

**ANTIGUA AND BARBUDA**



**THE WORK PLACE VIOLENCE AND HARASSMENT  
(PREVENTION) BILL 2026**

**No. of 2026**

DRAFT

**ANTIGUA AND BARBUDA  
THE WORK PLACE VIOLENCE AND HARASSMENT  
(PREVENTION)BILL 2026**

**ARRANGEMENT OF CLAUSES**

**CLAUSES**

**PART I  
PRELIMINARY**

1.	Short Title .....	6
2.	Interpretation .....	6
3.	Purpose of this Act .....	7
4.	Applicability of this Act .....	7
5.	Prohibition of work place violence and harassment .....	8

**PART II  
DUTIES OF THE GOVERNMENT**

6.	Duties of the Government .....	8
7.	National policy .....	8
8.	Protection to employees in cases of increased exposure to violence and harassment .....	10

**PART III  
PREVENTION OF VIOLENCE AND HARASSMENT**

9.	Duty of employers .....	9
10.	Policy on the prevention of work place violence and harassment .....	10
11.	Emergency procedures .....	10
12.	Work place assessment .....	11
13.	Identification of risk factors .....	11
14.	Development and implementation of preventative measures .....	11
15.	Training .....	12

**PART IV  
RESOLUTION PROCESS**

16. Designated recipient.....	12
17. Commencement of resolution process .....	13
18. Complaint.....	13
19. Initial review .....	13
20. End of resolution process by complainant .....	14
21. Duty of employer or designated recipient upon receipt of complaint .....	14
22. Investigation by the employer .....	14
23. Disciplinary action .....	15
24. Negotiation.....	15
25. Investigation by mediators .....	16
26. Selection of mediator .....	16
27. Provision of information to mediator .....	17
28. Report of mediator .....	17
29. Implementation of recommendations .....	17
30. Status updates.....	17

**PART V  
COMPLETION OF RESOLUTION PROCESS**

31. Completion of resolution process.....	17
32. Lodging of complaint with the Labour Commissioner .....	18
33. Provision of information to Labour Commissioner .....	19
34. Determination of complaint by the Labour Commissioner .....	19
35. Regulations .....	20

**PART VI  
MISCELLANEOUS**

36. Power to amend monetary penalties.....	20
--	----

37. Report to Labour Commission ..... 20

38. Annual report to Labour Commissioner..... 20

39. Right of employee in dangerous situations ..... 20

40. Right to institute criminal proceedings ..... 21

41. Offences ..... 21

42. Referral to the Royal Police Force of Antigua and Barbuda..... 21

DRAFT

**ANTIGUA AND BARBUDA**  
**THE WORK PLACE VIOLENCE AND HARASSMENT**  
**(PREVENTION) BILL 2026**

**No. of 2026**

**AN ACT** to provide for the protection of employees and other persons against work place violence and harassment and for other related and connected purposes.

**ENACTED** by the Parliament of Antigua and Barbuda as follows:

**PART I**  
**PRELIMINARY**

**1. Short Title**

- (1) This Act may be cited as the Work Place Violence and Harassment (Prevention) Act 2026.
- (2) This Act shall come into operation on a date to be appointed by the Minister by Notice published in the Gazette.

**2. Interpretation**

In this Act –

“complainant” means a person who makes a complaint of violence and harassment pursuant to the provisions of this Act;

“complaint” means a complaint made pursuant to section 18;

“designated recipient” means an employee appointed as such under section 16;

“employee” –

- (a) means any person who enters into or works under or stands ready to enter into or work under a contract with an employer personally to perform any services or labour, whether the contract be oral or written, expressed or implied; and
- (b) includes –
  - (i) a person employed in the public or private sector;
  - (ii) a domestic worker;
  - (iii) a person engaged under a contract for services;

- (iv) an apprentice, trainee or intern; and
- (v) a volunteer.

“gender-based violence” means violence and harassment directed at persons because of their sex or gender, or affecting persons of a particular sex or gender disproportionately, and includes sexual harassment;

“Government” means the government of Antigua and Barbuda;

“List of Mediators” means the list of qualified mediators registered with the High Court of Justice in Antigua and Barbuda;

“Minister” means the Minister with responsibility for Labour;

“respondent” in relation to a complaint means the person who is alleged to have committed the act which is the subject of the complaint;

“violence and harassment” in the world of work refers to a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment;

### **3. Purpose of this Act**

The purpose of this Act is to provide protection to employees and other persons in the world of work irrespective of their contractual status, and the protection extends to volunteers and persons in training, including interns and apprentices.

