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REPUBLIC OF TRINIDAD AND TOBAGO

ADDRESS

BY

**SENATOR THE HONOURABLE JENNIFER BAPTISTE-PRIMUS
MINISTER OF LABOUR AND SMALL ENTERPRISE DEVELOPMENT**

AT THE

**TRIPARTITE STAKEHOLDER CONSULTATION ON THE
BASIC TERMS AND CONDITIONS OF WORK CODE**

NATIONAL ENERGY SKILLS CENTRE, COUVA

June 29, 2016

Ms. Claudia Coenjarts, Director, International Labour Organization Decent Work Team and Office for the Caribbean

Ms. Jennifer Daniel, Permanent Secretary, Ministry of Labour and Small Enterprise Development;

Ms. Marcia London-McKellar and Mr. Dalkieth Ali, Deputy Permanent Secretaries of the Ministry of Labour and Small Enterprise Development;

Our esteemed panelists today: -

- Dr. Hyacinth Guy, former Chairperson of the Industrial Relations Advisory Committee (IRAC) and other former Members of the IRAC;
- Mr. Haran Ramkaransingh, Director legal Services, Equal Opportunities Commission;
- Professor Rose-Marie Belle Antoine, Dean of the Faculty of law, UWI St. Augustine Campus

Mr. Rainer Pritzer, Senior Specialist, Social Dialogue and Labour Administration, International Labour Organization Decent Work Team and Office for the Caribbean;

Government Officials;

Esteemed representatives of Business and Labour;

Specially invited guests;

Members of the media;

Ladies and gentlemen.

Good morning. Thank you for taking the time to join us today as we meet to discuss and share ideas towards the formulation of a Basic Terms and Conditions of Work Code. A warm welcome to you all. I know you are all very busy people but you are also critical stakeholders to this process and we need you here today.

At the beginning of this year this Ministry embarked on the herculean task of reforming key pieces of labour legislation in particular, the Co-operative Societies Act, the Industrial Relations Act and the Retrenchment and Severance Benefits Act. Emanating from those

consultations was a renewed call from you our valued stakeholders for a labour code or an Employment Rights Act, which will contribute significantly to strengthening the protection of workers. These recommendations and the Ministry's recognition of the need to remove any ambiguity and clearly outline the rights and responsibilities of both employers and employees have served as a catalyst for today's proceedings.

The Official Policy Framework of the Government of Trinidad and Tobago in the area of Labour is centered on the recognition of rights of Trade Unions, Workers and Employers. Included within this Policy is the need to review all labour legislation and make amendments as necessary after consultation with stakeholders. The Government has identified as an objective the need to provide a clear Framework of the Rights and Responsibilities in the Workplace.

The rapid expansion of globalization during the latter part of the twentieth century was perceived as a threat to the existing fair conditions of work, particularly in underdeveloped countries, and sparked international debate on the importance of protecting the basic terms and conditions of work for all workers. This debate evolved into several notable events including an appreciation of the concept of “decent work” and the adoption in 1998 of the ILO’s Declaration on the Fundamental Principles and Rights at Work. This is also true for Trinidad and Tobago and the discussion of a National Labour Code is not a new phenomenon.

The intensity surrounding the discussion about a floor of basic employment rights for all workers has increased in recent times as a result of the precarious nature of the global economic climate and its negative impact on the local economy. The depreciating price of oil and gas, the plummeting demand for steel and in more recent times, the recent British referendum to leave the European Union are only

some of the factors, which are contributing to the global, economic instability and uncertainty. Locally, it has been a challenging year to date as many citizens are currently on the breadline because of the repercussions of these factors. It has been a year in which many citizens have had to make tough decisions for their survival. A year in which we all have had to make some very tough decisions; some of these decisions we had to make for our households; some for our businesses and some for our economic development.

We are all aware of the increasing reports of job loss throughout Trinidad and Tobago, mainly through retrenchment and termination. The closure of steel giant ArcelorMittal's local plant saw the termination of a workforce of 644 persons; Central Trinidad Steel Limited (Centrin) served retrenchment notices to 200; Construtora OAS served retrenchment notices to 860 workers and more recently GGI Trinidad Limited served retrenchment notices to 66 workers. These are just the larger numbers that have been reported and heavily publicized

in the past few months, but several from various companies have been sent off the job since.

Decent work sets the framework for the achievement of a basic floor of conditions to which Member States should aspire while the Declaration commits Member States, whether or not they have ratified the relevant Conventions, to respect and promote principles and rights in the four categories of: freedom of association and the effective recognition of the right to collective bargaining; the elimination of forced or compulsory labour; the abolition of child labour; and the elimination of discrimination in respect of employment and occupation.

