

REVIEW AND ANALYSIS OF COMPLIANCE OF THE NATIONAL LABOUR LEGISLATION OF SURINAME WITH CARICOM MODEL LABOUR LEGISLATION

May, 2007

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I. Introduction

This study undertakes an assessment of the extent to which existing national legislation of Suriname complies with the CARICOM model labour harmonization legislation in the areas of:

- Termination of employment;
- Registration, status and recognition of trade unions and employers' organizations;
- Equality of opportunity and non-discrimination in employment; and
- Occupational safety and health and the working environment.

These model labour laws, which were adopted by the CARICOM Standing Committee of Ministers responsible for Labour in 1995 and 1997 for implementation by Member States, are based on the core labour standards of the ILO and seek to mirror relevant ILO Conventions, namely:

- Termination of Employment Convention, 1982 (No. 158);
- Freedom of Association Convention, 1948 (No. 87);
- Right to Organise and Collective Bargaining Convention, 1949 (No. 98);
- Equal Remuneration Convention, 1951 (No. 100);
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111);
- Occupational Safety and Health Conventions.

In fact, among the stated objectives of the first three named CARICOM Model Labour Laws is to give effect to the related ILO Conventions. The other CARICOM Model Labour Law seeks to follow closely the standards established in core ILO Occupational Safety and Health Conventions and Recommendations.

While the primary focus of the study is concerned with compliance of Suriname with the CARICOM Model Labour Laws, comparisons are made with the applicable ILO Conventions. This approach has practical value since one of the stated objectives of these Model Labour Laws is to give effect to the related ILO Conventions. In addition, Suriname has an obligation under international law and ILO jurisprudence to comply with ILO Conventions that it has ratified and also with core international labour standards. Suriname also has to submit periodic reports on such compliance to the Committee of Experts on the Application of Conventions and Recommendations. It is hoped that this review would serve as an opportunity for Suriname to consider the necessary legislative steps to be taken to ratify those fundamental ILO Conventions that it has not yet ratified.

This study is based essentially on legislative or statutory compliance. Its remit does not include other sources of law such as the common law or case law. It also does not focus on what may be accepted and practised as good industrial relations principles within Suriname. The intention is to ensure that the legislation in

Suriname becomes fully compliant with the CARICOM Model Labour Laws and its ILO obligations.

While this assessment seeks to address the salient provisions of the CARICOM Model Labour Laws and related ILO Conventions and in particular gaps and inconsistencies in the legislation of Suriname, it does not address every single provision. Consequently, absence of comment on any particular provision of the CARICOM Model Labour Laws should not be construed as an acknowledgement of compliance by Suriname.

Recommendations are made regarding amendments required to address gaps and inconsistencies in Suriname's legislation with a view to achieving compliance with the CARICOM Model Labour Laws and applicable ILO Conventions. It must be noted that these recommendations emanate from a purely technical assessment of the legislation against the benchmark of the CARICOM Model Labour Laws and related ILO Conventions. It is recognised that the soundness and practicability of the proposed amendments are matters to be determined by the Government of Suriname through the consultative process with the social partners in the labour movement and the employers' federation. The final determination of the practical value and soundness of the recommendations must be that of the people of Suriname in general and the social partners in particular. It is therefore anticipated that the findings and recommendations of the study will be subject to review by the social partners of Suriname.

Legal status of CARICOM Model Labour Laws and related ILO Conventions in Suriname

The CARICOM Model Labour Laws were adopted by the CARICOM Ministers of Labour for implementation by Member States. While Member States are expected to implement the model labour laws as an important requirement of the CARICOM Single Market and Economy, there is no legal obligation to ensure compliance; the CARICOM Model Labour Laws are precatory and non-binding; and non-compliance does not invite any sanctions.