### **4. Applicability of this Act**

- (1) The provisions of this Act shall apply to –
  - (a) all employers operating or doing business in Antigua and Barbuda, including the Government;
  - (b) all persons employed in Antigua and Barbuda including –
    - (i) established government workers;
    - (ii) non-established government workers;
    - (iii) private sector workers; and
    - (iv) domestic workers.
- (2) This Act applies to violence and harassment in the world of work occurring–
  - (a) in the workplace, including public and private spaces which are places of work;
  - (b) in places where the worker is paid, takes a break or a meal, or uses sanitary, washing and changing facilities;
  - (c) during work-related trips, travel, training, events or social activities;

- (d) through work-related communications, including those enabled by information and communication technologies;
- (e) in employer-provided accommodation; and
- (f) when commuting to and from work in employer-provided transportation.

## **5. Prohibition of work place violence and harassment**

Violence and harassment, including gender-based violence and harassment is prohibited in all work places in Antigua and Barbuda.

## **PART II DUTIES OF GOVERNMENT**

### **6. Duties of the Government**

- (1) The Government, in consultation with employer and employee representatives, shall be responsible for –
  - (a) developing a national policy on the prevention of violence and harassment in the work place.
  - (b) ensuring that victims of violence and harassment have access to –
    - (i) effective complaint and dispute resolution mechanisms;
    - (ii) support services; and
    - (iii) appropriate remedies.
  - (c) developing programmes to raise awareness on the detection and prevention of and protection against work place violence and harassment;
  - (d) consulting with employee and employer representatives in matters relating to policy and implementation of programmes; and
  - (e) providing information regarding the rights and responsibilities of employees and other persons in relation to the national policy referred to in paragraph (a).
- (2) The Government shall provide to employee and employer representatives, and other relevant authorities necessary guidance, resources, training and other tools as appropriate on violence and harassment in the work place.
- (3) As an employer, the Government shall comply with the obligations under section 9.

### **7. National policy**

- (1) The Government shall, in consultation with employee and employer representatives, develop a national policy on the prevention of violence and harassment in the work place.
- (2) The policy shall outline –
  - (a) the role of the government to protect employees, including informal economy workers;

- (b) the duty of the government to provide a world of work free from violence and harassment;
- (c) the right of an employee to a work place free from violence and harassment;
- (d) identify the sectors or occupations and work arrangements in which employees and other persons are exposed to increased risks of violence and harassment; and
- (e) any other matters the Government considers appropriate.

### **PART III PREVENTION OF VIOLENCE AND HARASSMENT**

#### **8. Duty of employers**

- (1) Every employer has a responsibility to prevent violence and harassment in the workplace.
- (2) Every employer shall provide mandatory training to his or her employees in the prevention of violence and harassment in the work place.
- (3) Every employer shall –
  - (a) appoint a designated recipient;
  - (b) ensure that all information received in relation to a complaint is treated as confidential;
  - (c) ensure that employees are not subject to retaliation or undue consequences for making complaints;
  - (d) ensure that all employees are aware of and understand the grievance procedure available for dealing with complaints;
  - (e) ensure that the resolution process is completed, as far as possible, within [six (6)] [twelve (12)] months.
- (4) Every employer, in consultation with employee representatives, shall –
  - (a) identify and assess risks of work place violence and harassment;
  - (b) take measures to prevent and control occurrences of work place violence and harassment;
  - (c) provide information and training in accessible formats, to management staff, supervisors, line employees and other persons concerned in relation to –
    - (i) the hazards and risks identified under paragraph (a); and
    - (ii) prevention and protection measures.
- (5) Every employer shall keep a record of all complaints for a period of at least seven (7) years.
- (6) Where an employee has –
  - (a) notified the employer of domestic violence that is likely to impact the work place; or
  - (b) provided evidence of a protective order,the employer shall take reasonable steps to restrict access of certain persons to the work place.

- (7) Where, by reason of his or her occupation or work arrangements, an employee is more exposed to violence and harassment, the employer shall take reasonable steps to protect the employee from violence and harassment.

