

Labour Policy and Labour Law in Guyana

The system of industrial relations is informed, influenced and functions within the norms of national legislation, international labour standards, and regional labour policy of CARICOM. The national Constitution of Guyana, the labour laws, and international labour conventions of the ILO, ratified by Guyana as treaty and international law, provide the legal basis, foundation and framework for the conduct of labour relations by the Government, its agencies, and the social partners represented by trade unions and employers and their organizations. Together, these instruments constitute the Labour code of Guyana as follows:

(1) The Constitution – Chapter 1:01 of the Laws of Guyana

The *general principles of Part 1, Chapter two* of the Constitution:

- entitle *trade unions* to participate in the management and decision-making processes of the state, and particularly in the national, economic, social and cultural sectors of national life;
- recognize the Labour of the people as the source of social wealth;
- guarantee the right to work, including by socialist Labour laws, and by sustained efforts of trade unions with others to develop the economy;
- acknowledge the rights of every citizen to rest, recreation, and leisure;
- provide right to equality of opportunity and treatment in all aspects of employment, education, social and political life; and
- impose a duty on the state to protect the just rights and interests of citizens (workers) resident abroad.

The foregoing principles are only enforceable in the courts upon the enactment of appropriate legislation.

Part 1, Chapter III of the Constitution on *Fundamental Rights*: Fundamental Rights and Freedoms of the individual entitle every citizen ***basic rights without distinction and discrimination including the right, regardless of his/her race, origin, political opinions, colour, creed or sex subject to the rights and freedoms of others and the public interest to freedom of conscience, of expression, assembly, and association.*** (Articles 40, 145, 146, 147)

Part 2, Title 1 of the Constitution provides **specific rules** for the protection of fundamental rights and freedoms of the individuals including:

- from slavery and forced Labour: ***“no person shall be held in slavery or servitude. No person shall be required to perform forced labour.”*** (Article 140)
- the protection of freedom of assembly and association - the right of all citizens and residents to assemble and associate freely or to form or belong to trade

unions or associations of their own choosing to protect their interests. (Article 147)

(2) Labour Legislation

The main labour legislations are summarized as follows:

❖ **The Trade Unions Act**, Chapter 98:03 (No. 17 of 1921)

Provides for registration and regulation of trade unions, their rights, protection, obligations, the registration of rules, changes in rules, amalgamation, the rendering of financial accountability, audit of accounts, and the report of the Registrar to the National Assembly.

❖ **Public Utility Undertakings and Public Health Services Arbitration Act**, Chapter 54:01 (No. 44 of 1956)

The Act provides for the establishment of an Arbitration Tribunal to determine trade disputes in public utility undertakings and the listed essential services. The Act also prohibits strikes and lockouts, and provides for a trade dispute procedure, and for the establishment and functioning of the arbitration tribunal.

❖ **Labour Act, Chapter 98:01:** (No. 2 of 1942)

Provides for the establishment of the Department of Labour, for the regulation of the relationship between employers and employees, appointment of the Chief Labour Officer and staff, the statutory responsibility of the Chief Labour Officer and the Permanent Secretary. The Act also provides for the conciliation in industrial disputes, defines the powers of the Minister to *intervene in trade disputes*, and to *establish advisory committees, procedures for the regulation of wages and hours of work, rights and obligations of employees, and the status and enforceability of collective agreements*.

❖ **Trade Union Recognition Act Chapter 98:07** (No. 33 of 1997)

Provides the procedures for *determining appropriate bargaining units and for certifying trade unions as recognized majority unions for collective bargaining purposes* by a seven-member trade union *recognition and certification board*, a corporate body. The Act also defines the composition of the board, their appointment by the Minister, the secretariat of the Board, the duties of the board, procedures for hearing, and determining compulsory recognition, and the *duty to treat and bargain in good faith* by employers and trade unions.

❖ **Termination of Employment and Severance Pay Act , Chapter 99:08** (No. 19 of 1997)

Provides for the conditions governing termination of employment, and the grant of redundancy or severance payment to employees for reasons connected with redundancy. The Act defines unfair dismissals and the process of termination, including termination on the grounds of redundancy, and the formula for severance allowance.

❖ **Prevention of Discrimination Act, Chapter 99:09** (No. 26 of 1997)

Provides for the elimination of discrimination in employment, training, recruitment, and membership of professional bodies. The Act also provides for the promotion of *equal remuneration for work of equal value*. It further prohibits discrimination, defines unlawful discrimination, and protects against discrimination in employment, and protection against discrimination in other areas.

❖ **Occupational Safety and Health Act, Chapter 99:10** (No. 32 of 1977)

Provides for the registration and regulation of industrial establishments, and for occupational safety and health of persons at work. The Act also provides for the establishment and functions of national advisory council, and Authority on Occupational Safety and Health (OSH), defines the power and authority of an *inspector of labour*, *medical inspector*, *OSH commissioner* and their appointments.

The Act further provides for the participation of non-governmental agencies through *safety and health representatives and joint work place and health committees* with defined functions and powers. The duties of the employer, supervisors, workers, occupiers, owners, and directors are clearly set out in the Act.

In relation to hazardous chemicals, physical and biological agents, the Act requires their identification and hazardous nature with appropriate inventories, and regulates their use, storage, instruction and training. Notification of accidents and occupational diseases, inquest in case of death by accident or occupational disease are further requirements of this Act.

❖ **National Insurance and Social Security, Chapter 36:01 Act No. 15 of 1969**

This Act provides for a system of national insurance and social security for old age, invalidity, survivors, sickness, maternity, and funeral benefits. The Act also complements compensation under the Workmen's Compensation law for injury or accidental death arising out of or in the course of employment or disease due to the nature of employment. The Act further establishes a National Insurance Fund.

Other Laws

The regulation of hours of work, wages and other conditions of work, duties and obligations relating to employers and employees are covered by the following legislation:

- Licensed Premises Act, Chapter 82 (No.22 of 1944)
- Shops (consolidation) Act, Chapter 91:04 (No. 33 of 1958)
- Wages Council Act, Chapter 98:04 (No. 51 of 1956) for the establishment of wages councils
- Employment Exchange Act, Chapter 98:05 (No. 21 of 1944) for the establishment of employment exchanges
- The Recruitment of Workers Act, Chapter 98:06 (No. 9 of 1943) to regulate the recruiting of workers
- Employment of young persons and children Act, Chapter 99:01 (No. 14 of 1933/No. 9 of 1999)
- Holidays with Pay Act, Chapter 99:02, (No. 6 of 1995) to provide for the grant and regulation of annual holidays with pay for all categories of workers
- Labour (Conditions of Employment of certain workers) Act, Chapter 99:03 (No. 18 of 1978) to regulate the conditions of employment of certain workers
- Housing of Labour Workers on Sugar Estates Act, Chapter 99:04 (No. 19 of 1951) to make special provisions for the housing of labour workers on sugar estates
- Accidental Deaths and Workmen's Injuries (Compensation) Act, Chapter 99:05 (No. 21 of 1916) to make certain provision for accidental death and personal injury. This is in addition to any benefits obtained under the National Insurance and Social Security Act or any entitlements from any other service.
- Bakeries (Hours of Work) Act – Chapter 99:07 (No. 4 of 1946) to regulate the working hours in bakeries.
- Household Service Workers (Hours of Work) Act (No. 17 of 1980) to regulate the working hours of household service workers.