The non-binding nature of the CARICOM Model Labour Laws contrasts with the binding nature of a ratified ILO Convention. One fundamental principle of international law is that treaties such as ILO Conventions are binding upon the parties to them and must be performed in good faith. This rule known as *pacta sunt servanda* is one of the oldest principle of international law, now re-affirmed in Article 26 of the Vienna Convention on the Law of Treaties. Moreover, Article 27 of the Vienna Convention on the Law of Treaties prevents a party from invoking the provisions of its domestic law as justification for its failure to perform a treaty obligation. Thus, it is important from an international law perspective for the domestic law of Suriname to be consistent with its international legal obligations. Thus, Suriname's obligation to comply with ratified ILO Conventions and core

fundamental labour standards has greater legal force than that of its obligation with respect to the CARICOM Model Labour Laws.

The question arises as to how a treaty or convention ratified by Suriname becomes domestic law within the jurisdiction of Suriname. Unlike other CARICOM Member States, *Suriname's Constitution (Art.103)* provides that all treaties are approved by Parliament and published are binding and took precedence over all other Acts of Parliament.

Legal Obligations of Suriname

Suriname therefore has a legal obligation under international law and ILO jurisdiction to comply with the following ILO Conventions that it has ratified or acceded to and that are subject of this study:

- Freedom of Association Convention, 1948 (No. 87);
- Right to Organise and Collective Bargaining Convention, 1949 (No. 98);

It should be noted that Suriname has not ratified the following Conventions:

- Termination of Employment Convention, 1982 (No. 158)
- Equal Remuneration Convention, 1951 (No. 100);
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

In addition, Suriname has only ratified two of the core OSH Conventions, namely, White Lead (Painting) Convention, 1921 (No. 13) and Safety Provisions (Building) Convention, 1937 (No. 62).

It should also be noted that in the Americas, Suriname is one of only two countries (the other being the United States of America) that have not ratified ILO Conventions Nos. 100 and 110. These two Conventions guarantee fundamental labour principles and rights and are considered to be peremptory norms of international labour law. The International Labour Conference at its Eighty-eight Session declared that all Members of the ILO, which includes Suriname, have an obligation, arising from the very fact of membership in the Organization, to respect, to promote and to realize, in good faith and in accordance with the Constitution, the principles concerning the fundamental rights, which are subject to those Conventions, namely:

- a) freedom of association and the effective recognition of the right to collective bargaining;
- b) the elimination of all forms of forced and compulsory labour;
- c) the effective abolition of child labour; and
- d) the elimination of discrimination in respect of employment and occupation.

Applicable Legislation of Suriname

The statutes of Suriname which seek to incorporate provisions relevant to the CARICOM Model Laws and the applicable ILO Conventions are:

- 📁 Protection of Workers Decree
- 📁 Civil Code
- 📁 Dismissal Permits Act, 1983

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- 📁 Collective Bargaining Agreements Act
- 📁 Occupational Safety and Health Act 1946 as amended in 2005
- 📁 Constitution of Suriname

II. Termination of Employment

The objectives of the CARICOM model legislation on termination of employment are:

- a) to give effect to the provisions of the ILO Convention concerning Termination of Employment, 1981 (No. 158);
- b) to confer upon employees the right to continuity of employment and protection against unfair dismissals; and
- c) to establish procedures for employers to follow to terminate an employment relationship in a fair and equitable manner.

As noted earlier, Suriname has not ratified the ILO Convention No. 158. Its Civil Code, Dismissal Permits Act, 1983 addresses some of the provisions contained in the CARICOM Model Law or the ILO Convention No. 158.

Scope of Application

The provisions of Part 11 of the model legislation (contracts of employment) apply to all contracts of employment with certain categories of exemption listed in section 10 (fixed term or fixed task contracts of less than six weeks, employee of a family member and employees with collective agreements).

ILO's Convention 158 applies to all branches of economic activities and to all employed persons except fixed term or specific task workers, workers during their probationary period and workers engaged on a casual basis for short terms. The Convention also provides for Governments after consultation with workers' and employers' representative organizations to exclude categories of workers whose terms and conditions are governed by special arrangements, which facilitate protection equivalent to the Convention.

Employment Contract

Suriname Civil Code requires a statement of employment terms and conditions condition, including provision on probation, in Dutch language to be given to every worker on his appointment.

