

THE SYSTEM OF INDUSTRIAL RELATIONS & CONDITIONS OF WORK

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Chief Labour Officer
February 11, 2022*



MINISTRY OF LABOUR (MOL)

- Responsible for labour administration services through various activities.

- The MOL mandate includes:

1. Establishing the national labour policy;
2. Promoting sound industrial relations policies and practices through collective bargaining;
3. Advisory support services to trade unions, employers and state agencies;
4. Resolving labour disputes;
5. Conciliation/mediation services;
6. Certification of trade unions;

7. Setting up and servicing arbitration tribunals;

8. Labour and occupational safety and health inspections and enforcement;

9. Employment, recruitment and placement services;

10. Regulating recruitment agencies;

11. Capacity building for HRD in industrial and vocational training;

12. Promoting tripartite collaboration and consultations.

INDUSTRIAL RELATIONS SYSTEM

EXTERNAL ENV

OUTPUTS

Contexts

Partners

Processes

Rules

Social
Economic
Legal
Tech.

1. Employers' rep. org.
2. Workers' rep. org.
3. Government

- ✓ Collective Bargaining
- ✓ Mediation
- ✓ Conciliation
- ✓ Arbitration
- ✓ Certification of TU

- Wages, hours and Conditions of employment
- ✓ Benefits
 - ✓ Duties and obligations
 - ✓ Job rights
 - ✓ Mgt rights

Mechanisms for converting inputs into outputs

Feedback Loop



LEGAL FRAMEWORK

- Constitution of Guyana
- National Legislations and Regulations
- International Labour Conventions of the ILO

THE CONSTITUTION

- Explicates LABOUR OF THE PEOPLE as the source of growth of social wealth and well-being (Article 22, Part I, Chapter II)
- Guarantees a right to work (Article 149A, Part 2)
- Right to rest, recreation and leisure (Article 23, Part I, Chapter II)
- Right *to equal pay for equal work or work of equal value, and to just conditions of work* (Article 22, Part I, Chapter II)
- Protection from **FORCED LABOUR** (Article 140)
- Freedom to *belong to a trade union* for the protection of his/her interests (Article 147)

NATIONAL LEGISLATION: CONDITIONS OF WORK

- Labour Act, Chapter 98:01
- Termination of Employment and Severance Pay Act, No 19 of 1997
- Prevention of Discrimination Act No. 26 of 1997
- Labour (Conditions of Employment of Certain Workers) Act Chapter 99:03
- Leave With Pay Act Chapter 99:02
- Labour (National Minimum Wage) Order 2016
- Occupational Safety and Health Act No. 32 Of 1997
- Trade Union Recognition Act No. 33 of 1997

OVERTIME

- The normal work week is 40 hours and it shall not exceed 5 days per week: ***Labour (National Minimum Wage) Order 2016 (S6)***
- The normal working hours in a day are eight (8) hours
- ***More than 8 hours - one-half (1 ½) times*** the rate at which the worker would be paid for every hour or part of an hour so worked
- **Sundays and Public Holidays** - Workers are to be paid at a minimum of one and one-half (1 ½) times the normal rate of pay per hour for all hours worked (***S 4 Labour (Conditions of Employment of Certain Workers) Act***)

FACTORY OVERTIME

- Workers employed in a FACTORY are to be paid twice (2 times) their normal rate of pay for working on Sundays and the following Public Holidays: **S 24 (4) Factories (Hours and Holidays) Act, Cap. 95:02**

1. *Labour Day (May 1st)*
2. *Good Friday*
3. *Easter Monday*
4. *Christmas*
5. *Eid-ul-Adha*
6. *Phagwah*

