

LAWS OF GUYANA

FACTORIES (HOURS AND HOLIDAYS) ACT

CHAPTER 95:02

Act

30 of 1947

Amended by

14	of	1949	0.64/1957
39	of	1954	77/1974
46	of	1955	
11	of	1958	
12	of	1957	
24	of	1969	
4	of	1972	
16	of	1974	
19	of	1977	
20	of	1983	
19	of	1990	
32	of	1997	
8	of	1999	

Current Authorised Pages

<i>Pages (inclusive)</i>	<i>Authorised by L.R.O.</i>
1 - 47 ...	1/2012

**Index
of
Subsidiary Legislation**

This Chapter contains no subsidiary legislation.

**Note
on
Subsidiary Legislation**

All items of subsidiary legislation under this Act were, at the time of publication, undergoing substantial revision, as a result these items have been omitted from this publication.

**Note
on
Repeal**

This Act repealed the Steam Boilers Regulation Ordinance, Cap. 76 of 1929 Edition and the Regulation of Dangerous Trades ordinance, (3 of 1938).

CHAPTER 95:02

FACTORIES (HOURS AND HOLIDAYS) ACT

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CHAPTER 95:02

FACTORIES (HOURS AND HOLIDAYS) ACT

1953 Ed.
c. 115

30 of 1947
[32 of 1997]

An Act to provide for the regulation of hours of work and holidays in factories, and for purposes connected with the matters aforesaid.

[Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 26,
27, 28, 29, 30, 31, 32, 33, 34 and 36,
and the Schedule 1ST OCTOBER, 1949
Sections 37 and 38 11TH JUNE 1951;
Sections 12, 13, 14, 15 and 16 23RD AUGUST, 1952
Sections 17, 18, 19, 20 and 35 8TH NOVEMBER, 1952;
Sections 21, 22, 23, 24 and 25 1ST JUNE, 1953]

**PART I
PRELIMINARY**

Short title.

1. This Act may be cited as the Factories (Hours and Holidays) Act.

Interpretation
of terms.

[14 of 1949
39 of 1954
12 of 1967
24 of 1969
16 of 1974
20 of 1983
32 of 1997]
8 of 1999]

2. (1) In this Act—

“adult” means a person eighteen years of age and over;

“air-receiver” means—

- (a) any vessel (other than a pipe or coil, or an accessory, fitting or part of a compressor) for containing compressed air and connected with an air compressing plant; or
- (b) any fixed vessel for containing compressed air or compressed exhaust gases and used for the purpose of starting an internal combustion engine; or
- (c) any fixed or portable vessel (not being part of a spraying pistol) used for the purpose of spraying by means of compressed air, any paint, varnish, lacquer or similar material; or
- (d) any vessel in which liquid is stored and from which it is forced by compressed air;

“bodily injury” includes injury to health;

“building operation” means the construction, structural alteration, repair, or maintenance of a building (including re-painting, re-decoration and external cleaning of the structure), the demolition of a building, and the preparation for, and laying the foundation of, an intended building, but does not include any operation which is a work of engineering construction within the meaning of this Act;

“child” means a person under the age of fifteen years;

“driving-belt” includes any driving strap, rope or chain;

“employer” includes attorney, agent, foreman, manager, clerk, and any other person engaged in the hiring, employing or superintending the labour or service of any employee.

“existing factory” means any factory which is in operation at the commencement of this Act;

“factory”, subject to the provisions of this section, means —

- (a) any premises in which, or within the close or curtilage or precincts of which, persons are employed in any process for or incidental to any of the following purposes, that is to say:
 - (i) the making of any article or of part of any article; or
 - (ii) the altering, repairing, ornamenting, finishing, cleaning, or washing, or the breaking up or demolition of any article; or
 - (iii) the adapting for sale of any article; or
 - (iv) the generating, transforming, or converting, or switching, controlling, or otherwise regulating electrical energy, and the work is carried on by way of trade or for purposes of gain and to or over which the employer of the persons employed therein

has the right of access or control:

Provided that no place situate within the close, curtilage, or precincts forming a factory and solely used for some purpose other than the processes carried on in the factory, shall be deemed to form part of a factory, but such place shall, if otherwise it would be a factory, be deemed to be a separate factory;

Schedule.

- (b) any premises or undertaking specified in the Schedule where persons are employed and the Schedule may be amended by order made by the Minister;

“fume” includes gas, vapour or smoke;

“the Labour Authority” means, in respect of any provision of this Act or of any subsidiary legislation made thereunder, such officer or officers of the Ministry as may be designated for the purposes of such provision by the Minister by notice published in the Gazette, and in default of such designation means the Chief Labour Officer, the Deputy Chief Labour Officer or the Assistant Labour Officer;

“machinery” includes—

- (a) stationary or portable boilers in a factory;
- (b) steam or other engines in a factory;
- (c) all apparatus or appliances for generating, developing, receiving or transforming, or for measuring or testing the volume, voltage, pressure or frequency of, or for distributing

or applying any mechanical, electric or natural power to any industrial or manufacturing process in a factory;

- (d) furnaces and fuel or storage tanks situate within, opening into or attached to the structure of, or directly connected with, any factory;
- (e) railway locomotives, tractors, road rollers or other type of road locomotive;
- (f) marine boilers, steam receivers and air receivers on any ship or vessel which is not a foreign ship;
- (g) vats, tanks, cooling or drying devices used for the storage of, or otherwise in connection with, the product of any mechanical process, and situate within or attached to the premises within which such process is carried on;
- (h) any plant, or apparatus used to generate, purify, mix, heat, or cool any fume, gas or vapour; and
- (i) any driving belt;