Termination of employment

Dismissal Permits Act 1983 provides that an employer shall not dismiss employee without dismissal permit. Exceptions are termination by mutual consent, by operation of law, on urgent grounds (serious misconduct) and termination during probationary period. Dismissal Board a tripartite body.

Workers have the right to give notice to terminate employment contract at any time. An employer could compel a worker to give due notice. In the absence of due notice by an employee for termination of employment at his or her request, an employer can claim damages in the Court of Justice.

Notification of dismissal for urgent reasons is required within four days to the Labour Inspectorate. Inspector General could object within fourteen days. Urgent reasons for dismissal are those acts or conduct of the employee which make it unreasonable to require the employer to continue the employment relationship. Some examples stated in the *Civil Code Article 1215* are:

- misleading employer by providing false information or submitting false or forged documents to influence his recruitment;
- serious lack of skills and competencies;
- drunkenness or other misbehaviour of the worker;
- theft, embezzlement, fraud or other criminal offences of the worker affecting the trust of the employer;
- offences of the worker effecting the trust of the employer;
- assault, gross insult or threat of the employer, his family or colleagues;
- threats to the employer, his family or colleagues;
- vandalizing the employer's property;
- breach of confidentiality by the worker;
- refusal to do a particular job by the worker;
- negligence by the worker in relation to his duties; and
- the impossibility of the worker to perform duties due to his own acts.

Rejection of application for dismissal permit means that employment contract can only be terminated by mutual consent or by the judge of a court of justice.

Termination of employment without notification to the Labour Inspectorate in case of urgent reasons or without dismissal permit in other cases is an offence.

Civil Code 1615

A worker may also terminate the employment contract without due notice for urgent reasons. Urgent reasons for the worker are conditions, which make it unreasonable for him to continue the relationship, including:

- assault by employer or family members;
- threats to worker or family members;
- late payment of wages/salaries;
- non-performance of the employer regarding board and lodging' if such is stipulated;
- insufficient amount of work or assistance to the worker, if such is stipulated;
- neglecting of duties;
- orders from employer to perform duties for another employer without reasons;
- safety for life, health, morals and honour; and
- sickness

Other ways to terminate

- Immediate notice during a stipulated probationary period (maximum 2 months);
- Termination with mutual consent;

- Termination by court on request of statutory representative; or
- The request of the Procurator-General in case of employment of a minor.

III. Registration, Status and Recognition of Trade Unions and Employers' Organizations

Introduction

The objectives of CARICOM Harmonization Act Regarding Registration, Status and Recognition of Trade Unions and Employers' Organisations (referred to in this section as "CARICOM Model Legislation") are:

- a) to give effect to the provisions of National Constitutions on freedom of association, the ILO Conventions on Freedom of Association, No. 87 (1948) and on the Right to Organise and to Collective Bargaining, No. 98 (1949);
- b) to establish procedures for the registration and status of trade unions and employers' organisations;
- c) to promote and protect the recognition of trade unions; and
- d) to encourage orderly and effective collective bargaining.

It should be noted that Suriname has ratified ILO Conventions No. 87 and 98. In fact, the principles and standards inherent in ILO Conventions No. 87 and 98 are fundamental principles of international labour law, which all ILO Members, even if they have not ratified the Conventions in question, have an obligation, arising from the very fact of membership in the ILO, to respect, to promote and to realise in good faith¹.

Basic employee rights

The Constitution of Suriname in Article 30 provides for the basic employee rights. These are the right to take part in the formation of any trade union or federation of trade unions, to take part in lawful trade union activities, and to hold office in any trade union or federation. Workers also enjoy the freedom to promote their rights and interests within the trade union provided that their actions do not infringe any law.

Freedom of association protection of employees

The *Protection of Workers Decree* provides for freedom of association protection of employees. Article 1 provides that workers' and employers' organisations are free to draw up their constitution and rules, elect their representatives in full freedom, organise their administration and activities and to formulate their programmes.

Article 2 prohibits employers from taking any action prejudicial to workers by reason of their position and activities as union officers or members or their union activities in pursuit of collective bargaining.

