

Ministry of Labour

Ministerial Response to the 6th Report of the Joint Select Committee on Human Rights, Equality and Diversity - Inquiry into the Treatment of Migrants with specific focus on the Rights to Education, Employment and Protection from Sexual Exploitation

Legislation and Policy on Migrant Labour (Page 39 of the Report)

- a. **“The MOL should continue to advocate for the speedy Cabinet approval of the Draft Labour Migration Policy and submit to Parliament its roadmap for the implementation of the approved Policy”.**

Response:

To date, feedback from Cabinet on the Draft Labour Migration Policy remains pending. In keeping with the Joint Select Committee’s (JSC) recommendation, the Ministry of Labour (MOL) will continue to follow-up on this, as appropriate. In addition, as requested, when feedback is received from Cabinet regarding the Draft Policy, the necessary action, including relevant consultations, will be undertaken to develop a roadmap for the implementation of the approved Policy.

- b. **“The MOL should confer with the Office of the Attorney General and Ministry of Legal Affairs and submit a report to Parliament by February 2024 on the potential for Trinidad and Tobago to accede to the International Convention on the Protection of the Rights and of All Migrant Workers and Members of their Families so as to incorporate more internationally accepted principles and norms into the domestic framework governing the status of migrant workers”.**

Response:

In order to give effect to this recommendation, the MOL will seek to undertake an internal review of the International Convention on the Protection of the Rights and of All Migrant Workers and Members of their Families. The primary objective of this review will be to determine the gaps between the provisions of this Convention and national law and practice. The MOL will seek to engage the Office of the Attorney General and Ministry of Legal Affairs and any other relevant stakeholders accordingly. It should be noted that the ratification of this instrument is contemplated in the Draft Labour Migration Policy, submitted to Cabinet, under *Goal 2, Ensure the Protection of Migrant Workers, Objective 1, To consider ratification of international conventions which seek to protect migrant workers.*

- a. **“Regarding the 12 complaints where investigations were listed as ongoing, the MOL should indicate to Parliament in writing how close those are to being resolved / otherwise concluded”.**

Response:

Investigations regarding the twelve (12) complaints were completed. The recovery of arrears in the sum of \$23,880 were obtained for the workers involved in these complaints.

- b. **“The MOL should consider and report to Parliament by May 2024 on the possibility of a mechanism whereby if multiple / repeated breaches are identified on the part of the same employer, those employers can be flagged as habitual rights violators to be subject to closer monitoring”.**

Response:

Where the Labour Inspectorate Unit (LIU) of the MOL identifies multiple / repeated breaches of labour laws by the same employer, that employer can be flagged for follow-up inspection visits on a regular basis to monitor compliance. Further violations by the employer can also be referred to the Industrial Court for consideration of penalties and fines.

- c. **“The MOL should further broaden its foreign language outreach efforts to incorporate those languages other than Spanish and French that are most commonly spoken by migrant workers in Trinidad and Tobago. Assistance in this regard could be sought, for example, from the Centre for Language Learning at the University of the West Indies, St. Augustine, or from the diplomatic missions present in Trinidad and Tobago representing countries where those languages are spoken”.**

Response:

The MOL remains committed to ensuring that its outreach efforts are accessible to the migrant worker population in Trinidad and Tobago. The MOL therefore acknowledges the suggestion to expand its foreign language outreach initiatives and thus undertake to diligently pursue its implementation.

Labour Inspectors are currently engaged in a 12-week Spanish Language Course through the Centre for Language Learning at the University of the West Indies, St. Augustine. This programme is being funded by the International Organisation for Migration (IOM). The recommendation is noted and the Ministry will explore building capacity for Labour Inspectors as well as the publication of pertinent brochures and flyers in other foreign languages through collaboration with diplomatic missions present in Trinidad and Tobago.

d. The MOL should place greater emphasis on the availability of the multi-lingual 800-CAAD Helpline in its mass media messaging geared towards migrant workers”.

