

## International Labour Convention Ratified by Guyana

As of July 2003, the following 41 conventions, ratified by Guyana, are in force. Guyana has international treaty obligations to bring its laws and practice (where this has not been done already) in line with all these conventions and to honour the obligations of membership under the constitution of the ILO.

### (i) Fundamental Principles and Rights at Work

#### (a) Freedom of Association:

- **Convention No. 87: Freedom of Association and Protection of right to organize, 1948:** Provides for workers' and employers' right, freely exercised to form and join organizations of their own choosing to further and defend their interests. Such organizations have the right to write their own constitutions and rules, elect their representatives or executives, administer and manage their own programme of activities without restriction and interference by public authorities in the lawful exercise of these rights.
- **Convention No. 98 – Right to organize and collective bargaining, 1949:** Calls for adequate protection for unions exercising their right to organize, and the promotion of voluntary collective bargaining to regulate terms and conditions of employment. This convention does not deal with the position of civil servants; they are given these same rights under Convention No. 151.
- **Convention No. 151 – Labour Relations (Public Service) 1978:** Provides for the protection of public employees' right to organize and collective bargaining, procedures for dispute settlement through negotiations, conciliation, mediation, and arbitration. (This Convention confers similar rights flowing from Convention No. 98).
- **Convention No. 135 – Workers representatives, 1971:** Provides for the protection of workers' representatives at the workplace, and the provision of reasonable facilities to enable lawful trade union activities without impairing the efficient operation of the enterprise.
- **Convention No. 141 – Rural Workers' Organization, 1975:** Provides for freedom of association for rural agricultural workers – the right to form and join organizations of their choice with all the protection and entitlements flowing from Convention No. 87.
- **Convention No. 11 – Right of Association (Agriculture) 1921:** Provides for securing the same rights of association and combination as to industrial workers, and to remove any statutory restriction on such rights for workers engaged in agriculture.

(b) **Prohibition of Forced Labour**

- **Convention No. 29 – Forced Labour 1930:** Calls for the suppression of the use of all forms of *forced or compulsory labour* except for five categories of work under certain conditions and guarantees – *compulsory military service, certain civic obligations, prison labour, work in case of emergency, and minor communal services.*
- **Convention No. 105 – Abolition of forced labour, 1957:** Calls for the prohibition of the recourse to forced or compulsory labour in any form in the following defined cases:
  - *as a means of political coercion or education;*
  - *mobilizing labour for purposes of economic development;*
  - *as a means of labour discipline;*
  - *as punishment for participating in strikes; and*
  - *as a means of racial, social, national, or religious discrimination.*

(c) **Combating Child Labour**

- **Convention No. 138 – Minimum Age, 1973:** The Convention calls:
  - for the *abolition of child labour* and emphasizes that school is for children, not work; (normally any child under 15 years of age)
  - for the minimum age for employment to be not less than the age of completion of compulsory education (normally not under 15 years);
  - on states to pursue a national policy designed to abolish child labour;
  - on states to progressively raise the minimum age for employment consistent with the full physical and mental development of young persons;
  - on states to ensure that the minimum age shall not be less than 18 years for any type of work which is likely to jeopardize the health, safety, or morals (or 16 years under certain conditions of protection of health safety or morals, with adequate and specific instructions or vocational training) of young persons, the representative social partners having been consulted.
- **Convention No. 182 – The Worst Forms of Child Labour, 1999:** The Convention is applicable to all persons *under 18 years of age*, and requires ratifying states to take effective and immediate measures to prohibit and eliminate as a matter of urgency the worst forms of child Labour defined as:

*“all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict”.*

*“The use, in procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances”.*

*“The use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs”.*

*“Work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children” (Article 3).*

The Convention further calls for:

- international cooperation among states in eliminating the worst forms of child labour;
- effective measures to implement and enforce the provisions of the Convention;
- the recognition of the importance of education in eliminating child labour; and
- special measures to identify and reach out to *children at risk*, and to take account of the *special situation of girls*.