“new factory” means any factory which first commences to operate at some time after the commencement of this Act;

“occupier” means the person who controls the factory and the work that is done there;

“owner” means the person for the time being receiving the rackrent of the premises in connection with which the word is used, whether on his own account or as agent

or trustee for any other person, or who would so receive the rackrent if the premises were let at a rackrent;

“power” means electrical energy, and any other form of energy which is mechanically transmitted and is not generated by human or animal agency;

“prime mover” means every engine, motor or other appliance which provides mechanical energy derived from steam, water, wind, electricity, the combustion of fuel or other source;

“process” includes the use of any locomotive;

“sanitary conveniences” includes urinals, water-closets, earth closets, privies and any similar conveniences;

“ship”, “vessel” and “harbour” have the same meanings as are respectively assigned to them in the the Guyana Shipping Act;

c.49:01

“steam boiler” means any closed vessel in which for any purpose steam is generated under pressure greater than atmospheric pressure and includes any economiser used to heat water being fed to any such vessel, and any super heater used for heating steam;

“steam container” means any vessel (other than a steam pipe or coil) constructed with a permanent outlet into the atmosphere or into a space where the pressure does not exceed atmospheric pressure, and through which steam is passed at atmospheric pressure for the purposes of heating, boiling, drying, evaporating or other similar purpose;

“steam-receiver” means any vessel or apparatus (other than a steam boiler, steam container, a steam pipe or coil, or a part of a prime over) used for containing

steam under pressure greater than atmospheric pressure;

“tenement factory” means any premises where mechanical power from any prime mover within the close or curtilage of the premises is distributed for use in manufacturing processes to different parts of the same premises occupied by different persons in such manner that those parts constitute in law separate factories;

“week” means the period between midnight on Saturday night and midnight on the succeeding Saturday night;

“woman” means a woman who has attained the age of eighteen years;

“work of engineering construction” means the construction of any railway line or siding otherwise than upon an existing railway, and the construction, structural alteration or repair (including re-pointing and re-painting) or the demolition of any dock, harbour, inland navigation, tunnel, bridge, viaduct, water works reservoir, pipe-line, aqueduct, sewer, sewage works, or gasholder, except where carried on upon a railway or tramway, and shall include such other works as may from time to time be specified by order of the Minister;

“young person” means a person who has ceased to be a child and has not attained the age of eighteen years.

(2) Any line or siding not being part of the railway vested in the Minister which is used wholly or mainly in connection with and for the purposes of a factory shall be deemed to be part of the factory, and if any such line or siding is used in connection with more than one factory belonging to different occupiers, the line or

siding shall be deemed to be a separate factory.

(3) A part of a factory may, with the approval in writing of the Labour Authority, be taken to be a separate factory, and two or more factories may, with the like approval, be taken to be a single factory.

(4) Any work place in which, with the permission of or under agreement with the owner or occupier, three or more persons carry on any work which would constitute the work place a factory if the persons working therein were in the employment of the owner or occupier, shall be deemed to be a factory for the purposes of this Act, and, in the case of any such workplace not being a tenement factory or part of a tenement factory, this Act shall apply as if the owner or occupier of the workplace were the occupier of the factory and the persons working therein were persons employed in the factory.

(5) Premises shall not be excluded from the definition of factory by reason only that they are open air premises.

(6) Any premises belonging to or in the occupation of the State or any municipal or other public or local government authority shall not be deemed not to be a factory, and building operations or works of engineering construction undertaken by or on behalf of the State or any such authority shall not be excluded from the operation of this Act, by reason only that the work carried on thereat is not carried on by way of trade or for purposes of gain.

(7) A woman, young person or child who works in a factory, whether for wages or not, either in a process or in cleaning or oiling any part of the machinery or plant, or in any other kind of work whatsoever incidental to or connected with the process, or connected with the article made or otherwise the subject of the

process therein shall, save as is otherwise provided by this Act, be deemed to be employed therein for the purposes of this Act or any proceedings thereunder.

(8) For the purposes of this Act, an apprentice shall be deemed to be a person employed.

(9) A young person who works in a factory, whether for wages or not, in collecting, carrying or delivering goods, carrying messages or running errands shall be deemed to be employed in the factory for the purposes of this Act or of any proceedings thereunder

Application of
Act to docks,
buildings,
engineering
construction
and mines; and
to the State.
[14 of 1949
39 of 1954

3. (1) The provisions of this Act, other than Part II thereof, shall apply –

(a) to every dock, wharf, quay, stelling and warehouse and all machinery or plant used in the processes of loading or unloading or coaling or re-fuelling or repairing any ship or in any dock or harbour or at any wharf, quay or stelling –

(i) as if the said dock, wharf, quay, stelling, warehouse, machinery or plant were included in the word “factory”; and

(ii) as if the person who by himself his agents or workmen uses any such machinery or plant for the purpose hereinbefore mentioned were the

occupier of the premises,

and for the purpose of the enforcement of those provisions the person having the actual use or occupation of a dock, wharf, quay, stelling or warehouse or of any premises within the same or forming part thereof and the person so using any such machinery or plant shall be deemed to be the occupier of a factory;

- (b) to building operations and works of engineering construction undertaken by way of trade or business, or for the purpose of any industrial or commercial undertaking and to any line or siding which is used in connection therewith, as if any place where such building operations or works of engineering construction are carried on were a factory.