Trinidad and Tobago as a signatory to the United Nations/ International Labour Organisation recognises the importance of adhering to principles of Decent Work in Trinidad and Tobago. We recognize that the term 'Decent Work' is one coined by the International Labour Organisation. However, we accept and adopt the essential principles as important to the well-being of all the parties involved - workers, employers and our beautiful twin island republic of Trinidad and

Tobago. It is for this reason that the Ministry and I have continued to meet with all of you despite the onerous demands which keeping to such a schedule has placed on all of us, particularly my technical team at the Ministry of Labour.

These new developments in the arena of labour law prompted the Ministry to adopt the initiative to widen the industrial relations framework of Trinidad and Tobago to create collaborative and consensual relations at work in an environment of freedom, peace, equity, safety and human dignity. The result of this initiative was the development of an Employment Standards Policy entitled “Towards an Employment Standards Act in Trinidad and Tobago.” The Policy’s main objectives comprises: the creation of an Employment Standards Act which would provide a balance between social protection and the imperatives of economic development and international competitiveness; accessibility to unrepresented workers to the Ministry’s dispute settlement and to the Industrial Court; and the

creation of a platform for collaborative and consensual relations at work among all stakeholders.

The significant increase in the number of business failures, plant closures, redundancies and terminations has led to a reduction in the derived demand for labour while increasing the reserve army of labour thereby creating an imbalance in the arena of industrial relations. A floor of basic employment rights for workers is of particular importance at this time as it will serve to balance the power relationship between the employee, particularly the unemployed jobseeker, and the employer as employees are made more vulnerable by current economic circumstances and may be exposed to instances of exploitation. Individuals, particularly in today's society, should be free to contract on whatever terms they deem appropriate. However, the government cannot abdicate its responsibility to set the standard.

In the intervening years there were numerous developments in the law as it relates to the terms and conditions of employment since this time. These developments include the Occupational and Health and Safety Act, the Maternity Protection Act, the Equal Opportunity Act and the Children Act. The **Occupational Health and Safety Act** was revised in 2009 and governs the conditions of work regarding the health, safety and welfare of persons. Additionally, the **Maternity Protection Act** was amended in 2012 to provide for the protection for pregnant employees and stipulate the minimum level of maternity leave benefits to which women are entitled. The **Equal Opportunity Act** as amended in 2001 identifies specific prohibitions with respect to discrimination in employment by employers relating to: who should be offered employment, the terms and conditions of employment as well as access to training and promotions. Most recently, **The Children Act, 2012** which was partially proclaimed in 2015 provides restrictions on the employment of young persons.

Apart from these developments in legislation, the Ministry's National HIV and AIDS Workplace Advocacy and Sustainability Centre has prepared a National Workplace Policy that is currently being revised. The primary objective of this Policy is to provide the framework for action that sets out the national standards to be adhered to by all employers, employees and trade unions in Trinidad and Tobago to ensure that persons living with or affected by HIV are not subjected to stigma or discrimination in the workplace.

Notwithstanding the efforts made within the past years, there is still a dire need for basic terms and conditions of employment to be clearly outlined. Some suggested areas that the code may seek to provide guidelines on are : the regulation of working time; leave from work; particulars of employment and remuneration; termination of employment; prohibition of the employment of children and forced labour; HIV/AIDS protection; disability protection; sexual harassment and agency employment. The Ministry welcomes your feedback on

what issues should be addressed in this Code and it is our hope that after this discussion today we have a clearer understanding of what should be included.

The conversation that we embark on today with you, our critical stakeholders in Academia, Employers, Labour will help us in advancing the process of revising and amending the Employment Standards Policy.

We at the Ministry recognize that any attempt to reform the industrial relations framework in Trinidad and Tobago must be driven by our partners, and so we have whole-heartedly embraced the task which has been set before us.

I think that it is important to interject at this point and note that we are concerned about all citizens of Trinidad and Tobago. We understand that a peaceful industrial relations climate is essential to the development of our economy, our citizenry, our businesses and our

country. It is our hope that establishing Basic Terms and Conditions of Employment will go a long way towards achieving this objective. As previously stated, this discussion is not new. Although, more than fifteen years have passed since we last engaged all stakeholders on discussion surrounding this issue, we were mindful to take into consideration the previous feedback which we received. In particular, we note that there were calls for consideration to be given to the increase in the cost of labour, which is a likely outcome of the establishment of Basic Terms and Conditions of Employment. However, it is our view that what employers are likely to expend as a result of the implementation of a code of Basic Terms and Conditions of Employment they are likely to recover as a result of the increased productivity of the workforce. Indeed this is one argument which world renowned philosopher and author Mihaly Csikszentmihalyi makes in his book **Good Business: Leadership, Flow, and the Making of Meaning**. He argues that organizations with happy people are demonstrably more productive and have higher morale and lower turnover. If we

accept this premise, we as leaders must do what we can to develop the conditions of work that will produce happier employees, including removing some of the uncertainty of the terms and conditions of employment.

May God continue to bless us and may God bless our nation. I thank you.