

**Responses**  
**by the**  
**Ministry of Trade and Industry**  
**to the**  
**Recommendations made by the**  
**10<sup>th</sup> Report of the**  
**Joint Select Committee on Finance and Legal Affairs**  
**on an**  
**Inquiry into Consumer Awareness, Empowerment and**  
**Protection Systems**

August 27<sup>th</sup>, 2020

## OBJECTIVE 1: TO ASSESS THE ADEQUACY AND EFFECTIVENESS OF EXISTING CONSUMER PROTECTION LEGISLATION AND POLICIES

**Based on the foregoing the Committee recommends that:**

**A. The New Consumer Protection Legislation should include provisions for the following:**

**i. That the CAD's remit of authority be widened to include all goods and services (excluding food and drugs) but not limited simply to consumer durable goods; and**

**ii. That the legislation place more emphasis on the CAD's role to treat with consumer issues as it relates to the purchase of services by specifying the terms and conditions for its provision, including the actions that could be taken by consumers (through the CAD) against unsatisfactory service;**

A i. Under the draft legislation, CAD's remit of authority has been expanded to include all goods and services, excluding food and drugs as it pertains to health and safety regulations under specific food and drug legislation. However food and drugs would still be subject to the new consumer protection act e.g refunds, price gouging etc.

ii. Consumer issues as it relates to services are dealt with under the section for remedies, in fair contract terms and also under the section which covers responsibilities of suppliers in the draft of the new Consumer Empowerment Legislation.

**E. The CAD must also hasten to action the following MOUs:**

**i. The EMA- to clearly delineate the responsibilities and sphere of authority between the CAD and the EMA;**

**ii. CFDD- to collaborate on enhancing the framework for consumer protection and improving communication between the CFDD and CAD, especially as it relates to the administration of CARREX and reporting of unsafe products.**

E i. The development of an MOU with the EMA is not being pursued by the MTI at this time.

ii. The Ministry is close to finalizing the drafting of an MOU between the MTI and the MOH in respect of the work of the CAD and CFDD. Given the Committee's recommendation, the draft MOU will be reviewed to determine the incorporation of reporting of unsafe products and the administration of CARREX.

**F. The Ministry of Trade and Industry shall submit a status update on the Legislative Brief to guide the drafting of legislation to establish the TTASCA;**

The Legal Consultant for the preparation of the Legislative Briefing Document for the Establishment of TTASCA was contracted by the Compete Caribbean Partnership Facility on April 1<sup>st</sup> 2020. Following this, a series of stakeholder consultations were held with public and private laboratories, private sector bodies, small, medium and large enterprises within the manufacturing sector and key ministries and agencies. The information received from the stakeholder consultations was used in the development of the Legislative Briefing Document and a Regulatory Impact Assessment to accompany the Legislative Briefing Document. Several meetings were also held with the Office of the Chief Parliamentary Counsel regarding the structure and information required for the drafting of the legislation. The first draft of the Regulatory Impact Assessment is in the final stages of preparation and stakeholder validation workshops are being planned for September 30<sup>th</sup> 2020. The Final Legislative Brief and Regulatory Impact Assessment are expected to be submitted to the Ministry of Trade and Industry Enterprise Development by the Consultant on October 30<sup>th</sup> 2020.

**G. The Ministry of Trade and Industry shall submit a status update on the draft Food Labelling Regulations. The update shall include a timeline to have the regulations tabled in Parliament;**

The Ministry of Trade and Industry respectfully informs that the Ministry of Health, specifically the Chemistry, Food and Drugs Division (CFDD), is responsible for the development of regulations related to Food.

The Ministry is aware that the CFDD is currently revising specific parts of the food and drugs regulations under the Food and Drugs Act, to address food labelling issues.

## OBJECTIVE 2: TO EVALUATE THE PERFORMANCE OF CONSUMER PROTECTION AGENCIES MANAGED OR CONTROLLED BY THE STATE

**The Committee recommends that:**

**A. The CAD consider the following to expand their reach and relevance:**

**A dedicated website to launch alongside the New Consumer Protection Policy/Legislation with direct access to all the services provided by the agency including:- requesting lectures/outreach sessions, lodging complaints, previous Quarterly Consumer Complaint Reports, CARREX database, Consumer Protection Legislation, Retail Price Indices and the introduction of a ‘Did You Know’ section to engage consumers in a simple and reader friendly format;**

Alongside the Division’s active social media platform and its inclusion on the Ministry of Trade and Industry’s website, immediate steps are being taken toward the development of a unique website for the Consumer Affairs Division. It is intended that this website be officially launched on March 15<sup>th</sup>, 2021 as part of the Ministry’s activities in observance of World Consumer Rights Day. All outlined recommendations are to be applied in the development of same.

