



REPUBLIC OF TRINIDAD AND TOBAGO

ADDRESS BY

THE HONOURABLE ERROL MC LEOD

MINISTER OF LABOUR AND SMALL AND MICRO

ENTERPRISE DEVELOPMENT

ON THE OCCASION OF

THE APPOINTMENT OF MEMBERS OF THE

REGISTRATION RECOGNITION AND CERTIFICATION BOARD

Regency Ballroom, HYATT Regency Trinidad

Tuesday January 11, 2011

1:00 p.m.

Mr. Ashford Sankar, Acting Permanent Secretary, Ministry of Labour and Small and Micro Enterprise Development;

Mr. Wayne Smart, incoming Chairman of the Registration Recognition and Certification Board;

Distinguished appointees to the Registration Recognition and Certification Board;

Representatives of Workers and Employers;

Representatives of Government and Non-Governmental Organizations;

Officials of the Ministry of Labour and Small and Micro Enterprise Development;

Specially invited guests;

Members of the media;

Ladies and Gentlemen.

Good afternoon.

I wish to express my gratitude for your participation in this ceremony to appoint Members to one of the most important institutions comprising our industrial relations system – the Registration Recognition and Certification Board (RRCB). I apologize for the inconvenience which may have arisen from the rescheduling of this event, under short notice, from last week Friday to today, due to my participation in the State funeral for our country's first President, Sir Ellis Clarke. Indeed, the Ministry of Labour and Small and Micro Enterprise Development pays tribute to such a person of

great integrity, dignity and respect and joins the national community in celebrating the life and contributions of Sir Ellis Clarke.

I also wish to take this opportunity to express condolences and best wishes to the family of Dr. Emru Millette, a former Member of the Registration Recognition and Certification Board who passed away in September 2010.

Permit me also to thank the outgoing Members of the Registration Recognition and Certification Board, for their tireless service and invaluable contributions to the promotion of good industrial relations practices in Trinidad and Tobago over the past three (3) years.

Ladies and gentlemen, as we forge ahead in 2011, we recognize that the road ahead of us is indeed a challenging one. I wish to reassure you that the People's Partnership

Government, itself borne out of struggle to overcome seemingly insurmountable challenges, remains committed to the development of our people and in particular, to placing workers at the centre of our efforts to achieve sustainable growth and a better quality of life. At this time in our country's history, when we are grappling with the negative effects of the global economic and financial crisis, the manifestations of which are evident in our country's financial situation, we recognize that sustainable solutions can only be developed through meaningful social dialogue.

I take this opportunity to make a clarion call to my comrades in the trade union movement, who I know embrace the principle of social dialogue, to continue to engage in this process with employers and government as a means of addressing our industrial relations challenges. There is need and every good sense to build stability in our industrial relations system as I firmly believe that this is the bedrock of

a stable and prosperous economy and much of our successfully going forward, depends on it.

On this note, I wish to underscore the critical role which the RRCB must play in promoting the integrity and credibility of our industrial relations system and in the protection of our workforce by shaping the collective bargaining structure through its determination of the appropriate and majority trade union to best represent workers, in accordance with Section 33 of the Industrial Relations Act (IRA). This process is important in encouraging and enhancing the likelihood of a more viable and harmonious collective bargaining relationship between employers and the recognized majority union.

As many would know, the RRCB is established under Part II of the Industrial Relations Act Chapter 88:01 (IRA) and its mandate and operations are governed by the provisions of

this Act. Section 23 of the IRA identifies the following duties of the Board which comprises a Chairman, selected by the President of the Republic of Trinidad and Tobago after consultation with organizations deemed to be most representative of employers and workers, and eight other members (three nominated by organizations representative of workers, three nominated by organizations representative of employers, and two joint nominees):

(a) the determination of all applications, petitions and matters concerning certification of recognition under Part III of the Act, including the taking of preferential ballots under Section 34(2);

(b) the certification of recognized majority unions;

- (c) the recording of the certification of recognized majority unions in a book to be kept by it for the purpose;
- (d) the making of agency shop orders under Part VI of the IRA and the conduct of ballots and proceedings in connection therewith;
- (e) the cancellation of certification of recognition of trade unions; and
- (f) **such other matters as are referred or assigned to it by the Minister or under this or any written law.**

Ultimately, the execution of this mandate impacts the achievement of decent work as it provides the enabling framework for workers to exercise their right of freedom of association, one of the fundamental principles and rights outlined in the Decent Work Agenda.