Protection of trade union from employer interference

Article 1 of the *Collective Bargaining Agreements Act* provides that workers' organisations, which are established by or under the domination of the employers or

¹ ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, Paragraph 2

their organisations or supported by them by financial means, are not considered as labour unions and are thus unable to conclude collective bargaining agreements. However, there is an absence in the legislation of sufficiently effective and dissuasive sanctions against acts of anti-union discrimination and interference by employers.

No compulsion to join or not to join an organisation

Moreover, the Constitution provides that workers without any distinction whatsoever have the right to establish and join organisations of their own choosing without previous authorization.

Registration and status

Trade unions and employers' organisations are deemed to be corporate bodies and have the capacity to acquire, to hold and dispose of property and to sue and be sued in their own names.

There is a Registrar for the registration of trade unions. There are statutory conditions to be satisfied with respect to the rules of the trade unions relating to objects, management, finance and audit.

Recognition of Bargaining Rights

Tripartite Body for Certification

The National Labour Mediation Council is a tripartite body with the authority to determine applications for recognition of a trade union as the bargaining agent in respect of a bargaining unit where the request for recognition is not accepted by the employer or where there are two or more trade unions applying for recognition of the same or a similar bargaining unit.

Application procedures

Where a trade union desires to be recognised as the bargaining agent with respect to a bargaining unit, the trade union shall submit a request to the employer with a description of the bargaining unit.

Where the employer doubts that the trade union has the support of the majority of workers in the bargaining unit or where more than one trade union applies for recognition, the matter is referred to the National Labour Mediation Council. The Council arranges a referendum among the bargaining unit to ascertain which trade union has the majority support among the workers of the bargaining unit². Where votes are equally divided even after second referendum the union, which acquired legal personality, first will represent the workers in the bargaining unit.

Where the trade union is certified by the Council as the bargaining agent or recognised trade union, the employer is then obliged to enter into negotiations with

² Recognition of Labour Unions Decree Article 2

the union for a collective agreement³. Employer shall provide adequate facilities to trade union representatives to fulfil their union responsibilities without impairing the efficient operation of the enterprise.

Collective Agreements

There is a Collective Bargaining Agreements Act, which imposes a duty on employers and trade unions to negotiate a collective agreement following recognition of the trade union as the bargaining agent.

Clauses in collective agreements to restrict or deny the right to freedom of association and peaceful assembly are null and void. It is prohibited for parties to stipulate requirement for employer to only employ persons or reject persons on grounds of race, nationality, religion or membership of associations including labour unions and restricting the right of workers to freedom of association and peaceful assembly.

Dissolution of a trade union that is a party to a collective agreement does not affect the rights and duties in the agreement.

³ *ibid*

IV. Equality of Opportunity and Treatment in Employment and Occupation

Objectives

The objectives of the CARICOM Model Harmonisation Act regarding Equality of Opportunity and Treatment in Employment and Occupation (hereinafter referred to in this chapter as “CARICOM Model Legislation”) are:

- a) to give effect to the provisions of the National Constitution; to ILO Convention concerning Equal Remuneration, No. 100 (1951); to ILO Convention concerning Discrimination In Employment and Occupation, No. 111 (1958); and to certain provisions in the UN Convention on the Elimination of All Forms of Discrimination Against Women;
- b) to eliminate, as far as possible, discrimination in employment and occupation against persons on the grounds of race, sex, religion, colour, ethnic origin, national extraction, social origin, political opinion, disability, family responsibilities, pregnancy or marital status;
- c) to promote recognition and acceptance of the principle of equal opportunity and treatment on the above grounds in employment, occupation and other related activities including education, vocational training, employment services, provision of goods and services, partnerships and professional trade organisations.

Status of ILO Conventions

As noted earlier, Suriname is the only country within CARICOM that has not to date ratified ILO Convention concerning ILO Convention concerning Equal Remuneration, No. 100 (1951) and Discrimination in Employment and Occupation, No. 111 (1958). It has however ratified to the UN Convention on the Elimination of All Forms of Discrimination Against Women.

