



Recommendations for the Amendment of the Trade Unions Act Chapter 88:02

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Historical Overview



Historical Overview

- World War I- growth of the labour movement and rise of prominent labour leaders such as Captain Arthur Andrew Cipriani.
- 1919- the nation's first major industrial strike which ended the Crown Colony Rule on the twin island colony.
- 1920s- Living standards deteriorated drastically and the situation was aggravated by unjust labour practices

Historical Overview (cont'd)

- Trinidad Workingmen's Association (the leading workers' organization in the early 1900s) was transformed from a trade union centered organization into a political party **Trinidad Labour Party**.

Historical Overview (cont'd)

- Increased organized strikes throughout the 1930s led to increased pressure on the Legislative Council. The Council's response was to enact the Trade Unions Ordinance No. 20 of 1932 which came into force on July 1st, 1933.
- There were no provisions for peaceful picketing and there was no immunity for trade unions for actions in tort. Many saw the Ordinance as another hindrance to the free development of Trade Unions in the country.

Trade Unions in Trinidad and Tobago

- When was the first trade union registered?
- When was the last trade union registered?
- How many unions are registered to date?

Are trade unions important?

- YES!!!



The Right to Freedom of Association

- Section 1(j) of the 1962 Constitution
- Trinidad and Tobago became a Republic nation on September 24th, 1976
- Judicial Committee of the Privy Council in *Collymore v Attorney General of Trinidad and Tobago* [1970] AC 5380 - observed that it was not surprising that the right of trade unions to organise and to bargain collectively was the subject of a separate ILO Convention as it was something over and above freedom of association.

International Organization Conventions

- Twenty-Two (22) ILO Conventions ratified
- ILO Convention No. 87 (Freedom of Association and Protection of the Right to Organize, 1948) and
- ILO Convention No. 98 (Right to Organize and Collective Bargaining, 1949)

Ministry's Vision

- Decent Work
- Industrial Peace
- Opportunity for all

Ministry's Mission Statement

- We champion equity and opportunity for all stakeholders through a collaborative approach to labour administration, the empowerment of employers and employees, and entrepreneurship.

Deficiencies of the Trade Union Act

- Definitions and Terminology Used
- Scope
- Inadequate Penalties, fines and fees
- Lack of a grievance procedure/ right of appeal

Recommendations

- Modernization of the language of the Act and the amendment to the definition of Trade Union
- The Register of Unions
- The process of Registration of Trade Unions
- Property of unions vested in trustees
- Officers' accounts and audit
- Withholding or misapplying trade unions' effects
- Provisions relating to registration

Caricom Model Bill

- At the CARICOM Standing Committee of Ministers responsible for Labour (SCML) held in April 1995, model legislation was accepted in several areas, one being, the registration, status and recognition of trade unions and employers' organizations.
- It should not be considered normal or appropriate that the national labour laws vary significantly from the nationally ratified ILO Conventions or from the scope and intent of the CARICOM model legislation

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It “... is a fundamental principle of industrial relations that trade unions should be free and independent of control or domination by employers or the state.”

Town and Country Limited v Union of Foods, Hotels and Industrial Workers and Town and Country Garment Association

(1965-75) I.T.T.C.R 247

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THANK YOU!