

SUBMISSION OF INTERNATIONAL LABOUR CONVENTION
AND RECOMMENDATION TO THE NATIONAL ASSEMBLY OF THE
PARLIAMENT OF GUYANA FOR IMPLEMENTATION

The International Labour Conference at its 81st session held in June, 1994, adopted the following Convention and Recommendation.

- (1) Part-time Work Convention, 1994, No. 175.
 - (ii) Part-time Work Recommendation, 1994, No. 182.
2. Copies of the Convention and Recommendation are attached as appendices I and II.
3. As a member of the International Labour Organisation, Guyana is under obligation to bring the abovementioned Convention and Recommendation to the attention of the National Assembly for necessary action, and to inform the Director General of the International Labour Organisation.

CONVENTION NO. 175 - CONCERNING PART-TIME WORK

Definition and Scope:

For the purpose of this Convention:

- (a) the term "part-time worker" means an employed person whose normal hours of work are less than those of comparable full-time workers;
- (b) the normal hours of work referred to in subparagraph (a) may be calculated weekly or on average over a given period of employment;
- (c) the term "comparable full-time worker" refers to a full-time worker who:
 - (i) has the same type of employment relationship;
 - (ii) is engaged in the same or a similar type of work or occupation; and
 - (iii) is employed in the same establishment or, when there is no comparable full-time worker in that establishment, in the same enterprise or, when there is no comparable full-time worker in that enterprise, in the same branch of activity,
as the part-time worker concerned;
- (d) full-time workers affected by partial unemployment, that is by a collective and temporary reduction in their normal hours of work for economic, technical or structural reasons, are not considered to be part-time workers.

Government may, after consulting the representative organisations of employers and workers, exclude wholly or partly from its scope particular categories of workers or of establishments when its application to them would raise particular problems of a substantial nature.

Part-time workers shall receive the same protection as full-time workers in respect of:

- (a) the right to organise, the right to bargain collectively and the right to act as workers' representatives;
- (b) occupational safety and health;
- (c) discrimination in employment and occupation.

Measures shall be taken to ensure that part-time workers do not, solely because they work part-time, receive a basic wage which, calculated proportionately on an hourly, performance related or piece-rate basis, is lower than the basic wage of comparable full-time workers calculated according to the same method.

Statutory social security schemes which are based on occupational activity shall be adapted so that part-time workers enjoy conditions equivalent to those of comparable full-time workers; these conditions may be determined in proportion to hour of work, contribution or earnings, or through other methods consistent with national law and practice.

Measures shall be taken to ensure that part-time workers receive conditions equivalent to those of comparable full-time workers in the fields of:

- (a) maternity protection;
- (b) termination of employment;
- (c) paid annual leave and paid public holidays; and
- (d) sick leave,

it being understood that pecuniary entitlements may be determined in proportion to hours of work or earnings.

Part-time workers whose hours of work or earnings are below specified thresholds may be excluded:

- (a) from the scope of statutory social security schemes except employment injury benefits.
- (b) areas mentioned in the paragraph above except maternity protective measures.

The thresholds shall be sufficiently low as not to exclude large percentage of part-time workers.

Productive and freely chosen part-time work which meets the needs of both employers and workers shall be facilitated. As such measures shall be taken to:

- (a) review laws and regulations that may prevent or discourage recourse to or acceptance of part-time work.
- (b) use of employment services, where they exist, to identify and publicise possibilities for part-time work.

- (o) pay special attention, in employment policies, to the needs and preference of specific groups such as the unemployed, workers with family responsibilities, older workers, undergoing education or training.

When appropriate, measures shall be taken to ensure that transfer from full-time to part-time work or vice versa is voluntary.

RECOMMENDATION NO. 192 - CONCERNING PART-TIME WORK

This Recommendation supplements the Part-time work Convention, No. 175.

The definitions are the same as in the Convention.

Employers should consult the workers' representatives on the introduction or extension of part-time work on a broad scale, on the rules and procedures applying to such work and on the protective and promotional measures that may be appropriate.

Part-time workers should be informed of their specific conditions of employment.

Social Security Schemes should aim at:

- (a) if appropriate, progressively reducing threshold requirements based on earnings or hours of work as a condition for coverage;
- (b) as appropriate, granting to part-time workers minimum or flat-rate benefits, in particular old-age, sickness, invalidity and maternity benefits, as well as family allowances;
- (c) accepting in principle that part-time workers whose employment has come to an end or been suspended and who are seeking only part-time employment meet the condition of availability for work required for the payment of unemployment benefit;
- (d) reducing the risk that part-time workers may be penalised by schemes which:
 - (i) subject the right to benefits to a qualifying period, whether a period of contribution, of insurance or of employment during a given reference period; or
 - (ii) fix the amount of benefits by reference both to the average of former earnings and to the length of the periods of contribution of insurance or of employment.

Threshold requirements for private occupational schemes should be progressively reduced to allow part-time workers to be covered as widely as possible and must be protected by such schemes under conditions equivalent to those of comparable full-time workers.

Where part-time workers have more than one job, their total hours of work, contributions or earnings should be taken into account in determining whether they meet threshold requirements in statutory social security schemes which are based on occupational activity.

Part-time workers should benefit on an equitable basis from financial compensation, additional to basics, as received by comparable full-time workers; they should have equitable access to welfare facilities and social services of the establishment concerned.

The number and scheduling of hours of work of part-time workers should be established and changes should be subject to prior notice.

They should have access on a equitable basis to all forms of leave such as paid educational leave, parental leave, annual leave, rest day and public holidays.

All constraints to training, career opportunities and occupational mobility for part-time workers should be removed.

Consideration should be given by employer to request by workers, including skilled and managerial, for transfer from full time to part-time work or vice versa. Refusal to transfer from full-time to part-time or vice versa should not constitute a valid reasons for termination.

Information should be disseminated on the protective measures that apply to part-time work and on practical arrangements for various part-time work schemes.

Position in Guyana:

The Laws, regulations and collective agreements dealing with the right to organise, the right to bargaining collectively, occupational safety and health and discrimination in employment and occupation do not differentiate between full-time and part-time workers.

The Holidays with Pay Act provides for a half-day to be counted as a day in the computation of holidays with pay; it also makes provision for persons employed on a daily or hourly basis to have those periods computed for leave entitlement.

The National Insurance Scheme provides for persons to contribute a percentage of their weekly earning towards the scheme and benefits are paid based on contribution levels and as such does not discriminate with respect to full-time or part-time work.

There is no special policy dealing with the needs and preferences of specific groups such as the unemployed, workers with family responsibilities, older workers, workers with disabilities and those undergoing education and training as it relates to part-time work.

Also, there is no specific laws or regulations dealing with the question of part-time work.

Conclusion:

It is proposed that Guyana ratify this Convention.