

# **Barbados**

## **Selection of documents concerning International Labour Standards**



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# Ratifications for Barbados

## 39 Conventions

- Fundamental Conventions: **8 of 8**
- Governance Conventions (Priority): **3 of 4**
- Technical Conventions: **28 of 177**
- Out of **39** Conventions ratified by Barbados, of which **36** are in force, **3** Conventions have been denounced; **none** have been ratified in the past 12 months.

## See also

[Conventions not ratified](#)

Display the list by:  Type  Number  Subject  Status

## Fundamental

Convention	Date	Status
<a href="#">C029 - Forced Labour Convention, 1930 (No. 29)</a>	08 May 1967	In Force
<a href="#">C087 - Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)</a>	08 May 1967	In Force
<a href="#">C098 - Right to Organise and Collective Bargaining Convention, 1949 (No. 98)</a>	08 May 1967	In Force
<a href="#">C100 - Equal Remuneration Convention, 1951 (No. 100)</a>	19 Sep 1974	In Force
<a href="#">C105 - Abolition of Forced Labour Convention, 1957 (No. 105)</a>	08 May 1967	In Force
<a href="#">C111 - Discrimination (Employment and Occupation) Convention, 1958 (No. 111)</a>	14 Oct 1974	In Force
<a href="#">C138 - Minimum Age Convention, 1973 (No. 138)</a> <i>Minimum age specified: 16 years</i>	04 Jan 2000	In Force
<a href="#">C182 - Worst Forms of Child Labour Convention, 1999 (No. 182)</a>	23 Oct 2000	In Force

## Governance (Priority)

Convention	Date	Status
<a href="#">C081 - Labour Inspection Convention, 1947 (No. 81)</a> <i>Excluding Part II</i>	08 May 1967	In Force
<a href="#">C122 - Employment Policy Convention, 1964 (No. 122)</a>	15 Mar 1976	In Force

<a href="#">C144 - Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)</a>	06 Apr 1983	In Force
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### Technical

Convention	Date	Status
<a href="#">C005 - Minimum Age (Industry) Convention, 1919 (No. 5)</a>	08 May 1967	Automatic Denunciation 04 Jan 2000 by C138
<a href="#">C007 - Minimum Age (Sea) Convention, 1920 (No. 7)</a>	08 May 1967	Automatic Denunciation 04 Jan 2000 by C138
<a href="#">C010 - Minimum Age (Agriculture) Convention, 1921 (No. 10)</a>	02 Oct 1978	Automatic Denunciation 04 Jan 2000 by C138
<a href="#">C011 - Right of Association (Agriculture) Convention, 1921 (No. 11)</a>	08 May 1967	In Force
<a href="#">C012 - Workmen's Compensation (Agriculture) Convention, 1921 (No. 12)</a>	08 May 1967	In Force
<a href="#">C017 - Workmen's Compensation (Accidents) Convention, 1925 (No. 17)</a>	08 May 1967	In Force
<a href="#">C019 - Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19)</a>	08 May 1967	In Force
<a href="#">C022 - Seamen's Articles of Agreement Convention, 1926 (No. 22)</a>	08 May 1967	In Force
<a href="#">C026 - Minimum Wage-Fixing Machinery Convention, 1928 (No. 26)</a>	08 May 1967	In Force
<a href="#">C042 - Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934 (No. 42)</a>	08 May 1967	In Force
<a href="#">C050 - Recruiting of Indigenous Workers Convention, 1936 (No. 50)</a>	08 May 1967	Shelved Conventions
<a href="#">C063 - Convention concerning Statistics of Wages and Hours of Work, 1938 (No. 63)</a> <i>Excluding Part III</i>	08 May 1967	In Force
<a href="#">C065 - Penal Sanctions (Indigenous Workers) Convention, 1939 (No. 65)</a>	08 May 1967	Shelved Conventions
<a href="#">C074 - Certification of Able Seamen Convention, 1946 (No. 74)</a>	08 May 1967	In Force
<a href="#">C086 - Contracts of Employment (Indigenous Workers) Convention, 1947 (No. 86)</a>	08 May 1967	Shelved Conventions
<a href="#">C090 - Night Work of Young Persons (Industry) Convention (Revised), 1948 (No. 90)</a>	15 Jan 1976	In Force
<a href="#">C094 - Labour Clauses (Public Contracts) Convention, 1949 (No. 94)</a>	08 May 1967	In Force
<a href="#">C095 - Protection of Wages Convention, 1949 (No. 95)</a>	08 May 1967	In Force

