

Section 10

Record Keeping

All employers are required to keep records to show the wages, hours and conditions of employment of their employees to reflect compliance with the Labour Laws.

i) The Fair Wages Rules provide as follows:

The contractor shall keep proper wages books and time sheets showing the wages paid and time worked by the workmen in and about the execution of the contract and he shall be bound, whenever required, to produce such wages book and time sheets for inspection of any person authorized by the Chief Labour, Occupational Safety and Health Officer.

ii) The Labour Act, Chapter 98:01, provides as follows;

It shall be the duty of every employer in an occupation in respect to which rates of wages have been prescribed to keep such records of wages as are necessary to show that the provisions are being complied with in respect of persons in his employment, and if he fails to do so he shall be liable on summary conviction in respect of each offence to a fine of fifteen thousand, six hundred and twenty five (\$15,625.00) dollars and also to a fine of six hundred and twenty five (\$625.00) dollars for everyday during which the default continues after conviction.

Where rates of wages are not prescribed, the employer is nevertheless required to keep a record of the wages paid to prove that he has not paid wages at less than the agreed rate.

Section 30 (1)(d) of the Labour Act, Chapter 98:01 empowers any Officer of the Labour Department to require any employer to produce for inspection, returns giving information as to the wages, hours and conditions of work of his employees.

iii) The Leave With Pay Act requires every employer to keep the prescribed Register of Leave in compliance with the provisions of the Leave with Pay Act, No. 6 of 1995, *see Appendix C.*

v) The Occupational Safety and Health Act requires every employer to keep:

➤ A general register in which should be entered:

- a) Particulars of persons employed who are below eighteen (18) years;
- b) Particulars of the washing, white-washing or colour washing, painting or varnishing of the industrial establishment;
- c) Particulars as to every accident and cases of industrial diseases occurring in the establishment, *see Appendix D.*

Other Noteworthy Statutory Requirements

SHOPS

The opening and closing hours for all shops throughout Guyana are:

- ***Shops***
7:30 a.m - 10:00 p.m - everyday
- ***Restaurants and Cook shops***
24 hours per day
- ***Parlours, Barbers' and Hairdressers' Establishments***
6:00 a.m - midnight everyday.

No occupier shall employ a shop assistant if that person is already employed as a shop assistant in any other shop so that the aggregate number of working hours of that person exceeds the normal hours of work of a shop assistant.

Also, an occupier of more than one shop shall not employ the same shop assistant in more than one such shop so as to prevent the shop assistant from having a weekly holiday and half-holiday on the days such holidays are agreed upon.

EMPLOYMENT OF CHILDREN AND YOUNG PERSONS

It is illegal to employ anyone under fifteen (15) years of age.

Persons below sixteen (16) years of age cannot be employed in jobs, which by its nature, or the circumstances in which it is carried out, is likely to harm the health, safety or morals of these persons.

EMPLOYMENT OF YOUNG PERSONS

List of Hazardous Occupation and Processes in Guyana:

- ✓ Workshop activities such as spray-painting, welding, bodywork;
- ✓ Pest control services;
- ✓ Work in licensed premises as defined by *Section 2* of the *Licensed Premises Act*, Cap.82:22;

Section 11

Other Noteworthy Statutory Requirements

- ✓ Farming/agriculture – exposure to toxic chemicals;
- ✓ Furniture manufacturing - varnishing, spraying etc.;
- ✓ Trawler work and small boat fishing;
- ✓ Logging and sawmilling industries;
- ✓ Conducting mini buses;
- ✓ Exposure to radioactive substances - engage in repair of computer, television etc.;
- ✓ Poultry farms – slaughtering of chickens, meat packaging processes;
- ✓ Block making – burnt bricks and cement blocks;
- ✓ Construction sites – height and cement work;
- ✓ Lifting and carrying weights of over 30 lbs;
- ✓ Working in mines;
- ✓ Speed boat operators;
- ✓ Factories – operating machines.

