
CHAPTER 320**APPRENTICESHIP****ARRANGEMENT OF SECTIONS**

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CHAPTER 320

APPRENTICESHIP

An Act to make provision for the regulation of the training of trade apprentices.

1 of 1968

E.L.A.O., 1974

[Assent 4th January, 1968]

[Commencement 1st January, 1983]

1. This Act may be cited as the Apprenticeship Act. Short title.

2. In this Act, unless the context otherwise requires — Interpretation.

“apprentice” means a person who is bound by a written contract to serve an employer for a determined period of time with a view to acquiring knowledge, including theory and practice, of a trade in which the employer is reciprocally bound to instruct that person;

“Board” means the Apprenticeship Board established under section 3 of this Act;

“inspector” means an inspector appointed by the Governor-General under the provisions of section 18 of this Act;

“Minister” means the Minister responsible for Apprenticeship and Industrial Training; *E.L.A.O., 1974.*

“minor” means a person under the age of twenty-one years.

3. (1) The Minister may, by notice in the *Gazette* establish a Board to be known as the Apprenticeship Board, which shall consist of a Chairman and seven members who shall be appointed by the Minister and who shall hold office for such period, not exceeding three years, as shall be specified at the time of their appointment, and on the expiration of such period shall be eligible for reappointment:

Apprenticeship Board.

E.L.A.O., 1974.

Provided that —

(a) two members shall be persons appearing to the Minister to represent the interests of skilled workmen;

- (b) two members shall be persons appearing to the Minister to represent the interests of the employers of skilled workmen; and
- (c) one member shall be a member of the Central Advisory Council for Education.

(2) The Minister may appoint a Secretary to the Board, and such other officers as may be considered necessary, who shall perform such duties as the Board may determine.

(3) The Minister may at any time if he shall think fit terminate the appointment of the Chairman or of any member of the Board.

(4) The Chairman or any member of the Board may resign his appointment by tendering notice in writing to the Minister.

(5) The Board may co-opt any one or more persons to attend a meeting or meetings of the Board for the purpose of assisting or advising the Board, but no such co-opted person or persons shall have a vote.

(6) The quorum of the Board for any meeting shall be four members.

(7) Subject to the provisions of this section, the Board shall have power to regulate its own proceedings.

Duties and functions of the Board.

4. Without prejudice to the other provisions contained in this Act, the Board shall perform the following duties and functions —

- (a) it shall at the request of the Minister, and may of its own motion, investigate and make recommendations to the Minister on any matters connected with this Act;
- (b) it shall perform such duties and functions in regard to any matter concerning apprenticeship as may be prescribed by rules made under section 20 of this Act.

Permission to employ apprentices.

5. (1)(a) No person shall employ an apprentice without having first obtained the written permission of the Board to do so.

(b) Any permission given by the Board under this subsection shall specify the maximum number of apprentices who may be employed at any, one time by the person to whom the permission is given.

(2) No permission shall be given under this section unless the person applying therefor satisfies the Board that his establishment offers reasonable opportunities for the proper training of the apprentice or the number of apprentices for which such permission is to be given.

(3) The Minister may, upon the application of any person aggrieved by the decision of the Board under this section, review such decision and may confirm, vary or reverse the same, and the decision of the Minister thereon shall be final.

(4) Any person who —

- (a) employs an apprentice without first obtaining the written permission of the Board; or
- (b) having obtained the written permission of the Board to employ apprentices, employs at any one time a number of apprentices in excess of the maximum number specified in such written permission,

shall be guilty of an offence against this Act.

6. (1) Any person who —

- (a) has attained the apparent age of fifteen years;
- (b) has completed any period of compulsory education required by law; and
- (c) has been certified fit as provided in section 7 of this Act,

Who may be an apprentice.

may, subject to the provisions of subsection (3) of this section, bind himself as an apprentice in any trade.

(2) No person who does not qualify therefor under the provisions of subsection (1) of this section shall bind himself as aforesaid.

(3) A person who is a minor shall not bind himself as aforesaid except with the consent of his parent or guardian or, if there is no such parent or guardian, with the consent of the Board.

(4) A minor who, with such consent as aforesaid, binds himself as an apprentice shall be bound by the contract of apprenticeship throughout the term of the contract notwithstanding that he may have in the meantime attained his majority.

Medical
examination of
apprentices.

7. Every person before entering into a contract of apprenticeship shall be medically examined at the expense of the proposed employer by a medical practitioner; and a medical certificate to the effect that such person is fit to be employed in the trade concerned shall be obtained from such practitioner by the employer.

Registration of
contracts of
apprenticeship.