<b>C097 - Migration for Employment Convention (Revised), 1949 (No. 97)</b> <i>Has excluded the provisions of Annexes I to III</i>	08 May 1967	In Force
<b>C101 - Holidays with Pay (Agriculture) Convention, 1952 (No. 101)</b>	08 May 1967	In Force
<b>C102 - Social Security (Minimum Standards) Convention, 1952 (No. 102)</b> <i>Has accepted Parts III, V, VI, IX and X. As a result of the ratification of Convention No. 128 and pursuant to Article 45 of that Convention certain parts of the present Convention are no longer applicable.</i>	11 Jul 1972	In Force
<b>C108 - Seafarers' Identity Documents Convention, 1958 (No. 108)</b>	08 May 1967	In Force
<b>C115 - Radiation Protection Convention, 1960 (No. 115)</b>	08 May 1967	In Force
<b>C118 - Equality of Treatment (Social Security) Convention, 1962 (No. 118)</b> <i>Has accepted Branches (b), (c) and (e) to (g)</i>	14 Oct 1974	In Force
<b>C128 - Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No. 128)</b> <i>Has accepted Parts II and III</i>	15 Sep 1972	In Force
<b>C135 - Workers' Representatives Convention, 1971 (No. 135)</b>	25 Apr 1977	In Force
<b>C147 - Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147)</b>	16 May 1994	In Force
<b>C172 - Working Conditions (Hotels and Restaurants) Convention, 1991 (No. 172)</b>	22 Jun 1997	In Force

# **Freedom of Association and the Right to Collective Bargaining**

## Observation (CEACR) - adopted 2011, published 101st ILC session (2012)

*Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) - Barbados (Ratification: 1967)*

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The Committee notes that the Government's report has not been received. It must therefore repeat its previous observation which read as follows:

### Repetition

**Article 3 of the Convention. The right of organizations freely to organize their activities and to formulate their programmes.** The Committee recalls that for numerous years it has advised the Government to amend section 4 of the Better Security Act, 1920, according to which any person who wilfully breaks a contract of service or hiring, knowing that this could endanger real or personal property, is liable to a fine or up to three months' imprisonment, so as to eliminate the possibility of employers invoking it in cases of strikes. The Committee notes that the Government indicated that the administrative authority has undertaken to move towards the drafting of an essential services legislation. The Committee recalls that no penal sanction should be imposed against a worker for having carried out a peaceful strike and measures of imprisonment should not be imposed on any account, including as regards strikes in essential services. Such sanctions could be envisaged only where during a strike, violence against persons or property or other serious infringements of rights have been committed, and can be imposed pursuant to legislation punishing such acts. Nevertheless, even in the absence of violence, if the strike modalities had the effect of making the strike illegitimate, proportionate disciplinary sanctions may be imposed against strikers. ***The Committee trusts that the Government will take duly into account the abovementioned principle when drafting the essential services legislation. The Committee requests the Government to keep it informed of any developments in this respect and to provide a copy of the legislation once adopted. Moreover, the Committee once again requests the Government to amend section 4 of the Better Security Act, 1920, so as to bring it into conformity with the Convention.***

