



ANNUAL ADMINISTRATIVE REPORT

FEBRUARY 2012 TO SEPTEMBER 2012

INDUSTRIAL RELATIONS ADVISORY COMMITTEE

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Original Submission Date: March 10, 2015
Revised Date: May 29, 2019

TABLE OF CONTENTS

Executive Summary	3
Vision, Mission, Philosophy and the Strategic Objectives	4
Organisational Structure	4
Policies and development initiatives	6
Financial Operations	8
Human Resource Development Plan	8
Procurement Procedures	8
Public and Community Relations	8

EXECUTIVE SUMMARY

The Industrial Relations Advisory Committee as established by section 80 of the Industrial Relations Act, Chapter 88:01 plays an important role in advising the Honourable Minister of Labour and Small and Micro Enterprise Development, on industrial relations and employment law matters including international labour issues relevant to the impact on Trinidad and Tobago.

The newly constituted Industrial Relations Advisory Committee, chaired by Mr. Lennox A. Marcelle, held seven (7) meetings, inclusive of Workshop Sessions, during the period February to September 2012.

Within this eight (8) month period, the Committee established an agenda for its impending two year appointment and sought to address each item by the implementation of subcommittees. Each subcommittee was tasked with conducting extensive research in its respective areas and achieved this objective via literature reviews, interviews with key stakeholders and the engagement of the Ministry of Labour and Small and Micro Enterprise Development.

Following the comprehensive research undertaken by the subcommittees, the Committee is currently engaged in discussions and the preparation of a report on proposed amendments to the Industrial Relations Act, Chapter 88:01.

VISION, MISSION, PHILOSOPHY AND THE STRATEGIC OBJECTIVES

With the passage of the Industrial Relations Act, Chapter 88:01 in 1972, it was clear that the intention of Parliament was for both industrial relations and the Industrial Relations Act, Chapter 88:01 (herein referred to as 'the Act') be kept under constant review and that the Minister responsible for labour matters will be apprised of matters related to industrial relations requiring attention from time to time. To facilitate this, provision was made in the Act for the establishment of an Industrial Relations Advisory Committee. Therefore, Section 80 of the Act provides as follows:-

80. (1) There is hereby established an Industrial Relations Advisory Committee (herein referred to as "the Advisory Committee") for the purpose of advising the Minister on any matter relating to industrial relations on which the Minister requests advice and for the purpose of performing the duties referred to in section 81.

The statutory requirements of the Industrial Relations Advisory Committee are set out in Section 81 of the Act. Section 81 provides as follows:-

81. It shall be the duty of the Advisory Committee to keep this Act under review with a view to ensuring its development and reform, including in particular the modification of any of the provisions thereof and the elimination of anomalies, and for that purpose to prepare and submit to the Minister, from time to time, specific proposals for changes therein.

ORGANISATIONAL STRUCTURE

The Industrial Relations Advisory Committee as provided by Section 80 of the Industrial Relations Act, Chapter 88:01 consists of a Chairman and ten other members. This eleven member committee is of a multipartite composition having representatives from Trade Unions, Employers, Industrial Relations Professionals, Civil Society/Academia and Director of Labour Administration. In accordance with the above, Cabinet agreed to the appointment of the following members to the Industrial Relations Advisory Committee.

The current membership of the Industrial Relations Advisory Committee is as follows:-

Chair

- **Mr. Lennox A. Marcelle**, Chair, IRAC

Workers' Organisations

- **Mr. Vincent Cabrera**, Banking, Insurance and General Workers' Union
- **Mr. Orville Carrington**, Second Vice President, Trinidad and Tobago Unified Teachers' Association

Employers' Organisations

- **Mr. Keston Nanoo**, Employers' Consultative Association of Trinidad and Tobago (ECA), Hamel Smith & Co Limited
- **Mr. Jonathan Walker**, Attorney-at-law

Director of Labour Administration Or Representative

- **Mrs. Hazel Elcock- Ifill**, Senior Conciliation and Labour Relations Officer, Ministry of Labour and Small and Micro Enterprise Development

Industrial Relations Professional

- **Ms. Hyacinth Guy**, Director Human Resources and Administration, The Power Generation Company of Trinidad & Tobago
- **Mr. Chrisendath Mahabir**, Retired Public Officer

Representative from Academia

- **Dr. Jerome Teelucksingh**, Lecturer, University of the West Indies
- **Dr. Roosevelt Williams**, President, Association of Caribbean Tertiary Institutions
- **Mr. Maukesh Basdeo**, Lecturer, University of the West Indies

The current term of office for Industrial Relations Advisory Committee Members is two (2) years which runs from 16th February 2012 to 15th February, 2014.

POLICIES AND DEVELOPMENT INITIATIVES

As early as its second meeting, the Industrial Relations Advisory Committee developed its Scope of Work and its operational procedure. The developed Scope of Work encompassed the following:-

- Item 1: { • Review of the entire Industrial Relations System in Trinidad and Tobago, in order to make recommendations for amendments
- Item 2: { • Review of the Industrial Relations Act, Chapter 88:01 and related legislation
- Item 3: { • Review of the organizational structure of the Industrial Court of Trinidad and Tobago
- Item 4: { • Consideration of criteria for the appointment and removal of judges of the Industrial Court
- Item 5: { • Review of existing methods and procedures adopted in the resolution of trade disputes
- Item 6: { • Review of the provisions relating to the Registration Recognition and Certification Board
- Item 7: { • Review of the Office of Economic and Industrial Research of the Industrial Court
- Item 8: { • Review of other employment law as submitted by the Honourable Minister of Labour and Small and Micro Enterprise Development
- Item 9: { • Review of other employment law as submitted by the Honourable Minister of Labour and Small and Micro Enterprise Development
- Item 10: { • Research issues impacting industrial relations and labour law globally and more specifically the CARICOM states

For the period February 16th, 2012 to September 30th, 2012 there were six (6) Industrial Relations Advisory Committee meetings.

