

The Bahamas Industrial Tribunal

presents

The Inaugural J. Barrie Farrington International

Symposium on

Excellence in Industrial and Labour Relations

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**Address delivered by Her Honour Mrs. Deborah Thomas-Felix
President of the Industrial Court of Trinidad and Tobago
on**

PERSPECTIVES ON THE CURRENT LABOUR ENVIRONMENT

I wish to congratulate the Industrial Tribunal of the Commonwealth of the Bahamas for hosting this very important symposium on “Excellence in Industrial and Labour Relations”. Permit me today to share my perspectives on the current global labour environment.

The global health crisis which was created by the COVID-19 pandemic has rapidly transformed the economic, social and labour environment, which in turn, led to a global labour market crisis of unprecedented magnitude. As the pandemic continues to evolve and cause massive disruptions in the world of work, there is a high degree of uncertainty of any assessment of labour market disruptions and a projection of possible future trajectories for development remains uncertain.

The Secretary General of the United Nations, Mr. Antonio Guterres in his policy brief of September 2021 warned that the pandemic has not only confirmed but has deepened existing inequalities globally. He noted that investment in jobs, social protections and a just transition to a net zero emissions future, particularly in low and middle income countries, could prevent a further deepening of the inequalities. Mr. Guterres said, “Global solidarity so far has been completely inadequate”. “A unrenewed social contract should be central to the recovery”

According to that UN policy brief, more than three quarters of these “new poor” are in middle income countries and at the same time the wealth of billionaires increased by over \$3.9 trillion. The report noted that because of the pandemic there are an estimated 75 million fewer jobs in 2021 than there were before the crisis and 23 million fewer jobs projected in 2022.

It is also estimated that 8.8% of total working hours were lost in 2020, equivalent to the hours worked in one year by 255 million full time workers. This corresponds to a loss of \$3.3 trillion in labour income before government support and four times greater than the job losses during the 2009 financial crisis. To achieve a “job rich recovery” and a “just transition” at least \$982 million is needed to respond to the immediate labour market shocks of the crisis. The Secretary General again called for universal social protection by 2030 including universal health care, income protection, education and skills training, particularly for women and girls.

The Director General of the International Labour Organisation, Mr. Guy Ryder speaking about the impacts on employment across the globe stated that labour market recovery from the pandemic has stalled in 2021 and he warned that the differences between developed and developing countries are growing “the contrary of building back better”. He said that, “The world was not prepared for COVID-19” but now “must be ready to deliver a recovery that

benefits all”. According to him, “The global accelerator of jobs and social protection is designed to channel national and international, public and private financial flows to provide social protection floors for the 4 billion people who fall outside any existing coverage and to the creation of decent jobs, above all in the green economy and in the care economy on the scale now urgently needed”. The Director General said that, “the level of ambition is high, because it will be irresponsible to be less ambitious”.

With respect to Latin America and the Caribbean, the Executive Secretary of the United Nations Economic Commission for Latin America and the Caribbean (ECLAC), Ms. Alicia Barcena noted that Latin America and the Caribbean is the most indebted region in the developing world with the highest debt service, representing 59% of its exports of goods and services. She emphasised that, debt relief is one of the measures that must be implemented in the Caribbean. Ms. Barcena proposed the creation of a Caribbean resilience fund while noting that the region “faces inequality,

underfunded health systems and accumulated structural gaps in social protection”.

So this is the current environment and our global experience as the COVID-19 pandemic continues to ravage lives. More than 251 million cases of COVID-19 have been reported globally and over 5 million deaths have been attributed to this pandemic. As a result, the global health community has been urgently and actively administering vaccines to populations. The most recent figure showed that so far 7.31 billion doses of vaccines have been administered globally.

There is no doubt that the COVID-19 pandemic and the measures which have been adopted to stem its spread have accelerated the digitalisation of business processes. They have also significantly altered work organisation, working conditions and aspects of the employment relationship in many contexts.

Some businesses have reduced their workforce, others have integrated digitalisation and work from home significantly in their day to day work activities, however some businesses have not survived the destabilising impact of the pandemic. What is very obvious is that there have been major transformational changes, in the modalities of work, and from my perspective these changes will be permanent.

It has now been well over a year since the pandemic began, and statistics are becoming available that quantify the year-on-year impacts of this terrible crisis and begin to hint at what a recovery and “post- COVID-19” world might look like. Some key findings include:

- COVID-19 is estimated to have pushed 119-124 million people into poverty in 2020, a substantial increase from earlier estimates.

- Aviation passenger traffic declined by 60 percent in 2020, while shipping activity – as measured by vessel port calls – likely declined by around 10 percent.
- The Human Development Index recorded its first drop since 1990 due to the pandemic, which has erased decades of progress in the female labour participation rate.
- International tourism recorded its worst year ever on record; international tourism declined by 74 percent.
- CO₂ emissions declined 6 percent in 2020, this is largely attributable to reduced activity in aviation and transport.