(2) This Act applies to factories belonging to or in the occupation of the State, to prescribed occupations managed or carried on by or on behalf of the State, and to building operations and works of engineering construction undertaken by or on behalf of the State:

Provided that in case of any public emergency the Minister may by order from time to time and to the extent and during the period specified in the order exempt from the provisions of this Act any factory belonging to or in the occupation of the State, any factory in respect of work which is being done on behalf of the State, any prescribed occupation managed or carried on by or on behalf of the State, and any building operations and works of engineering construction undertaken by or on behalf of the State.

PART II
REGISTRATION OF FACTORIES

Register of factories and particulars thereof.

4. (1) Every existing factory and every new factory, and the particulars thereof which are specified in section 5, shall be registered under this Act with the Labour Authority.

(2) The Labour Authority shall keep a register of factories registered under this Act, and shall cause to be entered therein the particulars from time to time registered in respect of such factories.

Application for registration of factory and particulars thereof.

5. (1) Every person who is the owner, occupier or manager of a factory, shall —

- (a) within thirty days after the commencement of this Act, in the case of an existing factory; and
- (b) within thirty days after the factory commences to operate as such, in the case of a new factory —

make application to the Labour Authority in the prescribed form for the registration of such factory as an existing factory or a new factory, as the case may be:

Provided that where at the commencement of this Act any existing factory was not completely erected, the Labour Authority may extend the time for making the application for such period as he may think fit.

(2) Every application for registration of a factory under this Act shall contain the following particulars:

- (a) the names and addresses of the owner and of the occupier of the

factory to which the application relates:

- (b) the address and location of the factory;
- (c) the nature and the object of the process carried on in the factory;
- (d) the nature of the power (if any) used in the factory for the purpose of carrying on such process; and
- (e) the number of employees employed in the factory—
 - (i) normally, and
 - (ii) at the date of application.

(3) The Labour Authority shall, upon the receipt by him of an application under subsection (1) containing the particulars specified in subsection (2), forthwith cause to be registered the factory, and the particulars thereof, to which the application relates, and he shall issue to the applicant a certificate of registration of the factory in the prescribed form.

Notice to Labour Authority of intention to erect a new factory or new building appurtenant to an existing factory.
[14 of 1949]

6. Any person who intends to erect or to cause to be erected a new factory or any new building appurtenant to an existing factory shall, before the erection of such factory or building is commenced, give notice in writing to the Labour Authority of his intention as aforesaid, and shall furnish the Labour Authority with such information in writing and such plans, drawings and documents as the Labour Authority may in any case require.

Application
for registration
of change in
particulars
registered.
[14 of 1949]

7. Where any change takes place in any of the particulars registered under section 5(3), the owner, occupier or manager for the time being of the factory to which the particulars relate shall, within thirty days after the date upon which the change takes place, make application to the Labour Authority for the registration of the change, and the Labour Authority shall amend the register of factories accordingly and issue to the applicant a certificate of registration of the change as aforesaid.

Correction
of
register

8. (1) The Labour Authority may take such steps as they may consider necessary to ascertain whether—

- (a) any factory registered under this Act is being operated as a factory; or
- (b) any change has taken place in the particulars registered under section 5 in respect of any factory

(2) Where the Labour Authority ascertains that any Factory registered as aforesaid is not being operated as a factory, or that a change has taken place in the particulars registered as aforesaid in respect of any factory, he shall remove the name of the factory from the register or shall make such amendment to the register as the circumstances may require.

PART III ADMINISTRATION

Inspectors of
factories and
machinery.
[12 of 1967]

9. (1) Subject to subsection (2), all factories and all machinery in Guyana shall be inspected by the Labour Authority, or, subject to the directions of the Labour Authority, by an Inspector.

(2) The Minister may make regulations for the inspection of factories and machinery, or of some classes

of factories, or of certain kinds of machinery, by such persons as may be designated in such regulations.

(3) The Minister may, by notice published in the Gazette, designate fit and proper persons to be Inspectors for the purposes of this Act (hereinafter in this Act referred to as "Inspectors").

(4) No person who is the occupier of a factory or is directly or indirectly interested therein or in any process or business carried on therein, or in a patent connected therewith, or is employed in or about a factory, shall be appointed an Inspector or act as such.

Powers of the
Labour
Authority and of
an Inspector.
[14 of 1949
19 of 1977]

10. (1) The Labour Authority, and every Inspector, shall for the purpose of this Act have power—

- (a) whenever he has reasonable cause to believe that any person is employed in a factory, to enter, inspect and examine such factory and every part thereof at any hour of the day or night;
- (b) whenever he has reasonable cause to believe any place to be a factory, to enter, inspect and examine such place by day;
- (c) whenever he has reasonable cause to believe that explosive or highly inflammable materials are stored or used in any building of which a factory forms part, to enter, inspect and examine any part of such building by day;

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- (d) to enter any ship or vessel in any dock or harbour or at any wharf, quay or stelling and make such inspection and examination as he may deem fit;
 - (e) to require the production of the registers, certificates, notices and documents kept in pursuance of this Act, and to inspect, examine, and copy any of them;
 - (f) to make such examination and inquiry as may be necessary to ascertain whether, in respect of any factory or the persons employed therein, or in respect of any prescribed occupation, the provisions of this Act and of the enactments for the time being in force relating to public health are being complied with;
 - (g) to require any person whom he finds in a factory to give such information as it is in his power to give as to who is the occupier of the factory;
 - (h) to examine, either alone or in the presence of any other person as he thinks fit, with respect to matters under this Act, every person whom he finds in a factory, or whom he has reasonable cause to believe to be employed or to have been employed within the preceding two months in a factory or in respect of any prescribed

occupation and to require every such person to be so examined and to sign a declaration of the truth of the matters respecting which he is so examined:

Provided, however, that no person shall be required under this paragraph to answer any question, or to give any evidence, tending to incriminate himself;

- (i) where the Inspector is a registered medical practitioner, to carry out such medical examinations as may be necessary for the purposes of his duties under this Act;
- (j) whenever he has reasonable cause to believe that there may be any serious obstruction in the execution of his powers, duties and functions under paragraphs (a), (b), (c) or (d) to take a member of the police force or the rural constabulary with him into the factory, building, ship or vessel, as the case may be;
- (k) to exercise such other powers, duties and functions as may be necessary to carry this Act into full effect.

