



Ministry of Labour

Levels 5 & 6, Tower C, International Waterfront Centre,  
#1A Wrightson Road, Port of Spain, Trinidad and Tobago

Telephone No: (868) 625-8478

Email: labour-communications@gov.tt Website: labour.gov.tt

L: 5/4/23 Vol. I

December 30, 2022

Ms. Jacqui Sampson Meiguel  
Clerk of the House  
Office of the Parliament  
Parliamentary Complex  
Cabildo Building  
St. Vincent Street  
Port of Spain

Dear Ms. Sampson Meiguel

*Re: Submission of Administrative Reports – Section 66D of the Constitution*

Reference is made to your Circular from the Parliament PARL: 2/1/27 dated February 9, 2022 re: Reduction in the number of copies of all documents to be laid in Parliament.

Please be informed that Cabinet by Minute Nos. 2037 and No. 2038 of November 24, 2022, agreed that the Administrative Reports of the **Industrial Relations Advisory Committee (IRAC)** for the periods **October 2012 to September 2013**, and **October 2018 to September 2019** be submitted to:

- (i) the President for subsequent laying in each House of Parliament in accordance with the provisions of section 66D of the Constitution of the Republic of Trinidad and Tobago; and
- (ii) the Joint Select Committee of Parliament in accordance with the provisions of section 66A(1)(a) of the Constitution of the Republic of Trinidad and Tobago.

In this regard, and in accordance with the provisions of Section 66D of the Constitution, I wish to submit, for the laying in the Parliament, three (3) copies each of the Administrative Reports of the **Industrial Relations Advisory Committee (IRAC)** for the periods **October 2012 to September 2013** and **October 2018 to September 2019**. Please note that a Portable Document Format (pdf) of the Reports will be emailed to [coth@ttparliament.org](mailto:coth@ttparliament.org).



Please also note that three (3) copies of each of the afore-mentioned Reports have been submitted to Her Excellency Paula Mae Weekes, President of the Republic of Trinidad and Tobago, for her noting and subsequent laying in each House of Parliament. A copy of the letter is attached for ease of reference.

Additional information, should it be required, may be obtained from Ms. Shanmatee Singh Ng Sang, Director Research and Planning, at 625-8478 ext. 1103, email: [sangss@gov.tt](mailto:sangss@gov.tt).

Yours faithfully



**Permanent Secretary (Ag.)  
Ministry of Labour**

*Encs.*

36

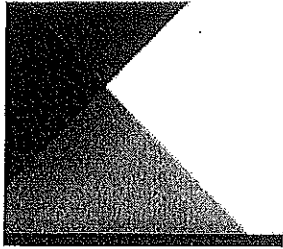


Ministry of Labour

Levels 5 & 6, Tower C, International Waterfront Centre,  
#1A Wrightson Road, Port of Spain, Trinidad and Tobago

Telephone No: (868) 625-8478

Email: labour-communications@gov.tt Website: labour.gov.tt



L: 5/4/23 Vol. I

December 30, 2022

Ms. Cheryl-Ann Jackman- Waldron  
Secretary to Her Excellency  
The President of the Republic of Trinidad and Tobago  
Office of the President  
Circular Road  
St. Anns

Dear Ms. Jackman-Waldron

*Re: Submission of Administrative Reports – Section 66D of the Constitution of the  
Republic of Trinidad and Tobago*

In accordance with Section 66D of the Constitution, and Cabinet **Minute Nos. 2037 and 2038 of November 24, 2022**, (*copies enclosed*), I wish to submit three (3) copies each of the Administrative Reports of the **Industrial Relations Advisory Committee** for the following periods to the President of the Republic of Trinidad and Tobago:

- **October 2012 to September 2013; and**
- **October 2018 to September 2019**

Yours faithfully

Permanent Secretary (Ag.)  
Ministry of Labour

*Encs.*





CABINET MINUTE

CONFIDENTIAL

No. 2037-2022/11/24  
Note No. L(22)5  
File No. L:5/4/23 Vol.I

FOR ACTION	FOR INFORMATION
File: PS/L	M/L + Note

Permanent Secretary  
Ministry of Labour  
016 2022  
RECEIVED

Matter considered by Cabinet on:-

November 24, 2022.