Principles

The fundamental principles underlying the CARICOM Model Legislation insofar as protection against unlawful discrimination is concerned are:

- (i) any discrimination in employment or occupation based on race, sex, religion, colour, ethnic origin, indigenous population, national extraction, social origin, political opinion, disability, family responsibilities, pregnancy, marital status or age except for purposes of retirement and restrictions on work and employment of minors shall be unlawful;
- (ii) the scope of application of the principles shall include all workers in the public and private sectors, professional partnerships, professional or trade organisations, qualifying bodies, vocational training bodies and employment agencies;

- (iii) the principles of unlawful discrimination and equality of opportunity shall also apply to the provision of goods, services and facilities, advertisements and application forms;
- (iv) the prohibition against unlawful discrimination applies both to workers and to persons seeking employment;
- (v) the prohibition against unlawful discrimination extends to terms and conditions of employment, including conditions of work or occupational safety and health measures, workplace facilities, and career development opportunities;
- (vi) measures to promote equality of opportunity of a temporary nature shall not be deemed unlawful discrimination;
- (vii) employers have a duty to ensure equal pay for work of equal value; except where otherwise provided, the person alleging a violation shall bear the evidential burden of presenting a prima facie case of discrimination and thereafter the burden shall shift to the respondent to disprove the allegation.

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The Constitution of Suriname contains the following relevant provisions:

Article 8

- 1. All who are within the territory of Suriname have an equal claim to protection of person and property.
- 2. No one may be discriminated against on the grounds of birth, sex, race, language, religious origin, education, political beliefs, economic position or any other status.

Article 27

- 1. It shall be the duty of the State to guarantee the right to work maximally by:
 - a) Following a planned policy, aimed at full employment;
 - b) Forbidding the discharge without sufficient cause or for political or ideological reasons;
 - c) Guaranteeing equal opportunity in the choice of profession and type of work and forbidding that access to any function or profession be prevented on grounds of someone's sex
 - d) Promoting professional training for employees.
- 2. The State shall take care of the creation of conditions for the optimal promotion of initiatives for economic production.

Article 28

All employees have, independent of age, sex, race, nationality, religion or political opinions, the right to:

- a) remuneration for their work corresponding to quantity, type, quality and experience on the basis of equal pay for equal work;
- b) the performance of their task under humane conditions, in order to enable self-development;
- c) safe and healthy working condition;

d) sufficient rest and recreation.

DUTIES OF THE STATE CONCERNING THE RIGHTS OF EMPLOYEES

Article 29

It is the duty of the State to indicate the conditions for work, remuneration and rest to which employees are entitled, especially by:

- a. labour regulations with regard to wages, time of work, about conditions and special categories or workers;
- b. Supplying special protection on the job for women before and after pregnancy, for minors, disabled persons and for those who are engaged in work which demands special efforts or who work in unhealthy or dangerous conditions.

Gaps in legislative framework

Marital status, family responsibilities, disability and age are not listed as prohibited grounds of discrimination in employment. While the legislation prohibits discrimination, there is no express provision as to whether such prohibition extends to conditions of employment, training and promotion opportunities.

There is absence of provision prohibiting sexual harassment in the workplace.

The scope of application of the principles does not include professional partnerships, professional or trade organisations, qualifying bodies, vocational training bodies and employment agencies.

The principles of unlawful discrimination and equality of opportunity do not apply to the provision of goods, services and facilities, advertisements and application forms.

The provision on equal pay for men and women for work of equal value is too limited. It should be equal remuneration for work of equal value.

V. Occupational Safety and Health and the Working Environment

Unlike the other model laws, CARICOM Model Law on Occupational Safety and Health and the Working Environment (hereinafter referred to in this Chapter as “the CARICOM Model Legislations”) does not have among its objectives the incorporation of any ILO Conventions. It is an Act to provide for the occupational safety and health of workers in the working environment.

As noted earlier, Suriname has ratified two of the 18 core OSH Conventions, namely, White Lead (Painting) Convention, 1921 (No. 13) and Safety Provisions (Building) Convention, 1937 (No. 62).