(2) The occupier of every factory, his agents and servants shall furnish the means required by an Inspector as necessary for the entry, inspection, examination, inquiry, the taking of samples or otherwise for the exercise of his powers, duties and functions under this Act in relation to that factory.

Certificate of appointment of Inspector.

11. (1) Every Inspector appointed under section 9(3) shall be furnished with a prescribed certificate of his appointment.

(2) When visiting any factory or place to which any of the provisions of this Act apply, he shall, if required so to do, produce the said certificate to the occupier or manager of the factory or place.

Appointment of examining surgeons.

12. (1) The Minister may, by notice published in the Gazette, designate a sufficient number of registered medical practitioners to be examining surgeons for any of the purposes of this Act.

(2) No medical practitioner who is the occupier of a factory, or is directly or indirectly interested therein, or in any process or business carried on therein, or in a patent connected therewith, shall act as examining surgeon for that factory:

Provided that the Minister may authorise a registered medical practitioner who is employed by the occupier of a factory in connection with the medical supervision of persons employed in the factory but is not otherwise interested in the factory, to act as examining surgeon for such factory for the purpose of examining and certifying the fitness of young persons.

(3) Where there is no examining surgeon for a factory, the Government Medical Officer for the medical district in which the factory is situate shall be the examining surgeon for that factory.

Powers and duties of examining surgeons.
[11 of 1958]

13. (1) The examining surgeon for a factory shall have power at all reasonable times to inspect the general register of that factory.

(2) It shall be the duty of an examining surgeon to investigate and report—

- (a) upon any case of death or injury caused by exposure in a factory to fumes or other noxious substances, or due to any other special cause specified in instructions of the Minister as requiring investigation;
- (b) upon any case of death or injury which the Labour Authority in pursuance of any general or special instructions of the Minister may refer to him for that purpose; and
- (c) upon any case of disease of which he receives notice under the Accidents and Occupational Diseases (Notification) Act.

c. 99:06

(3) The examining surgeon, for the purpose of an investigation under this section, shall have all the powers of an Inspector under this Act, and, in addition thereto, the power to enter any room in a building to which the person killed, injured or affected has been removed.

(4) Regulations may be made under this Act regulating—

- (a) the duties of examining surgeons; and
- (b) any special inquiry, examination or investigation held or performed by examining surgeons in pursuance of instructions or directions of the

Minister.

Power of
Inspector to
require
certificate of
fitness for work.

14. (1) Where the Labour Authority or an Inspector is of opinion that the employment of any young person in a factory, or in any particular process or kind of work in a factory, is prejudicial to the health of the young person or to the health of other persons, he may, anything contained in a certificate (previously obtained) of fitness of the young person for employment to the contrary notwithstanding, serve notice in writing on the occupier of the factory requiring that the employment of that young person in the factory or in the process or kind of work, as the case may be, be discontinued after the period named therein, being not less than one or more than seven days after the service of the notice.

(2) No occupier of a factory shall, after the period named in the notice under subsection (1), employ the young person to whom the notice relates contrary to the requirements set out in the said notice, unless the examining surgeon for the factory has, after the service of the notice, personally examined the young person and certified that he is fit for employment in the factory or in the process or kind of work, as the case may be.

Fees of
examining
surgeons.

15. (1) The fees to be paid to examining surgeons for carrying out their duties under this Act shall, in so far as they relate to any examination or certificate with respect to the fitness of a young person for employment in a factory or to any examination or medical supervision of persons employed in a factory carried out in pursuance of regulations made under this Act, be paid by the occupier of that factory, and in any other case shall be defrayed as an expense of carrying this Act into effect.

(2) Such fees shall, subject to any agreement made between the examining surgeon and the occupier of a factory in respect of the fees payable by the occupier, be of such amount as may from time to time be prescribed.

Periodical report of examining surgeon to the Labour Authority.

16. Every examining surgeon shall in each year make at the prescribed time a report in the prescribed form to the Labour Authority as to the examinations made and other duties performed by him in pursuance of this Act.

Panel of Advisers.

17. The Minister may, for the purpose of this Act, appoint a panel of advisers to the Labour Authority, and the Labour Authority may seek their advice, or the advice of any of them in respect of any matter arising out of the operation of this Act.

**PART IV
SAFETY**

Safety of buildings, ways, machinery and plant.

18. (1) Where it appears to the Labour Authority that any building or part of a building, or any part of the ways, machinery or plant, in a factory is in such a condition as to be likely to cause risk of bodily injury to, or to endanger the safety of, persons employed in connection with the factory or any class of such persons—

- (a) the Labour Authority may serve on the occupier of the factory a notice in writing requiring him, before a date to be specified in the notice—
 - (i) to furnish such drawings, specifications and other particulars as may be necessary to determine whether such building or part of the building, or such part of the ways, machinery or plant as aforesaid can be used without risk of bodily

injury or danger to safety as aforesaid;

- (ii) to carry out such tests as may be necessary to determine the strength or quality of any specified parts of the building, ways, machinery or plant as aforesaid, and to inform the Labour Authority of the results of such tests; or

- (b) the Labour Authority may serve on the occupier of the factory a notice in writing specifying the measures which should be adopted to remove the risk of bodily injury, and the danger to safety as aforesaid, and requiring such measures to be carried out before a date to be specified in the notice.