FACTORIES ACT AND CONSTRUCTION

Any construction is deemed as a factory and the provisions of the *Factory Act* applies.

Labour Statistics

The Labour Act requires Owners/Occupiers of Groceries, Hardware Stores, Dry Goods Stores, Drug Stores and Cinemas to submit quarterly returns to the Minister within fourteen (14) days of the end of each quarter.

The returns shall include:

- i) The number of persons employed;
- ii) The number of persons terminated, and
- iii) Their ages and categories.

The prescribed forms are available.

However, in our move to provide up to date labour market information, employers are urged to submit to the Labour, Occupational Safety and Health Department at the end of each quarter, a return giving information on:

- a) Name of employer;
- b) Nature of business;
- c) Address of business;
- d) Number of normal hours worked;
- e) Number of overtime hours worked;
- f) Number of employees;
- g) Number of young persons (15 years and under 16 years);
- h) Amount of normal wages paid;
- i) Amount of overtime wages paid;
- j) Number of leavers (dismissed or terminated);
- k) Number employed during quarter;
- l) Total number of hours of rest.

Section 13

Trade Union Recognition

The recognition and certification of trade unions, of the workers' choice, are provided for by the **Trade Union Recognition Act 1997**.

A trade union that desires to be treated as a recognized majority union at an enterprise shall apply to the Trade Union Recognition and Certification Board in writing to be so certified in accordance with the provisions of the Act.

Where one trade union has applied, the Board shall carry out a survey and if the union is found to have 40% support the Board shall certify the union as the recognized majority union.

Only the Trade Union Recognition and Certification Board has the power to certify a union, for a bargaining unit. Also, only the Trade Union Recognition and Certification Board can decertify a union.

If more than one union apply for the same bargaining unit the Board shall conduct a poll and the majority union shall be certified. However, for the poll to be valid at least 40% of the workers must take part in the ballot.

Where a union is certified the employer shall recognize and treat with the union for collective bargaining purposes.

It is an offence for a recognized union and an employer not to treat with each other.

Section 14

Collective Agreement

1. Section 28B of the Labour Act, Chapter 98:01 defines a Collective Agreement as follows:

(1) In this Act “Collective Agreement” means any agreement or arrangement which for the time being is subsisting and;

- a) Is an agreement or arrangement made (in whatever way and in whatever form) by or on behalf of one or more organizations of employees and either one or more employers, one or more organizations of employers, or a combination of one or more employers and one or more organizations of employers, and
- b) Is either an agreement or arrangement prescribing (wholly or in part) the terms and conditions of employment of employees of one or more descriptions, or an agreement or arrangement relating to one or more of the procedural matters specified in *sub-section (2)*, or both.

(2) The procedural matters referred to in sub-section (1) (b) are:

- a) Machinery for conciliation with regards to, or for the settlement by negotiation or arbitration of, terms and conditions of employment;
- b) Machinery for consultation with regards to, or for the settlement by negotiation or arbitration of, other questions arising between an employer or group of employers and one or more employees or organizations of employees;
- c) Negotiating rights;
- d) Facilities for officials of trade unions or other organizations of employees;
- e) Procedures relating to dismissal;
- f) Procedures relating to matters of discipline other than dismissal;
- g) Procedures relating to grievances of individual employees.

Section 14

Collective Agreement

2. A collective agreement may or may not be a legally enforceable contract as agreed upon by the parties to it. Section 28 A of the Labour Act, Chapter 98:01, provides that:
 - i) Every collective agreement which:
 - a) Is made in writing, and
 - b) Does not contain a provision which (however expressed) states that the agreement or part of it is intended not to be legally enforceable;shall be conclusively presumed to be intended by the parties for it to be a legally enforceable contract with effect from the date specified.
3. A copy of every signed collective agreement shall be presented to the Chief Labour, Occupational Safety and Health Officer as soon as possible but not later than three (3) months after it is made.
4. Section 28 (A) of the Labour Act, Chapter 98:01 specifies that:

Where a copy of any collective agreement, a copy of which is required by sub-section (4) to be presented to the Chief Labour, Occupational Safety and Health Officer, is not presented to the Chief Labour, Occupational Safety and Health Officer before the expiry of the period specified by that sub-section, each of the persons who signed the collective agreement shall be criminally liable.