#### **9. Protection to employees in cases of increased exposure to violence and harassment**

- (1) It is a duty of every employer to offer protection to employees against violence and harassment within the work place.
- (2) Where an employee's risk of exposure to violence and harassment is increased by virtue of his or her occupation, the employer has an increased duty to offer greater protection to that that employee commensurate with the risk.

#### **10. Policy on the prevention of work place violence and harassment**

- (1) An employer and the designated recipient, in consultation with employees and employee representatives, shall jointly develop a policy on the prevention of violence and harassment in the work place.
- (2) The policy under subsection (1) shall include –
- (a) a statement by the employer regarding the prevention of and protection against violence and harassment in the work place;
  - (b) a description of the role of the employer, designated recipient and other employees in relation to violence and harassment in the work place;
  - (c) a description of the risk factors, internal and external to the work place, that contribute to work place violence and harassment;
  - (d) a summary of the training that will be provided in relation to violence and harassment in the work place;
  - (e) a summary of the resolution process, including, but not limited to –
    - (i) the name or identity of the designated recipient;
    - (ii) the manner in which a complainant or witness may lodge a complaint with the employer or designated recipient;
    - (iii) the reasons for which a review and update of the work place assessment shall be conducted under section 12; and
    - (iv) disciplinary action which may be imposed by the employer;
  - (f) a description of the course of action where violence and harassment is alleged against a client, user, domestic or other person over whom the employer has no authority.

#### **11. Emergency procedures**

- (1) An employer shall, in consultation with the designated recipient and employee representatives, develop comprehensive emergency procedures that are to be implemented if –
- (a) an occurrence poses an immediate danger to the health and safety of an employee; or

- (b) there is a threat of an occurrence which may pose an immediate threat to the health and safety of an employee.
- (2) Emergency procedures shall be presented [upon request] to the Labour Department for approval.

## **12. Work place assessment**

- (1) Within [three (3)] [six (6)] months of the enactment of this Act, an employer and the designated recipient, in consultation with employees and employee representatives, shall jointly carry out a work place assessment that consists of –
  - (a) the identification of risk factors under section 13; and
  - (b) the development and implementation of preventative measures under section 14.
- (2) An employer and the designated recipient shall jointly –
  - (c) monitor the accuracy of the work place assessment carried out under subsection (1); and
  - (d) update, where necessary, the assessment to reflect any changes to the information set out in the assessment carried out under subsection (1).
- (3) An employer and the designated recipient shall jointly review the work place assessment every three (3) years and update the assessment as necessary.
- (4) Where necessary, the employer and the designated recipient may consult external persons with requisite qualifications to carry out the work place assessment under subsection (1).

## **13. Identification of risk factors**

- (1) An employer and the designated recipient in consultation with employee representatives shall jointly identify risk factors in the work place that contribute to violence and harassment in the work place.
- (2) The assessment under subsection (1) shall take into account –
  - (a) the culture, conditions, activities and organization structure in the work place;
  - (b) circumstances external to the work place that could give rise to violence and harassment in the work place;
  - (c) any reports, records and data that are related to violence and harassment in the work place;
  - (d) the physical design of the work place; and
  - (e) measures in place to protect physical and psychological health and safety in the work place.

## **14. Development and implementation of preventative measures**

- (1) Within three (3) months after the identification of risk factors under section 13, an employer and the designated recipient shall jointly –

- (a) develop preventative measures that, to the extent feasible, mitigate the risk of violence and harassment in the work place;
- (b) develop an implementation plan for the preventative measures; and
- (c) implement preventative measures in accordance with the implementation plan.

## **15. Training**

- (1) Every employer is required to offer training to employees in the prevention of violence and harassment in the work place, including gender-based violence and harassment.
- (2) Every employer shall provide training to workers on the detection and prevention of violence and harassment in the work place.
- (3) The training shall –
  - (a) discuss the importance of respect for the private space of each person;
  - (b) be specific to the conditions and activities of the work place;
  - (c) include –
    - (i) the elements of the work place policy on prevention of work place violence and harassment;
    - (ii) a discussion on the right of an employee to a work place that is free of violence and harassment;
    - (iii) a description of how to recognise, minimise, prevent and respond to work place violence and harassment; and
    - (iv) a detailed description of the steps in the resolution process.
- (4) An employer and the designated recipient shall jointly review and update the training to be provided pursuant to this section –
  - (a) at least once every three (3) years; and
  - (b) following any change to an element of the training.
- (5) An employer shall facilitate training in the workplace –
  - (a) within three (3) months of employment of employees;
  - (b) at least once every three (3) years; and
  - (c) following any update to the training under subsection (3).