Scope of Application

The CARICOM Model Legislation applies to the State and all branches of economic activity and to all employers and workers in all branches of economic activity.

Content

There are provisions relating to:

- (i) registration of industrial establishments and mines;
- (ii) administration;
- (iii) general occupational safety and health requirements;
- (iv) duties of employers, workers and other persons;
- (v) hazardous chemicals, physical agents and biological agents;
- (vi) enterprise safety and health representatives and committees;
- (vii) notices of injury, accidents and explosions;
- (viii) enforcement ; and
- (ix) offences and penalties.

Scope of Application

Suriname *Occupational Safety and Health Act 1946* as amended in 2005 (hereinafter referred to in this section on Suriname as “the Act”) applies to the State and all branches of economic activity and to all employers and workers in all branches of economic activity, except the police, the armed forces and diplomatic personnel.

Registration of Industrial Establishments and Mines

Article 7 of the Act provides for the registration of all industrial establishments and mines with Permanent Secretary, Ministry of Labour within 30 days of commencement of the Act or the commencement of operations where applicable. The particulars of registration application shall include the names and addresses of the owner and employer, address and location of the industrial establishment, the nature and object of the process to be carried out, the number of employees, hazardous chemicals and hazardous physical agents present in the industrial

establishment or mine and whether the industrial establishment or mine is a major hazard installation.

Administration

The Act provides for the appointment of inspectors to administer and enforce the Act and regulations. They are to ensure that employers and other relevant persons are provided with information and advice concerning the Act and the protection of the occupational safety and health of workers generally.

The Act also requires the appointment of a tripartite National Advisory Council on Occupational Safety and Health with technical or professional persons with expert knowledge to advise and make recommendations to the Minister and to promote awareness, including enforcement and the implementation of a national policy on occupational safety and health. The National Advisory Council is mandated to submit an annual report to Minister for incorporation in the Annual Labour Administration Report for Parliament.

General Occupational Safety and Health Requirements

The provisions in this section relates to work at dangerous machines, protective clothing devices, emergency drills and exits, cleanliness and sanitary conveniences, disposal of waste, noise and vibrations, overcrowding, ventilation, availability of drinking water, washing and change facilities, first-aid provisions and restrooms.

The Safety Regulation 1 provides measures to prevent or diminish the risk of injuries in all enterprises, including technical procedures and measures when power-driven machines are in operation. The other Safety Regulations provide measures to promote hygienic conditions, protect workers against hazards arising from the weight of loads, prevent the emission of hazardous materials, gas or dust, prevent the occurrence of pneumoconiosis or other diseases caused by dust, promote safe and comfortable working conditions, protect workers against ionising radiations and prevent hazardous risks to health by inhalation or exposure to noxious or irritating gases and fumes.

There is statutory protection for young persons under the age of eighteen years. The Labour Code prohibits hazardous work and night work and provides a procedure for the determination of activities considered to be hazardous. Article 20(I) prohibits hazardous work for young persons under the age of eighteen years. Article 20(ii) provides that the Minister of Labour may by decree determine work that may be considered as hazardous. There has been no such decree. Article 20(iii) prohibits night work between the hours of 7:00 p.m. and 6:00 a.m. for young persons under eighteen years. Employers are also required to maintain a Register of Young Persons in which the employer shall record:

- a) their names and addresses;
- b) the dates of their birth; and
- c) the dates of their entering and leaving the service of that employer.

The Safety Act also provides for the protection of young persons at work. It prohibits a young person to be engaged in any activities at work, which may be injurious to his safety or health.

All persons entering an area in an establishment where they are likely to be exposed to the risk of head or bodily injury, or injury from air contaminants or any other bodily injury must be provided with suitable protective clothing or devices of an approved standard and adequate instruction in the use of such protective clothing or device.

