

Deborah Thomas-Felix to business owners:

Don't blame the court

STORIES BY CAMILLE HUNTE
camille.hunte@trinidadexpress.com

INDUSTRIAL Court president Deborah Thomas-Felix sent a stern message to businesses yesterday, saying they must not blame the court for unfavourable judgements.

Thomas-Felix was responding to comments made by several business leaders who, at a meeting at the Arthur Lok Jack Graduate School of Business in Mt Hope recently, reportedly identified the Industrial Court as a hindrance to their businesses and profitability. They claimed the Court favoured workers at the expense of employers.

But, speaking at the fourth instalment of the "Meet with the Court" symposium held at the Hyatt Regency (Trinidad) in Port of Spain yesterday, Thomas-Felix shot down these claims, and said persons may disagree with the rulings of the Court but should not call its impartiality into question.

"Constructive criticism is always welcome," she said. "But an overarching concern is that the boundary between criticising and seeking to influence outcome may be blurred far too often and far too quickly. One may disagree with some of the rulings of the

Court, but to seek to impugn its impartiality or dismiss the importance of its role and function is simply not the way to go."

Thomas-Felix said that upon its inception, critics had labelled it a court for the employer and the elite class, now the opposite was being said. She said in these tough economic times, persons were seeking where they can place blame and some of it is levelled at the court.

"You fire 68 workers without the blink of an eye, you blame the court. You close up shop without giving a thought to what is due to workers and the rights of workers, you blame the court. You curse workers in the most vile and despicable manner, and you blame the court. You place your workers in situations where their health and safety are compromised, you blame the court. You fire union officials with a view of dismantling the union and, of course, you blame the court," she said.

Citizens in 'panic mode'

She also responded to comments made by chairman of the Economic Advisory Board Dr Terrence Farrell who, in a newspaper report, was quoted as saying the process of the court was inherently adversarial and is

essentially a win-lose situation.

Thomas-Felix said it stands to reason that in a trial, someone will win and someone will lose. She however noted that many matters coming before the court do not go to trial but are disposed via a non-adversarial process.

Of a total of 2,744 matters between 2011-2015, only 27 per cent (747 matters) were from judgements, which was disposed by the adversarial process, she said.

Of these 747 matters, 230 were in favour of the employers, she noted. 427 matters were disposed by conciliation, 539 were disposed bilaterally and 683 were withdrawn.

"This means that 60.1 per cent of the matters were determined in a non-adversarial environment during the period," Thomas-Felix said.

She said the matters that do go to open court for hearing are those that can only be resolved by a panel of judges.

"In several of those cases, the conduct by the employers is so egregious that it goes against the grain of what is acceptable, fair and just and what is good industrial relations principles and practices in the workplace. Those are the cases you will read about in the newspapers, the cases which the employer loses...where the court has determined that the conduct of the employer is harsh and op-



STERN MESSAGE: Industrial Court president Deborah Thomas-Felix speaks at the fourth instalment of the "Meet with the Court" symposium at the Hyatt Regency (Trinidad) in Port of Spain yesterday. —Photo: Kerwin Pierre

pressive..."

She said the court continues to discharge its duties impartially, faithfully and consistently despite a lack of resources.

Thomas-Felix added that there is a need for public education on what is a recession as citizens are in "panic mode" and each person seems to have a different view and interpretation of what a recession is.

"There is a dispute about whether we are experiencing a recession and what should be done in households and at workplaces to treat with this situation...these are the discussions which we should be having if we are interested in cushioning the effects of the global economic turbulence," she said.

"Don't blame the Industrial Court, begin the discourse."

Source: Sunday Express. 15 May 2016, p. 11