The National System of Industrial Relations

CAGI Training Course

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Course Objectives

• By the end of the course participants would have acquired:
  • An deeper understanding of the national system of industrial relations;
  • Knowledge of current labour laws and best practices in conduct of industrial relations;
Course Objectives

- Improved capacity for the conduct of sound industrial relations;
- Greater understanding of the implications of legal and contractual obligations in employment relations;
- Improved capacity for the conduct of sound Industrial Relations.
Course Content

• The National System of Industrial Relations in Context
• Freedom of Association and Collective Bargaining in the Context of Guyana
• Dispute Settlement in the Private and Public Sectors
• Alternative Dispute Resolution (ADR)
Course Content

• Managing Relations with Trade Unions
• Institutions of Labour, Offices, and Powers under Current Labour Laws
• Principal Labour Laws – trade union, labour, trade union recognition, termination, severance pay, discrimination, shops, OSH
• National Labour Policy and the Enterprise
Course Content

• Social Dialogue leading to enterprise partnership
• Becoming a more effective industrial relations specialist
• Self-evaluation
• Course evaluation

What do you know or understand about Industrial Relations?
The National System in Context

• The historical background and the voluntary tradition
• British heritage - its IR System, as founding member of ILO in 1919, transplanted
• Since political independence, committed to the principles, standards and values of ILO
• Ratification of relevant ILO Conventions, reflected in law and practice
• Committed to fundamental rights and a decent work agenda
The National System in Context

From British IR System, labour law developed:

• For protection of trade unions’ lawful existence, protection and regulation

• State services to promote relations between employers and employees and their unions

• Established effective means for prevention and settlement of disputes in general, and in particular for the essential services

• Good practices developed in conduct of IR
The Principles of the Voluntary System – Collective Bargaining

• Trade Unions and Employers to regulate their own relations, versus State regulation
• By their own Procedural Rules
• Maintaining their autonomy, and not readily welcoming external intervention
• Accepting Conciliation/Mediation and other means to enable them to reach their own agreement
The Principles of the Voluntary System – legal abstention

- Minimum legal regulations and minimum legal support
- Keeping industrial disputes out of the Courts
- Reliance on law of contract; common law
- Non-legalistic collective bargaining
- Voluntary recognition of trade unions for collective bargaining purposes
Deviations from the Voluntary Tradition

- Significant deviation from the voluntary tradition as a result of new labour laws
- Trade union recognition law
- Regulation of collective bargaining
- State intervention in the national interest
- Employment and social protection laws
- Mixture of voluntary and the compulsory
National Legal Framework

- Trade Unions Act: Chapter 98:03 –No. 17 of 1921
- Labour Act: Chapter 98:01
- Public Utility Undertakings and Public Health Arbitration Act: Chapter 54: 01
- Trade Union Recognition Act No. 33 of 1997
- Termination of Employment and Severance Pay Act: No. 19 of 1997
- Prevention of Discrimination Act No. 26 of 1997
- Occupational Safety & Health Act No. 32 of 1997
- Shops(consolidation)Act No. 33 of 1958 Ch.91:04
Fundamental Human Rights and Development (1 of 2)

- National consensus on social policy based on international standards for all
- Fundamental principles and rights applicable to all without distinction
- *ILO Declaration on fundamental principles and rights at work 1998* widely acclaimed
- Provides for a social minimum at the global level
- Renewed commitment to core labour standards by other international bodies
Fundamental Human Rights and Development (2 of 2)

- *Freedom of Association and collective bargaining and Development*
- Is trade unions’ full freedom to exercise these rights an obstacle to development?
- The argument can be reversed: lack of development has been hampering the exercise of these rights
- The realities of the economic situation to limit CB negotiations particularly in the public sector
- Challenge to the social partners to work for higher labour productivity and competitiveness, fewer industrial disputes, more labour peace, and social partnership
In line with ILO *Four Strategic Objectives* on:

- Fundamental Principles and Rights
- Decent Employment and Adequate Income
- Adequate Social Security Protection
- Consultation and Social Dialogue

Can these be achieved without compromising workers’ rights and Social Standards?
Dispute Settlement

- Consultations, negotiations: internal, enterprise level stages; consensus-based
- Conciliation/mediation: a consensus-based method with third party assistance
- Arbitration: third party adjudication method
- Need for final resolution of industrial relation disputes

What is ADR– alternative dispute resolution?
Alternative Dispute Resolution (ADR)

Alternative Dispute Resolution (ADR) -

• Industrial Relations methods are used instead of the courts in civil society to settle disputes

• Essentially Negotiations and Mediation

How can labour management – relations be conducted effectively?
Relations with Trade Union