Decision confirmed by Cabinet on:-

November 24, 2022.



CABINET MINUTE NO. 2037 OF NOVEMBER 24, 2022

Annual Administrative Report of the Industrial Relations Advisory Committee for the Period, October 2012 to September 2013

Note L(22)5, together with the recommendations of the Finance and General Purposes Committee, was considered.


Cabinet noted:

- (1) the contents of the Annual Administrative Report of the Industrial Relations Advisory Committee for the period, October 2012 to September 2013, a copy of which Report was attached to the Note;
- (2) that the Industrial Relations Advisory Committee (Advisory Committee) was reconstituted for the period, February 16, 2012 to February 15, 2014, pursuant to Minutes No. 3192 of December 1, 2011 and No. 182 of January 26, 2012; five (5) sub-committees were established by the Advisory Committee to accomplish the goal of reviewing the Industrial Relations Act, Chap. 88:01 (IRA) (paragraph 4 of the Note refers); accordingly, during the period under review, the Advisory Committee succeeded in its examination of IRA by undertaking the key activities listed hereunder (paragraph 5 of the Note refers):
  - (i) in July 2013, presented a report titled "Report on the Industrial Relations Advisory Committee, June 2013", to the Minister of Labour and Small and Micro Enterprise Development (the Minister)
  - (ii) on July 26, 2013, submitted three (3) working papers based on the review of the IRA for consideration by the Minister
  - (iii) two (2) new sub-committees were established to review the operation of the IRA in Tobago and to review the issue of employment rights and standards.

L 2037-2

Cabinet agreed that the Annual Administrative Report of the Industrial Relations Advisory Committee for the period, October 2012 to September 2013, be submitted to:

- (i) the President for subsequent laying in each House of Parliament, in accordance with the provisions of section 66D of the Constitution of the Republic of Trinidad and Tobago
- (ii) the Joint Select Committee of Parliament, in accordance with the provisions of section 66A(1)(a) of the Constitution of the Republic of Trinidad and Tobago.

  
Secretary to Cabinet

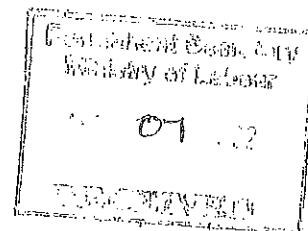


CABINET MINUTE

CONFIDENTIAL

No. 2038-2022/11/24  
Note No. L(22)2  
File No. L:5/4/23 Vol.I

FOR ACTION	FOR INFORMATION
File: PS/L	M/L + Note



Matter considered by Cabinet on:-

November 24, 2022.

Decision confirmed by Cabinet on:-

November 24, 2022.



CABINET MINUTE NO. 2038 OF NOVEMBER 24, 2022

Administrative Report of the Industrial Relations Advisory Committee for the Period, October 1, 2018 to September 30, 2019

Note L(22)2, together with the recommendations of the Finance and General Purposes Committee, was considered.

Cabinet noted:

- (1) the contents of the Administrative Report of the Industrial Relations Advisory Committee for the period, October 1, 2018 to September 30, 2019, a copy of which Report was attached to the Note;
- (2) that during the period under review, the Industrial Relations Advisory Committee (Advisory Committee) focussed largely on Industrial Court judgments and their implications for industrial relations practice in Trinidad and Tobago, and the lessons learned; the Advisory Committee also discussed issues raised by the member representative of the Conciliation Unit of the then Ministry of Labour and Small Enterprise Development; some of those issues were highlighted in paragraph 5 of the Note, under the following headings:
  - (i) Conciliation Process
  - (ii) Concept of Conciliation
  - (iii) Reported Trade Disputes
  - (iv) Referrals to the Registration Recognition and Certification Board
  - (v) Reporting of Trade Disputes
  - (vi) The Statutory Limit for Parties;
- (3) that during the reporting period, the challenge faced by the Advisory Committee continued to be administrative in nature.