## **PART IV RESOLUTION PROCESS**

### *Complaint*

## **16. Designated recipient**

- (1) Every employee appointed as a designated recipient shall undergo the prescribed course of training before assuming his or her duties under this Act and at least once every three (3) years thereafter.

- (2) The designated recipient shall be responsible for –
- (a) managing complaints of employees;
  - (b) act as a liaison between the complainant, respondent and employer;
  - (c) receiving and recording all complaints lodged by employees;
  - (d) ensuring that the resolution process remains confidential;
  - (e) where possible, providing a complainant with information on support services;
  - (f) submitting quarterly reports to the employer in relation to complaints lodged by employees; and
  - (g) providing necessary assistance to the employer in accordance with this Act.
- (3) Where a complainant makes an allegation of violence and harassment against the designated recipient, the employer may appoint a person to act as the designated recipient as necessary.

### **17. Commencement of resolution process**

The resolution process commences when a complaint is lodged with the employer or designated recipient.

### **18. Complaint**

- (1) A complainant or witness may, in writing, lodge a complaint with the employer or designated recipient with respect to an occurrence of violence and harassment.
- (2) Notwithstanding subsection (1), a complainant may lodge an oral complaint.
- (3) Where practicable, an oral complaint shall be reduced into writing.
- (4) A complaint shall be made within [three (3)] [six (6)] months of the act, comment or conduct that forms the basis of the complaint.
- (5) Where an allegation of violence and harassment is made against an employer, the complainant shall lodge a complaint with the Labour Commissioner.
- (6) A witness may lodge a complaint anonymously.
- (7) A complaint shall contain the following information –
  - (a) the name of the principal party and the responding party, if that is known;
  - (b) the date of the occurrence; and
  - (c) a detailed description of the occurrence.

### **19. Initial review**

- (1) An employer or designated recipient shall conduct an initial review of every complaint, except where the complaint involves the employer.
- (2) Where the employer or designated recipient considers it necessary, he or she may request information from the complainant or respondent.

## **20. End of resolution process by complainant**

- (1) The complainant may end the resolution process at any time by informing the designated recipient or employer, as the case may be, that he or she does not wish to continue the process.
- (2) Where a complainant wishes to end the resolution process, the employer or designated recipient shall ensure that the employee was not subject to undue influence, intimidation, fraud or coercion.

### *Response to complaint*

## **21. Duty of employer or designated recipient upon receipt of complaint**

- (1) An employer or designated recipient, within seven (7) working days of receipt of the complaint, shall –
  - (a) acknowledge receipt of the complaint or where the complaint is made by a witness, notify the employee that he or she has been identified as the potential complainant in a complaint provided by a witness;
  - (b) advise the complainant of each step in the resolution process; and
  - (c) advise the complainant that he or she has a right to representation by a representative of his or her choice during the resolution process.
- (2) An employer or designated recipient shall contact the respondent within fourteen (14) working days of receipt of the complaint.
- (3) An employer or designated recipient shall inform the respondent –
  - (a) that he or she has been named or identified as the respondent in a complaint;
  - (b) of each step of the resolution process; and
  - (c) that he or she has a right to representation by a representative of his or her choice during the resolution process.

## **22. Investigation by the employer**

- (1) An employer shall conduct an investigation into a complaint lodged under section 18.
- (2) Before conducting an investigation under this section, an employer shall provide written notice to the complainant and respondent.
- (3) Where, after the conclusion of the investigation under subsection (1), the employer finds that violence and harassment has taken place, he or she may take such disciplinary action outlined in section 23.
- (4) An employer shall notify the complainant and respondent, in writing, of his or her decision at the conclusion of an investigation under subsection (1).
- (5) Where a complaint and a respondent wish to resolve a complaint by way of negotiation or investigation by a mediator, the investigation under this section is paused.