Duties of employer, workers and other persons

Articles 3 to 7 of the Occupational Safety and Health Act provide some general obligations of employers as follows:

- a) compliance of company procedures with rules of OSHA and the nine Safety Regulations;
- b) prior permission from the Permanent Secretary of the Ministry of Labour for the operation of certain machinery and equipment;
- c) observance of the conditions attached to the permission from the Permanent Secretary;
- d) cooperation with inspection officials on the inspection of relevant machinery and equipment;
- e) notices in Dutch language stating the Safety Regulations applicable to the enterprise;
- f) cooperation with inspection officials supervising the observance of OSHA and Safety Regulations;
- g) notification to the Permanent Secretary of the starting up or closure of a business and the use of certain equipment and processes.

There is no statutory requirement for the employer to ensure that a written occupational safety and health policy is prepared and reviewed annually in consultation with the Occupational Safety and Health Committee or safety representative.

Duties of Workers

Articles 3 and 6 provide that an employee shall observe the Safety Regulations and other safety measures taken by the employer and cooperate with inspection officials supervising the observance of the OSHA and the Safety Regulations.

There is no statutory requirement for a worker to report to his/her employer or supervisor any contravention of the Act or Regulations of which he or she knows.

A worker is protected by virtue of the Dismissal Decree from dismissal where he/she refuses to work in circumstances where he/she has reasonable justification to believe that (a) equipment, machine, tool or device or (b) physical condition of workplace - presents imminent and serious danger to life or health.

Hazardous Chemicals, Physical Agents and Biological Agents

The Minister may give orders to prohibit, limit or place conditions on use of hazardous chemicals, physical agents and biological agents. An employer is required to maintain an inventory of all hazardous chemical and hazardous physical agents. The inventory must contain information on the effects of the chemicals or agents. All hazardous materials are to be labelled and there must be adequate information to workers on the handling and disposal thereof so as to eliminate risks.

OSH Committees

There is no statutory requirement for an employer with twenty or more employees, the employer to make arrangements with the recognised trade union(s) or workers' representative for the appointment of a Joint OSH Committee or a workers' safety representative where the industrial establishment has five or more but less than twenty workers.

Notices

The employer has an obligation to notify an inspector, the OSH Committee, safety representative and recognised trade union where a person is killed or critically injured from any cause at the workplace within forty-eight hours of such death or injury.

Enforcement

Inspector are vested with the power to enter, inspect any register, remove any register or article violating the Act, conduct tests, require an employer to conduct tests, make enquiries of any person in the workplace and require any equipment to be tested. The Inspector may also order an employer to comply with Act forthwith or within such time as he or she may specify.

Where an Inspector makes an order and finds that the contravention is a danger or hazard to safety and health, he/she may order that the workplace, equipment, machine, device, article or process be not used until the order is complied with. He/she may also order that work be stopped until the danger or hazard is removed.

VI. Recommendations

Termination of Employment

In order for Suriname to comply with the CARICOM Model Labour Laws, it will need to amend its laws to provide as follows:

- a) the discrimination on the grounds of marital status, family responsibilities, disability and age should be prohibited.
- b) The scope of application of its laws which prohibit discrimination in employment should extend to professional partnerships, professional or trade organisations, qualifying bodies, vocational training bodies and employment agencies and include the provision of goods, services and facilities, advertisements and application forms.
- c) There should be a provision prohibiting sexual harassment at the workplace.
- d) The provision on equal pay for equal work should be amended to equal remuneration for work of equal value.
- e) There should be a statutory requirement for the employer to ensure that a written occupational safety and health policy is prepared and reviewed annually in consultation with the Occupational Safety and Health Committee or safety representative.
- f) There should be a statutory requirement for a worker to report to his/her employer or supervisor any contravention of the Act or Regulations of which he or she knows.
- g) There should be a statutory requirement for an employer with twenty or more employees, the employer to make arrangements with the recognised trade union(s) or workers' representative for the appointment of a Joint OSH Committee or a workers' safety representative where the industrial establishment has five or more but less than twenty workers.
- h) There is need for sufficiently effective and dissuasive penalties for acts of anti-union discrimination and interference by employers in the promotion of trade unions under the domination or control of employers or employers' organisation.