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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC,
SOCIAL AND CULTURAL RIGHTS

Initial reports submitted by States parties to the Covenant concerning rights covered by articles 6 to 9, in accordance with the first stage of the programme established by the Economic and Social Council in its resolution 1988 (LX)

Addendum

TRINIDAD AND TOBAGO

[18 February 1988]

A. Rights covered by articles 6-9

The right to work

Principal legislation designed to promote and safeguard the right to work

1. General provisions

1. One of the principles upon which the Constitution of Trinidad and Tobago is based, is that of social justice. According to this principle, the operation of the economic system should result in, inter alia:

(a) the material resources of the community being so distributed as to subserve the common good; and

(b) an adequate means of livelihood for all.

2. It should be noted that although the Constitution inherently recognizes the right of every citizen to work and Government's policies have been expressly designed to create employment, there is nowhere guaranteed to any citizen, the right to employment.

3. Chapter 46:01 of the Laws of the Republic of Trinidad and Tobago, entitled the "Children Act", places restriction on the employment or right to work of:

- (i) a person under the age of 18 years at night in any public or private undertaking in which only members of the family of the proprietor or owner are employed. The Law, however, specifies conditions under which persons over the age of 16 years may be employed during the night; and
- (ii) children under 14 years in any public or private industrial undertaking or on any vessel unless the undertaking or vessel concerns only members of the family. The Law also states that "A child under the age of 12 years shall not be employed".

2. Guarantees against discrimination in access to EMP employment

4. Recruitment of personnel to employment in Trinidad and Tobago, in general follows a pattern of advertisement, interview and placement. Recruitment procedures in some private or family enterprises may deviate from this norm, but the dearth of relevant information with regard to the private sector does not permit conclusive statements on the issue.

5. The Public Sector, however, which is the largest single employer in the country, is subject to specific recruitment regulations. In the clerical and secretarial classes in the Civil Service for instance, candidates for permanent employment are selected on the basis of competitive examinations and interviews. In other classes, candidates are selected at interviews on the basis of qualifications and experience.

6. In the Police Service, recruitment procedures are similar for both, male and female police officers. Women police officers also discharge the same responsibilities as their male counterparts in all branches of the Service. The employment of women in the Prison Service, however, has been limited by the hazards of the job and the size of the female population in the prisons. Similarly, women have not been employed in the Fire Service mainly because of the tough physical requirements and hazards of the Fire Officer's job. Recently, however, the Fire Service's Division has initiated procedures for the recruitment of women into the Services. However, it has not yet been decided whether women would be required to perform the same duties as their male counterparts.

7. Women are being recruited in increasing numbers to a variety of posts in the professional, scientific and technical fields which have previously been considered the domain of the male. However, the participation of the majority of women in the labour force is still in the traditional female occupations such as typing, dressmaking, cookery, nursing, agriculture, domestic work etc. Although there are no overt or legal barriers to the employment of women in non-traditional jobs and there is equality of

opportunity in the education system, it has been acknowledged that there still exists certain parental and social attitudes that adversely affect the education and training of young women. However, the establishment of organizations such as the National Commission on the Status of Women signifies a definite step towards the eradication of such attitudes.

8. The National Commission on the Status of Women, which was officially inaugurated in January 1980, has been in operation since 1974 and its activities are mainly centred on the education and employment of women, attitudes to women and legislation pertaining to women. The Government has promised to initiate further measures to eliminate the disabilities experienced by women in the society and to promote their full participation at all levels of national life.

9. With respect to the employment of foreigners or aliens, subregulation 10 (1) of the Chapter 18:01 of the Laws of the Republic of Trinidad and Tobago, Immigration Regulations (Subsidiary Legislation) states:

"... no person other than a resident shall engage in any profession, trade or occupation whether for gain or not in Trinidad and Tobago, or be employed in Trinidad and Tobago unless there is in force in relation to him, a valid work permit in the form set out as Form 36 and every person so engaged or so employed shall be employed in accordance with the terms and conditions specified in the permit".

10. The foreign husband of a Trinidad and Tobago wife is not considered a resident and can only apply for citizenship after five years of residence. In the interim period, he is required to have a work permit in order to work. Also, foreign women married to working non-nationals, are not granted work permits.

11. There are, however, exemptions from work permits: subsection 1, article 47 of chapter 17:01 of the country's laws entitled "Privileges and Immunities (Diplomatic, Consular and International Organizations)", states:

"Members of the Consular post shall, with respect to services rendered for the sending State, be exempt from any obligations in regard to work permits imposed by the laws and regulations of the receiving State concerning the employment of foreign labour".