(2) Where it appears to the Labour Authority that the use of any building or part of a building, or any part of the ways, machinery or plant, in a factory involves imminent risk of bodily injury to, or imminent danger to the safety of, persons employed in connection with the factory or any class of such persons, the Labour Authority may serve on the occupier of the factory a notice in writing prohibiting such use as aforesaid until the building or part of the building, or the part of the ways, machinery or plant, as the case may be, has been repaired or altered in such a manner as to remove such imminent risk, or such imminent danger, as aforesaid.

Prohibition of
employment of
children in

19. (1) No child shall be employed in any factory, or in the business of a factory outside the factory, or in any business trade or process ancillary to the business of a

factories and
power to exclude
children
therefrom.

factory.

(2) Where it appears to the Labour Authority that the presence, in any factory or part of a factory, of children who cannot lawfully be employed therein may be dangerous to them or injurious to their health, the Labour Authority may serve on the occupier of the factory a notice in writing requiring him to prohibit and to prevent the admission of such children to the factory, or part of the factory, as the case may be.

(3) In this section the expression “factory” includes the premises, machinery, operations, works and factories specified in section 3.

Construction
and sale of new
machinery.
[46 of 1955]

20. (1) In the case of any machine in a factory being a machine intended to be driven by mechanical power —

- (a) every set-screw, bolt or key on any revolving shaft, spindle, wheel or pinion shall be so sunk, encased or otherwise effectively guarded by situation and design as to prevent danger;
- (b) all spur and other toothed or friction gearing, which does not require frequent adjustment while in motion, shall be completely encased unless it is so situated, or is of such design, as to be as safe as it would be if completely encased.

(2) Any person who sells, or lets on hire, or as agent of the seller or hirer causes or procures to be sold or let on hire, for use in a factory in Guyana any machine intended to be driven by mechanical power which does not comply with the requirements of this section shall be guilty of an offence.

(3) The Minister may make regulations extending subsection (2) to machinery or plant which does not comply with such requirements of this Act as may be specified in the regulations, and any regulations made under this subsection may relate to machinery or plant in a specified process.

(4) Nothing in this section shall be construed as applying to any machine imported into, or constructed in, Guyana before the commencement of this Act, and regulations made under this section shall not apply to any machinery or plant imported into, or constructed in, Guyana before the coming into force of such regulations.

PART V HOURS AND HOLIDAYS

Hours of work.
[20 of 1983]

21. (1) The Minister may make regulations—

- (a) prescribing the number of hours during which a person may normally be employed, in a factory, on any day or in any week;
- (b) prescribing that a person employed in a factory shall, in every week, have a break of such number of consecutive hours as may be specified in the regulations;
- (c) prescribing the conditions under which the Labour Authority shall have power to exempt factories from the operation of regulations

made under paragraph (b).

(2) Regulations under this section may be made—

- (a) for a limited period or without limit of period;
- (b) either generally or in relation to any area or to any class of factory or any particular factory or to any particular occupation in a factory;
- (c) prescribing different hours in respect of different branches of the operation of a factory;
- (d) prescribing different hours in respect of different periods of the year;
- (e) according to the season, where the carrying on of a factory or of any part of the operations thereof is influenced by seasons;
- (f) prescribing different hours in relation to adults and young persons;
- (g) subject to such conditions as the Minister may think fit,

and the regulations may contain such supplemental and consequential provisions as the Minister considers necessary for giving full effect to the regulations.

(3) This Act shall not apply to a shop assistant as defined in section 2 of the Shops Act.

Intervals for rest.

22. Every person employed in a factory or in any occupation in a factory shall, during his work on any one day, have such an interval for rest as may from time to time be approved by the Labour Authority, and in approving such an interval for rest for any person, or for any class of persons, so employed the Labour Authority shall have regard—

- (a) to whether the person, or the class of persons, is or is not employed on the shift system; and
- (b) to the nature of the operation on which the person, or the class of persons, is employed.

Special provision for night shifts.

23. Where a person employed in a factory works on a shift which extends over midnight—

- (a) the hours which he works after midnight shall be deemed to form part of the previous day; and
- (b) the ensuing day, for such person, shall be deemed to be the period of twenty-four hours commencing when the shift as aforesaid ends:

Provided that the Labour Authority may, by notice in writing, direct that in the case of any class of workers specified in the order—

- (a) the hours which he works before midnight shall be deemed to form part of the ensuing day; and
- (b) the ensuing day, for such class of

workers, shall be deemed to be the period of twenty-four hours commencing when the shift as aforesaid starts.

Overtime.
[12 of 1967
19 of 1990]

24. (1) The Minister may make regulations prescribing the rate at which a person who is employed in a factory, or in any occupation in a factory, shall be paid —

- (a) in respect of work on any day in excess of eight hours or in respect of work in any week in excess of the normal hours of work prescribed under section 21 (1) (a);
- (b) in respect of work on any public holiday, other than as specified in paragraph (c);
- (c) in respect of work on Sundays, Christmas Day, the day after Christmas Day if Christmas falls on a Sunday, Eid- UI-Azha Day, or, if that day is a Sunday, the following day, Phagwah Day, or, if that day is a Sunday, the following day, Good Friday, Easter Monday, Labour Day, that is to say the 1st May, or, if that day is a Sunday, the following day.