• Governed by collective labour agreement
• Representation Procedures for dispute resolution
• Union representatives/shop stewards and supervisors and front line managers
• Managers and industrial relations
• Regular consultations and negotiations

List some Institutions of Labour
Institutions of Labour

• Employers and Trade Union Organizations
• Minister of Labour and Ministry of Labour
• Chief Labour Officer and Technical Staff of the Department of Labour and Labour Administration Services Units
• Trade Union Recognition and Certification Board; other statutory institutions of labour
• Labour Tribunals, Tripartite Committees Workplace Committees etc.
Support from CARICOM Instruments: -

- *The Treaty of Chaguaramas Establishing CARICOM*
- *Charter of Civil Society for the Caribbean Community*
- *Declaration of Labour and Industrial Relations Principles*
- *CARICOM Model Labour Laws*
- *CARICOM Social Security Agreement*
The Treaty of Chaguaramas Establishing CARICOM – Article 73

- Promotes the objectives of:

Full employment, adequate social security, cross-border mobility of labour, non-discrimination in employment, sound industrial relations, international competitiveness, consultations among Governments and the social partners.
Charter of Civil Society for the Caribbean Community Article XIX provides for right and protection of every worker to:

- Participate in trade union activities
- Negotiate and bargain collectively
- Fair treatment at work, and OSH
- Reasonable remuneration and conditions
- Utilize/establish machinery for effective conduct of labour relations
Declaration of Labour and Industrial Relations Principles provides support for ILO Standards relating to:

- Consultation and tripartism, freedom of association, collective bargaining,
  non-discrimination in employment and occupation, employment policy, labour administration, and industrial disputes settlement
CARICOM Model Labour Laws

- **Termination of Employment** – protection of rights: contracts, redundancy, severance pay
- **Equality of opportunity and non-discrimination in employment**: against unlawful discrimination; for equal pay for work of equal value
- **Registration, status and recognition of trade unions**: for exclusive collective bargaining rights to recognized majority unions, determined by independent, tripartite body
- **OSH at the workplace and the environment**: for protection of persons at work
CARICOM Social Security Agreement

- An inter-governmental agreement with legal force among member states
- Provide for long term benefits by aggregation of contributions made to more than one scheme in facilitation of labour mobility
- Provides for transfer of pensions/long term benefits - invalidity, disablement, old age/retirement, and survivor’s pension
Employment Related policy and the CSME

Key elements of the CSME:
• Free movement of goods
• Free movement of services
• Right of establishment
• Free movement of skills
• Free movement of capital
• Supported by CARICOM policy instruments on labour and social policies – model legislation, social security agreement
Principal Labour Laws

- See separate power point presentations
National Labour Policy and the Enterprise

- Enterprise Industrial Relations Policy to be in line with, and not in conflict with any:
  - National law
  - International Labour Standards, and
  - CARICOM Labour Policies

- Need for handbook on human resource and industrial relations to guide consistent action within enterprises
Social Dialogue in CARICOM

- The ILO and Social Dialogue
- Fosters mutual understanding and good relations; and finding agreed solutions to problems
- Promotion of social justice in the state community
- Strong partners required for effective dialogue
- National will and full commitment by all parties essential for meaningful dialogue
- Legislative support for consultative / dialogue bodies
Potential of Social Dialogue

- Improve the Social System
- Promote social and political stability
- Stronger democracy and good governance
- Stronger economic growth and development
- Creating a more just society
Agreements from Social Dialogue

• Partnership Agreements in **Ireland** and **Barbados** are excellent models
• Provide for solid policy foundation for growth and development
• Essential factors:- information sharing, mutual trust, political will, leadership, national vision, and commitment by all parties
• Transformation to a buoyant economy
Social Partnership at the Enterprise Level

- Challenge to develop partnership outside the traditional collective bargaining issues
- Can you identify a shared issue for social partnership?
Government as Key Facilitator

- Clothed with Legislative Powers
- Machinery to Enforce the Rules
- Resources to engage the stakeholders
- Can provide adequate Secretariat Services for effective dialogue
- Can create and foster an enabling environment to forge consensus on major issues in society for the national development
Obligations and Challenges in Employment Relations

- Fair labour conditions for regular employees;
- Genuine Status of Contract employees;
- Facing Collective interest and trade unions;
- Providing for Occupational Safety and Health;
- To support strong employers’ organizations to enhance employment relations, HRD, productivity and competitiveness;
- Social dialogue
Becoming an IR Specialist

• How can I become a more effective industrial relations specialist?
• Discuss in small groups
• Share your group’s ideas with the full group of participants
Self-evaluation and Course Evaluation Closing

• Self evaluation form
• Closing Exercise:
  - Course Evaluation form
  - Certificates of Participation
  - Thanks and appreciation