**23. Disciplinary action**

- (1) Where an employee is guilty of violence and harassment that is not sufficiently serious to permit his or her termination but is such that the employer cannot be expected to tolerate a repetition, the employer –
  - (a) may suspend the employee without pay for a period not exceeding [one (1) month] [two (2) months]; or
  - (b) shall give the employee a written warning which details the violence and harassment in respect of which the warning is being given and the action the employer intends to take in the event of –
    - (i) a repetition of the violence and harassment; or
    - (ii) any other act of violence and harassment.
- (2) The employer shall upon notifying the employee of his or her suspension provide the employee, within forty-eight (48) hours, with a written statement which outlines –
  - (a) the reasons for suspension;
  - (b) the duration of the suspension;
  - (c) the disciplinary action to be taken for the commission of any other act of violence and harassment.
- (3) Notwithstanding subsection (1), an employer may terminate the employment of an employee where the employee is guilty of violence and harassment that is so serious that the employer cannot be reasonably expected to take any course other than termination.
- (4) For the purposes of subsection (3), such violence and harassment includes but is not limited to –
  - (a) any act punishable under the Offences against the Persons Act;
  - (b) any act punishable under the Sexual Offences Act;
  - (c) any act punishable under the Electronic Crimes Act; or
  - (d) repeated matters of violence and harassment involving the respondent.

*Methods of resolution***24. Negotiation**

- (1) A complaint may be resolved by way of negotiation under this Part at any time before final determination by the employer under section 22.
- (2) The complainant and the respondent may agree to engage in negotiation with a view to resolving the complaint.
- (3) The employer or designated recipient shall commence the negotiation process within thirty (30) working days of the receipt of the complaint.

- (4) For the purposes of subsection (1), the negotiation process shall commence with a review by the employer or designated recipient to determine whether the complaint describes an action, conduct or comment that constitutes violence and harassment.
- (5) Within fourteen (14) days before the commencement of the negotiation process, the complainant and the respondent may provide copies of the material on which he or she seeks to rely on the other party and the employer or designated recipient.
- (6) The complainant and the respondent have a right to representation by a representative of their choice during the negotiation process.
- (7) If the employer or designated recipient is of the opinion that a complaint cannot be resolved by negotiation, the matter may be referred to investigation under section 25.

## **25. Investigation by mediators**

- (1) A complainant may request that an investigation into the complaint is carried out by a mediator –
  - (a) where resolution under section 24 is unsuccessful; or
  - (b) at any time prior to the conclusion of the matter.
- (2) An employer or designated recipient shall provide notice to the complainant and respondent that an investigation into the complaint is to be carried out.
- (3) At the commencement of the investigation, the complainant and respondent may submit any relevant evidence to the mediator.
- (4) The mediator shall conduct interviews with the complainant, respondent and any witnesses.
- (5) The mediator shall carry out an investigation into the complaint within [thirty (30)] [forty-five (45)] working days of the commencement of the investigation.

## **26. Selection of mediator**

- (1) Subject to subsection (2), an employer or designated recipient, in consultation with the complainant and the respondent, shall select a person from the List of Mediators to investigate the complaint.
- (2) The person selected under subsection (1) shall –
  - (a) possesses knowledge, training and experience –
    - (i) in conflict resolution; and
    - (ii) relevant to the resolution of work place violence and harassment;
  - (b) provide the employer or designated recipient, complainant and respondent with a written statement indicating that there is no conflict of interest with respect to the complaint; and
  - (c) has knowledge of this Act and any other written law that is relevant to work place violence and harassment.

**27. Provision of information to mediator**

An employer or designated recipient shall provide to the mediator all information that is relevant to the mediator.

**28. Report of mediator**

- (1) The mediator, at the conclusion of the investigation shall provide a report to the employer or designated recipient.
- (2) The report shall include the following information –
  - (a) a general description of the occurrence forming the basis of the complaint;
  - (b) his or her conclusions, including those related to the circumstances in the work place that contributed to the occurrence of violence and harassment; and
  - (c) his or her recommendations to eliminate or minimise the risk of a similar occurrence.
- (3) The report of a mediator shall not reveal, directly or indirectly, the identity of persons who are involved in an occurrence forming the basis of a complaint or the resolution process with respect to a complaint under this Act.
- (4) An employer or designated recipient shall provide a copy of the report of the mediator to the complainant and the respondent.