(2) Regulations under this section may be made—

- (a) for a limited period or without limit of period;

- (b) either generally or in relation to any area or to any class of factory or any particular factory or to any particular occupation in a factory;
- (c) prescribing different rates in respect of different branches of the operation of a factory;
- (d) prescribing different rates in respect of different periods of the year;
- (e) according to the season, where the carrying on of a factory or of any part of the operations thereof is influenced by seasons;
- (f) prescribing different rates in relation to adults and young persons;
- (g) subject to such conditions as the Minister may think fit,

and the regulations may contain such supplemental and consequential provisions as the Minister considers necessary for giving full effect to the regulations.

(3) Where the hours of work, or any of them, under paragraph (a) of subsection (1) also fall under paragraphs (b) or (c) of the said subsection, the provisions of paragraph (b) or paragraph (c) of the said subsection shall apply in respect of such hours.

(4) Where, in relation to any factory or to any occupation in a factory the appropriate rate under subsection (1) (a), (b) or (c) has not been fixed in

regulations made under this section, such rate shall be, in the case of work on any day specified in subsection (1) (c), twice the rate at which the person employed would but for this section be paid, and, in the case of any other work, one and a half times the rate at which the person employed would but for this section be paid.

Power of exemption conferred on Minister.

25. (1) The Minister may by order exempt from the provisions of this Part, or any of them, any factory or part of a factory or any particular occupation in a factory.

(2) An order may be made under this section—

- (a) for a limited period or without limit of period;
- (b) in relation to any area or to any class of factory or to any particular factory or to any particular occupation in a factory;
- (c) excepting from the operation of the order any class of factory or any particular factory or any particular occupation in a factory within an area;
- (d) subject to such conditions as the Minister may deem fit,

and the order may contain such supplemental and consequential provisions as the Minister considers necessary for giving full effect to the order.

**PART VI
REGULATIONS**

Power of Minister to

26. (1) Subject to negative resolution of the National Assembly, the Minister may from time to time

make
regulations.
[20 of 1983]

make regulations—

- (a) prohibiting the employment of, or modifying or limiting the period of employment of, all persons or any class of persons in connection with any manufacture, machinery, plant, process or description of manual labour certified by the Labour Authority, by notice published in the Gazette, to be dangerous;
- (b) prohibiting, limiting or controlling the use of any material or process;
- (c) modifying or extending any special provision for any class of factories contained in this Act;
- (d) for the purpose of ensuring the health or safety of persons who are employed in any factory or in connection with machinery or with any employment within the meaning of paragraph (a); and
- (e) generally for giving effect to the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing provisions, any such regulations may provide for—

- (a) the safe means of approach or access to, and exit from, any factory, or machinery;
- (b) the fencing and covering of all

- dangerous places or machines;
- (c) lifesaving and first aid appliances;
 - (d) securing safety in connection with all operations carried on in a factory;
 - (e) securing safety in connection with the use of cranes, winches, pulley-blocks, and of all engines, machinery, mechanical gear and contrivances generally whatsoever;;
 - (f) the periodic inspection, testing and classification, according to age, type or condition, of boilers, and for the issue and display of certificates in connection therewith, and for the regulating of the type of safety valves to be fixed to any boiler and the maximum pressure at which boilers of any age, type, class, or condition may be operated;
 - (g) the duties and responsibilities assignable to any person generally, and in particular to employers, owners, occupiers and managers in charge of factories, in connection with any one or more of such regulations;
 - (h) the proper ventilation of any factory, having regard to the nature of the process carried on therein;

- (i) the sanitation, including the provision of lavatory accommodation and sanitary conveniences (having regard to the number of workers employed) at any factory;
- (j) the fees to be paid for the inspection or examination of any factory or class of factory and any machinery therein;
- (k) the forms and certificates to be used under this Act;
- (l) the records and registers to be maintained for the purposes of this Act;
- (m) the lifting or moving of loads by any woman or young person;
- (n) the appointment, powers, duties, and fees of examining surgeons;
- (o) the medical supervision of workers;
- (p) the prescribing of occupations for the purposes of section 10;
- (q) the contents of notices required to be displayed under this Act.

(3) No young person shall be employed in a factory otherwise than in accordance with regulations made under this section.

(4) In subsection (3) the expression “factory” has the same meaning as it has in section 19.

Penalty for breach of regulations. [Reg. 14/1949 32 of 1997]

27. There may be annexed to the breach of any regulation made under this Act such penalty not exceeding fifty thousand dollars as may be prescribed, and such penalty may be sued for and recovered under the Summary Jurisdiction Acts.

PART VII
OFFENCES, PENALTIES AND PROCEDURE

Special provisions as to evidence.

28. (1) Any person who is found in a factory at any time at which work is going on or the machinery is in motion, except during the intervals for meals or rest, shall, until the contrary is proved, be deemed for the purposes of this Act to have been then employed in the factory:

Provided that this subsection shall not apply to a factory in which the only persons employed are members of the same family dwelling there.

(2) Where, in any proceedings under this Act with respect to a person under or over a specified age, it appears to the court that such person is apparently under or over such age, it shall lie on the defendant to prove that the person is not under, or not over, the specified age, as the case may be.

(3) Where any entry is required by this Act to be made in the general register or in any other register or record, the entry made by the occupier of a factory or on his behalf shall, as against him, be admissible as evidence of the facts therein stated, and the fact that any entry so required with respect to the observance of any provision of this Act has not been made, shall be admissible as evidence that that provision has not been

observed.