/Cabinet



L 2038-2

Cabinet agreed that the Administrative Report of the Industrial Relations Advisory Committee for the period, October 1, 2018 to September 30, 2019, be submitted to:

- (i) the President for subsequent laying in each House of Parliament, in accordance with the provisions of section 66D of the Constitution of the Republic of Trinidad and Tobago
- (ii) the Joint Select Committee of Parliament, in accordance with the provisions of section 66A(1)(a) of the Constitution of the Republic of Trinidad and Tobago.

*Chandra*  
Secretary to Cabinet



**ANNUAL  
ADMINISTRATIVE  
REPORT**

**OCTOBER 2012 TO SEPTEMBER 2013**

**INDUSTRIAL RELATIONS ADVISORY COMMITTEE**

---

Prepared By: Chrystalle Muneal, Technical Secretary, IRAC  
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	9
Public and Community Relations	9

## EXECUTIVE SUMMARY

In the second administrative term of the Industrial Relations Advisory Committee (IRAC) constituted on February 16, 2012, the Committee continued steadfastly in adhering to its legislative 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.

Within this reporting period, the Committee was able to deliver on its previously established agenda of reviewing the Industrial Relations Act, Chapter 88:01, by producing three (3) working papers that were submitted for the consideration of the Minister of Labour and Small and Micro Enterprise Development, on July 26, 2013. The papers were entitled:

1. Working Paper No.1 of 2013 – The Situation of Industrial Relations in Trinidad and Tobago
2. Working Paper No.2 of 2013 – Industrial Relations and Employment Law; Lessons from the Global Environment for Trinidad and Tobago; and
3. Working Paper No. 3 of 2013 – Judicial Appointments at the Industrial Court: Issues for Trinidad and Tobago.

The submission of these reports before the end of the term of IRAC was in no small part due to the conscientiousness and dedication of the Committee.

Furthermore, the early achievement of the Committee's initial agenda allowed for a new agenda to be developed for the remaining five (5) months of the term of the Industrial Relations Advisory Committee to be concluded on February 15, 2014. The objectives of the new agenda were set as follows:

1. To set the agenda and organize arrangements for the proposed Tobago workshop; and
2. To review the issue of Employment Rights and Standards and comprised of the following members of the IRAC.

# 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 Nancoo, 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

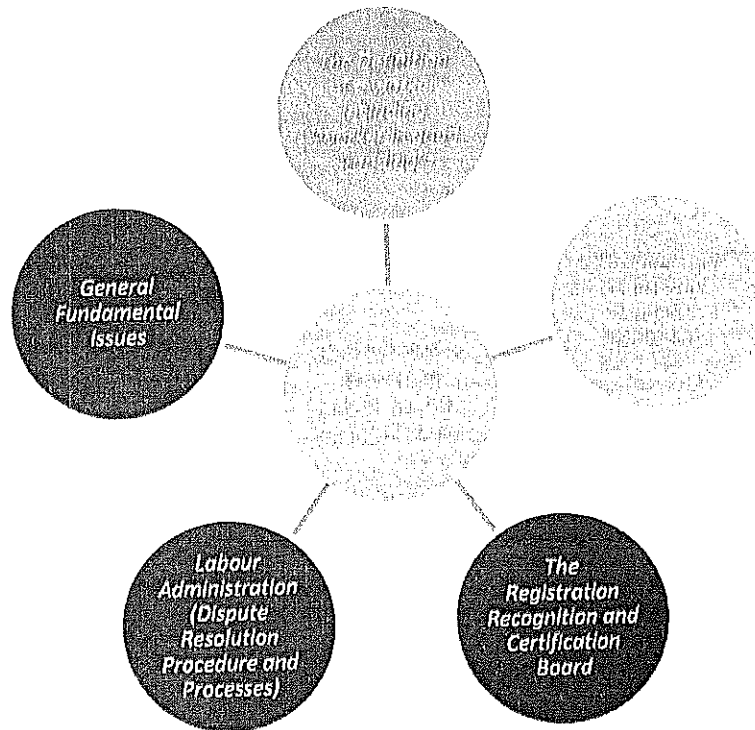
**Representative from Academia**

- 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 16<sup>th</sup> February 2012 to 15<sup>th</sup> February, 2014.

