

LABOUR RECRUITING RULES*

(Section 55)

(G.N. 430 of 1940)

[9th November, 1940]

Citation.

1. These rules may be cited as the Labour Recruiting Rules.

Application.

2. Nothing in these rules shall apply to immigrant labourers.

Recruiting.

3. "Recruiting" includes all operations undertaken with the object of obtaining or supplying the labour of persons who do not spontaneously offer their services at a place of employment or at any employment office or at an office conducted by an employers' organisation.

Form of recruiter's licence.

4. A labour recruiter's licence shall be in the form of the Schedule hereto and may be issued –
 - (a) annually for a period not exceeding twelve months; or
 - (b) quarterly for a period not exceeding three months; or
 - (c) at the discretion of the Director temporarily.

* Volume V of the Revised Edition of the Laws of Sabah at page 275.

Fees.

5. The fees payable for a labour recruiter's licence shall be as follows –

- (a) for an annual licence \$75.00
- (b) for a quarterly licence 25.00
- (c) for a temporary licence .50 sen *per* labourer recruited:

Provided that-

- (i) that no fee shall be charged for a labour recruiter's licence issued to a native who is employed solely by an employer to recruit native labourers for that employer; and
- (ii) that no fee shall be charged for a labour recruiter's licence issued, with the special permission of the Resident, to an European British subject to recruit native labourers.

Recruiter to be a fit person.

6. (1) Any person applying for a labour recruiter's licence shall satisfy the Director that he is a fit and proper person to hold such licence and that adequate provisions have been made for safeguarding the health and welfare of the labourers at the place of employment and shall, if the Director requires, furnish security for his proper conduct as a labour recruiter.

(2) The Director may call upon the applicant's employer (if the applicant himself is not the employer) to furnish security for the payment of wages which may become due to the labourers to be recruited.

Power of Director to issue, withhold or limit recruiter's licence.

7. (1) The Director may at his discretion withhold, cancel or suspend any labour recruiter's licence and may issue any such licence subject to such limitations as to time, locality and number of labourers to be recruited and to such conditions as he may deem expedient in the interest of ethnical and all other considerations affecting the social well-being of the labourers and the community in which they normally live.

(2) No licence shall be issued to a professional labour recruiter unless the labourers to be recruited are intended for employment by a public department or by one or more specified employers.

Power of Director to require written records.

8. The Director may require a labour recruiter to keep written records (in the form to be prescribed by the Director) of his recruiting operations.

Licence to be endorsed by Officer-in-Charge of district.

9. A labour recruiter shall before he begins recruiting personally produce his licence for endorsement to the Officer-in-Charge of the district in which he intends to recruit labourers.

Limit of advances.

10. (1) No advance exceeding the sum of five ringgit* shall be paid by a labour recruiter to a recruited labourer.

(2) A labour recruiter who himself is a labourer shall not make an advance of wages to any labourer whom he recruits.

Medical examination of recruited labourer.

11. A labour recruiter shall have each recruited labourer medically examined at the place of recruitment or when that is impracticable by the Medical Officer nearest to that place and between that place and the place of employment:

Provided that in case when medical examination is impracticable both at the place of recruitment and on the journey to the place of employment the employer shall have each recruited labourer medically examined within 7 days of the labourer's arrival at the place of employment.

* "Ringgit" substituted for "dollars" by virtue of Act 160.

All recruited labourers to be brought before the Officer-in-Charge of the district.

12. A labour recruiter before allowing a labourer recruited by him to proceed to the place of employment shall –

- (a) bring each such labourer before the Officer-in-Charge of the district where he was recruited;
- (b) hand to such officer a written statement setting out the name, age and village of such labourer and whether or not he has been medically examined and found fit for employment;
- (c) satisfy such officer that these Rules have been complied with and that the labourer has not accepted employment under illegal pressure, misrepresentation or mistake.

Power of Officer-in-Charge of District to terminate recruitment and employment.