B. Measures to achieve full and productive employment

1. Employment policies

12. The Government views the creation of jobs as one of the critical issues of the day. The unemployment situation has reached crisis proportions as a result of the drop in oil prices, and the subsequent contraction of the economy. The Government recognizes that a more aggressive policy than existed previously, is required to deal with the problem. To alleviate the situation and to ensure the creation of financially viable jobs, the Government has developed several strategies, the implementation of which has already begun. These strategies were not developed as piecemeal measures, but rather from part of an overall framework of a longer term economic, social and political transformation programme relevant to our needs and consistent with our historical development and social ethos.

13. Specific measures designed to create employment opportunities include the following:

- (1) The utilization of the excess capacity of the construction sector built up during the oil boom period of 1974-1983 and the potential of the agricultural sector as the foundation for an immediate Employment and Production Plan. Through this Plan, the resources available in these sectors will be diverted into land and housing development, irrigation and drainage, and food production;
- (2) The introduction, on a country wide basis, of a system of self-help which will be jointly funded by the local community and the Government;
- (3) Provision of greater financial support to productive and job creating projects in the local and municipal bodies;
- (4) The establishment of a fund-sharing arrangement to direct the resources and activities of Service Clubs and other community based organizations into job creation activities;
- (5) The matching, on an equity basis, union investment in job creating measures;
- (6) The restructuring of the Development and Environmental Works Division (DEWD) Programme to achieve the original purpose of relieving chronic unemployment while training the workers to become skilled tradesmen and preparing them for permanent employment. The Work Programme which provides employment to workers on a rotational basis, will:
 - (a) Focus on the improvement of infrastructure and on realizing the economic potential of depressed areas;
 - (b) Be integrated with the national planning programme to correct structural imbalances; and
 - (c) Be supportive of self-help schemes to promote the objectives of the Government in agriculture and housing;
- (7) Utilization of the accumulated resources of the Unemployment Levy Fund to support job creating measures. The Government will also seek to encourage the use of pension funds and the linking of severance benefit payments for employment creating activities;
- (8) Because of the immediate economic crisis also, the Government believes that investments in the short term should be, inter alia, as labour-intensive as possible. The Government notes also that industries must be established, on the basis of their viability and that unemployment will only be solved by the creation of a multiplicity of such financially viable industries; and
- (9) In the longer term, the Government proposes to redirect the industrialization process to achieve, inter alia, the creation of stable jobs. Under this new industrialization thrust:

(a) Fiscal incentives will be given to encourage business activity that creates jobs;

(b) There will be less concentration on heavy industries that absorb a high level of investment resources but create few jobs. Rather, there will be a balanced industrialization programme to ensure a wide range of industries from small operations which involve a family at home, to larger systems where a large corporation is linked backwards to a home-shop factory;

(c) Interlinking of local industry at, both the vertical and horizontal levels will be a priority. In this respect, the Government has noted that the higher the degree of interlinking between industries utilizing local raw materials, the less dependent they will be on an unstable international market and the more stable will be the jobs created; and

(d) Attempts will be made to spread industries throughout the country and to create balanced communities around industry. Over-centralization of industrial investment in the past has limited job creation in the more remote areas.

14. The Government's employment policy is not only concerned with the creation of jobs, but also with the improvement of the quality of its labour force. The underlying policy of the Government is the promotion of initiative, self-reliance, self-help and creativity in all sections of the society so that the citizens will become active agents in the economic life of the nation. In this light, the Government is seeking to develop a highly trained and literate population, fully equipped to function in the modern technological environment of the twenty-first century. To assist in the achievement of this result, the Government proposes to establish a Council for Science and Technology to, inter alia, equip the population to function in a scientific and technological environment.

15. To further enhance the quality of the labour force, the Government is undertaking to:

- (1) Encourage nationals living abroad to bring home their skills and expertise to the task of nation building. A pool of personnel available for short- and long-term employment in areas of their respective skills and expertise will be developed through the foreign missions;
- (2) Expand substantially its cadre of first-class properly trained managers. A scheme is to be introduced whereby university graduates would undergo a rigorous training programme to prepare them as managers capable of taking an international challenge; and
- (3) Develop a comprehensive National Training and Service Programme, aimed specifically at the Youth. Under this Programme, every young person of working age will be either, engaged in some form of productive employment or will be learning a specific job-related skill. Emphasis will be on training and retraining with a view to the provision of marketable skills and equipping young people for

permanent employment. It should be noted that while being trained under the Programme, the Youth will also be involved in the development effort of the country in areas such as:

- (a) Building new communities;
- (b) Land preparation, irrigation works, crops and livestock farming; and
- (c) Improvement of roads, bridges and general infrastructure.

16. The most recent training programme instituted by the Government is entitled "Service Begins with Me" and it is geared towards improving the ways in which public servants, especially those who deal with the public, handle their jobs. In addition, there exist several governmental bodies such as the Central Training Unit, Management Development Centre, Cipriani Labour College, Ministry of Health, Welfare and Status of Women, Ministry of Food Production, Marine Exploitation, Forestry and Environment and the National Training Board, which provide training in accordance with specific requirements of the various agencies.