Offences.
[14 of 1949
39 of 1954
32 of 1997]

29. (1) Any person who—

- (a) being the owner, occupier, or manager of a factory fails within the time limited by section 5 to make application to the Labour Authority for the registration of such factory; or
- (b) fails to give notice to the Labour Authority as required by section 6; or
- (c) fails to furnish the Labour Authority within a reasonable time, with the information required by him under section 6; or
- (d) being the owner, occupier or manager of a factory contravenes or fails to comply with section 7; or
- (e) obstructs the Labour Authority or an Inspector in the execution of his powers, duties or functions under this Act; or
- (f) is the occupier of a factory in which an obstruction under paragraph (e) takes place,

shall be liable on summary conviction to a fine of twenty-five thousand dollars.

(2) Any person who—

- (a) wilfully delays the Labour Authority or an Inspector in the exercise of any power under section 10; or
- (b) fails to comply with any requirement of the Labour Authority or an Inspector in pursuance of section 10; or
- (c) fails to produce any register, certificate, notice or document which he is required by or in pursuance of this Act to produce; or
- (d) wilfully withholds any information as to who is the occupier of any factory, or as to who is the employer in the case of a prescribed occupation; or
- (e) conceals or prevents, or attempts to conceal or prevent, a person from appearing before or being examined by the Labour Authority or an Inspector,

shall be deemed to obstruct the Labour Authority or an Inspector in the execution of his duties under this Act.

(3) Any person who—

- (a) obstructs an examining surgeon in the exercise of his powers under section 13;
- (b) being the occupier of a factory, fails to comply with the

- requirements of a notice under section 14(1);
- (c) being the occupier of a factory, contravenes or fails to comply with any requirement of a notice under section 18; or
 - (d) contravenes section 19(1); or
 - (e) contravenes or fails to comply with any requirement of a notice under section 19 (2); or
 - (f) contravenes or fails to comply with any of the provisions of section 20; or
 - (g) being the occupier of a factory, fails to comply with the provision as to an interval for rest approved by the Labour Authority under section 22; or
 - (h) being the employer of a person employed in a factory, or in any occupation in a factory contravenes or fails to comply with section 24 (4); or
 - (i) being the occupier of a factory, contravenes or fails to comply with any of the provisions of section 35; or
 - (j) being the occupier of a factory, fails to comply with any requirement of the Labour Authority under section 36; or

- (k) being the occupier of a factory, fails to comply with any of the provisions of section 37,

shall be liable on summary conviction to a fine of twenty-five thousand dollars, and in the case of a continuing offence shall be liable to a fine of one thousand dollars for every day upon which such offence continues after conviction.

Special rules for the determination of the occupier of a factory in the case of a partnership or a company.

30. (1) Where the occupier of a factory is a firm or other association of individuals one or more of the individual partners or members of the firm thereof may be prosecuted and punished under this Act for any offence for which the occupier of the factory is punishable:

Provided that the firm or association may give notice to the Labour Authority that it has nominated one of its number who is resident in Guyana to be the occupier of the factory for the purposes of this Act, and such individual shall so long as he is so resident be deemed to be the occupier for the purposes of this Act until further notice cancelling his nomination is received from the firm or association by the Labour Authority or until he notifies the Labour Authority that he has ceased to be a partner or member of the firm or association

(2) Where the occupier of a factory is a company, one or more of the Directors thereof, or, in the case of a private company, one or more of the shareholders thereof, may be prosecuted and punished under this Act for any offence for which the occupier of the factory is punishable:

Provided that the company may give notice to the Labour Authority that it has nominated a director, or, in the case of a private company, a shareholder, who is resident in either case in Guyana, to be the occupier of the

factory for the purposes of this Act, and such director or shareholder shall so long as he is so resident be deemed to be the occupier of the factory for the purposes of this Act until further notice cancelling his nomination is received by the Labour Authority, or until he has notified the Labour Authority, or until he has notified the Labour Authority that he has ceased to be a director or shareholder.

Special rules as to the making of complaints for offences.

31. (1) No prosecution under this Act shall be instituted except by or with the previous sanction of the Labour Authority.

(2) An Inspector if so authorised in writing by the Labour Authority, may, although he is not a barrister or a solicitor, prosecute, conduct, or defend before any court having jurisdiction any information complaint or other proceeding arising under this Act, or in the discharge of his duty as an Inspector.

Power of court to order cause of contravention to be remedied.

32. Where the occupier of a factory is convicted of an offence under this Act the court may, in addition to or in substitution for a penalty, order him to take, within the time specified in the order, such steps as may be therein specified for remedying the matters in respect of which the contravention occurred, and may, on application, enlarge the time so specified, and where such an order is made, the occupier shall not be liable under this Act in respect of the continuation of the contravention during the time allowed by the Court, but if, after the expiration of that time as originally specified or enlarged by subsequent order, the order is not complied with, the occupier shall be liable to a fine of fifty dollars for each day on which the non-compliance continues.

Proceedings against persons other than occupiers.

33. Where under this Act any person is substituted for the occupier with respect to any provision of this Act, any order, summons, notice or proceeding which for the purpose of any of those provisions is by or under this Act

required or authorised to be served on or taken in relation to the occupier, is hereby required or authorised (as the case may be) to be served on or taken in relation to that person.

Power to make a complaint at any time for an offence under Part II.

34. A complaint may be made for an offence under Part II although more than six months have elapsed since the date on which the offence is alleged to have been committed.

**PART VIII
MISCELLANEOUS**

Display of factory notices.

35. (1) There shall be displayed in every factory a notice containing such abstract of this Act and of the regulations made thereunder, as may be prescribed.