# POLICIES AND DEVELOPMENT INITIATIVES

Early in its term of operations, the IRAC established an agenda with the main objective to review the Industrial Relations Act, Chapter 88:01. The Committee proffered to accomplish this goal through the creation of subcommittees with the following mandates:



- (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.
- (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.
- (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.
- (v) *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.

Consequently, within this reporting period the Industrial Relations Advisory Committee succeeded in its examination of the Industrial Relations Act, Chapter 88:01 and on July 26, 2013 officially presented its report entitled "Report of the Industrial Relations Advisory Committee, June 2013", to the Honourable Mr. Errol Mc Leod, Minister of Labour and Small and Micro Enterprise Development. In addition to their report the Committee also submitted three (3) working papers entitled:

#### Working Paper No.1 of 2013

- The Situation of Industrial Relations in Trinidad and Tobago

#### Working Paper No.2 of 2013

- Industrial Relations and Employment Law; Lessons from the Global Environment for Trinidad and Tobago

#### Working Paper No. 3 of 2013

- Judicial Appointments at the Industrial Court: Issues for Trinidad and Tobago.

In the aforementioned working papers, the Committee considered, inter alia, the following areas of the Industrial Relations Act, Chapter 88:01:

- The number of days for the Minister to secure a settlement of dispute by means of conciliation to be increased to (14) days in respect of 'rights' disputes and (28) days in respect of 'interests' disputes.
- The statutory life of a trade dispute (reporting) should be increased to (12) months.
- The removal of the Minister's discretion in respect of 'rights' disputed but should be maintained for 'interests' disputes.
- Imposed fines as stated in Section 63 (1) (b), "Industrial action not in conformity with this part" should be increased.
- The maximum duration of Collective Agreements should be three (3) years given the socio-economic climate in Trinidad and Tobago.
- A counterproposal should be included as a requirement to be submitted to the Minister for a Recognised Majority Union or employer that proposes to initiate the negotiations of a Collective Agreement.
- Time limits for the submission of counterproposals.
- The need to have Collective Agreements registered during its currency.
- The need for greater specificity with respect to the grounds upon which the Minister may object to the registration of a Collective Agreement.
- A change in the definition of "essential services" to reflect the right by all persons to engage in industrial action consistent with the guidelines of the ILO. .



- There should be separate legislation to address domestic workers and a need for individual rights legislation.
- Removal of the schedule of “Essential Industry”.
- The inclusion of domestic workers, public officers, teachers, Central Bank workers, for the purpose of Industrial Relations Act, Chapter 88:01.
- Removal of “member in good standing” from the legislation.

With accomplishment of its initial agenda, the Committee established two (2) new subcommittees with the following directives:

**Subcommittee to review the operation of the Industrial Relations Act, Chapter 88:01, in Tobago.**

**Members:** Hazel Elcock-Ifill, Hyacinth Guy, Orville Carrington

**Mandate:** To set the agenda and organize arrangements for the proposed Tobago workshop.

**Subcommittee to review the issue of Employment Rights and Standards and comprised of the following members of the IRAC**

**Members:** Clyde Elder, Cavelle Joseph, Keston Nancoo

**Mandate:** To examine the area of Employment Rights and Standards with consideration given to the South Africa’s Basic Conditions of Employment Act as amended by the Basic Conditions of Employment Act, No.11 of 2002; Ontario’s Employment Standards Act 2002; and the Barbados Employment Rights Act.

