

PARLIAMENT OFFICE,
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Georgetown,
Guyana.

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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. 19 of 1978

LABOUR (CONDITIONS OF EMPLOYMENT OF CERTAIN WORKERS)
BILL 1978

ARRANGEMENT OF SECTIONS

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A BILL

INTITULED

AN ACT to repeal and, with certain amendments, re-enact the Labour (Conditions of Employment of Certain Workers) Act, Chapter 99:03 regulating the conditions of employment of certain workers.

A.D. 1978 Enacted by the Parliament of Guyana:-

Short title and commencement. 1. This Act may be cited as the Labour (Conditions of Employment of Certain Workers) Act 1978, and shall come into operation on such date as the Minister may appoint by order.

Interpretation. 2. In this Act -
"parlour" has the meaning assigned to that expression by section 2 of the Shops (Consolidation) Act.
"wages" includes anything received by a worker under this Act as part of his remuneration or by virtue of his employment; and

First Schedule "worker" means any of the persons specified in the first column of the first schedule and employed in any retail spirit shop, liquor store, tavern, hotel, restaurant, cookshop or parlour, but does not include any member of the family of the occupier of such premises.

3. (1) Every worker shall be paid the appropriate rate of wages set out in the first schedule: ^{minimum wages to be paid to certain workers}

Provided that the Minister may, from time to time, by order which shall be subject to negative resolution of the National Assembly vary, alter or amend any of the particulars contained in the first schedule as he thinks fit. ^{the schedule}

(2) Where a worker is in receipt of a wage higher than that set out in the first schedule, the employer shall nevertheless continue to pay such worker wages at the higher rate.

(3) The minimum rate of wages payable to a worker employed during any period of time mentioned in the first schedule in more than one category of work mentioned in the said schedule, in respect of which different rates of wages are set out, shall be the higher or the highest of such rates, as the case may be.

(4) The minimum rate of wages payable to a worker employed in any of the categories of work mentioned in the first schedule for any shorter period of time than the appropriate period mentioned therein shall be the appropriate minimum rate of wages set out therein in respect of the last-mentioned period:

Provided that an employer may pay to a person employed in any of the categories of work mentioned in the first schedule less than the appropriate minimum rate of wages per week prescribed aforesaid in respect of any period of time less than the appropriate period mentioned in the said schedule so that, however, such lesser rate per day payable to a person so employed shall not be less than the appropriate minimum rate divided by six, together with twenty-five per cent of such lesser rate:

And provided further that the lesser rate per hour shall be the lesser rate per day divided by the normal hours for the category.

(5) Where in any establishment mentioned in Parts 1 and 5 of the first schedule, there is employed only one cook or waiter, or in any establishment mentioned in Parts 1, 2 and 4 there is employed only one barman, such cook, waiter or barman shall be paid by his employer, the wages of the Head Cook, Head Waiter or Head Barman, as the case may be set out in the appropriate Part of the first schedule.

4. (1) Notwithstanding s. 11 (d) and subject to sections 6 and 7 of the Shops (Consolidation) Act every worker employed in any restaurant, cookshop, parlour or liquor store - ^{overtime rates. cap. 914}

- (a) on a daily or hourly basis who, at the request of his employer, works for any period exceeding seven and one-quarter hours in any one day;
- (b) otherwise than on a daily or hourly basis who, at the request of his employer, works for any period exceeding forty and three-quarter hours in any week,

shall be paid in respect of every hour or part of an hour so worked in excess thereof at one and one-half times the rate at which he would, but for this subsection, be paid.

cap. 82:22 4. (2) Notwithstanding section 5 and subject to section 7 of the Licensed Premises Act, every worker employed in any hotel or tavern -

- (a) on a daily or hourly basis who, at the request of his employer, works for any period exceeding 8 hours in any one day;
- (b) otherwise than on a daily or hourly basis who, at the request of his employer, works for any period exceeding forty-six hours in any week,

shall be paid in respect of every hour or part of an hour so worked in excess thereof, at one and one-half times the rate at which he would, but for this subsection, be paid.