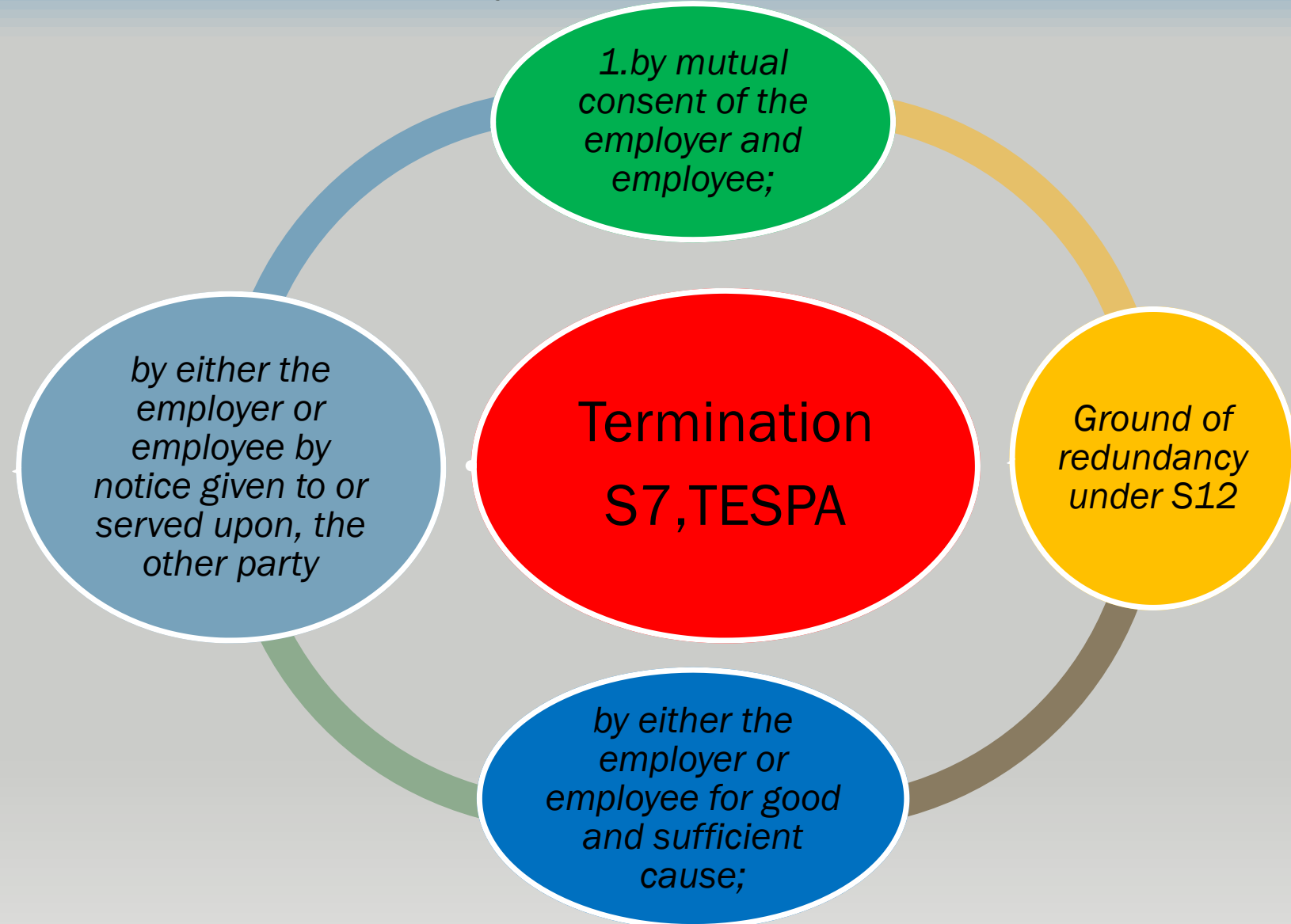
- All other public holidays attract payment at one and a half (1 ½ times) the normal rate of pay. If any holiday falls on a Sunday, then the following day will attract this rate of overtime.

Note: Overtime for Factory Workers :

1. Employer and employee **cannot** agree to contract for “time-off” in lieu of overtime pay
2. **“Employed in a factor, or in any occupation in a factor” - s24 = not restricted to manual labour**

TERMINATION AND SEVERANCE

An employer can terminate a contract of employment for an unspecified period of time:



NOTICE PERIOD FOR TERMINATION

Employed
for **Less**
than one
year

**TWO
WEEKS'
NOTICE**

Employed
for One
year of
more

**ONE
MONTH'S
NOTICE**

** The employee is also required to give the same period of notice to the employer in the circumstance where he/she terminates his/her contract of employment.*

PAYMENT IN LIEU OF NOTICE :

S16, TESPAA

- Payment in lieu of notice is paid to the employee when his/her employment has been terminated, and the employer pays the employee instead of having that employee work during the notice period.
- The employee is paid remuneration and benefits that he/she would have earned during the notice period.