## 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 for a fixed period of two (2) 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  
(Member on behalf of Chairman)



# **The Industrial Relations Advisory Committee**

## **Administrative Report**

**For the period  
October 01, 2018 to September 30, 2019**

Prepared By: Technical Secretary, IRAC

Date: August 29<sup>th</sup>, 2020

## TABLE OF CONTENTS

SECTION	PAGE NUMBER
Table of Contents	1
1.0 Executive Summary	2
2.0 Vision, Mission, Philosophy and the Strategic Objectives	2
3.0 Organisational Structure	3
4.0 Policies and development initiatives	8
5.0 Financial Operations	9
6.0 Human Resource Development Plan	9
7.0 Procurement Procedures	9
8.0 Public and Community Relations	10

## 1. EXECUTIVE SUMMARY

The Industrial Relations Advisory Committee (hereinafter referred to as “IRAC” or “the Committee”), was established by section 80 (1) of the Industrial Relations Act, Chapter 88:01 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 keeping the Act under review with regard to ensuring its development and reform as referred to in section 81 of the Act.

The term of office of the Committee commenced December 05, 2016 for a period two (2) years and came to an end on December 04, 2018. A newly established committee was appointed via Cabinet Minute No. 1360 – 2019/07/04 dated July 04, 2019 and members were officially installed on September 5, 2019, though their instruments of appointment were dated July 25, 2019. Notwithstanding the foregoing, this current report covers the periods October 01, 2018 to December 04, 2018 and September 5, 2019 to September 30, 2019. Of note, during the period December 5, 2018 to July 25, 2019 there was no appointed Industrial Relations Advisory Committee as the committee officially began functioning from September 30, 2019 when the first meeting was held.

The preceding Committee comprised fifteen (15) members while the current Committee comprised thirteen (13) members, from various stakeholder groups and both were chaired by Dr. Hyacinth Guy. During the period under review, the Committee was constituted for three (3) months and held three (3) meetings where it primarily examined Industrial Court judgments, their implications for IR practice and lessons learnt. The IRAC also discussed current issues experienced by stakeholders, specifically the Labour Administration arm of the Ministry of Labour and Small Enterprise Development, which can be addressed through further amendments to the Industrial Relations Act. At the last meeting for the reporting year, which was held on September 30, 2019, the work plan of the IRAC was discussed in detail.

## 2. VISION, MISSION, PHILOSOPHY AND THE STRATEGIC OBJECTIVES

The Industrial Relations Advisory Committee was established by section 80 of the Industrial Relations Act, Chapter 88:01 which states:

*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 functions of the Advisory Committee are outlined in Section 81 of the Industrial Relations Act, Chapter 88:01 which states :-

*"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."*

At its first meeting of the preceding committee on January 23, 2017, it was agreed that a work plan be developed for the period 2017 to 2018. The work plan included the following and said work continued under the succeeding committee:-

- Review of options for the establishment of an Unemployment Insurance Scheme or Severance Benefits Fund or both to protect workers in the event of loss of jobs
- Review of Basic Terms and Conditions of Work/Employee Rights Legislation
- Overview of Industrial Relations in the Public Sector
- Industrial Relations practices in Tobago

### 3. ORGANISATIONAL STRUCTURE

The Industrial Relations Advisory Committee as provided by Section 80 of the Industrial Relations Act, Chapter 88:01, consisted of a Chairman and twelve other members. This thirteen-member Committee is multipartite in composition having representatives from different stakeholder groups as stipulated in the Act.

The following persons were members of the former Committee during the period October 01, 2018 to December 04, 2018:

<u>MEMBER</u>	<u>NAME OF MEMBERS</u>
Chairman	Hyacinth Guy PhD, Human Resource Professional
Workers' Organization	Mr. Vincent Cabrera Joint Trade Union Movement (JTUM)
	Mr. Clyde Elder Federation of Independent Trade Unions and NGOs (FITUN)
	Mr. Rajindra Mohan (appointed via Cabinet Minute No. 1032 of June 28 <sup>th</sup> , 2018 replaced Gorgonia Auguste, Public Services Association) National Trade Union Centre of Trinidad and Tobago (NATUC)
Employers' Organization	Mr. Keston Nancoo Employers' Consultative Association of Trinidad and Tobago (ECA)