## **(ii) Decent Employment and Income**

### **(a) Equality of Opportunity and Treatment**

- **Convention No. 100 – Equal Remuneration, 1951:** This Convention:
  - requires the application of principle of **equal remuneration** for women and men for **work of equal value**.
  - defines equal remuneration for work of equal value as *remuneration established without discrimination based on sex*, and which requires objective appraisal of jobs on the basis of the work to be performed, as one of the means of giving effect to this Convention with the co-operation of employers’ and workers’ organizations.
- **Convention 111 – Discrimination (Employment and Occupation), 1958:**

This Convention:

- requires the promotion of *equality of opportunity and treatment in relation to employment and occupation* and calls on states to declare and pursue a national policy designed to eliminate all forms of discrimination;
- defines discrimination as *any distinction, exclusion or preference based on race, colour, sex, religion, political opinion, national extraction or social origin affecting equality of opportunity or treatment in employment and occupation*; and

- covers access to vocational training, employment, and terms and conditions of employment.

## **(b) Employment and Human Resource**

- **Convention No. 2 – Unemployment 1919:** The Convention requires member states to:
  - communicate to the ILO statistical and other information concerning unemployment;
  - report on measures taken or contemplated to combat unemployment;
  - establish a system of free public employment agencies;
  - coordinate the operations of any private and public agencies on a national scale;
  - establish systems of insurance against unemployment; and
  - make arrangements for reciprocal benefits with other countries for insured persons.
- **Convention No. 142 - Human Resource Development, 1975 –** The Convention requires ratifying states to:
  - develop non-discriminatory policies and programmes of vocational guidance, and vocational training linked to employment;
  - adopt and develop comprehensive and co-ordinated policies and programmes of vocational guidance and vocational training particularly through public employment services; and
  - take into account the educational and training systems to be developed (as outlined in *Human Resource Development Recommendation 1975, No. 150*)
- **Convention No. 140 – Paid Educational Leave, 1974:** The Convention:
  - requires ratifying states to formulate and apply a policy designed to promote the granting of paid educational leave for a specified period during working hours, with adequate financial entitlement;
  - specifies the main objectives as the *acquisition, improvement and adaptation of occupational and functional skills*;
  - underscores that paid educational leave shall not be denied to employees on the grounds of race, colour, sex, religion, political opinion, national extraction or social origin; and
  - provides for the period of paid educational leave to be assimilated in continuous employment without break in service for social benefits.
- **Convention No. 50 – Recruiting of Indigenous Workers, 1936:** This Convention provides for the regulation of the recruitment of indigenous workers in keeping with the provision of this Convention.

- **Convention No. 64 – Contracts of Employment (Indigenous Workers), 1939:** This Convention regulates the elements of a *contract of employment by which a worker enters the service of an employer as a manual worker for remuneration in cash or any other form*.
- **Convention No. 65 – Penal Sanctions (Indigenous Workers), 1939:** This convention requires ratifying states to, progressively and as soon as possible, abolish all penal sanctions for any breach of contract.
- **Convention No. 86 – Contracts of Employment (Indigenous Workers), 1947:** This Convention regulates the maximum period of service, which may be stipulated or implied in any contract for employment, whether written, or oral.
- **Convention No. 97 – Migration for Employment (Revised), 1949:** The Convention requires member states to provide to the ILO Office, on request, information on:
  - national policies, laws and regulations relating to *emigration and immigration*; and
  - concerning migration for employment and conditions of work and livelihood of migrants.

The Convention also calls on member states to maintain adequate and free service to assist migrants for employment, and in particular, to provide them with accurate information. States are also to take steps against misleading propaganda relating to emigration and immigration, co-operate with other states where appropriate, provide medical services, social security, fair treatment, and protect their basic human rights without discrimination.