TERMINATION OF EMPLOYMENT DURING THE PROBATIONARY PERIOD

- The employer or employee may terminate the employment contract without notice : **S9,TESPA**

LAY OFFS

- No layoff of an employee shall exceed six (6) weeks: **S14,TESPA**



CALCULATING THE SEVERANCE OR REDUNDANCY ALLOWANCE

1 to 5 years
of service

- One (1) week's wages for each year of service

5 to 10 years
of service

- Two (2) weeks' wages for each year of service after the fifth, and up to the tenth year.

In excess of
10 years of
service

- Three (3) weeks' wages for each completed year of service in excess of ten years, up to a maximum of fifty-two (52) weeks.

** Any unused vacation must be paid to the employee and payment in lieu of notice of termination.*

UNFAIR DISMISSALS – S8 (1), TESPA

The following reasons are not good or sufficient cause for dismissals or for imposition of disciplinary action:

1. an employee's race, sex, religion, colour, ethnic origin, national extraction, political opinion, family responsibility or marital status;
2. age, subject to retirement law or collective agreement;
3. pregnancy, or reason connected with pregnancy;
4. certified sick leave;
5. compulsory military service;
6. participation in industrial action in conformity with the provisions of any law or collective agreement;
7. The filing by an employee of a complaint, or the participation in proceedings against an employer involving alleged violations of any rule of law.

LEAVE: S3, LEAVE WITH PAY ACT

Weekly,
fortnightly or
monthly
basis

- One (1) day for each month completed

Daily
paid
emp

- One (1) day for every twenty (20) days worked

Hourly
paid
employee

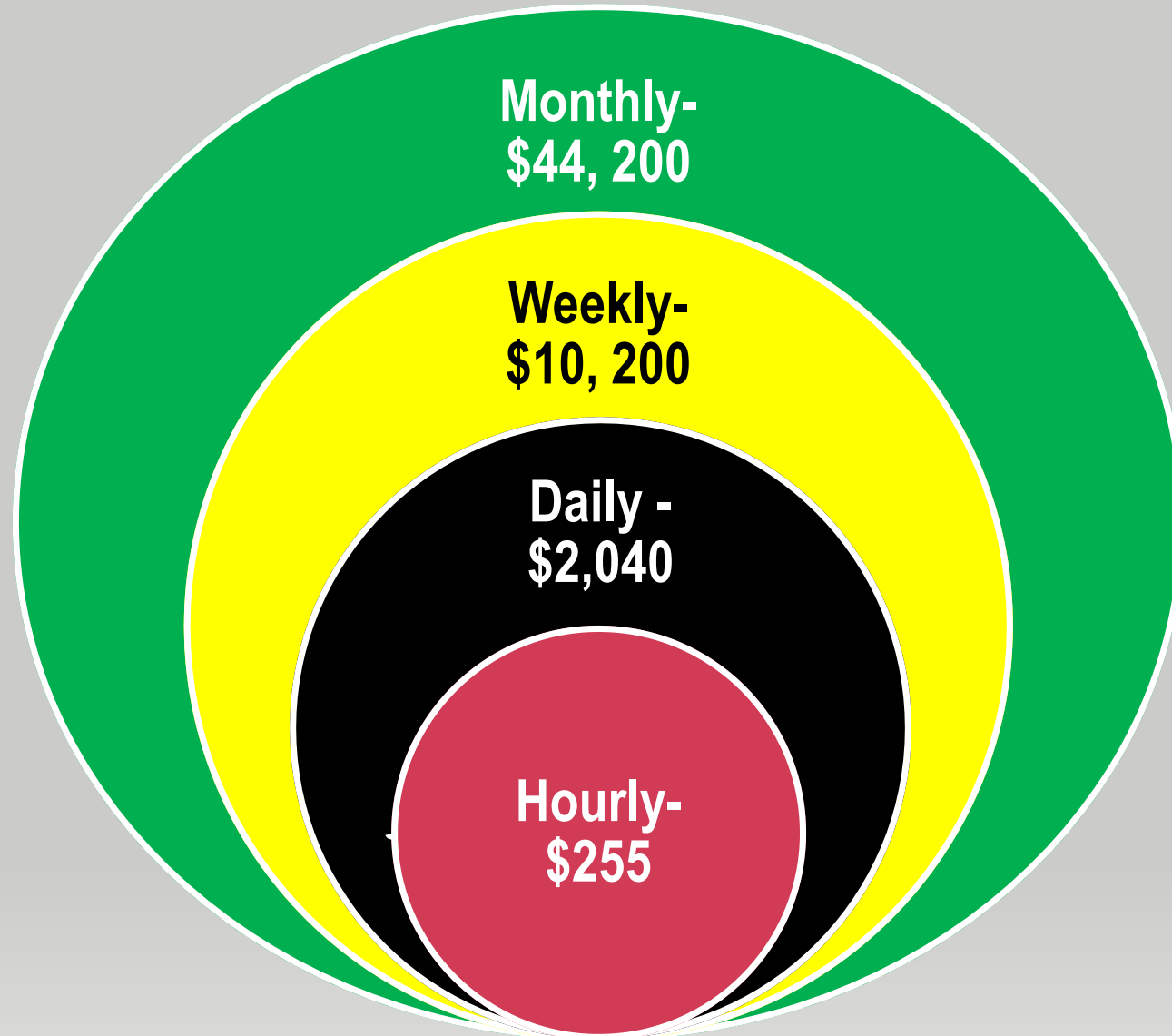
- One (1) day for every 160 hours worked