**29. Implementation of recommendations**

- (1) An employer and the designated recipient shall jointly determine which of the recommendations set out in the report of the mediator are to be implemented.
- (2) An employer shall implement all recommendations that are selected under subsection (1).

**30. Status updates**

Where a complaint is made, an employer or designated recipient shall provide updates regarding the status of the resolution process to the complainant and the respondent at least once every six (6) weeks until the process is completed.

**PART V  
COMPLETION OF RESOLUTION PROCESS**

**31. Completion of resolution process**

The resolution process in relation to a complaint is completed –

- (a) where there has been a joint determination by the complainant and the employer or designated recipient that the complaint does not describe an action, conduct or comment that constitutes violence and harassment as defined in this Act;

- (b) if the complaint is resolved under Part III;
- (c) where a complainant has ended the resolution process under section 20;
- (d) where the respondent is subjected to disciplinary action by the employer;
- (e) if a complaint is lodged with the Labour Commissioner; or
- (f) if –
  - (i) the matter is referred to the Royal Police Force of Antigua and Barbuda in accordance with section 41; and
  - (ii) a charge is laid against the respondent.

### **32. Lodging of complaint with the Labour Commissioner**

- (1) Where –
  - (a) violence and harassment in the work place continues after the resolution of a complaint against the respondent; or
  - (b) a complainant is dissatisfied with the results of the resolution process or the findings of the investigation by the employer,

the complainant may lodge a complaint in writing with the Labour Commissioner within three (3) months of the completion of the resolution process or the investigation, as the case may be.

- (2) Where –
  - (c) an employee makes an allegation of violence and harassment against his or her employer; or
  - (d) an employer makes an allegation of violence and harassment by his or her employee,

the employee or the employer, as the case may be, may lodge a complaint in writing with the Labour Commissioner within (3) months of the alleged occurrence of violence and harassment.

- (3) Where the Labour Commissioner receives a complaint under this section, he or she shall –
  - (a) notify the respondent in writing of the complaint and the nature of the complaint [within seven (7) days of receipt of the complaint];
  - (b) carry out investigation in relation to the complaint [within fourteen (14) days of the notice]; and
  - (c) determine the matter in accordance with section 34 [within fourteen (14) of the conclusion of the investigation].
- (4) The Labour Commissioner may make any enquiries that are considered necessary to effect a resolution of the matter.
- (5) The Labour Commissioner shall not proceed with an investigation into a complaint where the complainant informs the Labour Commissioner that he or she does not wish for the complaint to be investigated.

- (6) Where a complainant requests –
- (a) that an investigation is not to be carried out; or
  - (b) if an investigation has commenced, for the investigation to be discontinued,
- the Labour Commissioner shall ensure that the complainant has not been subject to undue influence, intimidation, fraud or coercion.
- (7) Notwithstanding the preceding subsections, the Labour Commissioner may decide not to carry out an investigation or may decide to discontinue any investigation in a complaint where –
- (a) in the opinion of the Labour Commissioner –
    - (i) the complaint is trivial, frivolous or vexatious;
    - (ii) the complaint was not brought in good faith; or
    - (iii) the matter should be referred to the Royal Police Force of Antigua and Barbuda; or
  - (b) the complaint was not lodged within the time period specified in this Act.
- (8) Where the Labour Commissioner decides not to carry out an investigation or decides to discontinue an investigation in relation to a complaint, the Labour Commissioner shall give notice to the complainant and respondent of that decision and the reasons therefor.

### **33. Provision of information to Labour Commissioner**

Where the Labour Commissioner is carrying out an investigation pursuant to section 32, an employer or the designated recipient shall provide to the Labour Commissioner all information that is relevant to the complaint.

### **34. Determination of complaint by the Labour Commissioner**

- (1) Where a complaint is lodged under section 32, the Labour Commissioner shall notify the complainant and respondent in writing of his or her decision.
- (2) Where the Labour Commissioner makes a finding that violence and harassment was committed by the respondent, he or she –
  - (a) may, where the respondent is an employee, direct the employer, within a specified time to take appropriate disciplinary action against the respondent;
  - (b) shall, in all cases, direct the employer, within a specified time, to take appropriate action, to ensure, as far as possible, that the conduct to which the complaint relates does not continue; and
  - (c) may direct the employer to submit a report to him or her within a specified time on the status of the situation for any period of time.