Furthermore, the Committee recalls that it has been requesting the Government since 1998 to provide information on developments in the process of reviewing legislation regarding trade union recognition to which the Government had referred, or to indicate whether the drafting legislation process concerning trade union recognition could be considered as abandoned. In its previous observation, the Committees had also noted that the Congress of Trade Unions and Staff Associations of Barbados indicated that the Government submitted an amended Trade Union Act Cap. 361 to trade unions for comment and review. The Committee had noted that the Government indicated that the drafting process regarding legislation on trade union recognition is ongoing. ***The Committee requests the Government to provide with its next report information on any development in this respect.***

***The Committee hopes that the Government will make every effort to take the necessary action in the near future.***

Finally, the Committee notes the comments made by the International Trade Union Confederation (ITUC) in a communication dated 4 August 2011, as well as the comments submitted by the Barbados Workers' Union (BWU) in a communication dated 1 September 2011, on issues already raised by the Committee.



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### Observation (CEACR) - adopted 2011, published 101st ILC session (2012)

*Right to Organise and Collective Bargaining Convention, 1949 (No. 98) - Barbados (Ratification: 1967)*

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The Committee notes the comments made by the International Trade Union Confederation (ITUC) in a communication dated 4 August 2011 indicating that the right to collective bargaining has still not been regulated by law, stripping the mechanism of its effectiveness and that legislation tolerating certain anti-union practices, such as dismissal for union activities, is also still in place. The Committee also notes the comments submitted by the Barbados Workers' Union (BWU) in a communication dated 1 September 2011 concerning issues already raised by the Committee. ***The Committee requests the Government to provide its observations thereon.***

The Committee notes that the Government's report has not been received. It must therefore reiterate its previous points:

**Article 1 of the Convention. Protection against acts of anti-union discrimination.**

The Committee recalls that in previous observations, it had requested the Government to take all the necessary measures to ensure that the legislation provides adequate protection against all acts of anti-union discrimination, in taking up employment and throughout the course of employment, including at the time of termination, and covering all measures of anti-union discrimination (dismissals, demotions, transfers and other prejudicial acts) as well as adequate and dissuasive sanctions. The Committee also noted the comments made by the ITUC referring to the inadequacy of remedies for workers discharged for their union activity since courts may not reinstate dismissed workers. The Committee had noted that the Government indicates in its report that section 40A of the Trade Union Act, CAP 361 provides that any employer who dismisses a worker or adversely affects the employment or alters the position of a worker, or threatens to dismiss or to adversely affect or alter the position of a worker, because that worker is, or seeks to become, an officer, delegate or member of a trade union or takes part in trade union activities can be subject to a fine not exceeding US\$1,000 or to imprisonment for a term not exceeding six months or to both. As regards the amount of the fines, the Committee recalls again the importance of making sanctions sufficiently dissuasive against acts of anti-union discrimination or interference. The Committee had previously noted with interest that the Government indicated that it was in the final stages of drafting a new employment rights legislation, which will, inter alia, make provisions for an employment rights tribunal to hear cases of unfair dismissals and to make awards where necessary. ***Given that it appears that the envisaged protection would only cover cases of unfair dismissals, the Committee requests the Government to take the necessary measures to***



***bring the legislation into conformity with the Convention as regards not only anti-union dismissals, but also other prejudicial acts perpetrated against union leaders and members because of their affiliation or trade union activities and in particular, to strengthen the amount of the legal fines and other relevant means which can be applied by the tribunal. The Committee requests the Government to provide a copy of the new employment rights legislation once adopted.***

***The Committee hopes that the Government will make every effort to take the necessary action in the near future.***

The Committee is raising other points in a request addressed directly to the Government.



## Direct Request (CEACR) - adopted 2011, published 101st ILC session (2012)

*Right to Organise and Collective Bargaining Convention, 1949 (No. 98) - Barbados*  
(Ratification: 1967)

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The Committee notes that the Government's report has not been received. It must therefore repeat its previous direct request which read as follows:

### **Repetition**

The Committee had noted that according to the Barbados Employers' Confederation, trade unions which represent more than 50 per cent of workers in a bargaining unit may be granted recognition. It had requested the Government to provide information on the collective bargaining process that applies where a trade union represents less than 50 per cent of workers in a bargaining unit. The Committee had noted from the Government's report that where a recognition survey reveals that union membership is less than 50 per cent in a unit, recognition is usually left to the discretion of the employer in accordance with the voluntaristic industrial relations system of Barbados.