While the disruption caused by the pandemic was global, there was substantial variation between regions. Working-hour losses in 2020 were particularly large in Latin America and the Caribbean, Southern Europe and Southern Asia. In contrast, Eastern Asia and Central, Western and Eastern Africa experienced relatively smaller

working hour losses, reflecting less stringent lockdown measures in these subregions.

Permit me now to speak from the perspective of international law as I share my perspectives on the current labour environment. I will begin by saying that I am guided by the sad truism that “COVID 19 does not discriminate, but its effects, its consequences, discriminate”. What are some of the key challenges?

Firstly, the rise and the exponential accumulation of Executive power in all countries at the beginning of the pandemic and which continues in some countries up to today. This is manifested by the imposition of various measures, such as State of Emergency and lockdowns, on the basis of national security and public health. In such context, while these limitations on rights and freedoms are understandable, to a large extent, they still need to comply with various parameters of international law, particularly the principle of

legality, so that those constraints must not be arbitrary, and must be based on law. The principle of necessity requiring the Executive branch to prove that limitations are genuinely necessary according to the circumstances; and the principle of proportionality positing the need to test constraining measures as proportionate to the risks and exigencies of the situation. The reality is that checks and balances are being eroded in several settings, with a slippery slope into abuse of power, impacting upon constitutional rights under the international rule of law. On a related front, there is the evident shrinking space of civil society in some parts of the world.

Secondly, there is the issue of the indivisibility of human rights – civil, political, economic, social and cultural rights in their connectivity. In some countries, a whole range of rights are being denied. In others, economic, social and cultural rights, such as access to health care, are being underlined to the neglect of civil and political rights, such as the right to freedom of expression, peaceful assembly and freedom of association. Non-democratic

systems, and at times, democratic countries of a less plural kind, tend to claim that it is more important to proffer the rice rather than to offer the space to comment on the quality of the rice. Importantly, human rights law and international labour standards assert the universality and indivisibility of rights and freedoms, as seen in the range of ILO Conventions such as to counter forced labour, discrimination and to foster freedom of association, and such as to promote social security, occupational health and safety - which embody the interconnectedness of all those rights.

Thirdly, there is the spectrum of vulnerabilities and their intersectionality. The Pandemic has exacerbated the plight of many groups, who were/are already vulnerable to discrimination and marginalization, and this may regrettably intersect with multiple forms of discrimination and marginalization. Women are not only disadvantaged in their access to the labour market on the basis of gender related discrimination but also marginalized because they might belong to groups of migrant workers and more. Also some

women have to supervise their children who now have virtual school while they work from home and some have to leave their jobs to look after their families. Youth, minorities, indigenous peoples, persons with disabilities, older persons, refugees etc. exemplify a long list of stakeholders who interplay with the challenges of the day, including the call for an effective response for recovery and regeneration, and attention to the vast domain of those in the informal sector. There is equally the urgency of needed measures to shield workers in the formal sector from the risk of informalization.

I invite you to reflect on at least three responses which are critical to mitigating and overcoming the impact of COVID-19. First, the importance of social dialogue and the value added of tripartism not only to underline an effective path to recalibration and revitalization but also to be a shared voice for civil society at large. The second response is the importance of respecting international labour standards which provide essential linchpins for counteracting

COVID-19 and its devastating effect on the world of work. And finally, the importance of national and international cooperation inspired by international solidarity based on an inclusive and gender responsive approach, with equitable and sustainable resource allocations. Indeed, this is the opportunity to turn the situation encased in turbulence - a calamity - into a transformation based on resilience - an opportunity, guided by the global call to “recover better, together”.

The social and economic impacts of the pandemic are evident and their implications for the world of work, still uncertain. What is certain is that action is required by all the tripartite constituents (the governments, the employers and the workers representatives) who must address the immediate, medium and long-term consequences. Therefore discussions on industrial and labour relations must also include and promote social dialogue among the tripartite partners.

In my view, the use and application of best practices in industrial relations, labour law and international labour standards assume ever greater importance in these times when the world is experiencing a health crisis of the magnitude of COVID-19.

It is very important in the midst of this global chaos that we embrace and promote the best practices of industrial and labour relations and the international labour standards at the workplace in the Caribbean. You may wish to remember in this current labour environment, that the principles of fairness, equity and equality are the very principles embodied in our constitutions and upon which the foundation of our societies were built. They are indeed the principles which have assisted all of us in the Caribbean, over time, in stabilising our economies and our countries.

I am sure many of you know of the saying by Dr. Martin Luther King Jr. which is, "The arc of the moral universe is long, but it bends toward justice."

In my view, it is only when the tripartite constituents come together and work on solutions, we then can consider the “arc of the moral universe” and strive to achieve justice which fulfill the promise to all of dignity, equity, fairness, and the application of fundamental human rights and freedoms.

Thank you for listening.

May God bless you all.