Response:

The MOL agrees with the recommendation put forth by the Committee and recognizes the significance of emphasising the accessibility of the multi-lingual 800-CAAD Helpline. Presently, the MOL utilizes various social media platforms, as well as the Ministry's official website, for the dissemination of information pertaining to not only the Helpline, but also encompassing labour and employment-related topics. At present, selected information is circulated in both Spanish and English. Additionally, the MOL highlights the availability of the multi-lingual 800-CAAD Helpline during its outreach and sensitization sessions, as well as through other mediums/platforms such as radio and television interviews and advertisements.

The MOL is also embarking on a mass communication campaign wherein all information related to the multi-lingual Helpline will be highlighted across various media platforms in the available languages. The Ministry is also seeking the support of other Government Ministries and other key stakeholders in the promotion of the Helpline.

e. “The MOL should confirm the launch of the Helpline to Parliament in writing by May 2024”.

Response:

The Helpline was officially launched by the MOL in June 2023 and information regarding the Helpline has been consistently disseminated through social media platforms and outreach initiatives.

f. “The MOL should make the Hotline for reporting labour disputes available in languages other than English, if this has not already been done.”

Response:

At this time there is no established Hotline for the reporting of labour issues or trade disputes at the MOL. Rather, trade disputes are reported to the MOL using the dispute resolution procedure enshrined in legislation (i.e. the Industrial Relations Act, Chapter 88:01, Part V.). Additionally, labour issues are brought to the attention of the Ministry through its walk-in advisory services, as well as via the Ministry's office number (1-868-625-8478) or its official email address (conciliation.mol@gov.tt). These services are accessible to the entire working population, inclusive of migrant workers. It is also useful to note that the MOL signed a Memorandum of Understanding with the Living Water Community (LWC) on October 31, 2023, which is geared towards assisting migrant workers referred by the LWC in resolving labour disputes and/or violation of labour rights, as well as the referral of migrant workers to the LWC for assistance with financial and/or other support as may be required.

Notwithstanding the aforementioned procedures and facilities, the MOL remains steadfastly committed to enhancing its outreach efforts and ensuring the accessibility of its facilities by the country's working population, including migrant workers. In this regard, the recommendation to not only incorporate a Hotline for the reporting of labour disputes but, also, a multi-lingual Hotline, will be earnestly deliberated.

In addition to this, the MOL is currently engaged in talks with iGovTT regarding the development of a mobile application (App) that will allow for the electronic reporting of trade disputes and tracking of related matters amongst other services, thus making it easier to facilitate stakeholders in accessing and utilizing the facilities offered by the MOL.

Sexual Exploitation of Migrant Workers (Page 44 of the Report)

- a. **“The MOL should provide Parliament with a status report confirming that the draft Work Plan was approved and implemented and summarising the findings of the joint LIU / CTU monthly operations from June to December 2023 and action taken based on those findings”.**

Response:

The Counter Trafficking Unit (CTU), Ministry of National Security, experienced a recent change in personnel which affected the availability of officers to conduct the joint operations as planned. As a result of the changes, the Draft Work Plan has not been finalised, however, the CTU indicated that its investigators were actively engaged in a number of operations, including investigating reports of human trafficking. During the period under question, resources within the Labour Inspectorate Unit, MOL, focused on investigating and resolving complaints received.

During the period 1st June 2023 to 31st December 2023, the LIU, while investigating complaints, visited the following types of establishments that were identified as having a high incidence or risk of exploitation for migrant workers:

Type of Business	Number of Inspection Visits
Restaurants and Bars	44
Gas Stations	20
Guest Houses	3
Spas	1
Total	68

Currently, discussions have taken place with the new Director and Deputy Director of the CTU, and meetings are being scheduled to plan and execute joint operations targeting the identified

sectors. The CTU has also expressed an interest in having a Labour Inspector assigned full-time to the CTU and formal arrangements are to be made in this regard.

Additionally, the Ministry of Labour continues to receive support from the International Organisation for Migration (IOM), the United Nations Development Programme (UNDP) and the CARICOM Implementation Agency for Crime and Security (IMPACS) in building the technical capacity of the Labour Inspectorate Unit to effectively support the CTU in its fight against human trafficking and forced labour.