



REPUBLIC OF TRINIDAD AND TOBAGO

FEATURE ADDRESS

BY

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

AT THE

WORLD BLIND UNION, NORTH AMERICA AND CARIBBEAN REGIONAL MEETING

SCHOOL FOR BLIND CHILDREN PAX VALE, SANTA CRUZ

MAY 31, 2019

SALUTATIONS

A blessed Good morning to everyone.

Today it is indeed my pleasure to address this international forum of the World Blind Union, North America and Caribbean Regional Meeting. I would therefore like to thank the Trinidad and Tobago Blind Welfare Association in particular Mr Kenneth Suratt for extending this kind invitation to me. Mr Suratt and I have known each other for a very long time, stemming from my days as the President of the Public Services Association, therefore being asked to deliver this Feature Address brings an innate joy to me today. In my personal capacity and within the context of that of Minister of Labour and Small Enterprise Development, I believe that the protection and preservation of human life are values held by all progressive societies and therefore the work done by your Association is invaluable to our beloved twin island state.

Fortuitously, today's meeting comes just two weeks after the Occupational Safety and Health Agency completed a series of Consultations, with a wide range of Stakeholders, for the development of Regulations to support the Occupational Safety and Health Act. Among those Regulations discussed, was a Policy Paper for the development of Welfare Regulations which addresses the provisions to be made by the employer to cater for the needs of the employees. Within our cohort

of stakeholders, there were representatives from various interest groups including persons from the National Centre for Persons with Disabilities. At all of the Ministry's Consultations we ensured that a wide spectrum of persons are represented because we recognise that workers and employers rights and responsibilities must not discriminate based on race, gender, socioeconomic background or disability. ALL Workers and Employers play an integral role in the revision of any Government Policy or Legislation.

As we recognise the role of our Stakeholders, we also stand committed to our international obligations with our partner organisations. One of our critical partners in this consultative process is the International Labour Organisation (ILO), which is celebrating 100 years of existence this year. According to ILO estimates, on an international level, there are over 2.78 million deaths annually, attributable to occupational safety and health risks. Additionally there are about some 374 million non-fatal injuries every year. The economic burden of this occupational mortality and injury rate is estimated at 3.94 per cent of global Gross Domestic Product each year. Here in Trinidad and Tobago, in the reporting year 2017 to 2018 there were 10 fatalities and 81 critical accidents. How many of us take the time to consider what percentage of these statistics account for

persons with disabilities or may cause someone to become disabled? Unfortunately the answer is not many. But, Meetings like these serve as stepping stones to bringing these discussions into the public and at the forefront of the citizens' mindset.

The Occupational Safety and Health Authority under the remit of the Ministry of Labour and Small Enterprise Development is charged with administering the Occupational Safety and Health Act. This Act seeks to set standards that are applicable to all workplaces in the interest of all persons employed by that institution or who are affected by the operations the institution. The Act places a general duty on employers, as far as it is reasonably practicable to 'ensure ... the safety, health and welfare ... of all employees.' These duties include:

- Maintenance of the plant and systems of work that are safe and without risks to health
- Provision of information, training and supervision to ensure the safety of employees
- To have a safe means of access and egress and
- To maintain a working environment that is safe and without risks to health and to provide adequate amenities and welfare arrangements

In order for the employer to fulfil these duties he/she must take into account all the needs of his/her employees.

Implicit within these duties is an understanding that the needs of disabled persons are addressed, once they are employees or affected by the workplace.

This approach to interpreting the Safety and Health legislation is consistent with what occurs in other jurisdictions. The Workplace (Health, Safety and Welfare) Regulations 1992 – Approved Code of Practice and guidance for the United Kingdom gives provisions and guidance that specifically makes allowances for disabled persons. This influences everything from the physical structure of the workplace to the facilities. This Code was also taken into consideration at the recently held Consultations of the Agency.

The theme of this morning's proceedings is 'Reasonable Accommodations'. It is my understanding that reasonable accommodation must include the General Duties outlined in the OSH Act, which caters for disabled persons. This approach runs parallel to the first theme of Government's 2030 Development Plan – 'Putting People First: Nurturing Our Greatest Asset'. This Government has prioritised the needs of citizens by developing a system where all have 'equal

opportunity to access social services and all citizens, including the most vulnerable ... are cared for and treated with dignity and respect.’

While it may seem common-sense to have suitable provisions in place for all workers, there are many instances where employers neglect their duties under the OSH Act. This is more so the case when dealing with persons living with disabilities. For this reason the Ministry of Labour and Small Enterprise Development has taken a special interest in matters related to safety and health, to ensure that all workers receive the protection that they deserve.

Just this year, over a month ago, on April 29 we joined with the International Labour Organisation in observing World Day for Safety and Health at Work. The Theme for this year ‘Safety and Health and the Future of Work’, invites us to consider the evolving nature of the workplace and the resulting emerging challenges to safety and health. As we plan for the future we must consider how the new, technology driven workplace affects persons with disabilities and what employers must do to ensure that the workplace is safe for them.

It would be remiss of me not to mention that the Ministry is engaged in the formulation of an Employment Standards Bill. The Ministry began the conversation with stakeholders on June 29, 2016 as it recognizes that as

workspaces evolve, so too must the employment and labour standards within organizations. We are also keenly aware that the lack of security and stability of available jobs, whether they offer adequate benefits and compensation, are issues of utmost importance to each and every employee – able-bodied or disabled and must be addressed.

At present, some pieces of legislation which provide for employment standards outside of the Occupational Safety and Health Act include the Minimum Wages Act and Maternity Protection Act to name a few. However, I am sure that we can all agree that this is inadequate leading to the need for an Employment Standards Bill which will deal with the modern workplace realities to ensure the protection of vulnerable citizens beyond what the law presently provides for. This along with the review of several other important pieces of labour legislation has resulted in twenty consultations since 2016 and have kept the Legal Unit at the Ministry very busy. It is our mission to have the right legislation put before Parliament with the input of all our Stakeholders.

Ladies and Gentlemen, the Government of Trinidad and Tobago is very concerned with the holistic development of all our people. Our commitment to ensure the safety and health of all our workers is not a seasonal one but one that captures

our attention year round. This is evidenced by the very many programmes, consultations, workshops and seminars that we have conducted and supported over the years. I invite you to be a part of the process by advocating for the inclusion and protection of persons with disabilities in your various workplaces. I know that your Meeting here today has several agenda items to ensure that this comes to fruition.

Productive and efficient employment relationships are faced with turbulence as globalization continues to put pressure on employment standards. Nonetheless, the Ministry will continue to push for laws that protect worker's rights, laws that improve worker safety and prevent child labour.

In closing, I trust that your deliberations today will be productive and that the decisions you take will contribute to building a better, stronger tomorrow for all of our citizens. I leave you with the words of Patron Saint, Saint Francis of Assisi *“Start by doing what's necessary; then do what's possible; and suddenly you are doing the impossible.”*

I know that today you will achieve the impossible.

Do have a blessed day.

I Thank you.