**B. Using input provided by feedback forms compiled for the years 2016-2019, the CAD should identify the core areas in need of improvement and implement short, medium and long term plans to rectify the agency’s areas of weakness as identified by stakeholders;**

An analysis of the feedback forms for the years 2016-2019 identified the following areas of weaknesses:

### **Content/Presentation:**

- More time should be allotted to sessions which currently are of 45 mins. to 1hour duration.
- There should be a projector and slide show

### **Communication Medium:**

- Consumer Affairs needs to be more visible by way of radio/tv
- More sessions should be done at places of work

### **Power and Role of CAD**

- The department needs to have more power through laws and legislation

- CAD should carry out more spot checks and warn suppliers of breaches of the law, eg; Adverse Trade Practices Order 2000 (ATPO).
- Enough is not being done to punish errant suppliers
- Show and Tell- Listing of suppliers who do not provide redress should be published

**Collaboration with other consumer agencies for outreach sessions:**

- Other organizations that work with consumers should partner with the CAD in sessions

The following Implementation Plan is being developed to address these issues:

<b>Issue</b>	<b>Short Term Activities</b>	<b>Medium Term Activities</b>	<b>Long Term Activities</b>
<b>Content, Presentation and Communication Medium</b>	Revise and update the current outreach presentations.  Revise and update the feedback forms to capture a wider cross-section of issues.	Conduct lectures via webinars due to the Covid 19 situation.	CAD/ MTI to liaise with Government Information Division to have lectures broadcast on the Government Media (TV and Radio); and with various organizations which would air presentations for employees.
<b>Power and Role of CAD</b>	Ensure that relevant issues are communicated to the consultant for incorporation into the draft legislation	Monitor the progress of the draft consumer legislation	Ensure the new consumer legislation addresses the investigating powers and roles of the CAD.
<b>Collaboration with other consumer agencies for</b>	Liaise with other consumer agencies to determine interested parties	Incorporate other stakeholders into outreach programme.	Roll out outreach programme inclusive of new stakeholders identified.

outreach sessions:	for sharing information.		
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**C. The CAD should consider establishing a collaborative rapport with active consumer associations (to acquire feedback on policy and various initiatives to be undertaken by CAD) to obtain a grass roots understanding of consumer issues and to use these organisations as a model to encourage the development of similar bodies at both the community and national levels;**

The Consumer Affairs Division recognizes its weaknesses in this specific area and has begun the process of developing a list of active consumer associations in Trinidad and Tobago. Subsequently, the CAD will correspond with willing associations to forge a way forward regarding consistent collaboration, information sharing, digital and social media connections with the view to engendering a more empowered consumer culture at all levels. This activity is to be completed by September 2020.

**D. The CAD ought to solicit feedback from the public, via a survey administered on their website, to collect information on the areas that could benefit from the conduct of ATPO exercises and use this to develop an internal schedule based on the survey data and recommendations;**

The CAD will conduct this survey on its social media platform as well as launch it from MTI's website. This is to be implemented in September 2020. This will allow for a more efficient implementation of ATPO first visits and follow up exercises. Consumers will be encouraged to make reports, via email or telephone, on businesses found to be in contravention of the ATPO. This information will assist with developing the strategy/schedule that is employed in the conduct of the monitoring exercises.

**E. The TTBS should liaise with the Ministry of Energy and Energy Industries (MEEI) to include representatives of the MEEI during exercises for the verification of fuel dispensers;**

TTBS has formally met with MEEI on a number of occasions regarding fuel dispenser verification. It was agreed that MEEI would no longer witness the checks on fuel dispensers, since TTBS has the regulatory role of verification. As a result, when MEEI visits Service Stations for their licensing requirements, MEEI will look for the verification stickers on the fuel dispensers, which they would accept as an indication that the fuel dispensers are functioning accurately.