In keeping with the Scope of Work, on June 11, 2012 the Committee received a presentation from the International Labour Organization representative, Mr. Rainer Pritzer, Senior Specialist for Social Dialogue and Labour Administration, on Social Dialogue and The Decent Work Agenda as a tool for development. The issues discussed at this presentation included:-

1. Tripartism of the ILO's Constitution;

2. The ILO's Declaration on Fundamental Principles and Rights at Work. Adopted in 1998, this commits all members to respect, promote and realize in good faith the principles and rights relating to:-
 - (i) Freedom of association and the right to collective bargaining;
 - (ii) The effective abolition of child labour;
 - (iii) The elimination of all forms of forced or compulsory labour; and
 - (iv) The elimination of discrimination in respect of employment and occupation.
3. ILO Core Conventions;
4. "Social Justice" within the ILO;
5. The Decent Work Agenda and what it consists of;
6. The Four Pillars of Decent Work and how these are substantiated in the eight (8) core ILO Conventions. (Rights, Employment, Protection and Dialogue); and
7. The Decent Work Agenda and the soon to be adopted Decent Work Country Programme in Trinidad and Tobago. It was noted that in Trinidad and Tobago, five priorities were chosen for the National Consultation on Decent Work Country Programme. These are labour reform, strengthening the Labour Inspection Function, development of sustainable Micro and Small Enterprise Development and enhancing the Labour Market Information System.

One of the first items on the Committee's Agenda was the preparation of a Report on the Proposed Amendments to the Industrial Relations Act, Chapter 88:01.

On July 9, 2012 it was agreed by the Committee that the most expeditious and appropriate approach to its work was the establishment of subcommittees. The subcommittees are as follows:-

- (i) ***The Definition of a worker including "worker in good standing"***- the subcommittee examined the issues of the contemporary employment relationship, atypical work, contract labour, agency employment. Particular attention was paid to ILO Convention 189, Decent Work for Domestic Workers, ILO Recommendation 198- Employment Relationship Recommendation (Contract Labour and Agency Shop), Contract Labour, Agency Employment, Public Officers including Teachers and Central Bank Employees. There was also an examination of the definition of a worker "in good standing".
- (ii) ***The Industrial Court and Support Institutions***- this subcommittee examined the areas of the appointment and removal of judges (the process of selection and required qualifications), terms and conditions of employment and the tenure of judges. The issues of performance appraisal, the establishment of an Industrial Court in Tobago, gender and cultural diversity in appointments were examined. In addition to which, attention was also paid to the Office of Economic and Industrial Research as provided for in Section 82 of the Industrial Relations Act, Chapter 88:01 and the extent to which its services would be enhanced in support of the efficiency and effectiveness of the Court. Areas of particular attention that was paid to said Office were staffing and structural and functional change.
- (iii) ***The Registration Recognition and Certification Board***- this subcommittee was mandated to look at the entire system and procedure for granting recognition certificates including measures that could be taken to allow for expeditious decision making. In addition to which,

the subcommittee was required to examine the process of the Reappointment of Board Members.

- (iv) *Labour Administration (Dispute Resolution Procedure and Processes)* - this subcommittee considered the current Dispute Settlement Procedure with the view to address anomalies and impediments to the expeditious settlement of disputes. The subcommittee's work encompassed consideration of both the systems and procedures for Dispute Settlement. Particular attention was paid to ILO Convention No. 150- Labour Administration, and the ILO's Concept of Decent Work.

General Fundamental Issues – the subcommittee was mandated to examine, *inter alia*, the Act and the contemporary industrial relations system against the backdrop of the eight (8) Core Conventions or Labour Standards enacted by the ILO. The subcommittee was required to review the provisions which negatively impact Freedom of Association and Collective Bargaining. Attention was also paid to the issues of Costs.

FINANCIAL OPERATIONS

The Industrial Relations Advisory Committee is not responsible for the administration of financial resources.

HUMAN RESOURCE DEVELOPMENT PLAN

Due to the term of office of the Industrial Relations Advisory Committee, which is fixed for a period of two (2) years from the date of appointment, a Human Resource Development Plan is not applicable.

PROCUREMENT PROCEDURES

The Industrial Relations Advisory Committee is not responsible for procurement activities.

PUBLIC AND COMMUNITY RELATIONS

This section is not applicable as the purpose of the Committee is to advise the Minister on any matter relating to industrial relations on which the Minister requests advice and for the purpose of

keeping the Act under review with regard to ensuring its development and reform as referred to in section 81 of the Act.

Signed

A handwritten signature in black ink, appearing to read 'Hyacinth Guy', written in a cursive style.

Hyacinth Guy
(Member on behalf of Chairman)