13. (1) The Officer-in-Charge of a District before whom a labourer is brought under the provisions of rule 12 may order his immediate release from recruitment and employment –

- (a) if such labourer is in the opinion of such officer physically unfit for employment for which he is recruited; or
- (b) if it appears to such officer that such labourer accepted employment under illegal pressure, misrepresentation or mistake.

(2) The Officer-in-Charge may require the labour recruiter to deliver to a recruited labourer brought before him a memorandum (in the form to be prescribed by the Director) stating the terms of the labourer's employment and the amount of the advance, if any, paid to him.

(3) Non-compliance or avoidance of an order made by the Officer-in-Charge under this rule shall be an offence under these Rules.

Power of Director to order a recruited labourer to be brought before him.

14. The Director may order that every recruited labourer brought before an Officer-in-Charge of a District under Rule 12 of these Rules shall also be brought before him the Director by the labour recruiter.

Recruiter or employer to pay cost of transport and maintenance as prescribed by Director.

15. (1) The labour recruiter or his employer shall provide, free of cost to the recruited labourer, such transportation to the place of employment as well as maintenance during the period of transportation as may be prescribed by the Director.

(2) In cases where it is necessary for a recruited labourer to travel by foot to the place of employment, the Director may prescribe the length of the daily journey.

(3) When more than ten recruited labourers make such a journey, the Director may require that they be conveyed by a responsible person.

Events in which labourer shall be sent back at cost of recruiter or employer.

16. A recruited labourer shall be returned to the place where he was recruited at the expense of the recruiter or employer –

- (a) if he becomes incapacitated by sickness or accident during the journey to the place of employment; or
- (b) if he is found on medical examination to be unfit for employment; or
- (c) if he is not employed after being recruited for a reason for which he is not responsible; or
- (d) if he is found by the Director to have been recruited by illegal pressure, misrepresentation or mistake.

Cost of transport of labourer's relations.

17. (1) Where the recruiter has authorised the family or dependants of a recruited labourer to accompany the labourer the employer shall be bound to supply each person with such transport and maintenance as may be prescribed by the Director in the case of a labourer under the provisions of rule 15.

(2) In the event of a recruited labourer being returned to the place of a recruitment under rule 16 or dying during the journey to the place of employment the employer shall at his own expense return to the place of recruitment the labourer's family and dependants whom the recruiter authorised to accompany him.

Public officer generally not to act as recruiter.

18. Public officers shall not recruit for private undertakings either directly or indirectly, except when the recruited labourers are to be employed on works of public utility for the execution of which private undertakings are acting as contractors for a public authority.

Native Chiefs, Headmen, etc., not to assist in recruiting for profit.

19. Native Chiefs, Local Authorities, Village Councils and Headmen shall not –

- (a) act as recruiting agents;
- (b) exercise pressure upon possible recruits;
- (c) receive from any source whatsoever any special remuneration or other special inducement for assistance in recruiting.

Penalties.

20. Any person who acts in contravention of or fails to comply with any of these Rules or acts in contravention of or fails to comply with the conditions of any licence issued under these Rules shall be guilty of an offence and shall be liable to a fine of twenty-five ringgit and to imprisonment for six months.

SCHEDULE

LABOUR ORDINANCE
(Rule 4)

LABOUR RECRUITER'S LICENCE

LICENCE no.

Name

Address

Licensee's employer, if any

Place of employment for which labourers are to be recruited

Date of issue of licence

Date of expiry of licence 19, or, if temporary, when
labourers have been recruited.

Fee: \$

Reference No. *Director of Labour.*

Subject to conditions on reverse.

[Reverse]

CONDITIONS OF ISSUE

This licence is issued under and subject to the Labour Recruiting Rules.

This licence is valid

Every labourer recruited under this licence shall be brought before the Director
at

NOTE : This licence must be delivered by the licensee to the Officer-in-
Charge of the district for endorsement before any recruiting is
commenced.

Every labourer recruited by the licensee shall be brought before the

Officer-in-Charge of the district in which such recruitment took place.

Worker recruiters shall not make advances of wages to indigenous workers.

Licensee's photograph.

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