Social Security Coverage

The National Insurance Scheme extends Social Security Coverage on a compulsory basis to all persons between the ages of sixteen (16) and sixty (60) years who are engaged in Insurable Employment. Coverage is also extended on a voluntary basis, to persons who cease such employment before reaching age sixty (60) years, until the attainment thereof. Employed persons outside this range who are in Insurable Employment are also covered, but for Industrial Benefits only. However, Self-employed contributors are not covered for Industrial Benefits.

Insured Persons are covered up to an Insurable Ceiling. This ceiling changes from time to time and employers are urged to be familiar with these changes. Both the Employer and Employee pay Contributions into the Scheme. The total Contribution for Employed Contributors is 12% of the actual Wages/Salary of the employee. This is derived from a 4.8% deduction from the Employee's pay, and the remaining 7.2% by the employer on behalf of the employee.

Self-employed Persons contribute 11.5% of their Declared Income as Contributions, while Voluntary Contributors pay 9.3% of their insurable Earnings as determined during the last two years of their employment.

Presently, the Scheme provides for payments of the following Benefits, which are grouped under three branches as follow:

LONG TERM

Old Age Benefit
Invalidity Benefit
Survivors Benefit

SHORT TERM

Sickness Benefit
Extended Medical Care
Maternity Benefit
Funeral Benefit

INDUSTRIAL

Injury Benefit
Disablement Benefit
Industrial Death Benefit

APPENDIX A

MINIMUM RATES OF WAGES

DRY GOODS STORES

CATEGORIES	MARCH 1, 2008		
Cashier	\$ 5,000 per week		
Driver	\$ 4,500 per week		
Clerk	\$ 4,500 per week		
Checker	\$ 4,500 per week		
Messenger	\$ 4,500 per week		
Porter	\$ 4,500 per week		
Other Unskilled Employees	\$ 4,500 per week		

GROCERIES

CATEGORIES	MARCH 1, 2008		
Cashier	\$ 5,000 per week		
Clerk	\$ 4,500 per week		
Checker	\$ 4,500 per week		
Messenger	\$ 4,500 per week		
Porter	\$ 4,500 per week		
Other Unskilled Employees	\$ 4,500 per week		

HARDWARE STORES

CATEGORIES	MARCH 1, 2008		
Cashier	\$ 5,000 per week		
Clerk	\$ 4,500 per week		
Checker	\$ 4,500 per week		
Messenger	\$ 4,500 per week		
Porter	\$ 4,500 per week		
Other Unskilled Employees	\$ 4,500 per week		

MINIMUM RATES OF WAGES - MARCH 1 2008

DRUG STORES

CATEGORIES	MARCH 1, 2008		
Checker	\$ 4,500 per week		
Clerk	\$ 4,500 per week		
Cashier	\$ 5,000 per week		
Messenger	\$ 4,500 per week		
Porter	\$ 4,500 per week		
Other Unskilled Employees	\$ 4,500 per week		
Registered Students Trainee	\$23,000 per month on first appointment. \$25,000 per month after one year.		

