



# **ANNUAL ADMINISTRATIVE REPORT**

**OCTOBER 2013 TO FEBRUARY 2014**

## **INDUSTRIAL RELATIONS ADVISORY COMMITTEE**

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# 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.

This Administrative Report represents the final five (5) months of the two-year term of the Industrial Relations Advisory Committee that was established on February 15, 2012. The last Report submitted was for the period October 2012 to September 2013 and this current report covers the period October 2013 to February 2014. During the period of review, five (5) statutory meetings were held.

Chaired by Lennox A. Marcelle, the Committee comprised of eleven (11) members from various stakeholder groups. These meetings focused the two objectives which are; the Industrial Relations Act as it pertains to Tobago and the Examination of the area of Employment Rights and Standards. Preliminary research and discussions in these areas were delegated to the two Subcommittees created in the last reporting period.

The term of the office of the Committee came to an end February 15<sup>th</sup> 2014.

# 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. Orville Carrington**, Second Vice President, Trinidad and Tobago Unified Teachers' Association

#### **Employers' Organisations**

- **Mr. Jonathan Walker**, Attorney at Law, M. Hamel Smith & Company (*Representative of the Trinidad and Tobago Chamber of Industry & Commerce*)
- **Mr. Keston Nancoo**, Vice President, Human Resource and Corporate Services, Guardian Life of the Caribbean Limited (*Representative of the Employers' Consultative Association of Trinidad and Tobago*)

#### **Director of Labour Administration Or Representative**

- **Mr. Harry Sooknanan**, Head Conciliation and Labour Relations Officer, Ministry of Labour and Small and Micro Enterprise Development

#### **Industrial Relations Professional**

- **Ms. Hyacinth Guy**, Acting General Manager, The Power Generation Company of Trinidad & Tobago
- **Ms. Hazel Elcock-Ifill**, Industrial Relations Specialist, Telecommunications Services of Trinidad and Tobago
- **Mr. Chrisendath Mahabir**, Retired Public Officer
- **Mr. Augustus Ramrekersingh**, Retired Judge, Industrial Court of Trinidad and Tobago
- **Mr. Robert Giuseppi**, Principal Consultant, Universal Labour Standards Advisory Services Company Limited

#### **Representative from Academia**

- **Mr. Lesmore Frederick**, Acting Deputy Director, Academic Affairs, Cipriani College of Labour and Cooperative Studies
- **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 16<sup>th</sup> February 2012 to 15<sup>th</sup> February, 2014.

# POLICIES AND DEVELOPMENT INITIATIVES

The Industrial Relations Advisory Committee constituted in February, 2012, having successfully accomplished the objectives of its work plan in the last reporting period (October 2012 to September 2013), sought to set new goals for the remainder of its term. The new objectives of this Committee were as follows:

**1. Review of the Industrial Relations Act, Chapter 88:01 as it pertains to Tobago**

**2. Examination of the area of Employment Rights and Standards**

## **1. Review of the Industrial Relations Act, Chapter 88:01 as it pertains to Tobago:**

The Committee deliberated at length various sections of the Industrial Relations Act and its relevance to the current socio-economic climate of Tobago. Having reviewed the Act, the following topics were highlighted:

- ↳ A workshop to be conducted in Tobago to discuss and acquire recommendations on areas of the Industrial Relations Act that should be amended. The workshop would be organized in conjunction with the Tobago House of Assembly (THA) that offered to provide financial assistance; and
- ↳ A Memorandum of Understanding or a Devolution of Authority by the Minister of Labour and Small and Micro Enterprise Development as it related to matters in Tobago.

## **2. Examination of the area of Employment Rights and Standards**

In its analysis of the area of the rights of employees and standards of employment that currently exist in Trinidad and Tobago, the Committee agreed that there was a need to enact an Employment Standards Act to set a minimum floor for the protection of rights for all workers. The Committee therefore deliberated on the matters hereunder:

- ↳ The provision for one paid leave for a 24 month period as provided in the Maternity Protection Act;
- ↳ Decent work for Domestic Workers and the recognition of Domestic Workers as “workers” under the Industrial Relations Act, Chapter 88:01.

### **Other Matters**

Prior to the completion of its term, the Committee was advised that following its submission of the **Report on the Proposed Amendments to the Industrial Relations Act, Chapter 88:01**, the following areas were receiving Ministerial attention:

**The definition of a “worker” to include domestic workers.**

**The reform of the organizational structure of the Registration, Recognition and Certification Board to facilitate more transparent and expeditious procedures and delivery of decisions.**

**Strict time limits for the filing of trade disputes and the collective bargaining process so as to ensure that agreements are concluded and registered during their currency i.e. duration of the agreement.**

**Tenure of Judges of the Industrial Court.**

### **The Way Forward**

Having successfully concluded its two-year term on February 15, 2014, the Honourable Minister constituted a new Industrial Relations Advisory Committee on February 16, 2014, to continue the work of the former group.

## **FINANCIAL OPERATIONS**

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

## **HUMAN RESOURCE DEVELOPMENT PLAN**

Given that the term of office of the Industrial Relations Advisory Committee is fixed for two years, 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



Hyacinth Guy (PhD)  
(Member on behalf of Chairman, IRAC)

Date: October 2<sup>nd</sup>, 2020