



FEATURE ADDRESS

delivered by

Her Honour Mrs. Deborah Thomas-Felix
President of the Industrial Court of Trinidad and Tobago

at the

International Labour Organisation's Subregional Conference

"THE FUTURE OF WORK WE WANT:

Workers' Perspective from the Caribbean"

FRIDAY 15TH FEBRUARY, 2019

9:00am to 3:00pm; Dialogue 4 @ 1:00pm

BELMONT LOUNGE, HILTON TRINIDAD AND CONFERENCE CENTRE, PORT-OF-SPAIN

Good Afternoon

Trinidad and Tobago has ratified twenty-two (22) of the ILO's conventions of which nineteen (19) are in force. Among these conventions are conventions 87 and 98 which are fundamental conventions which speak to freedom of association and the right to organize and collective bargaining. There are eighty-three (83) Trade Unions registered in this country.

In this globalized world, trade unions are the most organized part of civil society and play a key role in influencing, implementing and enforcing rules to achieve a fair globalization and promote development. Trade unions have traditionally played a critical role in directly shaping the employment culture and the working lives of people. They have promoted and protected the interest of workers through collective bargaining. As we look at the future of work, we must acknowledge that global competition, the exposure of firms and industries to greater market pressures, the growing trend in outsourcing jobs, the growth in unconventional employment modalities, which includes the emergence of the GIG platform economy and crowdwork, the imposition of legal constraints on the ability of unions to recruit, organise, collectively bargain and take industrial action are all contributing to significant change and the

transformation of collective bargaining and the trade union movement, and; with some sectors seriously questioning the relevance and value of that movement.

Some key interlinked factors which have also impacted the strength of trade unions in this region, are:

1. The erosion of the traditional employment contracts (sub-contract workers, outsourcing, workers considered self-employed, GIG and crowdwork)
2. The privatisation of State enterprises (workers job security are reduced)
3. The reduction of the public sector (*the proliferation of contract labour in the public sector*)
4. The extension of the informal economy
5. The development of non-standard or precarious form of employment, (zero hours contract).

Unions are now faced with an inherent tension between securing and upholding the rights of employees through traditional collective bargaining means or effectively responding to the changing global environment by facing the challenges and grasping the opportunities to make the change needed.

In the world of work today, the trade union movement has to respond to the needs of a fragmented labour market and the rise of unorganized and non-unionized workers in a more diverse workforce. Workers with zero or low job security are certainly more reluctant to join unions since in the majority of cases they have low or no protection against acts of anti-union discrimination.

A more fragmented labour market has been a consequence of weakened trade union power, the shift towards individual contracts and enterprise bargaining and the trend among firms to outsource non-core activities to other firms (such as cleaning, security, catering and payroll). There has also been a large growth of short-term contracts in the public sector and 'atypical' and 'indirect' forms of employment, such as agency labour and 'dependent self-employment'.

A major challenge for trade unions has been to provide representation for workers and to create effective labour standards in areas where atypical and indirect employment are widely used.

In cases of indirect employment, a worker's employment conditions may be shaped by the decisions of a firm that is not their direct employer. However, the line of accountability and perhaps even

legal responsibility for these workers is likely to be vague and indeed the Industrial Court of Trinidad and Tobago, the Court of Appeal and the Privy Council have had to pronounce on these issues.

In my view, trade unions need to adopt innovative organizing techniques – including the use of digital technology and social media to expand their membership and organize labour. Workers across diverse workplaces and countries can be organized through digital means and engage in new forms of connected action. Digital technology provides trade unions with the potential to connect with workers outside traditional workplaces and offer new services, such as the mining of data to design effective strategies and the sharing of information about crowd-working platforms or portable benefits. While much can be gained from forging alliances with other collectives in civil society, this is no substitute for organizing workers, whether self-employed women and domestic workers in the informal economy, rural workers or workers in digital labour platforms. Trade unions must adopt inclusive organizing strategies, expanding their membership to informal workers. This is both a pathway to formalization and a tool for inclusion.

The report of the Global Commission and the Future of Work calls for public policies that promote collective representation and social dialogue. Social dialogue is key in terms of the survival of the unions, the organizing of workers and the boosting of the public sector. Any discussion on the survival of trade unions must include discussions on the role and importance of social dialogue.

Governments, employers and Trade Unions are parties to the social contract and they are responsible for its design and delivery through social dialogue. Collective bargaining is a fundamental right and a powerful tool for economic success and social equity, not least in times of transformational change. Tripartite social dialogue allows opportunity for the partners to the social contract to consider the broader societal issues that change brings and to guide policy responses.

The Collective representation of workers and employers through social dialogue is a public good that lies in the heart of democracy. By broadening decision making, collective representation improves the quality and legitimacy of decisions and strengthens commitment of their implementation. This in turn strengthens the adaptability, agility and resilience of companies, labour markets and economies.

Collective representation and social dialogue provide the institutional capabilities needed to navigate the future of work transitions.

Several countries world-wide have embraced tripartism and as we know Barbados is one of the leading countries in the Caribbean in this area.

Conclusion

Labour market fragmentation, the international integration of product markets and production systems and the GIG model have combined to make it more difficult for trade unions to maintain a strong presence in the workplace of today than they did in previous eras.

Unions may continue to have difficulty appealing to new groups of workers unless they continue to adapt to the vagaries of the labour market, particularly in light of challenges such as hostility from employers in businesses which are not unionized. The negative impact of public sector restructuring on union membership further

underlies this imperative. The concentration of economic power and the decline in the strength of trade unions and collective bargaining have contributed to rising inequalities in the region in countries such as Trinidad and Tobago.

The positive benefits of trade unions including the expertise that they can bring to resolving workplace disputes and in negotiating better terms and conditions for workers, their willingness to seek compromise solutions tells us that trade unions are likely to continue to play a very critical and constructive role in shaping the employment culture and in finding solutions to labour market challenges in the future. In my view, there can be no fair, equitable and inclusive future of work without trade unions effectively participating as an equal partner to social dialogue.

How the trade union movement responds to today's challenges and opportunities over the next few years will be crucial in determining their continued relevance, survival and overall level of influence. This will also determine what the future of work looks like by 2030.