SECURITY GUARDS

CATEGORIES	MARCH 1, 2008		
Hourly	\$ 100 per hour		
Daily	\$ 800 per hour		
Weekly	\$ 4,500 per week		

PETROL FILLING STATION

CATEGORIES	MARCH 1, 2008		
Supervisor	\$ 9,500 per week		
Shift Operator	\$ 8,400 per week		
Pump Attendant	\$ 4,800 per week		
Service Station Attendant	\$ 8,500 per week		
Mechanic	\$ 8,500 per week		
Wash Bay Attendant	\$ 5,000 per week		
Clerk	\$ 6,000 per week		

APPENDIX A

MINIMUM RATES OF WAGES - MARCH 1 2008

SAWMILL WORKERS (PER DAY)

CATEGORIES	MARCH 1, 2008		
Labourers	\$ 1,000 per day		
Skilled Workers	\$ 1,200 per day		
Headrig (Bandmill) Operators	\$ 1,500 per day		

TIMBER GRANT WORKERS (PER DAY)

CATEGORIES	MARCH 1, 2008		
Labourers	\$ 1,100 per day		
Skilled Workers	\$ 1,200 per day		
<u>Tractor Operators</u>			
(a) Track D 6 & over	\$ 1,300 per day		
(b) On Wheels	\$ 1,200 per day		

MINIMUM RATES OF WAGES - MARCH 1 2008

PRINTING TRADE

CATEGORIES	MARCH 1, 2008		
Monotype Keyboard Operators	\$ 8,800 per week		
Monotype Caster Operators	\$ 6,300 per week		
Linotype Operators	\$ 11,000 per week		
Letter Press Operators	\$ 9,800 per week		
Offset Pressmen	\$ 9,500 per week		
Machinists	\$ 11,000 per week		
Wrappers, Packers & Checkers	\$ 5,500 per week		
Janitors	\$ 5,300 per week		
Proof Readers	\$ 8,500 per week		
Compositors	\$ 8,500 per week		
Engravers	\$ 8,500 per week		
Litho Plate Makers	\$ 8,500 per week		
Camera Operators	\$ 9,600 per week		
Newspaper Press Attendants	\$ 8,500 per week		
Stereotypes	\$ 7,300 per week		
Rubber Stamp Makers	\$ 7,000 per week		
Binders	\$ 7,800 per week		
Rulers	\$ 7,500 per week		
Ludlow Operators	\$ 7,000 per week		
Guillotine Operators	\$ 7,500 per week		
Elrod Operators	\$ 5,600 per week		
Metal Moulders	\$ 5,600 per week		
Manglers	\$ 5,600 per week		
Printery Assistants	\$ 4,700 per week		

APPENDIX A

MINIMUM RATES OF WAGES - MARCH 1 2008

MECHANICAL TRANSPORT EMPLOYEES

CATEGORIES	MARCH 1, 2008		
Driver	\$ 9,500 per week		
Conductor	\$ 4,800 per week		

AERATED WATER FACTORIES

CATEGORIES	MARCH 1, 2008		
Supervisor	\$ 7,000 per week		
Machine Attendants	\$ 4,600 per week		
Crowners	\$ 5,000 per week		
Bottle Washers	\$ 4,600 per week		
Labourers	\$ 4,600 per week		
Mechanics	\$ 7,000 per week		
Syrup Boilers (Mixers)	\$ 8,200 per week		
Assistant Mixers (and all others in syrup room)	\$ 4,900 per week		
Sales Representatives	\$ 4,600 per week		
Delivery Persons	\$ 8,200 per week		
Checkers	\$ 7,500 per week		
Sign Artists	\$ 6,000 per week		

MINIMUM RATES OF WAGES - MARCH 1 2008

EMPLOYMENT OF CERTAIN WORKERS

PART 1

**HOTELS, GUEST HOUSES, DISCOTHEQUES,
NIGHT CLUBS AND LIQUOR RESTAURANTS**

CATEGORIES	MARCH 1, 2008		
Head Cooks	\$ 8,000 per week		
Cooks	\$ 6,600 per week		
Head Waiters/Waitresses	\$ 7,500 per week		
Waiters/Waitresses	\$ 5,900 per week		
Cleaners	\$ 5,600 per week		
Bell Boys/Girls	\$ 5,600 per week		
Trainee Waiters/Waitresses	\$ 4,700 per week		
Head Bartenders	\$ 7,500 per week		
Bartenders	\$ 6,200 per week		
General Workers	\$ 5,500 per week		