8. (1) Every contract of apprenticeship made after the commencement of this Act shall be in such form as may be prescribed or, where no form has been prescribed, in a form approved by the Board.

(2) An employer who enters into a contract of apprenticeship with any person shall, within fourteen days thereafter, lodge with the Board for registration —

- (a) the contract of apprenticeship together with two copies thereof; and
- (b) the medical certificate obtained under the provisions of section 7 of this Act.

(3) Any employer who fails to comply with the provisions of subsection (2) of this section shall be guilty of an offence against this Act.

(4) No contract of apprenticeship made after the commencement of this Act shall be binding unless and until it has been registered by the Board.

(5) The Board may refuse to register any contract of apprenticeship if, in its opinion, it is not in the interests of the person who is the apprentice, or if it is not made in accordance with the provisions of this Act or of any rules made thereunder.

(6) Any party dissatisfied with the refusal of the Board to register a contract may appeal to the Minister within thirty days from the date upon which the decision of the Board is communicated to him, and the Minister may either confirm or reverse the decision of the Board, and the decision of the Minister on appeal shall be final.

(7) In every case where the Board registers a contract under this Act, it shall —

- (a) endorse the particulars of registration thereon and on one of the copies referred to in paragraph (a) of subsection (2) of this section, and return the contract and such copy to the employer; and
- (b) file the other copy referred to in paragraph (a) of subsection (2) of this section.

(8) The employer shall deliver the copy which has been endorsed as aforesaid to the apprentice for him to keep.

9. (1) The rights and obligations of an employer under any contract of apprenticeship may, with the consent of the apprentice thereunder, and with the approval of the Board, be transferred to another employer.

Transfer of contracts of apprenticeship.

(2) The Board may withhold its approval under the provisions of this section if, in its opinion, the transfer is not in the interests of the apprentice.

(3) No transfer of the rights and obligations of an employer under any contract of apprenticeship shall take effect until the instrument of transfer —

- (a) has been reduced to writing and has been signed by or on behalf of the employer transferring such rights and obligations and by the employer to whom such rights and obligations are being transferred and by the apprentice; and, where such apprentice is a minor, has been signed also by his parent or guardian, or if he has no parent or guardian, by the Board; and
- (b) has been registered by the Board.

(4) The employer to whom the rights and obligations under a contract of apprenticeship are being transferred as aforesaid shall, within one month of the date on which the instrument of transfer is signed by him, lodge such instrument with the Board for registration, and any such employer who fails so to lodge such instrument shall be guilty of an offence against this Act.

10. (1) Subject to the provisions of section 12 of this Act any contract of apprenticeship may be terminated —

Termination of contracts of apprenticeship.

- (a) by mutual agreement in writing of the parties thereto with, in the case of an apprentice who is a minor, the same consent as is required for binding himself as an apprentice; or
- (b) by the Board at the instance of any party thereto if it is satisfied that it is expedient to do so.

(2) The employer shall give notice to the Board of the termination of any contract under paragraph (a) of subsection (1) of this section and any employer who fails to give such notice within a period of one month after the date of such termination shall be guilty of an offence against this Act.

(3) The Board shall not exercise the powers conferred upon it by paragraph (b) of subsection (1) of this section unless it has given both parties to the contract an opportunity to be heard orally by the Board or to make representations in writing to it.

(4) Any party dissatisfied with the decision of the Board to terminate a contract of apprenticeship may appeal to the Minister within thirty days from the date upon which the decision of the Board is communicated to him and the Minister may confirm or vary any such decision of the Board, and the decision of the Minister on appeal shall be final.

Enticement of apprentices.

11. Any person who induces or attempts to induce an apprentice to quit the service of his employer, or employs a person whom he knows to be bound by a contract of apprenticeship shall be guilty of an offence against this Act and liable to a fine not exceeding three hundred dollars or to imprisonment not exceeding six months.

Probationary period.

12. (1) The first six months of every contract of apprenticeship shall be a period of probation during which the contract may be terminated by either party thereto.

(2) The employer shall give notice to the Board of the termination of any contract under the provisions of subsection (1) of this section, and any employer who fails to give such notice within a period of one month after the date of such termination shall be guilty of an offence against this Act.

Suspension of apprenticeship.

13. (1) If an employer is satisfied that an apprentice bound to him by contract under the provisions of this Act has committed a serious breach of the terms of such contract or of any conditions of apprenticeship applicable to such apprentice, he may forthwith suspend the apprenticeship.

(2) An employer who has suspended an apprenticeship shall report the matter in writing to the Board forthwith and in any case not later than seven days after the suspension and the Board shall cause an investigation to be made into the matter and may confirm or set aside the suspension of the apprenticeship or vary the term thereof.

