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LEGAL SUPPLEMENT — C**

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Georgetown,
Guyana.
19th January, 1999

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. 3 of 1999

TECHNICAL AND VOCATIONAL EDUCATION AND TRAINING BILL 1999

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FIRST SCHEDULE

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THIRD SCHEDULE

AN ACT to provide for the promotion of technical and vocational education and training, and for purposes connected therewith.

Enacted by the Parliament of Guyana:-

1. This Act may be cited as the Technical and Vocational Educational and Training Act 1999. Short title

2. In this Act - Interpre-
tation

(a) "appointed day" means the date on which this Act comes into operation;

(b) "apprentice" means any person, being fifteen years of age or over, employed in or in connection with any trade or craft mentioned in the First Schedule, with the object or purpose of earning or acquiring any skill therein and whether such person is or is not bound to any master by agreement; First Schedule

(c) "Board" means the board of Industrial Training established under the Industrial Training Act; Cap. 39:04

(d) "Council" means the Council of Technical and Vocational Education and Training established by section 3;

(e) "Fund" means the Technical and Vocational Education and Training Fund established by section 16;

(f) "master" means any employer whom the council has licensed to receive apprentice under this Act, and includes any partnership, firm or company so licensed;

(g) "technical institute" means the New Amsterdam Technical Institute, Government Technical Institute, Guyana Industrial Training Centre, Carnegie School of Home Economics, Linden Technical Institute, or any other industrial or technical training body recognised by the Minister as providing technical and vocational education and training for persons in any trade or

craft mentioned in the First Schedule;

- (h) "trainee" means a person desirous of entering or already engaged in industry or commerce and who is admitted to any technical institute for training in any trade or craft mentioned in the First Schedule,
- (i) "training" means a course of instructions provided for in the curriculum of any master or technical institute and undertaken by an apprentice or a trainee;
- (j) "training contribution" means the contribution payable under section 17.

Establishment
of the Council
of Technical
and Vocational
Education
and Training

3. (1) There is hereby established the Council of Technical and Vocational Education and Training which shall be a body corporate.

(2) The provisions of the Second Schedule shall have effect as to the constitution and proceedings of the Council and otherwise in relation thereto.

Second Schedule

(3) The Minister, may by order, amend the provisions of the Second Schedule.

Policy
directions

4. The Minister may give to the Council such directions of a general charter as appear to him expedient in relation to the exercise of its functions, and the Council shall give effect to such directions.

Functions
of the
Council

5. (1) The functions of the Council shall be -

- (a) to advise the Minister on the measures required to ensure a comprehensive system of technical and vocational education and training that is suited to the development needs of Guyana;
- (b) to institute, develop and operate schemes for the training of craftsmen and technicians needed to sustain and enhance economic growth;

- (c) to establish, operate and maintain technical institutes; and
- (d) to expand the scope of industrial training within industry.

(2) Without prejudice to the generality of subsection (1), the functions of the Council shall be -

- (a) to arrange and direct the technical education of apprentices and trainees;
- (b) to undertake curriculum analysis and design and establish training and apprenticeship programmes and vocational qualifications that are relevant to the local and regional needs of industry and commerce;
- (c) to establish and implement national training standards and performance testing;
- (d) to ensure through its inspectorate that curricula, standards, schemes and guidelines formulated by it are implemented by every master and technical institute;
- (e) to licence and keep a register of masters whom it considers suitable to receive apprentices and to licence and keep a register of owners of private technical institutes which offer training that meet the requirements of this Act;
- (f) to establish and manage new technical institutes and regulate and improve the facilities of existing technical institutes;
- (g) to fix the period of apprenticeship or other training for the different trades to which this Act applies;

- (h) to procure the training, and keep a register, of apprentices and trainees, to any trade or craft to which this Act applies;
- (i) to provide information and vocational guidance to persons about the choices available during their progress from general education to post secondary technical and vocational education and arrange for the Ministry of Education to carry out counselling programmes;
- (j) to assist persons in finding apprenticeship places in industry and admission to technical institutes;
- (k) to provide or secure the necessary facilities (which may include residential accommodation) for the successful apprenticeship of those persons whom the Council considers need assistance for such facilities and in doing so shall have regard to any facility otherwise available to those persons.
- (l) to develop a working relationship with the Distance Education and Information Department of the Ministry of education in order to facilitate training under this Act;
- (m) to examine or cause to be examined apprentices and trainees and if satisfied with their skills to issue or endorse or cause to be issued or endorsed certificates of competency on the completion of their respective period of apprentice or training; for the purpose herein, to establish an examining body to prepare schemes for examinations and

manage and administer examinations to be known as the Guyana Technical Examinations to apply to trainees and apprentices.