The Committee notes that the Government indicates in its report that if union membership in an organization is "50 per cent plus 1" at the date of the request for recognition, the employer usually acknowledges the union as bargaining agent. The Government's report adds that there is generally a high rate of positive responses from employers when a union requests recognition.

***The Committee requests the Government to provide with its next report information on the recognition in practice, by employers, of trade unions wishing to bargain in the name of their members despite representing less than 50 per cent of the workers in a bargaining unit.***

# **Equality and non-discrimination**

# Direct Request (CEACR) - adopted 2011, published 101st ILC session (2012)

*Equal Remuneration Convention, 1951 (No. 100) - Barbados (Ratification: 1974)*

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The Committee notes the observations by the Barbados Workers' Union (BWU) dated 31 August 2011.

**Application of the principle through collective agreements.** The Committee notes the information provided by the Government on wage rates provided for in the collective agreements. It notes that classification of wages in the print industry is differentiated based on the classification of categories such as "senior", "junior" or "beginner". It also notes that, in defining different jobs in the collective agreements, sex-specific terminology remains in use, such as "maintenance men" or "head waiter; assistant head waiter; waiter/waitress", reinforcing stereotypes regarding whether certain jobs should be carried out by men or women, and thus increasing the likelihood of wage inequality. ***The Committee asks the Government to indicate how it is ensured that, in determining wage rates in the collective agreements, the work performed by women is not being undervalued in comparison to that of men who are performing different work and using different skills, and that the procedures adopted are free from gender bias. It also asks the Government to take steps, in collaboration with the employers' and workers' organizations, to promote the use of gender-neutral terminology in defining the various jobs and occupations in the collective agreements. The Committee further asks the Government to provide information on collective bargaining and job evaluation exercises, specifying their effect on wage rates.***

**Minimum wages.** The Committee notes the Government's indication that no steps have been taken to have minimum wages for categories of workers other than shop assistants and domestic workers. It also notes the observations by the BWU that there have been some discussions on this issue and that setting minimum wages is critical for attaining decent work. The Committee further notes that the Government has not provided any information on steps to readjust the minimum wages for domestic workers. ***Recalling the fact that the minimum wages for domestic workers, most of whom are women, have not been increased for over 20 years, and the importance of setting minimum wages in promoting the application of the Convention, the Committee asks the Government to take steps to readjust the minimum wages for domestic workers using objective job evaluation without gender bias.***

**Promoting women's participation in higher paid jobs.** The Committee recalls its previous comments encouraging the Government to take concrete measures to promote and facilitate access by women to positions offering higher levels of remuneration. It notes the Government's indication that there are no known cases of discrimination with regard to promotion of women to higher positions, and that Barbados has a relatively high number of women in senior positions of employment. ***Recalling the importance of statistics on remuneration levels disaggregated by sex for assessing the progress made in applying the Convention, the Committee asks the Government to provide information on any measures taken to compile and analyse statistics on the various remuneration levels, including levels of posts of responsibility in all economic sectors, including in the plantation sector.***

**Enforcement.** The Committee notes the Government's statement that there are no reports known to the Labour Department of unequal remuneration, and that there are no known cases of discrimination in wages relating to gender. ***The Committee encourages the Government to take appropriate measures with a view to strengthening the mechanisms to enforce the principle of equal remuneration for men and women for work of equal value for both unionized and non-unionized workers, including providing training for labour inspectors and judges, as well as awareness-raising activities for the general public, and asks the Government to indicate the measures taken in this regard.***



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### Observation (CEACR) - adopted 2011, published 101st ILC session (2012)

