

PARLIAMENT OFFICE,  
Public Buildings,  
Georgetown,  
Guyana.

15th March, 1975.

The following Bill which will be introduced in the National Assembly is published for general information.

*F. A. Narain,*  
Clerk of the National Assembly.



## GUYANA

BILL No. 12 of 1975

LABOUR (AMENDMENT) BILL 1975

ARRANGEMENT OF SECTIONS

Section

1. Short title.
2. Repeal and re-enactment of section 4 of the Labour Act.

## A BILL

Intituled

AN ACT to amend the Labour Act.

A. D. 1975. Enacted by the Parliament of Guyana:—

Short title. 1. This Act, which amends the Labour Act, may be cited as  
 Cap. 98:01 the Labour (Amendment) Act 1975.

Repeal and re-enactment of section 4 of the Labour Act. 2. Section 4 of the Principal Act is hereby repealed and the following section substituted therefor —

“Powers of Minister in case of trade disputes. 4. (1) Where a difference exists or is apprehended between an employer or any class of employers, and employees, or between different classes of employees, the Minister may, if he thinks fit, exercise all or any of the following powers, namely —

- (a) inquire into the causes and circumstances of the difference;
- (b) take such steps as to him may seem expedient for the purpose of promoting a settlement of the difference;
- (c) with the consent of both parties to the difference, or of either of them, or without their consent, refer the matter for settlement to the arbitration of an arbitration tribunal consisting of one or more persons appointed by the Minister;

Provided that the Minister shall not refer a difference for settlement to arbitration otherwise than with the consent of both parties to the difference, unless he notifies the parties that he is satisfied that the continuance of the difference is likely to be gravely injurious to the national interest.

(2) If a tribunal is so appointed, it shall inquire into the causes and circumstances of the difference by communication with the parties and otherwise shall endeavour to bring about a settlement of the difference, including the making of its award as required by this section, and shall report its proceedings to the Minister.

(3) If a settlement of the difference is effected either under subsection (1) (b) or by arbitration upon a reference made with the consent of both parties to the difference, a memorandum of the terms thereof shall be drawn up and signed by the parties or their representatives, and a copy thereof shall be delivered to and kept by the Minister.

(4) With respect to any reference to arbitration otherwise than with the consent of both parties to the difference, the following provisions of this subsection shall apply —

- (a) upon the appointment of the tribunal, the Minister shall furnish the tribunal with its terms of reference containing a statement of the causes and circumstances of the difference between the parties into which the tribunal is required to inquire;
- (b) the tribunal shall, in respect of any matter referred to it, make its award thereon as soon as practicable and every award so made shall be notified by the tribunal to the Minister and to the parties to the difference :

Provided that if the Minister so requests, the tribunal shall as soon as conveniently possible make an interim award with respect to any matter referred to it;

- (c) the award made by the tribunal shall be binding on the parties to whom it relates and as from the date of such award or as from such other date as may be specified therein, not being earlier than the date on which the difference to which the award relates first arose, it shall be an implied term of the contract between the employer and employees to whom the award relates that the rate of wages to be paid and the conditions of employment to be observed under the contract shall be in accordance with such award until varied by a subsequent agreement or award :

Provided that the Minister if he thinks fit may from time to time, by order, vary the terms and duration of such an award (including an award varied pursuant to this proviso) and in such a case the award as so varied shall have the same force and effect in relation to the employer and employees as hereinbefore provided save that it shall continue in force until the order is revoked by the Minister by a subsequent order.

(5) Any employer who fails to comply with an award made by a tribunal in pursuance of a reference made to it otherwise than with the consent of both parties to the difference, shall be liable on summary conviction to a fine of one thousand dollars, and in the case of a continuing offence to a further fine of one hundred dollars for each day on which the offence continues.

(6) In paragraph (c) of subsection (4) and in subsection (5), "award" includes an interim award, and in subsection (5) includes an award as varied pursuant to an order made under paragraph (c) of subsection (4).

(7) A copy of the award of a tribunal certified by the Permanent Secretary shall be conclusive evidence in all courts of the terms of the award therein contained."

#### EXPLANATORY MEMORANDUM

Where a difference exists or is apprehended between an employer or any class of employers, and employees or between different classes of employees, a reference to arbitration by the Minister responsible for labour under section 4(1)(c) of the Labour Act (Chapter 98:01) may be made only with the consent of the parties to the dispute. Sometimes the parties refuse to give their consent to arbitration and, in some instances, the consent of only one of the parties is obtained. This unwillingness of the parties to agree to submit disputes to arbitration sometimes results in deadlock involving grave injury to the national interest.

Clause 2 of the Bill seeks to make provision for amendments to be made to the Labour Act to allow for a reference to arbitration otherwise than with the consent of both parties if the Minister is satisfied that it is gravely injurious to the national interest and that there should be a reference to arbitration. Provision is made to ensure compliance with any award made on such a reference to an arbitration tribunal.

*W. G. Carrington,*  
Minister of Labour.