

LABOUR LAWS AND INDUSTRIAL RELATIONS PRACTICES

Labour Laws:

Labour Laws serve to protect the basic human rights of workers

These are:

- The right to freedom of speech and association
- The right to non discriminatory treatment
- The right to a fair trial (The right to due process in the workplace)
- The right to peaceful assembly

Labour laws are administrative rulings that address the relationship between and among employers and employees, and labour organizations.

An Employer is the person for whom an individual performs or performed any service of whatever nature.

Employer means the person having control of the payment of such wages.

An employee is also one who is under a contract of service, even if the employment is casual, part-time or temporary. (Employees Handbook 1998)

The Practice of Industrial Relations

It is a process where management and unions are committed to working together, and to adopt a consultative approach in resolving issues through the process of dialogue; taking into consideration the needs of both parties.

INDUSTRIAL RELATIONS PRINCIPLES TO BE RECOGNIZED BY EMPLOYERS

- Freedom of Association
- Not to practice discrimination
- Right of the employee to withdraw Labour
- Right of the employee to work
- Right of the employee to Rest

GOOD INDUSTRIAL RELATIONS PRACTICES

- Engage in Collective Bargaining
- Machinery for the settlement of disputes e.g disciplinary code
- Encourage worker participation
- Avoid unfair labour practices

RESPONIBILITIES OF AN EMPLOYER

- To be paid a wage or salary to the employee for work done
- To provide a safe working environment
- To provide tools and equipment to do the job
- To accept responsibility for any losses incurred while the employee is performing legitimate work on behalf of the employer.
- To recognize the right of the employee to be unionized

OVERTIME WORK

- It is not compulsory
- Pay after normal working hours: Time and a half
- Work done on public holiday/ Saturday and Sunday that is an off day: Double time

TIME OFF

- Minimum rest – two days per week
- No shop assistant is required to work on the day observed as the day of religious worship.

TERMINATION

- Reasonable notice is to be given unless termination is for cause
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- Payment of salary or wage is sometimes paid in lieu of notice
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- On termination the employee is entitled to accrued holiday with pay regardless of the grounds of dismissal.
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- On termination the employer is to provide the employee with a Termination or Lay off Certificate

JUST CAUSE

If the employee steals / cheats from, or lies to the employer, the courts will usually find that the employer had just cause to fire the employee.

In lesser cases like occasional tardiness or inattention, the employer should first warn the employee in writing, and give him / her chance to remedy any failings, before proceeding to serve a dismissal notices.

WRONGFUL DISSISMAL

If an employer does not have just cause to fire an employee, he or she is required to give reasonable notice, or compensation in lieu of reasonable notice.

UNFAIR DISMISSAL

Discrimination / Victimization

Where an employee or prospective employee is less favorably treated because of race, sex, marital status, religion, sexual orientation or gender.

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