**PART VI  
MISCELLANEOUS**

**35. Regulations**

The Minister may make regulations –

- (a) for the proper carrying out of the provisions of this Act;
- (b) for prescribing the course of training to be undergone by persons appointed as designated recipients; and
- (c) in relation to any other matter necessary or expedient to give effect to this Act.

**36. Power to amend monetary penalties**

The Minister may by Order amend any monetary penalty prescribed by or under this Act.

**37. Report to Labour Commission**

Where an employer fails to comply with their duties under section 9, an employee may lodge a report with the Labour Commissioner.

**38. Annual report to Labour Commissioner**

Each employer shall provide the Labour Commissioner with an annual report, on or before 31<sup>st</sup> January of each year, that outlines the following information, in relation to the preceding year, –

- (a) the total number of complaints;
- (b) the total number of complaints that were related to sexual harassment and violence and non-sexual violence and harassment respectively;
- (c) the locations at which each occurrence took place, detailing the total number of occurrences that took place in each location;
- (d) the types of relationship, whether professional or otherwise, that existed between the complainant and respondent, detailing the total number for each type;
- (e) the means by which the complaint was resolved; and
- (f) the average time for complaints to be resolved.

**39. Right of employee in dangerous situations**

- (1) Every employee shall have the right to remove himself or herself from a situation in the work place where there is reasonable justification to believe that there is an imminent and serious danger to life, health or safety due to violence and harassment, without suffering retaliation or other undue consequences.
- (2) Where an employee exercises his or her right under subsection (1), the employee shall immediately notify his or her employer in writing.

**40. Right to institute criminal proceedings**

A complainant who lodges a complaint under this Act is not precluded from instituting criminal proceedings against the respondent in respect of an occurrence of violence and harassment in the work place.

**41. Offences**

- (1) An employer or designated recipient who discloses the identity of a witness or a complainant to a third party shall be liable on summary conviction to a fine not exceeding five thousand dollars (\$5,000.00).
- (2) A person who knowingly lodges a false complaint commits an offence and shall be liable on summary conviction to a fine not exceeding ten thousand dollars (\$10,000.00).
- (3) A person who subjects or threatens to subject another person to any adverse action on the ground that that other person has made, or intends to make, a complaint under this Act commits an offence and shall be liable on summary conviction to a fine not exceeding ten thousand dollars (\$10,000.00).
- (4) An employer who fails to take appropriate action as directed by the Labour Commissioner under section 34 commits an offence and shall be liable on summary conviction to a fine not exceeding ten thousand dollars (\$10,000.00).
- (5) An employer who fails to file an annual report within the specified time commits an offence and shall be liable on summary conviction –
  - (a) for a first offence, to a fine not exceeding two thousand five hundred dollars (\$2,500.00);
  - (b) for a second offence, to a fine not exceeding five thousand dollars (\$5,000.00) or
  - (c) for a third and subsequent offence, to a fine not exceeding ten thousand dollars (\$10,000.00).

**42. Referral to the Royal Police Force of Antigua and Barbuda**

- (1) An employer may refer a complaint to the Royal Police Force of Antigua and Barbuda –
  - (a) in circumstances where –
    - (i) a respondent is found guilty of violence and harassment pursuant to section 23;
    - (ii) an employer is of the opinion that he or she cannot resolve an occurrence of violence and harassment due to the seriousness of the complaint; or
    - (iii) the respondent refuses to participate in the resolution process; and
  - (b) if the conduct complained of is so serious as to constitute a criminal offence.
- (2) For the purposes of subsection (1), such conduct includes but is not limited to –
  - (a) any act punishable under the Offences against the Persons Act;
  - (b) any act punishable under the Sexual Offences Act; or
  - (c) any act punishable under the Electronic Crimes Act.

- (3) Where the employer refers the matter to the Royal Police Force of Antigua and Barbuda, he or she shall –
- (a) notify the complainant and respondent of his or her decision;
  - (b) provide written reasons for the decision;
  - (c) with the permission of the complainant, supply relevant information, including the complaint, to the Royal Police Force of Antigua and Barbuda; and
  - (d) where needed, assist with the investigation.

Passed by the House of Representatives on  
the      day of      2026.

Passed by the Senate on the      day of  
2026.

*Speaker.*

*President.*

*Clerk to the House of Representatives.*

*Clerk to the Senate.*