment of section C28.	
		"Maternity leave.			"(2) Any person who contravenes the requirement of section C27 is guilty of an offence and is liable on summary conviction to a fine of \$1,500 and to imprisonment for six months. In addition, the Court may order the payment of any sum found due to any involved employee if warranted by the circumstances."		
		C20. (1) A female employee shall, on production of a medical certificate stating the presumed date of her confinement, be entitled to a period of maternity leave in accordance with the provisions of this section.					
		(2) A female employee with a minimum of twelve months unbroken service in her employment is entitled whenever she is pregnant to a maternity leave of at least six weeks.			15. Section C34 of the principal Act is amended in subsection (1) by repeal of all the words beginning with the word "shall" after paragraph (c) and ending with the word "dollars" and by the substitution of the following -	Amendment of section C34.	

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		is guilty of an offence and is liable on summary conviction to a fine of \$2,000 or to imprisonment for six months and for a second or subsequent offence to a fine of \$5,000 and to imprisonment for twelve months".			Misconduct in respect of which the warning is given and state the action the employer intends to take in the event of—		
Amendment of section C46.		16. Section C46 of the principal Act is amended by the repeal of subsection (3) and by the substitution of the following -			(a) a repetition of the misconduct; or		
		"(3) Any person who fails to comply with the provisions of subsection (1) or (2) is guilty of an offence and is liable on summary conviction to a fine of \$1,500 and to imprisonment for six months".			(b) the commission of another misconduct which is as serious as the one in respect of which the written warning was given.		
Amendment of section C50.		17. Section C50 of the principal Act is amended in subsection (3) by the deletion of the word 'five' appearing therein and by the substitution of the word "ten".			(3) The action to be taken under subsection (2) may include suspension without pay for such period as may be specified in the written warning.		
Amendment of section C58.		18. Section C58 of the principal Act is amended in subsection (1) by the deletion of paragraph (e) and the substitution of the following —			(4) Where, within six months of the receipt of the written warning under subsection (2), the employee is guilty of the same misconduct or is guilty of another misconduct in relation to his work which is as serious as the one in respect of which the written warning was given, the employer may terminate the employment of the employee or take such other action as may have been specified in the written warning."		
		"(e) is prolonged illness or some other substantial reason of a kind which would entitle a reasonable employer to dismiss an employee holding the position which the employee held".			(b) by the renumbering of subsection (3) as subsection (5).		
Amendment of section C59.		19. Section C59 of the principal Act is amended as follows -			20. Section C64 of the principal Act is amended in subsection (3) by the deletion of the word 'five' appearing in the first line and by the substitution of the word "ten".		Amendment of section C64.
		(a) by the repeal of subsection (2) and the substitution therefor of the following -			21. Section C65 of the principal Act is hereby amended by the repeal of subsection (2) and by the substitution of the following -		Amendment of section C65.
		"(2) Where an employee is guilty of misconduct in or in relation to his employment that is not sufficiently serious to permit his employer to terminate his employment under subsection (1) but is such that the employer cannot reasonably be expected to tolerate a repetition, the employer may give the employee a written warning which shall describe the			"(2) Any person guilty of such offence is liable on summary conviction to a fine of \$506 or to imprisonment for six months. In addition the Court may, having regard to the decision of the hearing Officer or if a review has been requested, to the decision on the review, make such order or orders as he considers necessary."		

Repeal of section J7 22. Section J7 of the Principal Act is amended in subsection (2) by the repeal of paragraph (a) and by the substitution of the following —

"(a) a direction by the Labour Commissioner that a secret ballot, as described in section J11, be conducted."

Repeal of section J11 23. Section J11 of the principal Act is hereby amended by the repeal of subsection (1) and by the substitution of the following —

"(1) The provisions of this section shall apply to secret ballots conducted in accordance with a direction and supervision of the Labour Commissioner under section J7 (2) (a) and those conducted under a direction of election appearing in a decision of a Hearing Officer issued in accordance with section J9 (7) (a)".

Amendment of section 113. 24. The principal Act is amended in section J13 (2) by the repeal of paragraph (b) and by the substitution of the following new paragraph —

"(b) The negotiating fee referred to in subparagraph 2 (a) shall, in the case of —

- (i) Workers other than union members, for the bargaining unit be fifty dollars per contract per year.,

Passed the House of Representatives this 25th day of May, 1998.

B. Harris,  
*Speaker.*

S. Walker,  
*Clerk to the House of Representatives.*

Passed the Senate this 28th day of August, 1998.

M. Percival,  
*President.*

S. Walker,  
*Clerk to the Senate.*

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## ANTIGUA AND BARBUDA

### STATUTORY INSTRUMENTS

1997, No. 36

The Agreement Establishing the Caribbean Agricultural Research and Development Institute, approved by Resolution of the House of Representatives pursuant to section 3 (1) (c) of the Ratification of Treaties Act Cap 364.

#### THE CONTRACTING PARTIES:

SHARING a common determination to promote social stability and a better quality of life for the peoples of the Region;

RECOGNISING the merits of a regional organisation for agricultural research and development;

AWARE that the solution to the problems of agriculture on a regional basis will complement the current efforts towards regional economic integration and particularly the efforts towards regional co-operation in agricultural development;

CONSCIOUS of the need for efficient and adequate national extension services;

CONVINCED that the establishment of a regional institution for agricultural research and development will facilitate the achievements of these needs;

#### HEREBY AGREE AS FOLLOWS:

#### ARTICLE 1

#### ESTABLISHMENT

The Caribbean Agricultural Research and Development Institute (hereinafter referred to as "the Institute") is hereby established having the membership, powers and functions hereinafter specified.

#### ARTICLE 2

#### MEMBERSHIP

1. Membership of the Institute shall be open to—

- (a) States listed in the Annex to this Agreement;
- (b) Any other State of the Caribbean Region which becomes a Member or Associate Member of the Caribbean Community.