

EMPLOYMENT

1. The Constitution protects against slavery but it does not guarantee a right to work. Employment is a matter of choice both as to whether or not we work and in theory at least as to the terms.

2. Everyone who is employed works under a contract of employment. That contract may be expressed either orally or in writing or it may be implied.

3. We live in a capitalent system for better or worse and free commercial activities is a significant feature of this system. The principal of freedom of contract is a necessary by-product of commercial activities.

4. This means that parties to a contract are free to agree in whatever terms they choose within very limited legal requirements as to such terms. One such requirement is the necessity for consideration in contracts other than those under seal. Consideration is money or monies work which passes from one party to the other according to the agreement. The law is not concerned with the amount or value of the consideration only that it must have some monetary value.

5. When persons seek a job and a prospective employer offers them a position they should always ensure that the basic terms of employment are discussed understood and agreed.

Basic Terms are:

- (a) Job Description
- (b) Salary or wages
- (c) Tenure or length of employment whether for a fix term or indefinitely.
- (d) Hours of work (where relevant)

- (e) Mechanism for evaluation
- (f) Criteria for advancement
- (g) Provisions for termination

It is prudent to insist on a contract being reduced to writing and signed by all parties thereto, as evidenced of the agreement to the terms thereof.

The Employment Act which replaces The Fair Labour Standard Act, The Truck Act etc, makes provisions for Minimum Standards of Employment so that if you do not spell out the terms of employment the Act will govern you contract. This will be the case where there is an implied contract unless custom or course of dealing govern the particular situation.

Because Employer and Employee are not always of equal footing the Government felt it necessary to intervene by legislation then the Employment Act which imposes terms such as the number of terms that one can note.

Part II

The Employment Act provides Minimum Standards of employment.

It provides:

1. For Employees to be given basic information regarding employment.
2. Protect against discrimination or bans of race, creed, sex, martial status, protect persons after HIV AIDS.

3. Provisions for Standard Hours of work eight (8) hours per day four (4) hours per week before overtime except people employed in industrial construction, manufactory or transshipment where standard hour is 12 hours.

4. Provides for vacation leave of at least 2 weeks with vacation pay.

5. Maternity leave.

6. Redundancy payment Sec 26-28

7. It also provides for Termination of Employment note Terriff in Sec 29.

8. Provides for:

(a) Summary Dismissal -sec 31-33

(b) Unfair Dismissal sec 34