



FULL STORY

Bills passed on overtime payment, child labour

Monday, May 1st 2006

Four bills addressing holiday with pay, overtime payment, child labour, and licensed premises were passed on Thursday in Parliament.

The Holidays With Pay (Amendment) Bill 2006, now provides for the court to impose a fine on the employer and to order payment for the worker which "in the opinion of the court represents the wages due to that worker as payment for all outstanding holidays with pay."

In addition, this Bill and those addressing overtime pay mandate that employers pay workers one and one-half times normal pay on holidays, after a worker would have worked seven and one-quarter of an hour in any one day, and after a worker would have worked forty and three-quarters of an hour in any one week. These have brought about a harmonisation of different Principal Acts, and were passed without objection by opposition parties.

Minister of Labour, Dr Dale Bisnauth, said that the Principal Acts had only addressed overtime on a daily basis. He noted too that some employers were reluctant to pay the legal rates for holidays. The four Bills passed were: Licensed Premises (Amendment) Bill 2006, Labour (Conditions of Employment of Certain Workers) (Amendment) Bill 2006, Holidays With Pay (Amendment) Bill 2006, and Employment of Young Persons and Children (Amendment) Bill 2006.

While the Bill addressing the employment of young persons and children would provide for young people from the age of fifteen to be employed this would be under certain conditions only.

Some of these conditions stated in the Amendment Bill include nights in any industrial undertaking, where the circumstances in which the work is carried out compromise health, safety, and morals of young persons.

The employer of any young person must also keep a register of the person's name, date of birth, and the date of employment and the date the person leaves. The employer must also allow the Chief Labour Officer (CLO) or any one authorised by the CLO to inspect the register at any time. Volda Lawrence of the PNCRC had argued that the Bill be referred to a select committee on the grounds that there were many instances where a young person would find it very necessary to be employed.

She argued that many Caricom countries had defined a young person as being between the ages of 15 and 18 and the Bill did not spell out what was defined as a young person. "Any amendment must be done in a holistic way," she said.

Bisnauth pointed out that the definition of a young person was set out in the Trafficking in Persons Act.

He had clarified that a child was "defined as under fifteen" when moving the second reading of the Occupational Safety and Health (Amendment) Bill. The Bill inserts a new subsection in section 41 of the Principal Act clarifying that the prohibition against employing children in factories does not limit the general prohibition against the employment of children.

The Bill also gives the Chief Occupational Safety and Health Officer the power of enforcement where previously this was invested in the Permanent Secretary of the Ministry of Labour. The Licensed Premises (Amendment) Bill also revoked several orders which would be redundant because of the amendments made in the Bill. These are: Licensed Premises (Hours of Opening)(Special Provision) (Part of East Demerara); Licensed Premises (Hours of Opening) (Special Provision) (Mah-aicony); and Licensed Premises (Application of (c) Part 1 (Kitty).

The Bill sets out too the following definition for urban areas: the city of Georgetown as described in the First Schedule to the Municipal and District Councils Act; the town of New Amsterdam as described in the Act; and every town established under section 33 of the Act.

The Bill further enacts new penalties under section 14 and 25 of the Principal Act. In section 14 (7) the fines of \$100, \$300, and \$20 will now be \$15,000, \$45,000, and \$3,000 respectively. In Section 25 the penalty of \$6,050 will now be \$15,000. (George Gomes)