Half-day
basis

- The half day is counted as a day in the computation of periods of employment and leave with pay

** When the employment of a worker is terminated (either by the worker or the employer), the worker's leave entitlements are prorated and paid in lieu of such period of leave. (see Section 6 Leave With Pay Act Chapter 99:02).*

MINIMUM WAGE



** Nothing prohibits the payment of higher rates than those fixed by minimum wage orders*

WAGES

Payment of Wages

- Weekly, fortnightly or monthly, except where there is a contrary agreement: S18(3), Labour Act
- Every employee has the right to recover the entire amount of his/her wages, except the sum lawfully deducted (mainly NIS and PAYE), S19, Labour Act

Deductions: S24, Labour Act

- Not more than $\frac{1}{3}$ of the wages per month

INSPECTIONS

- The Labour Officer is empowered and authorized to enter, inspect and examine any workplace at any hour of the day or night, and:
 - a. Examine records on wages, hours and conditions of work of all the workers;
 - b. Interview workers regarding the conditions of work;
 - c. Require the employer to produce any book, register or other document relating to the conditions of work, to ensure that they are in conformity with the Labour Laws;
 - d. Enforce the posting of notices required by any law;
 - e. Take with him a member of the police force if he has reasonable cause to apprehend any serious obstruction in executing the inspection;
 - f. Examine the register of accidents kept and obtain from the employer information as to the causes and circumstances relating to any accident that occurred on the employer's premises.
 - g. Examine the pay sheet relating to the workers
 - h. Examine the leave records for all workers

RECORDS

- Records of wages: **S10, Labour Act**
- Record of Holidays with pay (Register of Holidays): **S8, Leave with Pay Act**; S3 Holiday with Pay (Register of Holidays) Regulations
- Register of wages paid to workers and the date on which each worker entered his/her employment: **S8, Labour (Conditions of Employment of Certain Workers) Act**
- Records to be kept to show the TESPAs are being complied with: **S6, TESPAs**
- Register of all Accidents to be kept: **S69(7), OSH Act**

LEGISLATIVE REVIEW

- *The **ultimate goal** of the review is to ensure that the labour legislative framework is germane and suitable to the policy objectives of the Government; and to ensure harmonization of the labour laws in the context of the Constitution of Guyana and all relevant ILO and other international Conventions which Guyana has signed, all in an effort to strengthen legislation protection for all workers.*

The specific objectives, inter alia, are:

- To have laws that are relevant, and reflect the needs of Guyana's modern social and economic construct;*
- To ensure quick and easy resolution to industrial disputes (to reduce the number of litigation);*
- To ensure workers' and employers' rights are protected (including advocacy for understanding same);*
- To effectuate compliance with the legislative provisions by setting out penalties that will deter infractions;*

HOW DO YOU START THE ENGAGEMENT WITH THE LABOUR DEPARTMENT?

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THANK YOU!