

Jamaica's Labour Code (Simplified)



I. What is the Labour Code?

The Labour Relations Code 1976 set out guidelines for the promotion of good labour relations. It is established in accordance with section 3 of the Labour Relations and Industrial Disputes Act 1975.

II. Responsibilities of Stakeholders

Employers Workplace

policy development is highly dependent on the employer. Therefore, employers have a responsibility to engage workers and trade unions in the development of good management practices and industrial relations policies. Employers should also respect their workers' right to be a part of a trade union.

Individual Worker

The worker should fulfill his/her/their contractual obligations. If the worker is a part of a trade union he/she/they have a responsibility to support it financially. Workers also have a responsibility to his fellow workers in ensuring that his actions do not prejudice their general wellbeing including their health and safety

Trade Union

Trade Unions should promote the interests of its members while considering the interest of the total labour force and the nation. Therefore, unions have to ensure cooperation with management to have measures that promote efficient and good industrial relations implemented.

Employers' Associations

These associations look out for the interest of employers. They should cooperate with trade unions to establish procedures for negotiations and settlement of disputes. Employers' Associations also have a duty to promote good industrial relation practices among their members.

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III. Personnel Management Practices

Employment Policies

Employment policies should be clear, comprehensive and non discriminatory and should be developed in consultation with workers or trade unions.

They should, among other things, also:

1. Provide for proper recruitment and selection
2. Include ways for advancement of workers
3. Make clear work duties and terms and conditions of employment
4. Provide training on both the job and policies and procedures

Manpower use and Planning

Employers must have proper manpower utilisation policies. These policies will ensure that employees are given high priority and be integrated with other aspects of planning. The employer must work to identify issues, turnover rate, that may affect employees and mitigate them.

Security of Workers

Workers should feel secure in their employment and so management should be consistent in terms of continuity of employment (including having pension and medical schemes, where practicable), take reasonable steps to avoid redundancy and assist workers to secure alternative employment where practicable.

Payment of wages

Employers and employees must agree on how payments will be made. Those agreed wages and rates must be paid out by employers. Wages should comply with legal standards and payment systems should be in simple terms and be reviewed as circumstances change.

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IV. Workers Representation and the Collective Bargaining Process

In order to represent workers a Trade Unions must first be recognised. When the majority workers have selected a recognised union to represent them, then industrial dispute procedures are negotiated.

At the workplace, workers are selected as delegates of the union to ensure proper representation of all workers.

Collective Bargaining

Collective Bargaining is the process through which workers' representatives negotiate with management to reaching a new, usually better agreement, for workers concerned. Parties participating in collective bargaining should aim to meet all reasonable requests for information which is relevant to the negotiation. Collective bargaining may take place in relation to the industry as a whole, or a particular agreement or in relation to a particular group of employees within an establishment.

Bargaining Units

Bargaining Units refer to those workers or categories of workers of an employer in relation to whom collective bargaining is being carried out.

Collective Agreements

These agreements contain the terms and conditions of a concluded collective bargain. Procedural provisions of these agreement should contain for example, arrangements for negotiating terms and conditions if employment for their re negotiation, grievance procedures for settling disputes and disciplinary actions that can be taken.

They should also have substantive provisions which deal with the duration of the agreement and all matters relating to remuneration, normal hours of work, provisions for vacation, sick, maternity and casual leave as well as compensation for job related injuries Collective agreements should be in writing, and management should send copies of such agreements to the Ministry of Labour and Employment for their records.

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V. Communication and Consultation

Communication and Consultation are necessary in good industrial relations policies. Communication is a two way flow of information between management and workers

VI. Grievance, Dispute and Disciplinary Procedures

There are two kinds of disputes:

1. The application or interpretation of existing agreements
2. Claims by workers or proposals by management as to the terms of employment.

The procedure for settling disputes should:

1. Be in writing.
2. State where the issue should be raised first.
3. Set time limits for each stage of the procedure.
4. Delays industrial action until all stages have been exhausted.
5. Have recourse to the Ministry of Labour conciliation services.

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Individual Grievance Procedure:

All workers have a right to seek redress for grievances relating to their employment. Workers or their representatives and management should establish and publicize the arrangements for settling grievances.

Disciplinary Procedure

Disciplinary procedures should be agreed between management and worker or workers' representatives. The process should ensure that a fair and effective arrangement exist for dealing with disciplinary matters.

The procedure should:

1. Specify who has the authority to take various forms of disciplinary.
2. Indicate that the matter giving rise to the disciplinary action be clearly specified and communicated in writing to the relevant parties.
3. Give the worker the opportunity to state his case and the right to be accompanied by his representatives.
4. Have an appeal process.



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