### **(iii) Social Protection**

#### **(a) Social Security**

- **Convention No. 12 – Workmen’s Compensation in Agriculture, 1921:** This convention requires states to extend to all agricultural wage earners by law, compensation for personal injuries by accident arising out of, or in the course of their employment.
- **Convention No. 19 – Equality of Treatment for Foreign and National Workers (Accident Compensation), 1925:** The Convention requires ratifying member states, on a reciprocal basis, to grant to foreign nationals who suffer personal injury due to industrial accidents happening in its territory, or to their dependants, the same treatment in respect of workmen’s compensation as it grants to its own nationals.

This equality of treatment is granted to foreign workers and their dependants without any condition as to resident.

- **Convention No. 42 – Workmen’s Compensation (Occupational Disease, Revised), 1934:** Ratifying states are to provide for compensation of workers incapacitated by occupational diseases, or in case of death from such diseases, to their dependants in keeping with national legislation.

**(b) Occupational Safety and Health**

- **Convention No. 45 – Underground Work in Mines of all kinds (Women), 1935:** This convention states that no female, whatever her age, shall be employed on *underground work in any mine*, whether public or private, for the extraction of any substance from under the surface of the earth. National laws or regulation may exempt from this prohibition:
  - females holding managerial positions who do not perform manual work;
  - females employed in health and welfare services;
  - females who, in the course of their studies, spend period of training in the underground parts of the mines; and
  - females who may occasionally have to enter the mines for the purpose of non-manual work.
- **Convention No. 115 – Radiation protection, 1960:** This Convention provides for the protection of workers against *ionizing radiations*. It prohibits workers under the age of 16 to engage in work involving ionizing radiations, and any worker who may be exposed to ionizing radiation contrary to expert medical advice.

The Convention also calls for effective protection for all other workers, and for every effort to be made to reduce to the lowest practicable level of exposure to ionizing radiations. The Convention further sets out various measures to be taken by the state, including the fixing of the maximum permissible doses of radiation and the amounts of radioactive substances that can be taken into the body.

- **Convention No. 136 – Benzene, 1971:** The Convention provides for the protection against the hazards of poisoning arising from *benzene* (the aromatic hydrocarbon benzene C<sub>6</sub> H<sub>6</sub>). The Convention refers to all activities involving the exposure of workers to benzene and to products whose benzene content exceeds one percent by volume. Other provisions include the prohibition of pregnant women, nursing mothers and young persons under 18 years of age to be employed in work processes involving exposure to benzene or products containing benzene.

- **Convention No. 139 – Occupational Cancer, 1974:** This Convention provides for the prevention of occupational cancer, and obligates ratifying states to determine periodically the *carcinogenic substances and agents* to which occupational exposure shall be prohibited or regulated. It also provides for protective and supervisory measures, inspections, information, medical examinations, tests and investigations as essential requirements.

**(c) Conditions of Work**

- **Convention No. 26 – Minimum Wage Fixing Machinery, 1928:** This convention requires ratifying states to create or maintain machinery for the fixing of minimum rates of wages for workers in certain trades or parts of trades in which no arrangements exist for effective regulation of wages by collective agreement or otherwise and where wages are exceptionally low.
- **Convention No. 131 – Minimum Wage Fixing Machinery, 1970:** This Convention provides for the protection against excessively low wages, and requires ratifying states to establish a system of minimum wages covering all wage earners whose terms of employment make coverage appropriate for them.
- **Convention No. 95 – Protection of Wages, 1949:** This Convention provides for full and prompt payment of wages in a manner, which provides protection against abuse. It requires payment of wages in money to be paid only in legal tender. (payment by cheque is authorized under certain conditions).
- **Convention No. 94 – Labour Clauses (Public Contracts), 1948:** This Convention requires minimum labour standards in the execution of public contracts involving expenditure of public funds awarded by central government authorities to contractors for the carrying out of any public work.

This Convention also provides for measures to ensure fair and reasonable conditions of health, safety, and welfare for workers, for a system of labour inspections, sanctions for breaches, and for measures to ensure that workers receive wages to which they are entitled.

These conditions are also applicable to sub-contractors.