PART 2

RETAIL SPIRIT SHOP

CATEGORIES	MARCH 1, 2008		
Blenders	\$ 5,200 per week		
Head Bartenders	\$ 4,700 per week		
Bartenders	\$ 4,500 per week		

APPENDIX A

MINIMUM RATES OF WAGES - MARCH 1 2008

PART 3
LIQUOR STORES

CATEGORIES	MARCH 1, 2008		
First Class:			
Blenders	\$ 5,600 per week		
Assistant Blenders	\$ 4,500 per week		
Counter Clerks	\$ 4,500 per week		
Second Class:			
Counter Clerks	\$ 4,500 per week		
Cashiers	\$ 4,500 per week		

PART 4
TAVERNS

CATEGORIES	MARCH 1, 2008		
Head Bartenders	\$ 4,500 per week		
Bartenders	\$ 4,500 per week		

MINIMUM RATES OF WAGES - MARCH 1 2008

PART 5
RESTAURANTS, COOKS SHOPS, PARLOURS

CATEGORIES	MARCH 1, 2008		
Head Cooks	\$ 5,000 per week		
Cooks	\$ 4,500 per week		
Order Boys/Girls	\$ 4,500 per week		
Head Waiters/Waitresses	\$ 4,500 per week		
Cashiers	\$ 4,500 per week		
Dish Washers	\$ 4,500 per week		
Cleaners	\$ 4,500 per week		
General Workers	\$ 4,500 per week		

APPENDIX B

No. 32]

LAWS OF GUYANA

[A/D. 1997

FIRST SCHEDULE

s.69 (1)

NOTICE OF ACCIDENT

Accident Register No. _____

1. Name of employer _____
2. Address of place where accident happened _____
3. Nature of occupation _____
4. Branch or department and exact place where accident happened _____
5. Injured person's surname _____
Other names _____
Address _____
6. (a) Sex _____ (b) Age (last birthday) _____
(c) Occupation of injured person _____
7. Date and time of accident _____
8. (a) Cause or nature of accident _____
(b) If caused by machinery -
(i) give name of the machine and part causing accident _____
(ii) state whether it was worked by mechanical power at the time _____
(c) State exactly what injured Person was doing at the time _____
9. Nature and extent of injuries (e.g. fatal, loss of finger, fracture of leg, scalp, scratch follows by sepsis) _____
10. (a) State whether the accident was Fatal or not _____
(b) If the accident was not fatal, state the estimated period that the injured person will be unable to earn full wages at the work at which he was employed at the time of the accident. _____
11. Has the accident been entered in the Register? _____

("Occupation" includes agriculture, business, commerce, industry and trade)

Date: _____

Signature of Employer/Agent

REGISTER OF LEAVE RECORDS OF LEAVE WITH PAY 20.....

(1) NAME OF EMPLOYEE	(2) ADDRESS OF EMPLOYEE	(3) DATE OF ENGAGEMENT	(4) DATE OF PERIODS OF LEAVE WITH PAY		(5) REMUNERATION PAID IN RESPECT UNDER COL. (4)	(6) DATE OF TERMINATION	(7) NO. OF LEAVE WITH PAY ACCRUED BUT NOT TAKEN AT DATE OF TERMINATION	(8) AMOUNT PAID IN LIEU OF ACCRUED LEAVE AS PER COL. (7)
			DATES	NO. OF DAYS				

ACCIDENT REGISTER GENERAL REGISTER OF FATAL AND NON-FATAL ACCIDENTS

APPENDIX D

Date of accident or dangerous occurrence.	Date of notice on prescribed form from the C.O.S.H.O	How accident or dangerous occurrence was caused? If by Machinery, what part of such machinery, and whether machinery was in motion.	Name of person injured or affected.	Sex	Age	Usual Employment	Precise occupation at time of accident.	Nature of injury and whether fatal or not.	Period of Disablement.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

