

CAYMAN ISLANDS



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**A BILL FOR A LAW TO AMEND THE LABOUR LAW (2007 REVISION)
TO MAKE PROVISION FOR THE PROHIBITION AND ELIMINATION
OF THE WORST FORMS OF CHILD LABOUR; AND FOR
INCIDENTAL AND CONNECTED PURPOSES**

THE LABOUR (AMENDMENT) BILL, 2010

MEMORANDUM OF OBJECTS AND REASONS

This Bill seeks to amend the Labour Law (2007 Revision) to give effect to the ILO No. 182 Worst Forms of Child Labour Convention, 1999 and the ILO R190 Worst Forms of Child Labour Recommendation, 1999.

Clause 1 of the Bill provides the short title.

Clause 2 of the Bill amends the principal Law by inserting a new section 80A. The new section 80A makes it an offence for a person to subject a child to the worst forms of child labour including slavery, prostitution, pornography, debt bondage, servitude, recruitment for use in armed conflict, production and trafficking of drugs and other illicit activities, and any other work prescribed which is likely to harm the health, safety or morals of the child. Provision is made in section 80A for the Governor in Cabinet to make Regulations to authorize the employment of, or work by, a child of age sixteen years or over where the health and morals of the child are fully protected and the child has received relevant and adequate specific instruction or vocational training.

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Enacted by the Legislature of the Cayman Islands.

1. This Law may be cited as the Labour (Amendment) Law, 2010.

Short title

2. The Labour Law (2007 Revision) is amended by inserting after section 80 the following section -

Insertion of section 80A
in the Labour Law (2007
Revision) - worst forms
of child labour

“Worst forms of
child labour

80A. (1) A person shall not -

- (a) hold a child in slavery, servitude or debt bondage;
- (b) require a child to perform forced or compulsory labour;
- (c) subject a child to forced or compulsory recruitment for use in armed conflict;
- (d) use, procure or offer a child for prostitution, for the production of pornography or for pornographic performances;
- (e) use, procure or offer a child for production or trafficking of drugs or for activities which involve the unlawful carrying of, or use of,

- firearms or other weapons; or
- (f) subject to subsection (2), require a child to perform any other work prescribed which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of the child.

(2) In determining the types of work under subsection (1)(f) for the purposes of making Regulations in accordance with section 85(1), the Governor shall consult with organisations representing employers and organisations representing workers and shall have regard to -

- (a) work which exposes children to physical or psychological or sexual abuse;
- (b) work underground, underwater, at dangerous heights or in confined spaces;
- (c) work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads; and
- (d) work under particular difficult conditions such as work for long hours during the night or work where the child is confined to the premises of the employer.

(3) Notwithstanding subsections (1) and (2) and section 85, the Governor may make Regulations to authorize the employment of, or work by, a child of age sixteen years or over where the health and morals of the child are fully protected and the child has received adequate specific instruction or vocational training relevant to the employment or work.

(4) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of twenty thousand dollars or to imprisonment for a term of five years, or to both.

(5) In this section -

“child” means a person under the age of eighteen years;

“debt bondage” means an arrangement whereby a person is forced to pay off a loan with direct labor in place of

currency, over an agreed or indefinite period;

“firearms” means firearms as defined in the Firearms Law (2008 Revision); and

“servitude” means the state of being a slave or completely subject to a person more powerful.”.

Passed by the Legislative Assembly the day of , 2010.

Speaker.

Clerk of the Legislative Assembly.