

# Bill No. 8 of 1959

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Legislature,  
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The following Bill which will be introduced in the Legislative Council is published for general information

I. CRUM EWING,  
Clerk of the Legislature.

Bill No. 8 of 1959.

LABOUR (AMENDMENT) BILL, 1959.

ARRANGEMENT OF SECTIONS.

Section

1. Short title.
2. Amendment of section 16 of Chapter 103.
3. Amendment of section 18 of Chapter 103.
4. Amendment of section 19 of Chapter 103.
5. Repeal of section 36 of Chapter 103.
6. Amendment of section 38 of Chapter 103.
7. Insertion of section 39A in Chapter 103.
8. Amendment of section 40 of Chapter 103.

A BILL

Intituled

AN ORDINANCE TO AMEND THE LABOUR ORDINANCE.

Enacted by the Legislature of British Guiana :—

1. This Ordinance may be cited as the Labour (Amendment) Ordinance, 1959, and shall be construed and read with the Labour Ordinance, hereinafter referred to as the Principal Ordinance, and any Ordinance amending the same. Short title.  
Cap. 103.
2. Section 16 of the Principal Ordinance is hereby amended by the substitution for the words "unless the context otherwise requires" of the words "subject to the provisions of section 18". Amendment of  
section 16 of  
Chapter 103.
3. Section 18 of the Principal Ordinance is hereby amended — Amendment of  
section 18 of  
Chapter 103.
  - (a) by the insertion of the words "and particulars" between the words "Rates" and "of" in the marginal note thereof;
  - (b) by renumbering the section as section 18(1); and
  - (c) by the addition thereafter of the following subsections —
    - "(2) Upon the payment to an employee of his wages, an employer shall inform the employee of the particulars of such wages in so far as such particulars may be subject to any change.
    - (3) In this section "employee" shall not bear the restricted meaning assigned thereto by section 16."
4. Section 19 of the Principal Ordinance is hereby amended by the addition thereto of the following subsections — Amendment of  
section 19 of  
Chapter 103.
  - "(3) Except where there is an agreement to the contrary, wages shall be paid at weekly, fortnightly or monthly intervals as the case may be.
  - (4) Where the payment of wages is made in money such payment shall be made on working days only, and at or near the work place except where there exist more appropriate arrangements."
5. Section 36 of the Principal Ordinance is hereby repealed. Repeal of  
section 36 of  
Chapter 103.
6. Section 38 of the Principal Ordinance is hereby amended — Amendment of  
section 38 of  
Chapter 103.
  - (a) by the deletion of the words "to visit and inspect any premises in which labour is employed," in paragraph (a) of subsection (1) and the substitution therefor of the words "whenever he has reasonable cause to believe that labour is employed in any premises, to enter, inspect and examine such premises and every part thereof at all reasonable times whether by day or by night,";
  - (b) by the relettering of paragraphs (b) and (c) of subsection (1) as paragraphs (d) and (e) respectively and by the insertion after paragraph (a) of the following —
    - "(b) to take with him a member of the police force if he has reasonable cause to apprehend any serious obstruction in the execution of his duty;

(c) to carry out any examination, test or inquiry which he may consider necessary in order to satisfy himself that the provisions of any law relating to the employment of persons are being strictly observed and, in particular to —

- (i) interrogate, alone or in the presence of witnesses, the employer or the staff of the undertaking on any matters concerning the application of any such law or to apply for information to any other person whose evidence he may consider necessary;
- (ii) require the production of any books, registers or other documents, the keeping of which is prescribed by any law relating to conditions of work, in order to see that they are in conformity with the provisions of such law and to copy such documents or make extracts from them or remove them to his office;
- (iii) enforce the posting of notices required by any law; and
- (iv) take or remove for purposes of analysis samples of materials and substances used or handled, subject to the employer or his representative being notified of any samples or substances taken or removed for this purpose;” ; and

(c) by the renumbering of subsection (2) as subsection (4) and by the insertion after subsection (1) of the following —

“(2) The Commissioner, the Deputy Commissioner of Labour, and any Inspector or Assistant Inspector of Labour shall, when on an inspection visit, notify the employer or his representative of his presence, unless he considers that such notification may be prejudicial to the performance of his duties.

