

JAMAICA

THE LABOUR RELATIONS AND INDUSTRIAL DISPUTES ACT

THE LABOUR RELATIONS CODE

(made under section 3)

L.N. 310/76

(Approved by the House of Representatives on the 20th day of July, 1976, and by the Senate on the 6th day of August, 1976)

[1st day of November, 1976.]

Vide

L. N. 335/76

PART II - Responsibilities

Employers

5. In keeping with the need for management to be productive and responsive to workers and the society in general, good management practices and industrial relations policies which have the confidence of all must be one of management's major objectives.

The development of such practices and policies are a joint responsibility of employers and all workers and trade unions representing them, but the primary responsibility for their initiation rests with employers.

Employers should therefore ensure that -

- (i) in the implementation of these policies due regard is to be paid to their responsibilities to the society;
- (ii) in addition to discharging their obligations to workers in respect of terms and conditions of employment, they adopt policies for the social and educational improvement of their workers;
- (iii) they respect their workers' rights to belong to a trade union, and to take part in the union's activities, which include seeking recognition for negotiation purposes. and that they are not averse to negotiating in good faith with such trade union;
- (iv) adequate and effective procedures for negotiation, communication

and consultation, and the settlement of grievances and disputes, are maintained with their workers, and organizations representing such workers;

(v) these procedures are understood and applied by all members of the management team;

(vi) all supervisory staff have clearly defined responsibilities in the organizational structure, are in charge of manageable work groups, understand their responsibilities and have the necessary qualities, and industrial relations training and exposure to do the job;

(vii) supervisors are cognizant of management policies as they affect their individual work groups and that they maintain an effective link between management and members of their work groups.

Individual Worker

6. (i) The worker has a responsibility, to his employer to perform his contract of service to the best of his ability, to his trade union to support it financially and to vest in it the necessary authority for the performance of its functions efficiently; to his fellow workers in ensuring that his actions do not prejudice their general well-being including theft health and safety; to the nation by ensuring his dedication to the principle of productive work for the good of all;

(ii) the legal relationship between employer and worker is determined by the individual contract of employment. Often many of its terms are fixed by collective bargaining and contained in collective agreements. The worker should familiarize himself with the terms of his contract, and in particular any procedure for the dealing with grievances, and abide by them;

(iii) some workers have special obligations arising out of the nature of their employment. Such worker when acting in the course of his employment should be mindful of those obligations and should refrain from action which conflicts with them.

Trade Unions

7. The main objective of a trade union is to promote the interest of its members, due regard being paid to the interest of the total labour force and to the greater national interest. To achieve this aim, trade unions have a duty to maintain the viability of the undertaking by ensuring co-operation with management in measures to promote efficiency and good industrial relations.

Trade Unions should therefore -

(i) where appropriate, maintain jointly with management and other trade unions effective arrangements at industry or local levels for

negotiation, consultation and communication and for settling grievances and disputes;

- (ii) take all reasonable steps to ensure that their officials and members observe all arrangements;
- (iii) provide for the training of delegates in the scope of their powers and duties and the day-to-day operation of the union;
- (iv) provide adequate educational opportunities for the advancement of their members;
- (v) be properly staffed to serve the needs of its members, and allow for effective lines of communication between such staff and the rank and file membership;
- (vi) encourage members to take part in its activities by adopting such means as would best allow them to do so, including the compilation and distribution of information
- (vii) make available information pertaining to the rules and policies of the unions;
- (viii) provide adequate advisory services for their members and in particular assist them to understand the terms and conditions of their employment;
- (ix) identify trends in industrial relations to help their members to anticipate and keep abreast of change

Employers' Associations

8. The principal aim of employers' associations is to promote the interests of their members due regard being paid to the interest of the total labour force and to the greater national interest.

Employers' associations should therefore -

- (i) co-operate with trade unions for the establishment at industry level where appropriate, of procedures for the negotiation of terms and conditions of employment and the settlement of disputes and grievances;
- (ii) encourage their members to establish effective procedures in consultation with trade unions recognized by them, for the settlement of disputes and grievances at the local level;
- (iii) take all reasonable steps to ensure that their members pursue

those procedures which are established;

(iv) collect, analyse and distribute information in the industrial relations field;

(v) identify trends in industrial relations to help their members to anticipate and keep abreast of change;

(vi) provide adequate advisory services for their members;

(vii) encourage their members to provide adequate educational opportunities for the advancement of their workers;

(viii) encourage their members to take an interest in their association and be prepared to contribute to its resources.