Public Officers

**Mr. Kashta Ome**

Trinidad and Tobago Chamber of Industry and  
Commerce

**Ms. Cavelle W. Joseph**

Trinidad and Tobago Coalition of Services  
Industries

**Ms. Cindy Joseph**

Tobago House of Assembly

**Ms. Sabina Gomez**

Ministry of Labour and Small Enterprise  
Development

**Ms. Sangeeta Boondoo**

Ministry of Labour and Small Enterprise  
Development

Industrial Relations/ Human  
Resource Professionals

**Mr. Christopher Vaughn Auguste**

North West Regional Health Authority

**Mr. Junior Demming**

South West Regional Health Authority

**Mr. Ronald Brereton, Industrial Relations**

Consultant

Representatives from Academia

**Dr. Paul Balwant, Lecturer,**

University of the West Indies

Ms. Gloria Davis-Cooper, Lecturer,  
University of the West Indies

The term of office for the above Industrial Relations Advisory Committee took effect from December 5, 2016 for a term of (2) years, which came to end on December 04, 2018. The succeeding committee was appointed on July 25, 2019 for a term of two (2) years. The members appointed from July 25, 2019 are as follows:

*Representative Organization Member*

<i>Representative Organization</i>	<i>Member</i>
<i>Chairman</i>	<b>Dr. Hyacinth Guy</b> Human Resources Professional
<i>Workers' Organisations</i>	<b>Mr. Mario Ais</b> President Banking, Insurance and General Workers Union (BIGWU) (Representative of the Joint Trade Union Movement (JTUM))
	<b>Mr. Clyde Elder</b> Secretary General Communications Workers' Union (CWU) (Representative of the Federation of Independent Trade Unions and NGOs (FITUN))
<i>Employers' Organisations</i>	<b>Mr. Keston Nancoo</b> Chairman, Board of Directors – Employers' Consultative Association of Trinidad and Tobago (ECA) and Group Vice

President – Human Resource Services, Guardian Shared Services Limited (Representative of the ECA)

**Mr. Kashta Ome**

Group Human Resources Advisor – Industrial Relations

ANSA McAL Company Limited

(Representative of the Trinidad and Tobago Chamber of Industry and Commerce)

*Public Officers*

**Ms. Sabina Gomez**

Chief Labour Relations Officer (Acting)

Ministry of Labour and Small Enterprise Development

**Ms. Sangeeta Boondoo**

Senior Legal Officer

Ministry of Labour and Small Enterprise Development

**Ms. Cindy Joseph**

Senior Labour Development Officer

Division of Community Development, Enterprise Development and Labour

Tobago House of Assembly

*Academia*

**Professor Rose-Marie Belle Antoine**

Dean – Faculty of Law

University of West Indies (UWI)

*Industrial Relations/Human  
Resources Professionals*

**Ms. Nicola Joseph**

Director

Human Resources Division

University of the West Indies (UWI)

**Mr. Emerson Martin**

Examiner II

Registration, Recognition and Certification Board

**Mr. Ronald Brereton**

Industrial Relations Consultant

TOSL Engineering Limited

**Dr. Paul Balwant**

Lecturer - Organizational Behaviour and Human Resource  
Management

University of the West Indies (UWI)

In the absence of a Technical Secretary to the Committee, IRAC's work was supported by staff of the Legal Unit of the Ministry of Labour and Small Enterprise Development.

#### **4. POLICIES AND DEVELOPMENT INITIATIVES**

The Committee's work plan is determined by the strategic direction provided by the Minister of Labour and Small Enterprise Development.

### Work Plan of the Committee:

The current committee continued the work of the previous committee which had developed a work plan for the period 2016 to 2018. During the period under review, the Committee held three (3) meetings and focused largely on Industrial Court judgments, its implications for IR practice in Trinidad and Tobago and lessons learnt from them.