*Discrimination (Employment and Occupation) Convention, 1958 (No. 111) - Barbados (Ratification: 1974)*

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**Legislative developments.** The Committee notes the observations by the Barbados Workers' Union (BWU), dated 31 August 2011, expressing disappointment at the time it has taken to enact legislation with respect to sexual harassment and employment rights. The BWU also indicates that the Employment Rights Bill will address discrimination in employment and occupation based on union status, HIV/AIDS status, disability, military and civic obligations imposed by law, pregnancy, race, colour, gender, marital status, religion, age, political opinion, national extraction, social origin or indigenous origin, or where the employee is responsible for the care and welfare of a child or a dependent family member. The Committee notes that it has been commenting for many years that the existing legislation does not provide full legislative protection against discrimination as defined under the Convention and that, in this context, the Government has been referring to the Employment Rights Bill since 2004. ***The Committee asks the Government to take steps without further delay to ensure full legislative protection against direct and indirect discrimination in all aspects of employment and occupation, for all workers, on all the grounds enumerated in Article 1(1)(a) of the Convention, namely race, sex, colour, religion, political opinion, national extraction and social origin. The Committee welcomes the additional grounds of discrimination, as foreseen in Article 1(1)(b) of the Convention, that appear to be included in the Employment Rights Bill, and asks the Government for information on the status of the process for the adoption of the Bill.***

The Committee is raising other points in a request addressed directly to the Government.



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*Discrimination (Employment and Occupation) Convention, 1958 (No. 111) - Barbados (Ratification: 1974)*

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The Committee notes that the Government's report has not been received. It must therefore repeat its previous direct request which read as follows:

#### **Repetition**

**Sexual harassment.** The Committee recalls that the Employment Rights Bill does not contain a provision explicitly providing protection against sexual harassment. The Committee further notes the Government's brief statement that discussions have been held with stakeholders on draft sexual harassment legislation. The Committee draws the attention of the Government to its obligation under the Convention to address all forms of sex discrimination, including sexual harassment, in an effective manner. ***The Committee asks the Government to step up its efforts to adopt legislation providing protection against sexual harassment, taking into account the elements set out in the 2002 general observation on this Convention, and to consider incorporating provisions on sexual harassment in the Employment Rights Bill. It requests the Government to provide information on any progress made in this respect.***

**Discrimination on the grounds of race, colour and national extraction.** The Committee recalls its previous request for information, including statistics, on the labour market situation of the different "racial" groups, and their employment levels in the public and private sectors, in light of concerns expressed regarding racism in the country. The Committee notes the Government's very brief reply that such information should be provided by the Manpower Research and Statistical Unit of the Ministry of Labour and Civil Service. The Committee draws the attention of the Government to *Article 3(f) of the Convention*, pursuant to which it is required to indicate in its reports on the application of the Convention the action taken in pursuance of its equality policy with respect to, among others, the grounds

of race, colour and national extraction, and the results secured by such action. ***The Committee therefore urges the Government to make every effort to collect, analyse (through studies or otherwise) and supply information, including statistics, on the labour market situation of the different groups protected under the Convention, and the action undertaken to promote and ensure equality of opportunity and treatment with respect to race, colour and national extraction and eliminate discrimination in employment and occupation based on these grounds.***

...

**Articles 2 and 3. National policy to promote gender equality.** The Committee recalls its previous comments in which it had noted the significant occupational gender segregation, with women being confined primarily to a limited range of occupations. It had also noted the various initiatives set out in the Government's report to promote gender equality, including the drafting of a national gender policy through an inclusive consultative approach. The Committee notes that the Government's report does not contain any information on any progress made or any results secured by the gender equality initiatives mentioned previously. ***The Committee requests the Government to provide full information on the outcome of the consultations and the status of the national gender policy. The Committee also reiterates its requests for information on the impact of the gender equality initiatives, and on the measures taken or envisaged to promote access of women to a wider range of occupations.***