

VOLUME 6

SECTION 8

INDUSTRIAL/LABOUR RELATIONS

**Conciliation, Outreach, Pay
and Conditions of Service**

**The Responsibility of
The Ministry of Labour and
Social Security
1F North Street
Kingston**

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CHAPTER I

LABOUR RELATIONS

1.0 BACKGROUND

The Ministry of Labour and Social Security is concerned with matters affecting individuals in their capacity as workers, employers and members of Jamaica's labour force. These matters include industrial relations, terms and condition of employment, industrial safety, employment promotion as well as providing a source of income for workers who are injured on the job and retirement benefits.

1.0.1 The Labour Division

The Labour Division of the Ministry commenced operations in 1938 as an Employment Bureau. The Bureau was the first official response to growing unemployment which was spreading throughout Jamaica during that period. The relationship between employer and employee at the time was one of master and servant. This gave rise to grave economic disparities within the population as most persons received low wages and had poor living and working conditions.

1.2 AIMS AND RESPONSIBILITIES OF THE LABOUR DIVISION

The main responsibilities of the Labour Division of the Ministry are administered through the Industrial Relations, Manpower Services and Industrial Safety Sections. The Labour Division Aims to:

- i Promote good working relations between employers and workers whether or not they are organized in trade unions;
- ii Establish and maintain a system of minimum wage rates for the protection of vulnerable and non-unionized workers;
- iii Promote adherence to core labour standards as set out in the International Labour Organization (ILO) conventions;
- iv Ensure the provision of a safe work environment;
- v Promote the development of the Jamaican labour market within the context of the global economy;

- vi Ensure the operation of an effective system to facilitate information flow between job seekers and employers and
- vii Enhance economic development through the promotion of increased productivity.

CHAPTER 2

INDUSTRIAL RELATIONS

2.0 INDUSTRIAL RELATIONS DIVISION

The Industrial Relations Division of the Ministry of Labour and Social Security is situated at IF North Street, Kingston and has two main operational Sections which are the Conciliation Section and the Pay and Conditions of Employment Section (P.C.E.B.). This section of the Ministry is responsible for the promotion and maintenance of industrial harmony in Jamaica.

2.1 CONCILIATION

The Conciliation Section performs three main functions - Conciliation, Pre-conciliation and Outreach/Education.

The objective of the conciliation function is to resolve disputes relating to the unionized workforces as they occur. The Section therefore seeks to settle disputes in respect of:

- i Negotiations to establish Labour Management Agreements
- ii Issues relating to the administration of Labour Management Agreements.
- iii Termination and suspension of employment of worker(s).
- iv Any matter affecting the privileges, rights and responsibilities of any worker or organization representing workers.

The Section also processes Representational Rights Claims and conducts Representational Rights Polls.

2.2 REFERRAL OF DISPUTES FOR CONCILIATION

Either the union or management may refer a dispute to the Section for conciliation. This is usually done after the first process i.e. the local level discussions (direct talks between the disputing parties) fail to settle the issue.

The dispute is aired at the conciliatory level where a third party (the Conciliation

Officer) will seek to assist the parties to reach an amicable settlement of the dispute. If there is a settlement, an Agreement is signed by both parties to the dispute and witnessed by the conciliator who chairs the proceedings. If however, no settlement is reached and the Minister is satisfied that all attempts at conciliating the dispute have failed to bring about a settlement and that further discussions would prove futile, the matter is referred to the Industrial Disputes Tribunal for settlement by way of arbitration.

2.3 REFERRAL TO THE INDUSTRIAL DISPUTES TRIBUNAL

The power to refer disputes to the Industrial Disputes Tribunal is conferred on the Ministry by the Labour Relations and Industrial Disputes Act (LRIDA).

The Unit is guided by common law practices relating to Industrial Relations in Jamaica, the Labour Relations Code and Labour Laws such as:

- i The Labour Relations and Industrial Disputes Act and Regulations.
- ii The Employment (Termination and Redundancy Payments) Act and Regulation.
- iii The Minimum Wage Act and Regulation.
- iv The Holiday with Pay Act and Order.
- v The Maternity Leave Act.
- vi The Trade Union Act.
- vii The Labour Relations Code.

These Laws can be acquired at a cost from the Jamaica Printing Office, 77 ½ Duke Street, Kingston.

