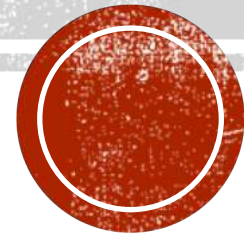


NATIONAL STAKEHOLDER CONSULTATION ON EMPLOYMENT STANDARDS IN TRINIDAD AND TOBAGO

- 24 AUGUST 2018 -

Presentation

ILO Decent Work Team and Office for the Caribbean





EMPLOYMENT STANDARDS – TOWARDS A NEW POLICY

Transition from Common Law to a Legislation

- More transparent regulations
- Specific to national circumstances
- Comprehensive Labour Code
- Principles vs details
- Codification widespread

Globally – International Labour Standards

= ILO Conventions and Recommendations
(ratified or not ratified)



MANY COUNTRIES HAVE A CODIFIED LABOUR LEGISLATION

Countries in the Commonwealth:

- UK, India, South Africa, Australia, Nigeria, Kenya, Mauritius, T&T...

European countries:

- Germany, France, Italy, Spain, Russia, Czech Republic, Malta, Cyprus...

Latin America:

- Argentina, Chile, Uruguay, Panama...

Other countries:

- USA, Canada, Philippines, Sri Lanka, Japan, Senegal, Algeria...

Caribbean countries:

- St. Lucia, Grenada, Barbados, Jamaica, Belize...

See details in ILO Natlex on www.ilo.org



WHAT DO LABOUR LAWS REGULATE ?

Scope and definitions

Recruitment, Contracts

Working time

Paid and unpaid Leave

Remuneration, social security

OSH and specific risks

Training, and other Benefits

Young persons, persons with disabilities, special categories, family responsibilities

Non-discrimination

Termination of employment

Industrial relations (bipartite, social partners, collective agreements)

Labour administration institutions (tripartite, executive, mandate, powers)



A LABOUR CODE – A MAJOR PROJECT

The codification of employment standards is comprehensive work.

- Preparatory work by all actors
- Existing court decisions as a basis (Industrial Court)
- Social dialogue
- Further discussions on details
- Coherent with other laws



SOME PRINCIPAL REFLECTIONS - COVERAGE

Who is covered ? Who is a worker ?

- Traditional employment relationship
- Non-traditional or non-standard forms of employment
- Special categories of workers

If justified, and agreed between the partners, there can be exceptions to certain standards for certain categories of workers

- Within limits which, however, must uphold fundamental rights and the concept of Decent Work, as defined in the national context (minimum floor of protection)



REFLECTIONS – WORKING TIME

- Regular hours of work (daily, weekly, over a period of time)
- Breaks and rest from work
- Weekends, public holidays
- Paid leave and unpaid leave (duration, start of eligibility, parental leave, civil duties...)
- Sick leave and requirements (incl how to treat family responsibilities)
- Flexible work arrangements
- ...



REFLECTIONS - WAGES

- Payment methods
- Statutory and other deductions
- Payment slips
- Minimum wages
- ...



REFLECTIONS – OTHER WORKING CONDITIONS

- Occupational safety and health
(like in TnT, often in separate law)
- Non-violence at the workplace
(new topic, ILC 2019)
- And others...



REFLECTIONS – TERMINATION OF EMPLOYMENT

- General requirements
- Mass dismissal
- Involvement of trade unions (or works councils)
- Consequences of dismissal (e.g. ban to work, severance pay)
- (case law)
- ...



REFLECTIONS - ADMINISTRATIVE ARRANGEMENTS

- **Intervention of Government authorities**
 - Support to workers and employers
 - Labour inspection, C. 81 (monitoring, enforcing)
 - access to workplace
 - powers of inspectors
 - institutional capacity (need for additional resources ?)
 - Conciliation services (ministry ? Other Gov authority ?)
- **Access to Justice (Industrial Court)**
 - Need for procedural rules ?
 - Burden of proof
 - Representation



CONCLUSIONS

- This is a major project, everybody needs to be committed (Spirit of collaboration)
- Labour laws as a Minimum Standard, for All
- Possibility of higher standards through Collective Agreements
- Agreed minimum better than no regulation (and update)
- Labour laws as a vehicle for Decent Work, and for industrial peace
- Acceptance that labour laws need to be updated/amended from time to time
- Ensure implementation !



THANK YOU !

QUESTIONS, COMMENTS ?