**F. The TTBS should consider collaborating with the manufacturing and agroprocessing sectors to formulate and introduce Mandatory Operational Standards as a means of further strengthening the quality assurance framework. If undertaken as a pilot initiative, consideration should be given to applying these mandatory standards to the production of commodities with a history of compromised quality. E.g. milk, juices, spices and processed meats.**

TTBS is not responsible for mandatory standards related to food products. Food safety is primarily the purview of the Chemistry, Food and Drugs Division, Ministry of Health, as outlined in the Foods and Drugs Act and accompanying regulations. Additionally, the Public Health Division, Ministry of Health and the Veterinary Public Health Division, also have some responsibilities for the regulation of the food industry. It should be noted that for products excluding food, devices, drugs and cosmetics, TTBS has established 87 compulsory standards based on the Standards Act, to regulate quality, health and safety as consumer and environmental protection, and improve the quality assurance framework for the local manufacturing sector.

**G. The TTBS website must clearly identify the for profit training services that the TTLABS are authorised to perform similar to the approach taken to advertise, via a dedicated web page, the services of the TTBS's subsidiary PQSL;**

TTLABS will ensure the appropriate information is placed on its webpage by September 30th, 2020.

**OBJECTIVE 3: TO DETERMINE THE EFFECTIVENESS OF CURRENT PROVISIONS FOR CONSUMER PROTECTION TO VULNERABLE GROUPS; PRIMARILY:**

- i. Senior Citizens;**
- ii. Those of low literacy/education;**
- iii. Persons with Disabilities; and**
- iv. Rural populations.**

**The Committee recommends that:**

**A. To reach persons at their point of need, CAD must endeavour to adopt a holistic approach to provide for persons of various vulnerabilities. This may encompass:**

**i. Quarterly meetings of a multi-party working group (including members from the CAD, TATT, RIC, WASA, TTMA, TTCIC, Consumer Associations and other NGO and civil society groups advocating for PwDs, persons living in poverty, elderly and other persons who may be disadvantaged by their social and or economic circumstances) with an agenda dedicated to providing equitable access to consumer rights and protections; and**

**ii. The CAD must include as a complement to the launch of an independent website, the inclusion of auditory options to provide persons who are blind or with visual impairments access to content.**

To address the weaknesses identified in this area, the CAD acknowledges the recommendation put forth by the Committee and as such commits to the development of an inter-agency Consumer Protection Committee. This committee will include representatives from consumer protection agencies and groups/associations that advocate on behalf of persons within the vulnerable categories. The Division will identify agencies for inclusion, facilitate the process for nomination of representatives and become the Secretariat for the Committee. It is intended that the Committee meet on a quarterly basis to discuss strategies, events and collaborative efforts toward the provision of dedicated and equitable access to consumer rights and protection to vulnerable persons. Consumer education initiatives will also have to be adjusted based on public health guidelines to ensure the safety of all. Steps will be taken to establish this committee by the 1<sup>st</sup> Quarter of Fiscal 2021.

Additionally, the recommendation toward making the new website inclusive for the differently-abled through the addition of auditory options is noted and will be pursued.

**B. The CAD must develop urgently a targeted intervention approach to educate and empower vulnerable populations and to use the data gleaned from the National Consumer Profile Study to launch a special Consumer Education and Outreach agenda for this subset of the population by end of 2020. This programme should encompass education on**

**consumers' rights including the right to satisfaction, access to basic needs, safety, information and protection, to choose, to be heard, to seek redress, to be educated and to a safe and healthy environment. Consumers' responsibilities should also be emphasized including the need to behave ethically, respect the environment, gather information, think critically and to complain or speak out against wrong doing**

The Consumer Profile Study is set to be completed at the end of Fiscal 2021. A targeted consumer education plan stemming from the results of this national survey will subsequently be developed. In the meanwhile, greater effort will be made to target these vulnerable groups through the Division's current outreach programme including appearances on television and radio programmes.

**C. To maximise their reach and effectiveness outside of digital means, CAD may consider alternative means of communication including participation in community led activities, open days in supermarkets and malls as well as radio announcements**

The CAD has participated in community led activities and has utilized traditional media as part of its consumer education programme. In keeping with the Committee's recommendations, the CAD intends, in future, to augment these efforts. This will be achieved as collaborations with other protection agencies are formalized and improved, as well as, working relationships with consumer associations developed and cemented. The Division is also in the process of auditing its internal monitoring and evaluating mechanisms for its consumer education with a view to improving this function of its outreach programme.

Given the global pandemic and current public health crisis where social distancing is a necessity, the CAD will adhere to established protocols and rely on its strong digital infrastructure to continue consumer education activities.