(3) Whether or not a complaint has been lodged by the employer, the Board may order the suspension of an apprenticeship during the course of any investigation which it may see fit to order.

(4) Where the Board sets aside the suspension of an apprenticeship the employer shall pay to the apprentice such wages as may have been withheld from him during the period of the suspension.

(5) Any employer who fails to report the suspension of an apprenticeship in accordance with the provisions of this section shall be guilty of an offence against this Act.

14. (1) Every employer who employs an apprentice shall keep in respect of each such apprentice a record of the remuneration paid to, and of the time worked by, such apprentice, together with such reports as may be made on the work of such apprentice.

Records to be kept by employers.

(2) Every person who employs or has employed an apprentice shall retain any record made in accordance with this section for a period of twelve months after the date of termination of the contract of apprenticeship.

(3) Every employer who fails to keep the required records and every employer and former employer who fails to retain any record made in accordance with the provisions of this section for the required period of time shall be guilty of an offence against this Act.

15. Notwithstanding the provisions of any other law for the time being in force in The Bahamas, any term of a contract of apprenticeship or any conditions of apprenticeship which —

Limitations in regard to method of payment, overtime and foreign service.

- (a) provide that the whole or any part of the wages of an apprentice shall be based on the quantity of the work done; or
- (b) require an apprentice under seventeen years of age to work overtime; or
- (c) provide for an apprentice to be employed outside The Bahamas except with the consent of the Board,

shall be null and void.

Certificate of competency and proficiency.

16. (1) On the satisfactory completion of a contract of apprenticeship, the employer shall make out a certificate of competency and proficiency and give it to the apprentice and shall also send a copy of such certificate to the Board.

(2) Any employer who fails to provide such certificates or knowingly gives to an apprentice a certificate under this section which is untrue in any material particular, shall be guilty of an offence against this Act.

Registration of existing contracts of apprenticeship.

17. Any person employing an apprentice at the commencement of this Act may continue to employ that apprentice notwithstanding that the contract of apprenticeship is not a registered contract but in every such case the employer shall within two months transmit the contract of apprenticeship to the Board for registration under the provisions of section 8 of this Act.

Appointment of inspectors.
E.L.A.O., 1974.

18. The Governor-General, acting in accordance with the advice of the Public Service Commission, may appoint such persons as he thinks necessary to be inspectors for all or any purposes of this Act.

Powers of inspectors.

19. (1) An inspector may —

- (a) at any reasonable time during working hours without a warrant enter any premises in which he has reasonable cause to believe that an apprentice is, or has within the previous six months been, employed;
- (b) examine, with respect to matters under this Act, any apprentice or any person whom he has reasonable cause to believe to be, or to have been within the preceding six months, employed on such premises;
- (c) require the production of any of the records required to be kept under the provisions of this Act;
- (d) examine and make extracts from and copies of any such documents produced:

Provided that an inspector —

- (i) shall not without a warrant enter or inspect a private dwelling house without the consent of the occupier thereof;

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- (ii) shall on arrival notify the employer or his representative of his presence on the premises; and
 - (iii) if so required by the employer or such representative shall permit the employer or such representative to accompany him during the inspection or examination.
- (2) Any person who —
- (a) refuses or fails to comply to the best of his ability with any requirements made by an inspector under the provisions of this section; or
 - (b) wilfully hinders an inspector in the exercise of his powers under the provisions of this section,

shall be guilty of an offence against this Act.

(3) Any inspector exercising or seeking to exercise any of the powers specified in subsection (1) of this section shall, on being required to do so, produce written evidence of his appointment.

20. The Minister, after consultation with the Board, may make rules generally for giving effect to the provisions of this Act, and in particular by such rules may prescribe —

Rules.

- (a) the standard of education which a person shall be required to attain for employment as an apprentice;
- (b) the minimum rates of pay to be paid to apprentices;
- (c) the maximum hours of work for apprentices;
- (d) the minimum period of apprenticeship to be served in any trade;
- (e) the nature of returns which employers may from time to time be required to furnish to the Board and the period within which those returns should be so furnished;
- (f) the system of theoretical and practical training which apprentices shall undergo and the manner in which such training shall be provided by employers for the apprentices in their employ in any trade;
- (g) the proficiency tests or examinations which apprentices in any trade shall be required to undergo from time to time; and

- (h) the minimum period of paid holidays to be allowed to apprentices during any year of their apprenticeship.

Crown to be bound.

21. This Act shall bind the Crown.

General penalty.

22. Any person who commits an offence against this Act for which no penalty is specifically provided shall be liable to a fine not exceeding one hundred and fifty dollars or to imprisonment for a period of three months.