2.4 PRE-CONCILIATION UNIT

The Pre-Conciliation Unit was established in 1995, with a view of improving the Industrial Relations environment.

The main aim of the Unit is to anticipate Industrial Relations problems, by constantly assessing and monitoring the National Labour Relations Environment. The unit offers advice and assistance where appropriate and utilizes such strategies as may be necessary to guide parties in industrial disputes to a peaceful resolution.

CHAPTER 3

OUTREACH PROGRAMME

3.0 OUTREACH PROGRAMME SERVICE

The Outreach Programme is a service offered by the Ministry of Labour and Social Security to inform workers, trade unions and other members of the public about good labour relations practices.

Recent shifts in the logic of production have warranted immediate and fundamental shifts in long established practices and norms. Structural transformation, deregulation of the domestic market as well as the liberalization of trade have often been unkind to many companies. Having been nurtured under protected markets and favourable terms of trade, Jamaican companies are now exposed to the true hostilities and uncertainties of an open market. These harsh realities, among other things, have highlighted the need for change in the approach taken with labour relations. It may be argued then, that there is need for increased awareness of industrial relations for management, workers and students, in order to create the foundation for a less turbulent industrial relations climate.

3.1 RIGHTS AND RESPONSIBILITIES

The Outreach Programme seeks to increase the public's awareness of industrial relations by sensitizing the working and potential working population to their respective rights and responsibilities in an employment relationship. Employers, employees, students and other members of the public are exposed inter alia to:

- i Legal rights and obligations in an employment relationship.
- ii Accepted or recommended customs, norms and practices etc.
- iii Issues surrounding the changing form of production.
- iv Third party intervention into industrial disputes.

3.2 VISITS TO ENTERPRISES

Where possible, a team from the Ministry of Labour comprising officers from the Conciliation Section, Pay and Conditions of Employment Branch and the Industrial Safety Division will visit an enterprise. This will provide a mix of expertise and insight to address any concerns that may be raised there.

Every effort will be made to:

- i Encourage discussions in an open and amicable manner.
- ii Use role-play exercises that emphasize specific issues.
- iii Use lectures and handouts where necessary.
- iv Use case studies and practical examples to illustrate points.

The time frame will vary according to the needs of each organization, but will remain practical enough not to disrupt business. Visits are based on invitations only. As such, interested persons should contact the Ministry of Labour and Social Security with their requests.

CHAPTER 4

PAY AND CONDITIONS OF EMPLOYMENT

3.4 PAY CONDITIONS OF EMPLOYMENT BRANCH

The Pay and Conditions of Employment Branch (P.C.E.B.) is a unit of the Industrial Relations Section. The P.C.E.B. with its complement of Labour Officers who are appointed by the Minister of Labour under the Labour Officers (Powers) Act are empowered to visit any establishment to which the Minimum Wage is applicable, except a private dwelling house, to ensure the observance of the Act. The Officers of this Branch are charged with the responsibility of enforcing compliance with: -

- i The National Minimum Wage Order
- ii Minimum Wage Industrial Security Guard Order
- iii All other Minimum Wages
- iv The Holiday with Pay Order
- v The Maternity Leave Act
- vi The Employment (Termination and Redundancy Payments) Act & Regulations
- vii The Shops & Offices Act and Shops and Offices Regulation, among others

4.1 ADVISORY SERVICE

The P.C.E.B. also provides a customer and advisory service for clients who visit the Office to make complaints regarding their employment or termination and to employers on the requirement of the Law in dealing with workers' entitlements and conditions of service.

4.2 OUTREACH SERVICE

The P.C.E.B. also provides advice by phone to both workers and employers on a daily basis and also participates in outreach programmes that are provided by the Ministry. The Labour Officers of the P.C.E.B. are charged with the responsibility of ensuring that:

- i No worker is paid wages at less than the National Minimum Wage
- ii No Industrial Security Guard is paid wages at less than that prescribed by the Industrial Security Guard Order

- iii All workers receive vacation and sick leave entitlements as prescribed by the Holidays with Pay Order
- iv All qualified workers are granted Maternity Leave entitlement as provided for in the Maternity Leave Act
- v Workers who are made redundant are adequately compensated as provided for by the Employment (Termination and Redundancy Payments) Act & Regulation
- vi Visits are made to establishments that are covered by the Shops and Offices Act and Regulations to ensure that the Law is being observed and that workers in these establishments are properly protected and compensated.

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