

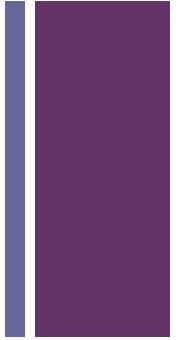


## The role of the workers' organization:

Present and future industrial relations



# Background to discussion



- **Decline in union membership or density**
- **Globalization and the current global economic recession creating a new war on want**
- **The changing face of labour –informalization; job satisfaction over job security**



# Declining union membership



- **Natural demise of business organizations some of which are unionized; new ones are non-unionized.**
- **Casualty rate tends to be comparatively higher for unionized operations –Unionization tends to raise the cost of wages and benefits with no necessarily corresponding gains in productivity.**
- **Union avoidance by firms**
- **Employer resistance to unionization to the extent it is able to do so**

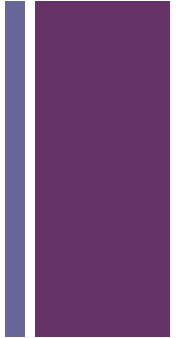
# + The individual contract of employment

- **Most workers now covered by individual and not collective contracts**
- **The “representation gap” –an unmet desire of workers for some form of collective representation, but what?**
- **Independent union or joint venture of employees and management?**





# The floor of rights



- **Is legislation providing a floor of rights a substitute for collective action?**
  - (i) **Legislation sets minimum standards only. Possible to bargain for greater entitlements but here individual employees at a comparative disadvantage**
  - (ii) **June Clarke v ALICO**
  - (iii) **Possibility of retaliation by the employer if employee seeks to enforce rights**



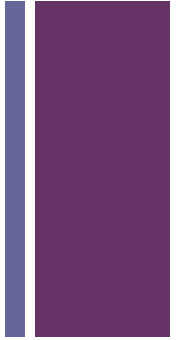
# Individual enforcement



- **Unfair dismissal protection for the individual worker –  
The Commonwealth Caribbean approach**
- (iv) Cost, unpredictability and value of litigation**
- (v) Purposive misclassification of workers as  
independent contractors by employer**
- **(vi) Under-enforcement by public agencies**
- **(vii) Need for collective knowledge to establish proof of  
infringement of some rights**



# Incidents of the individual contract



- **Managerial prerogative is the context of this contract**
- **Implied term of conformity with good industrial relations practice or duty of mutual trust and confidence**
- **Reputational sanctions –internal and external for the “bad” employer**

# + (ii) Globalization and the economic recession

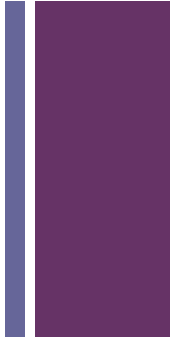


- **Challenges for the workers' organisation:**
- The informalization of labour
- International migration
- The routinization of labour practices
- “A sustained attempt by capital to make the world’s workers pay for the collapse of the neoliberal globalization model...”





# Major regional challenges



- **(i)** Organization of the informal/casual work sector
- **(ii)** Dealing with the phenomenon of labour migration

# + The regional labour market



- **Revised Treaty of Chaguaramas**
- **Immigration (Caribbean Community Skilled Nationals) Act; Cap. 18:03**
- **Nativism v Humanity – “workers are workers are workers”**
- **Illegal employment**



# Labour and the Barbadian public sector



- **Public sector retrenchment**
- **The duty to consult**
- **Employment Rights Act 2012**
- **The process of selection**
- **Industrial action**



## (iii) The changing face of labour



- Capital v. Labour
- The “legitimizing” force of the labour union in a liberal democracy
- The young worker and the union



# Conclusions



- Workers' organizations are still essential for the more effective enforcement of the floor of statutory rights granted to workers;
- The effects of globalization and of the global economic recession present some philosophical and ideological challenges for the labour movement
- Fundamental changes in the modern economy and the nature of employment generally should cause union leaders to rethink some aspects of the mission of their organizations



# Tentative suggestions



- **(1) Workers' organizations should focus on becoming more attractive to the informal migrant and youth worker, while maintaining their core strategy of agitating for improved conditions of work.**
- **(ii) A role in a social partnership for Trinidad & Tobago?**
- **This may comprise Labour, Government and the Private Sector, perhaps the most representative consumer organization and other entities considered relevant to management of the economy**