- (n) to issue certificates of competency to those artisans who are in its opinion qualified to be engaged in any trade or craft to which this Act applies and to keep a register of such artisans;
- (o) to cancel licences and certificates issued under this Act, when in its opinion there is cause to do so;
- (p) to settle disputes arising between masters and apprentices or between trainees and persons in charge of their training, and to transfer apprentices and trainees when desirable;
- (q) to appoint and pay any instructors, examiners and other training functionaries whom it considers necessary;
- (r) to take appropriate steps to increase and improve the training of instructors, examiners and other training functionaries;
- (s) to carry on or assist other persons in carrying on research into any matter relating to apprenticeship or training for employment in industry;
- (t) to ensure a continuing supply of manpower information on which training decisions might be made;
- (u) to review this Act from time to time and make recommendations to the Minister for any amendments thereto;

- (v) to do all such acts and things as are in its opinion necessary for, or conducive to, the proper discharge of its functions.

6. (1) The Council may establish regional councils of technical and vocational education and training in any of the regions of Guyana.

(2) The provisions of the Third Schedule shall have effect as to the constitution and proceedings of any regional council and otherwise in relation thereto.

(3) The Minister, may by order, amend the provisions of the Third Schedule.

7. (1) The Council may establish committees whenever the need arises to investigate and make recommendations on various aspects of the functions of the Council.

(2) A committee appointed by the Council under subsection (1) may consist of a Chairman who shall be a member of the Council, and not less than three other persons who need not be members of the Council.

8. The Council may in writing delegate such of its functions as it deems necessary to -

- (a) a regional council;
- (b) one or more members of the Council.

9. There may be paid to the members of the Council and the members of any advisory committee or regional council such remuneration, if any, or allowances, as the Minister may determine.

10. (1) The Council shall employ a Director of Technical and Vocational Education and Training, (hereinafter referred to as the "Director") and such other officers and employees as it considers necessary for the purpose of carrying out the duties of the Council or any regional council.

(2) The remuneration and other conditions of employment (including the payment of any pension, gratuity or other like benefits by reference to their service) of the Director and other officers and

Establishment of regional Councils.

Third Schedule.

Advisory committees.

Delegation.

Remuneration of the members

Employment of staff of the Council, etc.

the employees of the council or any regional council shall be such as may be determined or varied from time to time by the Council with the approval of the Minister.

(3) The Director shall be the Chief Executive Officer of the council and subject to any general or specific directions of the Council, be responsible to the Council for ensuring that the functions of the Council are properly discharged and objectives achieved.

(4) Notwithstanding the generality of subsection (3) the duties of the Director shall include responsibility for -

- (a) managing the secretariat of the Council;
- (b) managing the funds as directed by the Council and preparing quarterly financial reports and accounts for presentation at meetings of the Council;
- (c) causing minutes of meetings to be kept; and
- (d) keeping members of the Council informed, particularly by presenting an activity report at each meeting of the Council.

(5) The Council may at any time retain the services of instructors, examiners, professionals and other training functionaries and may pay such remuneration in respect thereof as the Council after consultation with the Minister, may determine.

11. (1) For the purpose of the performance of its functions, the Council may, with the consent of the appropriate authority, utilise the services of any public officer or other employee of Government.

Utilising
the services
of any
public officer,
etc.

(2) Section 28 of the Public Corporations Act 1988 shall *mutatis mutandis* apply to public officers, persons (not being public officers) holding appointments in the public service and teachers referred to therein, who are seconded, temporarily transferred or transferred to an office with the Council as if the Council were a public corporation.

No. 21 of
1988

(3) In subsection (1) "appropriate authority", in relation to any public officer or other employee of the Government, means the person or authority vested by law with power to appoint such public officer or employee of the Government to the position he held in the Government at the time when his service is sought to be utilised by the Council.