As my Ministry has embarked on the process of developing a Decent Work Policy and Programme of Action for Trinidad and Tobago, I look forward to the support and co-operation of the reconstituted Board in implementing such an initiative.

From the feedback received from stakeholders during the consultative phase in the development of the Decent Work Policy and Programme of Action, one of the main complaints identified in the registration and recognition process is the duration of the process. It has been resoundingly reiterated that the determinations of the Board take too long and as such there is a backlog of applications, some dating far back as a decade ago. Something is wrong about that! Justice is denied to the worker when the recognition and certification process is delayed – for whatever reason!

While I am aware of the challenges in relation to the legislative provisions which my Ministry will be addressing through the establishment of an Industrial Relations Advisory Committee to review the IRA which governs the work of the Board, I cannot overstate the importance of **expediency** in the process. Section 32(1) of the IRA states that “The Board shall expeditiously determine all applications for certification brought before it [in accordance with the provisions of Part III of the Act].”

Ladies and gentlemen, the expediency of the work of the Board facilitates workers’ right to freedom of association and the effective recognition of the right to collective bargaining by joining a trade union of their choice. This is in keeping with both our Constitutional and our international labour obligations as we are signatory to the International Labour Organization Convention No. 87 – Freedom of Association

and Protection of the Right to Organize (1948) and No. 98 – Right to Organize and Collective Bargaining (1949).

In light of this challenge, I now request that while the new Board urgently seeks to address the backlog of applications, expeditious action be taken to assess the registration and recognition process, identify both strengths and weaknesses, and make recommendations on improving the system both in the short and long term. I anticipate a presentation on your assessment report within the next three (3) months. I wish to assure you that you have my support and that of the Ministry of Labour and Small and Micro Enterprise Development in fulfilling your mandate.

While I am confident that the new Board will do its best in improving the registration and recognition process for trade unions in consultation with my Ministry and the relevant stakeholders, I wish to highlight a few points in relation to the

issue of governance which is of paramount importance to the People's Partnership Government and which I have been sharing with the members of other Boards which I have appointed.

Firstly, I wish to underscore that your role as members of the Registration Recognition and Certification Board is to **govern** and not to **manage**. In so doing, your responsibility is to provide oversight and direction while adhering to certain key principles such as selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

Additionally, I encourage you to adopt an approach of trust-based governance which focuses on building an active and an independent Board while at the same time developing relationships with stakeholders on the basis of trust. This type of governance is premised on the establishment of

proper internal structures which promote transparency and accountability as well as the identification of clear responsibilities.

I extend congratulations to the re-appointed Chairperson and the members of the Registration Recognition and Certification Board. While your appointment letters will be issued shortly, please note that arrangements for each of you to take the Oath of Office administered by the President of the Republic of Trinidad and Tobago is currently being made and you will be informed of the date and time of this ceremony.

In closing, I wish to reassure the new Board that the Ministry of Labour and Small and Micro Enterprise Development stands ready to assist in whatever way we can to ensure that the Board performs its functions and duties efficiently and

effectively within the parameters of the Industrial Relations Act. I do believe that the Board comprises a combination of very good skills, knowledge and expertise. Therefore, I have confidence that you will excel in your duty and work in the interest of the social and economic development of the people of Trinidad and Tobago.

I extend best wishes to you and your families for a safe, successful and productive year ahead. I thank you and may God bless you and our Republic.