(2) All notices required, under this Act, to be displayed in a factory shall be displayed, where they can conveniently be read by the persons employed in the factory, at some conspicuous place at or near the main entrance to the factory and shall be maintained in a clean and legible condition:

Provided that the Labour Authority may direct that all or any of the aforesaid documents shall be posted in such parts of the factory, either in addition to or in substitution for such conspicuous place as aforesaid, as he may direct.

Power of the Labour Authority to require returns.

36. The Labour Authority may require occupiers or managers of factories to submit such returns, occasional or periodical, as may in his opinion be required for the purposes of this Act.

General register.

37. (1) There shall be kept in every factory, or in such place outside the factory as may be approved by the Inspector, a register, in the prescribed form, called the general register, and there shall be entered in or attached

to that register—

- (a) the prescribed particulars as to the persons employed in the factory who have not attained the age of eighteen; and
- (b) the prescribed particulars as to the washing, whitewashing or colour washing, painting or varnishing, of the factory; and
- (c) the prescribed particulars as to every accident and case of industrial disease occurring in the factory of which notice is required to be sent to an Inspector; and
- (d) all reports and particulars required by any other provision of this Act to be entered in or attached to the general register; and
- (e) such other matters as may be prescribed.

(2) The occupier of a factory shall send to an Inspector such extracts from the general register as the Inspector may from time to time require for the purpose of the execution of his duties under this Act.

Enforcement by
Local Sanitary
Authority of
regulations
made under this
Act.
[39 of 1954]

38. (1) The provisions of regulations made under this Act relating to cleanliness, ventilation, overcrowding, lighting, drinking water, washing facilities and sanitary conveniences shall be enforced by the Local Sanitary Authority of the district in which the factory is situate.

(2) For the purpose of their duties under this section a Local Sanitary Authority and its officers shall

without prejudice to their other powers, have all such powers of entry, inspection, taking legal proceedings, or otherwise, as the Labour Authority or an Inspector has, and accordingly in relation to their said duties the provisions of this Act as to furnishing means required by the Labour Authority or an Inspector, and delaying or obstructing the Labour Authority or an Inspector, shall be construed as including references to such officers; but no such powers of entry, inspection or taking legal proceedings shall be exercised except by officers of the Local Sanitary Authority authorised by the Authority in writing in that behalf either generally or specially.

(3) Where the Labour Authority or an Inspector finds any act or default in relation to any matter in a factory which is liable to be dealt with by the Local Sanitary Authority he shall give notice thereof in writing to the Sanitary Authority aforesaid and to the Central Board of Health. It shall be the duty of the Local Sanitary Authority to make such inquiry into the subject of the notice and take such action thereon as seems to the Authority proper for the purpose of enforcing the law and to inform the Labour Authority or the Inspector, as the case may be, and the Central Board of Health of the proceedings taken in consequence of the notice.

(4) If within one month after notice of an act or default is given by the Labour Authority or an Inspector under this section to a Local Sanitary Authority proceedings are not taken for remedying or punishing the default or act, the Central Board of Health, the Labour Authority or the Inspector, as the case may be, may take proceedings for the remedying or punishment of the default or act in accordance with this Act.

(5) The Labour Authority or an Inspector shall for the purpose of his duties under this section have the same powers in regard to any such matters as he has with respect to other matters under this Act and he may for that

purpose take like proceedings for enforcing this Act or for remedying or punishing any default or act as might be taken by the Local Sanitary Authority.

SCHEDULE

s. 2(1)
[O. 64/1957
77/1974
32 of 1997]

PREMISES WHICH ARE FACTORIES WHERE PERSONS
ARE EMPLOYED IN MANUAL LABOUR

1. Any yard or dry dock (including the precincts thereof) in which ships or vessels are constructed, re-constructed, repaired, refitted, finished or broken up.

2. Any premises in which the business of sorting any articles is carried on as a preliminary to the work carried on in any factory or incidentally to the purposes of any factory.

3. Any premises in which the business of washing or filling bottles or containers or packing articles is carried on incidentally to the purposes of any factory.

4. Any premises in which the business of hooking, plaiting, lapping, making-up or packing of yarn or cloth is carried on.

5. Any laundry carried on as ancillary to another business, or incidentally to the purposes of any public institution.

6. Any premises in which the construction, reconstruction or repair of locomotives, vehicles or other plant for use for transport purposes is carried on as ancillary to a transport undertaking or other industrial or commercial undertaking, including any premises used for the purpose of housing locomotives or vehicles where only cleaning, washing, running repairs or minor

adjustments are carried out.

7. Any premises in which printing by letterpress, lithography, photogravure, or other similar process, or bookbinding is carried on by way of trade or for purposes of gain or incidentally to another business so carried on.

8. Any premises in which the business of making or mending nets is carried on incidentally to the fishing industry.

9. Any premises used in connection with the making or repair of articles of metal or wood incidentally to any business carried on by way of trade or for purposes of gain.

10. Any premises in which articles are made or prepared incidentally to the carrying on of building operations or works of engineering construction, not being premises in which such operations or works are being carried on.

11. Any premises used for the storage of gas in a gasholder having a cubic capacity of not less than five thousand cubic feet.

12. Any premises in which the production of cinematograph films is carried on by way of trade or for purposes of gain:

Provided, however, that the employment of any such premises of theatrical performers and of attendants on such theatrical performers shall not be deemed to be employment in a factory.

13. Any premises used as a quarry, that is to say, any open work, pit or excavation from which stone or rock is obtained by way of cutting, blasting or other methods, but not any place where any manufacturing process, other

than a process ancillary to the getting, dressing or preparation for sale of stone or rock, is carried on.

c. 99:06

14. Any "mine" as defined in section 2 (1) of the Occupational Safety and Health Act.
