

**LAWS OF BARBADOS**

**CONSTITUTION**

**(SUBSIDIARY LEGISLATION)**

**THE LAWS OF BARBADOS**  
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## SUBSIDIARY LEGISLATION INDEX

### Constitution

1. (Casual Employees)(Disciplinary Procedure) Rules, 1975 ..... A1
2. (General Elections)(Allocation of Broadcasting Time)  
Regulations, 1990 ..... B1
3. (Security Guards)(Disciplinary) Rules, 1979 ..... C1
4. (Temporary Employees)(Disciplinary Procedure) Rules, 1980 .... D1
5. (Unestablished Staff)(Disciplinary Procedure) Rules, 1980 ..... E1
6. (Electoral and Boundaries Commission)  
(Review of Boundaries) Order, 1990 ..... F1

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## **The Constitution of Barbados**

### **CONSTITUTION (CASUAL EMPLOYEES) (DISCIPLINARY PROCEDURE) RULES, 1975**

**Authority:** These rules were made on 23rd September, 1975 by the Governor-General under section 63(2) of the Constitution.

**Commencement:** 23rd September, 1975.

1. These Rules may be cited as the *Constitution (Casual Employees) (Disciplinary Procedure) Rules, 1975*. Short title.

2. For the purposes of these rules Definition.

“casual employee” or “employee” means a person who is employed on a casual basis in the Public Service and who is not a public officer within the meaning of the *Constitution*;

“committee” means a committee appointed under rule 4;

“deputy” means an officer

(a) who is employed in the Ministry or Department in which the employee charged with an offence is serving;

(b) who is no less than 2 grades above that of the offending employee; and

(c) who is authorised by the Head of that Ministry or Department to act on his behalf;

“Head of Department” means a Head of the Ministry or Department in which an officer charged with an offence is employed and includes a Permanent Secretary, but does not include the head of a Section or Division of that Ministry or Department;

“inefficiency” means a series of acts or omissions not amounting to misconduct but indicating that an employee is not discharging his duties with competence;

“major offence” means misconduct of a serious nature warranting the dismissal of the offending employee;

“misconduct” includes unpunctuality, corruption, dishonesty, a false claim against a Ministry or Department, negligence in performance of duty, malingering, drunkenness while on duty, insubordination, falsification of accounts or records, failure to keep records with intent, suppression of records, negligence resulting in loss of, or damage to, any Government property, criminal conviction, absence without leave or satisfactory excuse, disobedience to the lawful order of a superior officer, or engaging in trade or political activity while on duty or on Government premises;

“offence” means misconduct prejudicial to the discipline and proper administration of the Public Service;

“Permanent Secretary” means the Permanent Secretary of the Ministry in which the employee charged with an offence is employed and includes the most senior public officer, by whatever name called, in that Ministry.

Minor of-  
fence.

3. (1) The Head of Department shall adjudicate any charge relating to the commission of a minor offence not later than 3 working days after the report of its commission is received by him.

(2) For the purposes of this rule, a deputy appointed by the Head of Department shall not be below the grade of Personnel Officer, if any, in that Ministry or Department.

(3) The Head of Department shall cause a written report of the proceedings to be made and kept.

(4) Where a charge relating to a minor offence is proved against a casual employee that employee is liable to

(a) a reprimand; or

(b) suspension from duty without pay for a period not exceeding 2 weeks.

4. (1) A committee of 3 public officers appointed by the Permanent Secretary shall adjudicate any charge relating to the commission of a major offence by a casual employee within 2 weeks of the receipt by that committee of a report of the commission of that offence.

Major offence.

(2) The Head of Department shall deliver to the Committee, within 1 week of a report to him of the commission of a major offence, the statements of witnesses and other evidence in support of the charge.

(3) A casual employee against whom a major offence is proved is liable to

- (a) a reprimand in writing;
- (b) reduction in rank;
- (c) suspension from duty without pay for a period not exceeding 4 weeks; or
- (d) dismissal.

5. (1) An application for a review of a decision in respect of a minor offence shall be submitted in writing to the Head of Department who shall, within 3 working days of its receipt by him submit that application to the Permanent Secretary where the Head of Department is not himself the Permanent Secretary.

Review of decision in respect of minor offence.

(2) An application for a review shall contain the grounds upon which such application is based.

(3) An application referred to in paragraph (1) shall not be entertained unless it is made, in writing, within 7 working days of the receipt by the offending employee of notification of the decision given pursuant to rule 3.

(4) The review referred to in paragraph (1) shall take place within 14 days after the application is lodged and the decision of the Permanent Secretary is final.

- (5) The Permanent Secretary may
- (a) affirm, modify, amend or reverse the decision of the Head of Department; or
  - (b) make such other order for disposing of the matter as justice requires.

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(6) Where the Permanent Secretary affirms the decision of a Head of Department he may, if the total period for which the offender is suspended does not exceed 1 week, impose an additional penalty in the form of suspension of the offender without pay for a period not exceeding 1 week.

(7) Where the Permanent Secretary reverses the decision of a Head of Department, such reversal shall be accompanied by the payment of all the wages which would have been due to the employee had he not been so suspended.

Review of  
decision in  
respect of  
major of-  
fence.

6. (1) An application by a casual employee against whom a major offence is proved for a review of a decision made by the committee in respect of that offence may be submitted in writing to the Head of Department within 3 working days of the receipt by that employee of a notice of the decision.

(2) The application referred to in paragraph (1) shall include the grounds on which that application is based.

(3) The Head of Department shall, within 3 working days of the receipt by him of an application referred to in paragraph (1), submit to the Permanent Secretary

(a) the application; and

(b) a written report of the proceedings conducted by the committee.

(4) The Permanent Secretary or a senior officer in his Ministry appointed by him shall give a decision on the review referred to in this rule, within 14 days of the receipt by the Permanent Secretary of the application and report referred to in paragraph (3) and that decision is final.

(5) On the review referred to in this rule, the Permanent Secretary or the senior officer appointed pursuant to paragraph (4) may

(a) affirm, modify, amend or reverse the decision; or

(b) make such other order for disposing of the matter as justice requires.

(6) Where the Permanent Secretary or Senior Officer affirms the decision of the committee, he may impose an additional

penalty of suspension without pay for a period of 1 week if the total period for which the employee was suspended does not exceed 3 weeks.

(7) Where the decision of the committee is reversed on review, the employee shall be paid all the wages to which he would have been entitled had he not been so suspended.

7. An original decision made in relation to the commission of an offence by a casual employee shall stand until a decision on the review is given. Decision to stand.

8. (1) A casual employee shall not be interdicted without the oral or written permission of the Permanent Secretary. Permission to interdict and wages.

(2) Where a casual employee is interdicted he shall be paid, for the period of such interdiction, at the rate of one half of his weekly wages.

9. A casual employee may, at his request, be represented by a friend or a representative of an accredited trade union in any proceedings under these rules. Representation at hearing.

10. A casual employee against whom a series of minor offences has been proved and whose continued employment in the public service is, in the opinion of the Permanent Secretary, to the prejudice of the proper administration of the public service may be dismissed. Dismissal for series of minor offences.

11. Where by these rules, a duty is imposed on a Head of Department that duty may be performed, on his behalf, by a deputy. Deputy.

12. A report of the imposition of a penalty on an employee shall be made in writing to the Permanent Secretary within 2 working days after such imposition. Reports to Permanent Secretary.

13. These rules are for the guidance of casual employees in the Public Service and those persons responsible for the conduct of disciplinary proceedings respecting those employees. Purpose of rules.