2. The employment market

17. As a result of increased revenues from the oil boom period which was experienced between 1974-1983, the previous Government of Trinidad and Tobago acquired the financial resources to embark on a programme of rapid transformation of the economy through industrialization. It was during this period that the Government discontinued the practice of planning in five-year cycles and adopted a sectoral planning system to cater for specific projects. As a result, a comprehensive approach to manpower planning was not encouraged. Rather, manpower planning was designed to meet the labour demands of particular projects.

18. With the decline in revenues from oil the economy could no longer sustain major development projects and this situation has resulted in increasing levels of unemployment. The present Government has recognized the need for comprehensive manpower planning procedures to accurately determine the labour situation and to adequately plan for the development of the country. As an initial step, the Government has altered the Ministry of Labour Social Security and Co-operatives, to the Ministry of Labour, Employment and Manpower Resources. It is expected that the Ministry, in collaboration with other relevant agencies, would develop procedures to adequately monitor and assess the employment market in the country.

19. Manpower and employment statistics are presently collected by several agencies. The major bodies include the Central Statistical Office (CSO), which is the main source of gathering and disseminating all statistical data in the country; the Ministry of Labour, Employment and Manpower Resources, which utilizes its own in-house Statistical Unit in order to fill gaps in the available data base and to generate and supply to the CSO, labour and related statistics; and the National Training Board which has, as one of its main objectives, the ascertaining of the manpower requirements of the country. However, there does not exist any ongoing reciprocal relationship between these agencies, so as to allow for a comprehensive analysis of the labour market on a continuous basis.

20. The Government has recognized that there is insufficient cohesion regarding the collection, dissemination and utilization of statistics in general.

21. In this regard, it is in the process of determining the body or information produced by the various agencies in the country as an initial step towards the creation of a National Management Information System. Such a system would provide a data base for policy formulation and planning. It is expected that in the process of the creation of the National Management Information System that the types of statistics - including manpower and employment statistics - and their methods of collection would have been streamlined to be of optimum use by the Government for the purpose of policy formulation and planning.

22. In an attempt to better organize the employment market, a Manpower and Employment Services Division was set up in the Ministry of Labour, Employment and Manpower Resources to provide for the registration and placement of all persons seeking employment in the country. In some instances, recruitment of workers is undertaken for employment overseas. The services of this Division are provided at four employment exchange offices in the country. In order to more effectively service the nation's employment requirements, there are plans to provide five additional employment exchange offices in other localities of the country.

23. Services provided by the Manpower and Employment Division include:

- (1) Recommending the placement of unemployed persons in the private sector, as well as in State enterprises or in Government-assisted firms and industries;
- (2) The recruitment of graduates of the General Certificate of Education (GCE), Ordinary Level for temporary employment in Government ministries and departments. This programme began in 1976 and all persons between the ages of 17 and 60 who possess a minimum of one (1) GCE Ordinary Level Pass, are eligible for selection;
- (3) The recruitment of unemployed persons under the Unemployment Levy Programme. The Ministry of Labour, Employment and Manpower Resources handles the registration and recruitment of unskilled persons for some of the projects financed under this Programme and, as far as possible, persons selected for employment are residents of the area in which the project is to be implemented;
- (4) The selection of young unemployed persons for occupational training at forms or technical and vocational schools; and
- (5) The recruitment of workers for short-term employment for seasonal (agricultural) work in Canada.

3. Technical and vocational guidance and training

24. The Government comprehends the importance of technical and vocational guidance and training toward the improvement of the employability of the labour force and, in particular, toward the acceleration of youth employment. This view is reflected in the Education Plan (Draft) 1985-1990.

25. Under the Draft Education Plan, Government's activities for the next five years in the field of technical/vocational education and training will include:

- (1) The consolidation of national training activities in order to streamline the sub-professional training endeavour nationally, so that the administration of all training becomes the responsibility of one administrative entity;
- (2) The setting up of an evaluation and management information system in order to maintain a national training system that is maximally effective;
- (3) The introduction of technology studies and practical craft classes in the nation's public grammar-type schools;
- (4) The development of the curriculum:
 - (a) To ensure that entrepreneurial education forms an important component of technical/vocational education and training; and
 - (b) To implement a continuous programme of revising the syllabuses of the various course, so as to bring them in line with industrial practices and new developments in technology;
- (5) The establishment and maintenance of close ties with business and industry, since it is in the world of work that trained personnel utilize their skills.

26. At present, pre-vocational courses which cater for students between 11-14 years of age are offered at the Junior Secondary Schools. The aim of these courses is to provide, both boys and girls, with some general foundation of the attitudes and disciplines required in broad categories of employment and some basic guidance in the choice of these categories.