Cap. 82:22 (3) Notwithstanding section 5 and subject to section 8 of the Licensed Premises Act, every worker employed in any retail spirit shop who, at the request of his employer, works for any period exceeding forty-six hours in any week shall be paid in respect of every hour or part of an hour so worked in excess thereof, at one and one-half times the rate at which he would, but for this subsection, be paid.

Luncheon Interval. Cap. 91:04 5. Without prejudice to the provisions of sections 9 and 11 of the Shops (Consolidation) Act, the employer of any worker who is employed in any retail spirit shop, tavern or hotel shall, on each working day, allow to such worker an interval from work of not less than one hour for luncheon or dinner, as the case may be, and another interval of not less than fifteen minutes for any other meal taken on the premises.

:Accommodation. Cap. 91:04 6. Without prejudice to the provisions of section 13 of the Shops (Consolidation) Act, the employer of workers in any retail spirit shop, tavern or hotel shall provide a suitable room for the accommodation of workers during any intervals from work provided for by this Act.

7. Every employer shall grant to every worker a holiday on one week-day in every week and, in addition, shall grant to such **worker** a half-holiday on every alternate Sunday. **O!!!**

8. (1) Every employer of workers shall keep a register in such form as the Minister may approve in which shall be entered - **Register.**

- (a) particulars of wages paid to workers employed by him;
- (b) the date on which each worker entered his employment.

(2) Every such employer shall produce the register for the inspection of any officer of the Labour Department designated for the purposes of section 30 (1) of the Labour Act, when requested to **do so.** **c 98:01-**

9. For every three waiters employed in any hotel by an employer a trainee-waiter shall be employed by him. **Trainee**

10. (1) Every worker shall be supplied by his employer with at least one hot meal on every working day in addition to the appropriate wage payable to him under this Act: **Meals and uniforms.**

Provided that if a worker is employed in any establishment which does not serve meals his employer shall pay to him in lieu thereof, the cash value of any meal not supplied.

(2) The cash value of any meal not supplied shall be deemed to be the amount fixed as such by or under the terms of the worker's employment, or if it is not so fixed, shall be as determined by the Chief Labour Officer.

(3) Where any worker is required to wear a uniform, such uniform shall be supplied and kept laundered free of charge by his employer.

11. Every employer of workers shall provide and maintain **so** as to be readily accessible a first-aid box or cupboard containing the appliances and requisites as specified in the second schedule: **First Aid Box. Second Schedule.**

Provided that the Minister may, from time to time, by order which shall be subject to negative resolution of the National Assembly vary, alter or amend any of the particulars contained in the second schedule as he thinks fit.

12. (1) Any employer who contravenes or fails to comply with the provisions of sections 3, 4, 5, 6, 7, 9, 10 or 11 shall be liable on summary conviction to a fine of one hundred dollars. **Penalty.**

(2) Any employer who contravenes or fails to comply with the provisions of section 8(1) or section 8(2), shall be liable on summary conviction to a fine of two hundred dollars.

Repc.11
c. 99:u3

13. The Labour (Conditions of Employment of Certain Workers) Act is hereby repealed.

PART I

FIRST SCHEDULE

HOTELS

Category of Worker	Minimum Rate of Wages
Head Cook	\$45.00 per week
Cook	\$35.00 per week
Kitchen Maid	\$30.00 per week
Head Waiter; Waitress	\$40.00 per week
Waiter/Waitress	\$32.00 per week
Maid	\$30.00 per week
Bell Boy/Girl	\$22.00 per week
Trainee Waiter	25.00 per week
Head Barman	\$40.00 per week
Barman	\$33.00 per week

PART 2

RETAIL SPIRIT SHOPS

Category of Worker	Minimum Rate of Wages
Blender	\$70.00 per month
Head Barman	40.00 per month
Barman	33.00 per week

PART 3
LIQUOR STORES

Category of Worker	Minimum Rate of Wages
First Class	
Blender	\$210.00 per month
Assistant Blender	35.00 per week
Counter Clerk	35.00 per week
Second Class	
Blender	\$200.00 per month
Counter Clerk	32.00 per week
Cashiers	35.00 per week

PART 4
Taverns

Category of Worker	Minimum Rate of Wages
Head Barman	\$43.00 per week
Barman	33.00 per week

