

Labour Laws and Labour Administration

Labour laws are known to exist in every country. Labour law or labour legislation as interchangeably referred too, specifically addresses the rights, responsibilities and obligations of both the employer and employee. To break this down, labour laws focus on such matters as employment, remuneration, conditions of work, and the industrial relations practice. The industrial relations practice is about the engagement between the employer and trade unions, with the latter acting as the representative body for workers. It is important to know that with labour laws, the legal framework is established for how the work relationship from an individual employment contract is governed, and to set out the statutory requirements and obligations of the parties under the collective workplace relationship.

In providing a more detail explanation as to what constitutes labour law, attention is turned to nine broad themes, which are identified as employment; the individual employment relationship; wages and remuneration; conditions of work; health, safety, and welfare; social security; trade unions and industrial relations; the administration of labour law; and special provisions for particular occupational or other groups.

In most developed countries, the constitution of the land provides for freedom of association and freedom of choice. This in itself is a blessing as it justifies the reason for the existence of trade unions as the representative of workers and employers. This history of this progressive steps can be traced back to 1824, when the United Kingdom repealed the prohibition placed the right to associate. In 1894, the United Kingdom and France followed in like manner. In 1935 with the passage of the National Labour Relations Act (the Wagner Act), the United States of America made the decisive decision to respect freedom of association. The USA was thereafter followed by Germany, Italy, Spain, Japan, and much of eastern Europe. As part of the progressive movement in establishing labour legislation, labour codes and Ministries of Labour were introduced in the 20th century.

In most first world and developed countries, Labour Departments along with Ministries of Labour have been established. These two have the responsibility for the effective administration of labour legislation. These were first established in Canada in 1900, France in 1906, the United States in 1913, the United Kingdom in 1916, and Germany in 1918. In the 1930's a labour office was established in Latin America. It was only after the 1950's that labour departments were established elsewhere, including Asia and Africa. In Barbados the Labour Department was established in 1940. It must be emphasized that labour departments have a responsibility to promote justice through the application and development of the labour laws of the land. As it applies in the case of

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Barbados, the Labour Department sees its role of that of promoting and maintaining a stable and harmonious industrial relation climate and providing employment services to the community.

Labour legislation is critical to the protection of the rights of workers. It serves to regulate the employment relationship, to ensure that human and workers' rights are not trampled and to promote the dignity of the individual and work. Labour laws aligned themselves to the spirit and intent of the ILO's eight core conventions. These address freedom of association, collective bargaining, forced labour, child labour, equality of opportunity and treatment, tripartite consultation, labour administration, labour inspection. Further, labour legislation gives support to the promotion of the Decent Work Agenda. The four pillars of the Decent Work Agenda are promoting jobs and enterprise, guaranteeing rights at work, extending social protection and promoting social dialogue.

There is the expectation that labour departments will through their oversight and monitoring, work to ensure that systems, best practices, standard and legal requirements and obligations are not breached or circumvented. With reference to the Labour Department of Barbados, it should be on track to filling its mandate, given that it sees its role being that of giving technical information and advice to employers and employees, on the most effective means of complying with labour laws and standards.

With an understanding of what constitutes the role of the local Labour Department, some may question how this applies to Government as an employer, where technically it seems that the remit of the Labour Department extends primarily to private sector employees, employees of State-Owned Enterprises and those employed by Boards of Management of Public Secondary Schools.