MEMORANDUM OF COOPERATION

Partnership for HIV/AIDS Workplace Education

Memorandum of Cooperation

Ministry of Labour, Human Services and Social Security's HIV/AIDS Prevention and Control Project

1. Introduction

The MOLHSSS HIV/AIDS Prevention and Control Project is assisting enterprises to develop and implement HIV/AIDS workplace policies and programmes. The aim of this partnership is to help prevent the transmission of HIV among workers and to mitigate the impact of the epidemic on workplace productivity.

II. Proposed Areas of Collaboration

_____ and the MOLHSSS agree to cooperate in the development and implementation of an HIV/AIDS workplace programmes that includes the following 4 components:

Component	Goal	Main Activities	MOLHSSSS	Company Contribution	Time Frame (est.)
1. HIV/AIDS Workplace Coordination	To ensure company ownership and sustainability of the HIV/AIDS workplace programme	<ul style="list-style-type: none"> - Nomination of focal point - Creation of HIV/AIDS committee or mainstreaming work on HIV/AIDS as part of the functions of existing Joint Workplace Safety and Health Committee - Training of focal point and committee members 	<ul style="list-style-type: none"> - Training of HIV/AIDS Focal Point and committee members - Technical Assistance to focal point and committee 	<ul style="list-style-type: none"> - Nomination of HIV/AIDS Focal Point with TOR - Designation of HIV/AIDS or Joint Workplace Safety and Health Committee members - Staff time allotted to oversee HIV/AIDS activities in workplace 	
2. HIV/AIDS Policy	To establish procedures for dealing with HIV/AIDS issues in the workplace.	<ul style="list-style-type: none"> - Drafting of policy in consultation with worker representatives - Adoption and publication, briefing to all workers - Annual Review - HIV/AIDS Workplace Regulations 	Technical Support (information on model policies; assistance in consultation process with MOLHSSS expert)	<ul style="list-style-type: none"> - Drafting of enterprise policy and consultation with HIV/AIDS or Joint Workplace Safety and Health Committee members, informed by National Policy. - Dissemination of HIV/AIDS policy. 	

Memorandum of Cooperation cont'd

3. HIV/AIDS Education and Information Services	To support HIV/AIDS prevention, non-discrimination, care and support	<ul style="list-style-type: none"> - Management briefing - Training of peer educators - Workers' education - Training of LOSH personnel (Safety Committees). - Incorporation of HIV/AIDS module into regular training programs - Condom availability - Creation and regular update of information services on STI, VCT and care and support outside the workplace - Conducting Regional Seminars. - Sensitizing of Human Resources, Managers/Supervisors. 	<ul style="list-style-type: none"> - Briefing of management - Training curriculum - Information, Education and Communication materials - Training of trainers - Identification of available STI, VCT and care and support services outside the workplace. 	<ul style="list-style-type: none"> - Allocation of time and space for activities - Incorporation of HIV/AIDS module into regular OSH or HR training programs - Dissemination of information - Establish partnership to ensure provision of condoms for workers and managers - Establish referral system for workers to community STI, VCT and care and support services. 	
4. Monitoring and Evaluation	To manage the project and measure results	<ul style="list-style-type: none"> - Conducting focus group discussions - Regular focal point monitoring 	<ul style="list-style-type: none"> - Conducting and analyzing focus group reports - Providing monitoring forms to focal point 	<ul style="list-style-type: none"> - Allow MOLHSSS consultants to conduct focus group discussions with 20 workers (approx.) - Semi-annual monitoring by focal point. 	

Georgetown (other), (Date) _____

Georgetown (other), (Date) _____

Chief Executive Officer/General Manager

Permanent Secretary
MOLHSSS

NOTES