PARTS
RESTAURANTS, COOKSHOPS AND PARLOURS

Category of Worker	Minimum Rate of Wages
Head Cook	\$43.00 per week
Cook	35.00 per week
Order Boy/Girl	32.00 per week
Head Waiter/Waitress	40.00 per week
Waiter/Wait	32.00 per week
Maid	30.00 per week
Cashier	38.00 per week
Dishwasher	40.00 per week
Cleaner	35.00 per week

SECOND SCHEDULE

- s.11 1. Each first aid box or cupboard shall contain at least -
- (a) A leaflet of first-aid instructions issued by the Ministry of Health, Housing and **Labour**.
 - (b) A sufficient number of bandages and sterilised dressings or adhesive wound dressings approved by the Chief Labour Officer.
 - (c) A sufficient number of sterilised burn dressings (small and large).
 - (d) A sufficient quantity of powdered bicarbonate of soda and a powdered boracic acid.
 - (e) A sufficient number of sterilised cotton wool, in half-ounce packets.
 - (f) A two per cent alcoholic solution of iodine.
 - (g) A bottle of sal volatile having the doses and mode of administration indicated on the label.
 - (h) Eye drops prepared and described in the first-aid leaflet.
 - (i) A supply of adhesive plaster.
 - (j) A tourniquet.
 - (k) Safety pins.
2. All materials for dressings contained in the first-aid boxes or cupboards shall be of a grade or quality approved by the Chief Labour Officer.
3. Each First-Aid Box or cupboard shall be distinctively marked "First-Aid".

EXPLANATORY MEMORANDUM

This Bill seeks to repeal and re-enact with certain amendments the Labour (Conditions of Employment of Certain Workers) Act, Chapter 99:03, in order to give effect to the recommendations of the Licensed Premises Advisory Committee which was appointed under section 7 of the **Labour** Act, Chapter 98:01, to examine the operation of the Labour (Conditions of Employment of Certain Workers) Act, Chapter 99:03 and the Licensed Premises Act, Chapter 82:22 and the wages and conditions of employment of persons employed in the undertakings to which those enactments **apply**.

Clause 2 of the Bill seeks to extend the definition of a "worker" to include persons employed in retail spirit shops, liquor stores and taverns.

Clause 3 seeks to introduce new rates of minimum wages, to enable workers in receipt of wages higher than those prescribed in the Schedule to receive such higher wages, and to provide that where there is one barman, cook, or waiter employed in either a hotel, retail spirit shop, tavern, restaurant, cookshop, or parlour, such persons shall receive the wages of the Head Barman, Head Cook, or Head Waiter, as the case may be, as prescribed in the proposed legislation.

Clause 4 of the Bill seeks to enable workers employed in a hotel, retail spirit shop or tavern to receive overtime rates of pay for hours worked in excess of eight hours per day or forty-six hours per week; and for workers employed in restaurants, cookshops or parlours to be paid overtime notwithstanding the provisions of section 1J(d) of the Shop (Consolidation) Act. Cap. 91:04.

Clause 5 of the Bill seeks to extend the provision for a luncheon interval to worker employed in retail spirit shops and taverns.

Clause 6 of the Bill seeks to extend the provision for suitable accommodation to workers employed in retail spirit shops and taverns.

Clause 7 of the Bill seeks to provide for every worker to receive a holiday in every week instead of the present **half-holiday**.

Clause 8 of the Bill seeks to provide for the keeping of registers to show that the wages prescribed are paid and to require employers to produce such registers to any officer of the Labour Department for inspection.

Clause 9 of the Bill seeks to impose on the employer the obligation to employ a trainee waiter in certain circumstances.

Clause 10 of the Bill seeks to impose on the employer the obligation to provide meals and uniforms to all his workers (thereby re-enacting provisions in the existing legislation and to pay the cash value of meals in cases where meals are not supplied).

Clause 11 of the Bill seeks to impose on the employer the obligation to provide and maintain a first-aid box containing supplies listed in the second schedule.

Clause 12 of the Bill seeks to create offences for failure to carry out the obligations imposed by the legislation.

Hamilton Green,
Minister of Health, Housing and Labour.

(Bill No. 19/1978).