(4) The Council may, with the approval of the Minister, make such provision, as it thinks fit for the payment of pension, gratuity or other allowance, in respect of the service of the officers and other employees of the Council or any regional Council on their retirement therefrom, and until such provision is made by the Council, any such officer or employee shall be entitled to in respect of his service with the Council or any regional Council pension and gratuity computed in accordance with the law applicable to the grant of pension and gratuity to public officers as if for that purpose the service of the officer or employee with the Council or any regional Council were service in the public service.

12. The Council may appoint such members of its staff who are suitably qualified as Inspectors whose duties shall be to visit workshops and technical institutes at which any trade mentioned in the Third Schedule is being carried on or taught, or at which the Council has reason to believe that any such is being carried on or taught, to inspect apprentices and trainees at their work or in training and report to the Council.

13. Any Inspector appointed under the provisions of the preceding section shall have the right, at all reasonable times to enter such workshops or technical institutes for the purpose of carrying out his duties and any master or owner or manager of a technical institute who refuses permission to an Inspector to enter his workshop or technical institute, or who obstructs or interferes with an Inspector in the performance of his duties shall be liable on summary conviction to a fine of fifteen thousand dollars.

14. No one who is not a master nor an owner of a private technical institute licensed under this Act shall take an apprentice to or admit a trainee for training in any trade or craft to which this Act applies, and anyone not so licensed who takes or receives an apprentice or admits a trainee for training shall on summary conviction be liable to a fine of fifteen thousand dollars.

Appointment
and powers
of Inspectors

Obstructing
Inspector
and penalty.

Unlicensed
person not
to take
apprentice
or trainee

15. (1) The Council may make regulations as to the terms and conditions to be observed by masters and apprentices and the owners or managers of technical institutes and trainees and for the forms of apprenticeship, agreements, and bonds to be used under this Act, and may annex to the breach of any regulations, or to the breach of any term or condition in any apprenticeship, agreement, or bond, a fine of twenty-five thousand dollars where the breach is committed by an apprentice or trainee and one hundred thousand dollars where the breach is committed by a master or an owner or manager of a technical institute.

Regulations as to terms and conditions of apprenticeship and training.

(2) None of the regulations shall take effect until it has been confirmed by the Minister, who may confirm disallow, or alter it as he thinks proper.

16. (1) There is hereby established a Fund to be known as the Technical Vocational Education and Training Fund.

Establishment of the Fund

(2) The Fund shall be under the control and management of the Council.

(3) The Fund shall comprise the training contributions collected in accordance with this Act.

(4) The Council may invest monies forming part of the Fund in such securities as it thinks fit.

17. (1) An employer who employs such number employees, as may be determined by regulations made under section 24, in or in connection with any trade or craft mentioned in the Third Schedule, and who, in respect of a contribution week beginning on or after the appointed day is liable to pay an employer's contribution under the National Insurance and Social Security Act in respect of such employees is also liable to pay in respect of such employees a contribution to be called a "training contribution".

Training contributions

Cap 30:01

(2) Subject to subsection (3) the amount of the training contribution payable under subsection (1) is one per cent of the wages of an employed person.

Provided the Minister may, with the approval of the Council, remit the whole or part of such contribution where the Minister is satisfied that it is just to do so depending on the degree to which the

employer meets the costs of his own training needs and where such training is of a standard acceptable to the Council.

(3) The Minister responsible for Education and Cultural Development may by order, subject to the affirmative resolution of the national Assembly, amend the amount of the percentage mentioned in subsection (2).

(4) An employer to whom subsection (1) applies shall pay training contributions to the National Insurance Board established by section 3 of the National Insurance and Social Security Act, and the National Insurance Board shall pay such contributions into the Fund.

(5) For the purpose of this section, "wages" has the same meaning as in section 2 of the National Insurance and Social Security Act.

18. (1) Subject to subsections (3) to (5), the National Insurance and Social Security Act shall have effect, for the purposes of that Act and for the purpose of this Act, in respect of an employer who is liable to pay a training contribution in respect of an employee for a contribution week as if -

- (a) the training contribution and the contribution payable under that Act for that week in respect of the employee constituted one combined contribution payable in respect of the employee for that week; and
- (b) the combined contribution referred to in paragraph (a) were payable into the National Insurance Fund,

and in that Act a reference to contribution shall be construed accordingly.

