



INDUSTRIAL COURT OF TRINIDAD AND TOBAGO

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FOR IMMEDIATE RELEASE

All Editors in Chief

MEDIA RELEASE

RESPONSE TO TRINIDAD AND TOBAGO CHAMBER OF INDUSTRY AND COMMERCE

The Industrial Court of Trinidad and Tobago notes comments made by Chief Executive Officer of the Trinidad and Tobago Chamber of Industry and Commerce, Ms. Catherine Kumar, on CNC3's *Business Watch* of June 16, 2016.

Ms. Kumar accused the Court of bias against businesses and questioned the competence of the Court's Judges:

"We do believe the Court has been against business and we see judgements that are coming down that really and truly we can't understand the rationale behind it...You would have a situation where someone was found stealing, the Industrial Court accepts that the person was stealing but says because this person has been working with you for a while you have to pay...We would really like that that matter is reviewed...well really and truly it's a matter of looking at who is appointed to the Industrial Court and understanding it needs to be fair on both sides"—Katherine Kumar.

The Court's statistics, revealed by the President, Her Honour Mrs. Deborah Thomas-Felix, in her opening address at the annual *Meet with the Court Symposium* on May 14th at the Hyatt Regency Hotel, do not support Ms. Catherine Kumar and the Chamber's claim.

It is public information that for the period 2011—2015, 2,744 cases were determined by the Industrial Court of which:

- Only 34 judgements were appealed,
- 27% (747 matters) were disposed of by judgments through the adversarial process. Of those 747 judgments, 230 (30%) were in favour of employers.

In the Court's conciliation (non-adversarial) process:

- 15.6% (427 matters) were disposed by conciliation
- 19.6% (539) were disposed bilaterally
- 24.9% (683 matters) were withdrawn.

The matters withdrawn were withdrawn by unions when it was accepted that the disputes did not have any chance of success. In other words, the employer won. The total percentage of disputes resolved in favour of employers during the period 2011—2015 was 54.9%.

The legislative framework for labour relations in Trinidad and Tobago has positioned the Industrial Court as guardian of national standards of good industrial relations principles and practices. The Court therefore plays a key role in issuing guidance to shape proper practices in the work place and in so doing, assists in the preservation and promotion of industrial peace and stability. The Court also operates within the International Labour Organisation (ILO) standards and international best practices in the workplace; Trinidad and Tobago has ratified 21 ILO Conventions.

In fulfilling its mandate, the Industrial Court is the only court within Trinidad and Tobago's jurisdiction, according to court policy, that encourages bilateral discussions between parties and adjourns matters time and time again for parties to negotiate. The Court also offers conciliation to both parties at the very start of proceedings, before Case Management and often intervenes (before open court hearings) in a number of disputes when it appears that disputes are not well founded. Due to the pre-trial intervention of the Court, a number of disputes are settled and withdrawn. The Court will not support practices which are contrary to the principles of good Industrial Relations.

The President of the Court has stated and wishes to reemphasize that in seeking to advance arguments on the workings and operations of the Industrial Court, critics must not seek to diminish the independence of the institution. The Court welcomes constructive criticism but we caution that boundaries between criticism and seeking to influence outcomes must not be blurred. One may disagree with some rulings of the Court, but to seek to impugn its impartiality or diminish the importance of its role and function will not be countenanced. We wish to remind the public that the Industrial Court is a superior court of record and has the powers to address any matter, issue or comment which it regards as contempt of court

The Court reminds all parties that redress of the decisions of the Court can be pursued by means of the Court of Appeal of Trinidad and Tobago.

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