

THE LABOUR RELATIONS AND INDUSTRIAL DISPUTES ACT

The Labour Relations Code

L.N. 310/76

(made under section 3)

ORDERS

(Omitted)

(under section 10)

REGULATIONS

(under section 27)

The Labour Relations and Industrial Disputes Regulations, 1975

L.N. 135/75
1068/78
Act 13/2002

THE LABOUR RELATIONS AND INDUSTRIAL DISPUTES
ACT

THE LABOUR RELATIONS CODE
(made under section 3)

(Approved by the House of Representatives on the 20th day of July, 1976, and by the Senate on the 6th day of August, 1976) L.N. 310/76

[1st day of November, 1976.] Vide L.N. 335B/76

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PART I—*Preliminary*1. *Establishment*

The Code is established in accordance with the provisions of section 3 of the Labour Relations and Industrial Disputes Act. Its purpose is to set out guidelines which in the opinion of the Minister will be helpful for the purpose of promoting good labour relations, having regard to the following—

- (i) the principle of collective bargaining freely conducted on behalf of workers and their employers with due regard to the interest of the public;
- (ii) the principle of developing and maintaining orderly procedures in industry for the peaceful and expeditious settlement of disputes by negotiations, conciliation or arbitration;
- (iii) the principle of developing and maintaining good personnel management techniques designed to secure effective co-operation between workers and employers and to protect workers and employers against unfair labour practices.

2. Purpose

The code recognizes the dynamic nature of industrial relations and interprets it in its widest sense. It is not confined to procedural matters but includes in its scope human relations and the greater responsibilities of all the parties to the society in general.

Recognition is given to the fact that management in the exercise of its function needs to use its resources (material and human) efficiently. Recognition is also given to the fact that work is a social right and obligation, it is not a commodity; it is to be respected and dignity must be accorded to those who perform it, ensuring continuity of employment, security of earnings and job satisfaction.

The inevitable conflicts that arise in the realization of these goals must be resolved and it is the responsibility of all concerned, management to individual employees, trade unions and employer's associations to co-operate in its solution. The code is designed to encourage and assist that co-operation.

3. Application

Save where the Constitution provides otherwise, the code applies to all employers and all workers and organizations representing workers in determining their conduct one with the other, and industrial relations should be carried out within the spirit and intent of the code. The code provides guidelines which complements the Labour Relations and Industrial Disputes Act; an infringement of the code does not of itself render anyone liable to legal proceedings, however, its provisions may be relevant in deciding any question before a tribunal or board.

4. Revision

In accordance with section 3(3) of the Act, the code may be revised by the Minister. This will be done in consultation with representative organizations of employers and workers.

This provision is not to be interpreted as inhibiting or restricting the right of the parties to review and improve their own labour management practices as the need arises.

PART II—Responsibilities

5. Employers

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.

6. Individual Worker

- (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