

BILL No. 17 of 1994

SATURDAY 30TH JULY, 1994.

**PARLIAMENT OFFICE,
Public Buildings,
Georgetown,
Guyana.**

94-07-28

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. 17 of 1994

LABOUR (AMENDMENT) BILL 1994

ARRANGEMENT OF SECTIONS

SECTION

- 1. Short title.**
- 2. Amendment of section 10 of the Principal Act.**
- 3. Amendment of section 12 of the Principal Act.**
- 4. Amendment of section 16 of the Principal Act.**
- 5. Repeal and re-enactment of section 22 of the Principal Act.**
- 6. Amendment of section 24 of the Principal Act.**
- 7. Amendment of section 27 of the Principal Act.**
- 8. Amendment of section 30 of the Principal Act.**
- 9. Amendment of section 35 of the Principal Act.**
- 10. Amendment of section 40 of the Principal Act.**

A BILL

Intituled

AN ACT to amend the Labour Act.

A.D. 1994 Enacted by the Parliament of Guyana:—

Short title.

10 This Act, which amends the Labour Act, may be cited as the Labour (Amendment) Act 1994.

Amendment of section 10 of the Principal Act.

2. Section 10 of the Principal Act is hereby amended by the substitution for the words "two hundred fifty dollars" and "ten dollars", of the words "fifteen thousand, six hundred and twenty-five dollars" and "six hundred and twenty-five dollars", respectively.

Amendment of section 12 of the Principal Act.

3. Section 12 of the Principal Act is hereby amended in the following manner —

- (a) in subsection (1), by the substitution for the words "two hundred and fifty dollars" and "seven hundred and fifty dollars"; of the words "fifteen thousand, six hundred and twenty-five dollars" and "forty-six thousand, eight hundred and seventy-five dollars", respectively;
- (b) by the insertion after subsection (1) of the following subsection as subsection (1A) —

"(1A) Where in any occupation rates or wages have not been prescribed, an employer shall pay wages to the person employed at the at the rate agreed upon between them, and if the employer fails to do so, he shall be liable on summary conviction to a fine of fifteen thousand six hundred and twenty-five dollars, and on a second or subsequent conviction to a fine of forty-six thousand, eight hundred and seventy-five dollars.";

- (c) in subsection (2) —

- (i) by the substitution for the words "prescribed rate" wherever they occur, of the words "prescribed or agreed rate"; and
- (ii) by the substitution for the words "the court may", of the words "the court shall";

- (d) in subsection 7, by the substitution for the words "prescribed rate" wherever they occur, of the words "prescribed or agreed rate";
- (e) in the marginal note, by the substitution for the words "prescribed rates"; of the words "prescribed or agreed rates".

4. Section 16 (2) of the Principal Act is hereby amended in the following manner —

Amendment of section 16 of the Principal Act.

- (a) by the deletion of the word "or" in paragraph (b) (i);
- (b) by the insertion after the word "party" in paragraph (b) (ii) of the words "or by the payment of fourteen days wages to the other party in lieu of such notice" and by the substitution for the full stop at the end, of the words"; or";
- (c) by the insertion after paragraph (b) (ii) of the following paragraph as paragraph (b) (iii) —

"(iii) where any agreement regarding the period of notice exists, by such agreed period of notice given to or served upon the other party, or by the payment to the other party of wages for such agreed period in lieu of such notice."

5. Section 22 of the Principal Act is hereby repealed and the following section substituted therefor —

Repeal and re-enactment of section 22 of the Principal Act.

"Wages in kind."

22. (1) Subject to subsection (2), in any occupation in which the partial payment of wages in the form of allowances in kind is customary or desirable because of the nature of such occupation, nothing contained in this Part shall render illegal a contract with an employee for giving to him food, drink; a house; cottage; tenement or room; or other allowances or privileges in addition to money wages as a remuneration for his services; the payment of wages in the form of liquor of high alcoholic content or of noxious drugs not being permitted in any circumstances.

(2) No employer shall give to an employee any allowance in kind unless —

Amendment of section 22 of the Principal Act.

Amendment of section 22 of the Principal Act.

- (a) the employee requests such allowance on the basis that it is appropriate for his personal use and benefit or that of his family; and
- (b) the value attributed to such allowance is fair and reasonable and has been agreed upon by the employer and employee".

Amendment of section 24 of the Principal Act.

6. Section 24 of the Principal Act is hereby amended by the substitution for the words "one hundred dollars"; "two hundred and fifty dollars" and "seven hundred and fifty dollars", of the words "six thousand, two hundred and fifty dollars", "fifteen thousand, six hundred and twenty-five dollars" and "forty-six thousand, eighth hundred and seventy-five dollars", respectively.

Amendment of section 27 of the Principal Act.

7. Section 27 of the Principal Act is hereby amended by the substitution for the words "one hundred dollars", of the words "six thousand, two hundred and fifty dollars".

Amendment of section 30 of the Principal Act.

8. Section 30 (4) (b) of the Principal Act is hereby amended by the substitution for the words "five hundred dollars" and "one thousand dollars", of the words "thirty-one thousand, two hundred and fifty dollars" and "sixty-two thousand, five hundred dollars", respectively.

Amendment of section 35 of the Principal Act.

9. Section 35 of the Principal Act is hereby amended by the substitution for the words "three hundred dollars", of the words "eighteen thousand, seven hundred and fifty dollars".

Amendment of section 40 of the Principal Act.

10. Section 40 of the Principal Act is hereby amended by the substitution for the words "one hundred dollars"; of the words "six thousand, two hundred and fifty dollars".

EXPLANATORY MEMORANDUM

The amendments contained in this Bill seek generally to improve the conditions of employment of employees.

Clauses 2,3,6,7,8,9, and 10 of the Bill seek to amend sections 10,12,24,27 30,35, and 40, respectively, of the Labour Act, Cap. 98:01 so as to provide increased penalties for offences by employers against the Act in view of the decline in the value of the Guyana dollar.

Clause 3 also amends section 12 so as to make it an offence for failure of an employer to pay the agreed wages in occupation where no wages are prescribed and clause 4 amends section 16 so as to provide for the payment of wages in lieu of notice of termination of service, and for such wages to be equivalent to either two weeks pay where there is no agreement with regard to the notice period or pay for such number of weeks comprising the period of agreed notice.

Clause 5 repeals and re-enacts section 22 so as to give full effect to article 4 of the International Labour Organisation Convention No.95 concerning the Protection of Wages as the existing section 22 of the Act gives only partial effect to the article.

H. B. Jeffrey,
Minister of Labour, Human
Services and Social Security.