(3) Every employer shall grant to his workers and their representatives every facility for communicating freely with the Commissioner, the Deputy Commissioner of Labour, and any Inspector or Assistant Inspector of Labour when on a visit of inspection.”

Insertion of section 39A in Chapter 103.

7. The Principal Ordinance is hereby amended by the insertion after section 39 of the following —

“Offence to reveal information.

39A.(1) The Commissioner, the Deputy Commissioner of Labour and every Inspector or Assistant Inspector of Labour shall maintain, even after leaving the service of the Crown, any manufacturing or commercial secrets or working processes which may come to his knowledge in the course of his duties.

(2) Every person who wilfully acts in contravention of the provisions of this section shall be liable on summary conviction to a fine not exceeding two hundred and fifty dollars or to imprisonment with or without hard labour for any term not exceeding six months or to both such fine and imprisonment.”

Amendment of section 40 of Chapter 103.

8. Section 40 of the Principal Ordinance is hereby amended by the deletion of paragraph (b) and the substitution therefor of the following —

“(b) prescribing or empowering the Commissioner to approve of the form or manner in which any pay-lists or statistics of earnings of employees and of deductions made therefrom shall be kept by any employer.”

#### OBJECTS AND REASONS

This Bill seeks to amend the Labour Ordinance, Chapter 103, with the principal object of giving effect to the International Labour Conventions on the Protection of Wages and on Penal Sanctions and Labour Inspectorates.

2. Clause 2 of the Bill seeks to provide for an amendment consequential to the amendment proposed in clause 3.

3. Clause 3 of the Bill seeks to amend section 18 of the Labour Ordinance to provide, in accordance with article 14 of International Labour Convention No. 95, for the supplying of information with

respect to the particulars of wages and any change in such particulars to employees of all classes.

4. Clause 4 of the Bill seeks to amend section 19 of the Labour Ordinance to provide for additional conditions to be attached in the payment of wages. This amendment is in conformity with article 13(1) of International Labour Convention No. 95.

5. Clause 5 of the Bill seeks to repeal section 36 of the Labour Ordinance which contravenes the Penal Sanctions (Indigenous Workers) Convention, 1939, by providing penal sanctions against employees in respect of certain breaches of contracts of service.

6. Clause 6(a) of the Bill seeks to amend section 38 of the Labour Ordinance to give effect to the Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947, by empowering officers of the Labour Department when on visits of inspection to carry out such enquiries as they consider necessary to satisfy themselves that the provisions of the law relating to the employment of persons are being strictly observed. The powers sought to be given to Labour Officers in this respect include the right to ask questions of employers or members of the staff, to require the production of books, to enforce the posting of notices and to take samples of materials used or handled. The opportunity is also being taken to clarify the scope of the power to enter and inspect premises in which labour is employed conferred by section 38(1) (a) of the Ordinance.

Clause 6(a) of the Bill also seeks to introduce a provision similar to section 10(1) (j) of the Factories Ordinance, Chapter 115, authorising Labour Officers to be accompanied by members of the police force when on visits of inspection where they reasonably apprehend serious obstruction in the execution of their duty.

7. Clause 6(b) of the Bill seeks to prescribe that a Labour Officer when on a visit of inspection shall in normal circumstances notify the employer of his presence and that the employer shall grant to his employees and their representatives every facility for communicating freely with the officer.

8. Clause 7 of the Bill seeks to provide, in accordance with the terms of the Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947, that Labour Officers, even after leaving the Public Service, shall not reveal any manufacturing or commercial secrets coming to their knowledge in the course of their duties.

9. Clause 8 of the Bill seeks to enable the Commissioner of Labour to be authorised to approve of arrangements made by any employer for the keeping of pay-lists and statistics of earnings of employees.

JANET JAGAN,

Minister of Labour, Health and Housing.

(M.P. L. 56/5/1 VII).  
(Leg. Bill 8/1959).