

ANTIGUA AND BARBUDA



THE ANTIGUA AND BARBUDA LABOUR CODE (AMENDMENT) BILL, 2019

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(Amendment) Bill 2019*

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ARRANGEMENT OF CLAUSES

1. Short title
2. Interpretation
3. Amendment of Division C
4. Consequential Amendment
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AN ACT to amend the Antigua and Barbuda Labour Code, Cap. 27 for incidental and connected purposes.

ENACTED by the Parliament of Antigua and Barbuda as follows-

1. Short title

This Act may be cited as the Antigua and Barbuda Labour Code (Amendment) Act, 2019.

2. Interpretation

In this Act, “the Principal Act” means the Antigua and Barbuda Labour Code, Cap. 27.

3. Amendment of Division C

Division C of the Principal Act is amended in section C3 by—

(a) inserting the following definitions in the appropriate order—

“**contract worker**” means a person who is employed on a fixed term contract;

“**fixed term contract**” means an employment contract in which an employer recruits an employee for a limited period of time to perform a specific task.”

(b) repealing the definition of “**temporary employee**” ; and

(c) inserting the following new section immediately after section C7—

“C7A. Contract workers

(1) Subject to subsection (2), a contract worker who is recruited by an employer shall perform his or her duties under a fixed term contract.

(2) A fixed term contract shall not be issued to an employee for a position which is permanent in nature or which is covered by a collective bargaining agreement.

(3) A fixed term contract shall outline in writing—

- (a) the specific tasks and responsibilities of the employee;
- (b) the period of employment;
- (c) the terms and conditions of the employment arrangement; and
- (d) any other information which is relevant to the employment arrangement.

(4) A fixed term contract may be renewed by mutual agreement between the employer and the contract worker.

(5) A contract worker shall be deemed to be a full time employee if that worker’s fixed term contract—

- (a) has been renewed by the employer on two or more occasions after the initial issuance; and
- (b) the total contractual period for which the worker has been employed amounts in aggregate to one year or more.”

(d) by repealing section C40 and substituting it with the following new section—

“C40. Right to severance pay generally

An employee whose terms of employment with an employer and his predecessors has in aggregate exceeded one year is entitled to severance pay upon termination of said employment by the employer for reasons of redundancy or as a result of the sale of assets or shares or other means of disposal of the undertaking to a successor-employer.”

(e) by repealing section C44 and substituting it with the following new section—