(2) Subject to regulations made under the National Insurance and Social Security Act, after the appointed day, subsection (1) shall apply in relation to regulations made, whether before or after that date, under any provision of that Act to which that subsection applies as it applies in relation to that provision.

(3) The provisions of section 33 of the National Insurance and Social Security Act relating to the payment of contributions into the

National Insurance Fund shall not apply to subsection (1).

(4) Subsections (1) and (2) do not -

- (a) affect the rate of any contributions under the National Insurance and Social Security Act;
- (b) exempt an employer who pays or is liable to pay an employer's contributions under the National Insurance and Social Security Act, or confer any power to exempt such an employer from liability to pay training contributions; or
- (c) confer any power to modify the rate of any training contribution, in relation to any class of persons.

(5) Notwithstanding subsection (1) to (4), where a person has paid in error -

- (a) a contribution under the National Insurance and Social Security Act, and
- (b) a training contribution,

and he or any other person has received a benefit under that Act, that, under that Act or regulations made thereunder, may be deducted from the contribution paid in error under that Act, nothing in that Act or those regulations shall be construed as authorising the benefit to be deducted from the training contribution paid in error.

19 Section 43 of the National Insurance and Social Security Act shall apply *mutatis mutandis* to this Act as it applies to that Act.

Recovery of
sums due to
the Fund

20. (1) The funds of the Council shall consist of -

The funds of the
Council

- (a) moneys in the Fund;
- (b) moneys voted by Parliament for the purposes of the Council;

(c) moneys stated under this Act to be part of the funds of the Council, and

(d) any other moneys received from fines, fees and any other source for the purpose of the Council.

(2) The Council shall administer its funds in accordance with this Act in such manner as may be prescribed, by regulations.

Application of the funds of the Council.

21. (1) The funds of the Council shall be applied to pay the remuneration of the Director, officers and employees of the Council and any regional Council and to the discharge of all liabilities incurred by the Council in the performance of its duties which may include the award of prizes.

(2) The Council may make grants from the funds of the Council for financing any training activity approved by the Minister.

Audit and report of the activities.

22. (1) The Council shall cause a true and correct account and other records to be kept of all moneys received and expended by it, and such account and records shall be audited annually by the Auditor General.

(2) The statement of account shall identify separately the total of all moneys received in the Fund and the total of all other moneys received.

(3) The Council shall in each year prepare a report of its activities in the last preceding year and shall furnish such report to the Minister not later than the thirtieth day of June.

(4) A copy of the report of activities together with a copy of the statement of accounts audited shall be printed and laid before the National Assembly not later than the thirtieth day of September in each year.

Fee for certificate of competency.

23. The Council may demand and receive any sum not exceeding one thousand dollars for every licence and certificate of competency issued or endorsed under this Act, and the money so received shall be part of the funds of the Council.

24. (1) The Council may from time to time make any regulations necessary for the proper discharge of its functions under, and generally for the purposes of, this Act.

Regulations

(2) None of the regulations shall take effect until it has been confirmed by the Minister, who may confirm, disallow, or alter it as he thinks proper.

25. Agreements executed under this Act shall not be liable to stamp duty, and shall be admissible in evidence in all courts of law if they purport to be signed by the master and the apprentice or the trainee and the owner or manager of the technical institute in the presence of one witness and countersigned by the Chairman and the Director of the Council, and sealed with seal of the Council.

Execution of contracts.

26. Any offence created or penalty imposed by this Act, or by any regulations made hereunder, may be prosecuted or recovered under the Summary Jurisdiction Acts.

Procedure.

27. This Act shall apply to the trades or crafts mentioned in the First Schedule, and the Minister as advised by the Council may, by order, amend the First Schedule.

Trades to which the Act applies.

28. All property whether movable or immovable (including rights and interest therein) of the Board is hereby vested in the Council from the appointed day and in respect of such immovable property so vested in the Council, the Registrar of Deeds shall take due notice thereof and shall make such annotations in the records as may be necessary.