**D. The Committee recommends that the CAD work more closely with the Central Bank of Trinidad and Tobago to develop and implement consumer support and protection interventions in respect of the fairness of terms and conditions of hire purchase agreements and other financing arrangements offered by commercial entities that do not fall under the Financial Institutions Act**

The CAD has a working relationship with the Central Bank as is evidenced by its long-standing membership on at least one CBTT Committee. Steps will be taken to begin discussions on these matters as recommended.

**E. The Ministerial Response of the MTI should include details on the progress made thus far in lobbying for the removal of the Common External Tariff (hereinafter CET) and application of 0% duty on some basic food items. The views of the Ministry of Finance (Customs and Excise Division) and the Ministry of Foreign and CARICOM Affairs on the feasibility of this initiative should be included; and**

The Ministry of Trade and Industry has been successful in lobbying for the removal of the Common External Tariff (CET) on basic food items. The initiative has moved from a regional plan to a national one which the Ministry champions annually at meetings of the Council for Trade and Economic Development. Records of the Ministry of Trade and Industry (MTI) indicate that CARICOM Heads of Government agreed to the reduction or removal of the CET on products to mitigate against rising food prices and poverty at the Twelfth Special Meeting of the Conference of Heads of Government, in December 2007. Following from this decision, the 19th Intersessional Meeting of CARICOM Heads of Government in March 2008, agreed to a list of products for which the CET would be suspended for a period of two (2) years. The list is as follows:

<b>TARIFF HEADING</b>	<b>PRODUCT DESCRIPTION</b>
<b>03.05</b>	<b>Fish, dried, salted or in brine; smoked fish, whether or not cooked before or during the smoking process; flours, meals and pellets of fish, fit for human consumption.</b>
Ex. 0305.32.00	Dried, salted Pollock fillet of the fish family Gadidae
<b>04.06</b>	<b>Cheese and curd</b>
Ex 0406.90.00	Other Cheese (Cheddar)
<b>09.02</b>	<b>Tea, whether or not flavoured</b>
0902.40.00	Other black tea (fermented) and other partly fermented tea
<b>16.02</b>	<b>Other prepared or preserved meat, meat offal or blood.</b>
1602.50.10	Canned corn beef
<b>16.04</b>	<b>Prepared or preserved fish; caviar and caviar substitutes prepared from fish eggs</b>
Ex. 1604.12.00	Canned Herring
Ex. 1604.13.10	Canned Sardines
Ex. 1604.14.10	Canned Tunas
Ex. 1604.15.00	Canned Mackerel
<b>20.09</b>	<b>Fruit juices (including grape must) and vegetable juices, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter.</b>
2009.71.20	Apple Juice: for infant use, in packages put up for retail sale
<b>21.02</b>	<b>Yeasts (active or inactive); other single-cell micro-organisms, dead (but not including vaccines of heading 30.02); prepared baking powders.</b>

TARIFF HEADING	PRODUCT DESCRIPTION
2102.10.00	Active Yeast
<b>21.06</b>	<b>Food preparations not elsewhere specified or included.</b>
2106.90.70	Preparations for infant use, put up for retail sale

The approval of the Cabinet of Trinidad and Tobago, and the CARICOM Conference for Trade and Economic Development (COTED) is required to suspend the CET at the national level. The approved national level suspensions of the CET are then effected through Legal Notices.

Following the initial two-year period of the suspension, Trinidad and Tobago has sought subsequent approvals from its Cabinet and the COTED for the suspension of the CET on a List of Basic Food items given the need to maintain the affordability of these items.

Currently, the CET suspension on the products included on the list of basic food items is implemented by Legal Notices No. 391 and 392 of 2019 which remove duties on this list of items until December 31, 2020. Trinidad and Tobago intends to approach the upcoming meeting of the COTED to renew the suspension of the CET on these items for 2021.

The views of stakeholders, including the Ministry of Finance (MOF), inclusive of the Customs and Excise Division (CED, MOF), and Ministry of Foreign and CARICOM Affairs (MFCA) are taken into account through an established general consultation process.

**F. The CAD, the Ministry of Health and other supporting stakeholders must rejuvenate their efforts to engender a greater consumer focused culture among the business community and the wider population. These efforts must involve an increase in the number of targeted outreach initiatives within the nation’s schools and communities.**

The MTI recognizes the need for building a greater consumer focused culture by targeting schools and communities through the improvements outlined in the response to **Recommendation C** above.

Given the global pandemic and current public health guidelines and protocols, the CAD will rely strongly on its digital infrastructure to continue consumer education activities.