



**Summary of Proceedings  
Public Hearing**

**Joint Select Committee on Local Authorities, Service Commissions and  
Statutory Authorities (including the THA)**  
held on Wednesday May 23<sup>rd</sup>, 2018

**Subject Matter:** Inquiry into Occupational Safety and Health compliance within the Public Service.

**Objectives of the Inquiry**

The objectives of the inquiry are as follows:

- To assess the level of compliance of public bodies (in particular Ministries) with the provisions of the OSH Act.
- To examine the efficiency and effectiveness of the operations of the OSH Authority and its Agency.
- To assess the adequacy of existing OSH legislation, policies and guidelines.

**Venue:** The hearing was held on Wednesday May 23<sup>rd</sup>, 2018 from 10:45 a.m. to 12:25 p.m. in the J. Hamilton Maurice Room, Mezzanine Floor, Office of the Parliament, Tower D, The Port of Spain International Waterfront Centre, 1A Wrightson Road, Port-of-Spain.

**Committee Members**

The following Members were present:

- Mr. H.R Ian Roach (Chairman)
- Mrs. Ramona Ramdial (Vice-Chairman)
- Mrs. Jennifer Baptiste Primus
- Ms. Khadijah Ameen

### **Witnesses who Appeared**

The following officials of the **Public Service Association (PSA)** appeared before the Committee:

- Mr. Watson Duke                      President
- Mr. Christopher Joefield            2nd Vice-President
- Mr. Ian Murray                        2nd Vice-President

The following officials of the **Joint Trade Union Movement (JTUM)** appeared before the Committee:

- Mr. Chandrasain Ramsingh    Treasurer, O W T U
- Mr. Kimball Austin                Deputy Secretary General, CWU
- Mr. Alva Allen                        Education Officer, BIGWU

The following officials of the **National Union of Government & Federated Workers (NUGFW)** appeared before the Committee:

- Mr. Clifton Simpson                2nd Dep. President General
- Mr. Patrick Rousseau               Director, Industrial Relations

The following officials of the **The Consortium of Disability Organisations (CODO)** appeared before the Committee:

- Mr. Bhawani Persad                Vice President

### **Key Issues Discussed**

The following are the main issues highlighted during discussions with **the Public Service Association (PSA)**

1. The OSH laws are not enacted effectively as complaints by workers are not adequately addressed;
2. The Act needs to be amended to mandate that the OSH Authority and employers meet with the Unions prior to the implementation of solutions;
3. The unhealthy relationship that exists between the Union and the OSH Authority;
4. The OSH Authority has been deemed to be inadequate;
5. Lack of compliance with Section 26 of the Act;
6. Over 3000 complaints have been submitted over the last three Administrations on safety and health violations;
7. The five most common breaches recorded within the public service over the years are:
  - The failure of the Investigator to visit a job site after a complaint has been made within 24 hours.

- Poor Air Quality - there is a need for more air tests to be conducted in various offices as persons have been diagnosed with respiratory illnesses due to the discovery of bacteria in the vents;
  - Failure of the Investigator upon visiting site or completing investigation to pass information on to the Union Representative or the employee;
  - The lack of structural integrity
  - On the job injuries
8. There are over 500 buildings within Trinidad and Tobago that are non-compliant with OSH Regulations;
  9. There should be greater accountability for Inspector duties the Act does not allow for the prosecution of Inspectors that have made false reports.
  10. The proposal of greater compensation for health issues caused by workplaces;
  11. A distinction should be made between injury leave and sick leave;
  12. The need for differentiations between Workmen's Compensation and money that should be remitted to persons who have been injured;
  13. The mandatory need for each Government building to receive a Fire Certificate prior to opening, it was alleged in some cases that the Fire Services Association has issued fraudulent fire certificates;
  14. The term 'imminent danger' needs to be defined in the OSH Act;
  15. OSH Authority does not provide adequate support to workers;

The following are the main issues highlighted during discussions with **the Joint Trade Union Movement (JTUM)**:

1. The OSH Act is ineffective as there has been an increase in accidents in the workplace by 125%;
2. The OSH Agency is understaffed;
3. The role of the Quality Assurance Officer to determine the quality of potable water;
4. The Act does not protect trainees at the work place;
5. The need for mutually acceptable solutions and amendments to the Act that allow for persons employed in the Prison Service, Fire Service, Laboratory and Health services, to exercise their right of refusal to work in an unsafe work environment;

The following are the main issues highlighted during discussions with **National Union of Government & Federated Workers (NUGFW)**

1. The Collective Agreements between Trade Unions and employees may not address health and safety concerns;
2. Section 25 (e) of the OSH Act has not been complied with in the Ministries and there is a lack of assigned Health and Safety Committees;
3. The Act provides for communication between the OSH Authority and the employer and the Union and the employee. There is no communication between the Union and the OSH Authority;

4. The misconception that health and safety refers to the provision of protective gear versus the daily safety of workers;
5. The challenges associated with receiving compensation for persons who may have lost income as a result of an accident in the public sector;
6. The restrictive nature of the Act to provide clear details on the manner in which claims should be treated if accidents occur in the work place;
7. The leasing of private buildings that are not compliant with the OSH regulations and the Act;
8. The consequence of a lack of funding for the adequate provision of protective gear;
9. In the Regional Corporations monies should be allocated in a separate account for safety gear, as opposed to the account that finances burgesses and salaries;
10. Inadequate record keeping of OSH issues within Ministries;
11. The OSH Authority does not make time to meet with trade unions
12. The lack of recognition status for non-registered majority Unions have made addressing concerns uncomfortable;
13. There are no joint health and safety committees in schools as well as the Ministry of Education;
14. The ability of the employer to deny correspondence to the Union;
15. Workers can seek redress for health and safety violations in the Industrial Court;

The following are the main issues highlighted during discussions with **the Consortium of Disability Organisations (CODO)**:

1. The critical need for different formats of the Act to be available, such as braille and audio for Persons With Disabilities (PWDs);
2. The need for continuous educational drives that speak to the terms and conditions of the Act for both the employer and employee;
3. The Act does not address and make provisions for Persons With Disabilities (PWDs);
4. CODO does not have representation on the OSH Authority Board;
5. Health and safety protocols need to be included for PWDs.

The hearing can be viewed on our YouTube channel via the following link:  
<https://youtu.be/wxEBgXrnRQI>

**Contact the Committee's Secretary**

You may contact the Committee's Secretary at [jsclasasc@tpparliament.org](mailto:jsclasasc@tpparliament.org) or 624-7275 Ext. 2283