The Committee also met, discussed, and noted issues as raised by the Director of Labour Administration's (DLA) representative to the Committee. The Committee agreed that said issues were best addressed by further review of the Industrial Relations Act, Chapter 88:01. These issues were:

- An inordinate number of matters being referred to the Industrial Court by parties after the statutory fourteen (14) days required in Section 55 (2) of the Act have elapsed with no attempt at conciliation (Cv. A 247/98 refers). It was reported by the Labour Administration Directorate at the Ministry that more than 50% of the reported disputes go to the Court without conciliation at the Ministry and the accompanying unresolved dispute certificate. The Committee also acknowledged that the situation was further exacerbated by the current voluntary nature of the conciliatory process at the Ministry. In response the Committee recommended that the Act be amended to allow the Industrial Court, through Section 10 (1) (a), to refer matters/disputes back to the Ministry of Labour and Small Enterprise Development for the purposes of conciliation and/or to also amend the Section 59 (1) of the Act to include that an unresolved dispute notice be served to parties before matters are heard at the Industrial Court.

It was reported that Section 12 (2) of the Act also permits conciliation at the level of Industrial Court. The Labour Administration Directorate described this occurrence as a duplication of conciliation services, which caused parties to abdicate the conciliation process at the Ministry of Labour and Small Enterprise Development and/or not take it seriously and which results in the wastage of already scarce resources. The Committee submitted that the instant issue can be

alleviated by amending the Act to establish an independent body/authority to provide conciliation and advisory services.

- The DLA Representative also highlighted that the concept 'conciliation' was not defined in the Act and the role of the Conciliation Unit at the Ministry of Labour and Small Enterprise Development was also not expressly outlined. The Committee recommended that the Act be amended to include a definition of conciliation under Section (2) (1) and an explicit statement of the role of conciliation at the Ministry.
- Approximately 15% of trade disputes reported to the Ministry are referred to the Registration, Recognition and Certification Board (RRCB) to determine whether a worker was a 'member in good standing' in furtherance of Section 51 (6), according to the DLA Representative. Referrals made by employers caused significant delays in the dispute resolution process. The Committee recommended that Section 51 (6) be removed.
- Over 500 requests are made under Section 51 (3) of the Act annually according to the DLA Representative and are subjected to judicial review, which is a time-consuming and costly exercise. The Committee agreed that the statutory limit to report trade disputes to the Ministry of Labour should be reviewed albeit not increased, proposing instead that the process at the Ministry of Labour and Small Enterprise Development be tweaked to ensure greater efficiency.
- The DLA Representative reported that the current statutory limit for parties to meet for the purposes of conciliation as outlined in Section 55 (1) of the Act was unrealistic given the mandate of the department and suggested that the timeframe be extended beyond the fourteen (14)-day stipulation. The Committee recommended that the statutory timeframe be extended to twenty-eight (28) days.

#### Challenges:

The challenges faced by the Industrial Relations Advisory Committee continued to be administrative in nature. However, the Committee remains committed to fulfilling its objectives with unwavering dedication.

### The Way Forward:

The Committee will continue to work on finalizing the Policy Prescriptions on Employment Standards with the hope of submitting same to the Honourable Minister in the first quarter of financial year 2019/2020.

#### 5. FINANCIAL OPERATIONS

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

#### 6. HUMAN RESOURCE DEVELOPMENT PLAN

Due to the nature and mandate of the Industrial Relations Advisory Committee, a Human Resource Development Plan is not applicable.

#### 7. PROCUREMENT PROCEDURES

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

#### 8. PUBLIC AND COMMUNITY RELATIONS

The Committee as previously outlined, is established under Section 80 of the Industrial Relations Act and its mandate is stipulated in Section 81 of said Act. 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. From time to

time, the Committee will take part in national consultations at which time it would present its recommendations on the various policy papers it would have produced. This is the scope of its activities under the heading, Public and Community Relations.

Signed by:



---

Hyacinth Guy  
Chairman,  
Industrial Relations Advisory Committee

Date: August 29<sup>th</sup>, 2021