- **Convention No. 172 – Working Conditions (Hotels and Restaurants), 1991:** This Convention applies to workers employed within hotels, restaurants and similar establishments providing food, beverages or both, and provides for basic conditions of work. Ratifying states agree to:
  - adopt and apply, in a manner appropriate to national law, conditions and practice, a policy designed to improve the working conditions of workers in this sector; and
  - ensure that the workers concerned are not excluded from any minimum national standards including social security benefits for workers in general.

- **Convention No. 149 – Nursing Personnel, 1977:** This Convention concerns employment and conditions of work and life of all categories of nursing personnel providing nursing care and nursing services where ever they work. Ratifying states are required to:
  - adopt and apply, within national context, a policy concerning nursing services and nursing personnel, to promote the quantity and quality of nursing care necessary for the highest possible level of health for the population; and
  - provide appropriate education and training, employment, working conditions, career prospects and remuneration that are likely to attract and retain nursing personnel in line with the conditions set out in this Convention.
  
- **Convention No. 175 – Part-Time Work, 1975:** This Convention requires ratifying states to ensure that part-time workers secure the same protection as accorded to comparable full-time workers in respect of:
  - the right to organize, the right to collective bargaining, and the right to serve as workers' representatives;
  - occupational safety and health (OSH);
  - non-discrimination in employment and occupation; and
  - fair proportionate basic wage; enrollment for statutory social security, and other basic terms and conditions comparable to full-time workers.
  
- **Convention No. 108 – Seafarers Identity Documents, 1958:** This Convention provides for reciprocal or international recognition of *seafarers' national identity cards* to every seafarer engaged in any capacity on board of vessels registered in a territory for which the Convention is in force and ordinarily engaged in maritime navigation, for ratifying states to issue the seafarer identity document with such details and form as outlined in this Convention.
  
- **Convention No. 137 – Dockwork, 1973:** This Convention concerns the social repercussions of new methods of cargo handling in docks, and calls for a national policy to encourage permanent employment, assured minimum periods of employment, and for registered dock workers to be given priority in engagement for dock work.
  
- **Convention No. 166 – Repatriation of Seafarers (Revised), 1987:** Applicable to every sea-going ship, the Convention details the conditions and circumstances of applicable repatriation entitlements to seafarers.



(iv) **Tripartism and Social Dialogue**

**Labour Administration and Social Policy**

**Convention No. 150 – Labour Administration, 1978:** This Convention calls for an effective system of labour administration whose functions and responsibilities are properly co-ordinated with the participation of workers and employers and their organizations. The functions and responsibilities include:

- national labour policy and labour standards;
  - industrial and labour relations including social dialogue and tripartism;
  - labour and OSH inspections;
  - employment, manpower planning, and employment services;
  - research, labour statistics, and HRD; and
  - regional and international affairs.
- **Convention No. 81 – Labour Inspection, 1947;** and
  - **Convention No. 129 – Labour Inspection (Agriculture), 1969:**  
These Conventions together provide for a system of regular labour and safety inspections of commercial, industrial and agricultural workplaces and undertakings. The inspections are intended to secure the enforcement of legal provisions relating to conditions of work and the protection of employees.

These Conventions also deal with:

- the organization, structure, and functioning of inspection services;
  - the responsibility of the central authority; and
  - the functions of labour inspectors, for effective inspection services in industrial, commercial, and agricultural undertakings.
- **Convention No. 144 – Tripartite Consultation (International Labour Standards), 1976:** This Convention calls for effective and meaningful consultation among the representatives of government, employers and trade unions on international labour standards and related matters. Specifically, under this Convention, tripartite consultations are required on:
    - items on the agenda for the annual International Labour Conference;
    - consideration and submission of ILO conventions and recommendations to the competent authority with appropriate recommendations;
    - re-examination of conventions, and recommendations for appropriate action;
    - reports on ratified conventions, and other reports to the ILO; and
    - proposals, if any, for denunciation of ratified conventions.