Vesting of assets

29. The Council shall as from the appointed day, for the purpose of discharging the functions conferred on it by this Act, continue to employ persons employed by the Board, or the State in the Board, immediately before the appointed day on terms and conditions which taken as a whole are no less favourable than those applicable to them immediately before that day and shall in respect of any person so employed be the successor of the Board or the State as the case may be with regard to such person's leave or superannuation rights or benefits whether accrued, earned, inchoate or contingent.

Continuation of employment

Repeal and savings
Cap. 39:04

30. (1) With effect from the appointed day, the Industrial Training Act is hereby repealed.

(2) Notwithstanding the repeal of the Industrial Training Act-

(a) The Industrial Training (Masters and Apprentices) Regulations and the Industrial Training (Apprenticeship) Regulations made under section 8 (1) of the said Act, to the extent to which they could be made under this Act, shall with any necessary modifications and subject to the power of the Minister to amend or revoke them, continue in force as if they were made under this Act;

(b) Every -

- (i) register of masters, apprentices and artisans, respectively kept;
- (ii) apprenticeship agreement in force and entered into;
- (iii) licence to receive apprentices in force and granted;
- (iv) certificate of competency in force and issued or endorsed;
- (v) other act or thing done,

under the Industrial Training Act, to the extent to which such register could be kept, such apprenticeship agreement entered into, such licence to receive apprentices granted, such certificate of competency issued or endorsed or such other act or thing done, under this Act, shall continue in force as if they were kept, entered into, granted, issued and endorsed and done under this Act.

FIRST SCHEDULE**TRADES, CRAFTS, SKILLS ETC., TO WHICH ACT APPLIES****ENGINEERING**

Agricultural Mechanic, Air Condition Service Mechanic, Airplane Mechanic, Auto Electrician, Blacksmith, Coppersmith, Draughtsman, Electrician, Fitter, Fitter Machinist, Heavy Plant Mechanic, Instrument Repair Mechanic, Linesmen, Machinist, Marine Fitter, Millwright, Motor Mechanic, Moulder, Finisher, Pattern Maker, Printery Mechanic, Power Station Mechanic, Radio Service Mechanic, Refrigeration Service Mechanic, Station Operator, Metal Sheet Worker, Steel Fabricator, Sugar Boiler, Vehicle Body Repair Mechanic, Welder.

BUILDING

Bricklayer, Carpenter, Cabinet-maker, Concrete Mixer, Joiner, Mason, Painter, Plasterer, Plumber.

PRINTING

Bookbinder, Box Maker, Collotype Printer, Letterpress Printer, Offset Litho-printer, Packager, Photo-engraver, Print Finisher, Silk-screen Printer.

OTHER

Any trade or skill concerning - Agriculture, Architecture, Cartography, Chemicals, Electronics, Geology, Mining, Sailmaking, Secretarial Science, Surveying, Telecommunication.

SECOND SCHEDULE

Constitution and proceedings of the Council

1. The Council shall consist of not less than ten members.
2. The members shall be appointed by the Minister from among persons -
 - (a) nominated by the organisations representing industry and commerce;
 - (b) nominated by the Trade Union Congress;

- (c) from the Ministry of Education and Cultural Development and the public, appearing to him as having had experiences of and shown capacity in matters relating to technical and vocational education and training.

3. The members shall be appointed for a period of not less than three years and may be reappointed at the discretion of the Minister.

4. The Chairman shall be appointed by the Minister from among the members. The Council shall appoint one of its members to be Vice-Chairman of the Council.

5. The names of the members, including the Chairman as first constituted and every change in the membership thereof shall be published in the Gazette.

6. Any member other than the Chairman may at any time resign his office as such in writing addressed to the Chairman who shall forward the resignation to the Minister.

7. The Chairman may at any time resign his office as such in writing addressed to the Minister.

8. If the Chairman is absent or is unable to act or if the office is vacant, the Vice-Chairman shall discharge the functions of the Chairman.

9. The Council shall meet once every month to ensure the proper discharge of its function under this Act and once every year at a plenary session to afford groups that are not represented on the Council to make their contributions to its work.

10. The Council shall regulate its procedure and may make rules therefor.