27. At the Senior Comprehensive Schools, which provide a further two-year education for students from the Junior Secondary Schools, there are four basic fields of technical education on the curriculum: Agriculture, Technology, Home Economics and Commercial Education. It was decided in the previous Draft Education Plan (1968-1983), to offer these basic fields because "Industry and the present rapidly-changing technological civilization require that the emphasis in industrial training be upon basic disciplines and scientific education on the basis of which the employer would build his specific job training, rather than the specific training at schools".

28. Technical and vocational students at the Comprehensive Schools may choose between specialized craft courses such as Carpentry, Auto-Mechanics and Welding etc., which are employment oriented, and pre-technical courses, such as Draughting, Surveying and Electronics which can lead to further training at the country's two main technical institutes and/or the university.

29. A programme of continuing education and training in the technical-vocational field is offered at some Senior Comprehensive Schools and it is open to individuals in related fields, persons attending full-time courses in the schools, and all adults who could benefit from it.

30. Other institutions that offer technical training include an agriculture and forestry institute, a hotel and catering school, an aviation training institute, and a dental nursing school. In addition, a number of firms, Government and private agencies organize training programmes to meet their particular requirements.

31. There are numerous institutions throughout the country that offer training at the craft level through which individuals may qualify as semi-skilled workers, craftsmen or skilled workers. These include trade centres, youth camps (including one that caters exclusively for young women), vocational centres, the two major technical institutes, a fisheries training institute, a farm school and certain private institutions.

32. In 1972, the National Training Board was established by Government to, inter alia, advise the Government on determining general policies and types of technical/vocational education and training and to suggest specific programmes and institutions for their promotion. Over the period of its existence, the Board has been involved in a number of training schemes and programmes.

33. By Act No. 22 of 1972, an Industrial Training Act was established to provide for the promotion of industrial training. This Act also made provisions for a Board of Industrial Training of Trinidad and Tobago. The duties of this Board are, inter alia:

- (i) As far as possible, to procure and to enter into agreements for procuring, the training of apprentices;
- (ii) To keep a register of masters and apprentices;
- (iii) To allot apprentices and fix periods of apprenticeship for different trades; and
- (iv) To arrange as far as possible, for the technical education of artisans and apprentices.

4. Protection against arbitrary dismissal

34. Subsection 50 of the Public Service Commissions Regulations (which apply to the Civil Service, the Fire Service and the Prison Service), state the reasons for which the services of an officer may be terminated. The Police Service Commission, the Statutory Authorities Service Commission and the Teaching Service Commission possess similar regulations:

(a) Where the officer holds a permanent appointment, his services may be terminated:

- (i) On dismissal or removal in consequences of disciplinary proceedings;
- (ii) On compulsory retirement;
- (iii) On voluntary retirement;
- (iv) On retirement for medical reasons;

- (v) On being retired in the public interest;
- (vi) On resignation without benefits payable under any written law providing for the grant of pensions, gratuities or compensation; and
- (vii) On the abolition of office;

(b) Where the officer holds a temporary appointment his services may be terminated:

- (i) On the expiry or other termination of an appointment for a specified period;
- (ii) Where the office itself is of a temporary nature and is no longer necessary;
- (iii) On the termination of appointment in the case of an officer on probation;
- (iv) On the termination of appointment in the case of an officer holding a non-pensionable office with no service in a pensionable office;
- (v) On dismissal or removal in consequence of disciplinary proceedings; and
- (vi) Ill-health;

(c) Where an officer is on contract his services shall be terminated in accordance with the terms of the contract.

35. With regard to the dismissal of an officer as a consequence of disciplinary proceedings, the Public Service Commissions Regulations has set specific steps or procedures that must be followed in the investigation of any report of misconduct etc., against an officer.

36. These procedures allow the officer to explain his case and to either, admit or deny the charge. When the matter is heard before the Disciplinary Tribunal set up for this purpose, the officer also has the right to apply for a review by the Review Board of any penalty imposed on him by the Commission after the latter's consideration of the report of the Disciplinary Tribunal. There is also a Public Service Appeal Board set up in accordance with Section 130 of the Constitution, where the appellant may appeal against the whole or part of the decision of the appropriate Service Commission. The Appeal Board "may affirm or set aside the decision appealed against or may substitute any other decision which the Service Commission or the person from whom the appeal lies could have made".

37. Within the private sector, the terms and conditions of employment of workers are usually set out and protected by collective agreements entered into by employers and recognized trade unions. According to the Industrial Relations Act (Act No. 23 of 1972), a collective agreement shall contain, inter alia, effective provisions concerning appropriate proceedings for avoiding and settling disputes.

38. In the event that the dismissal of a worker is considered a dispute, the worker, either individually (if he is not unionized) or through his trade union, has certain avenues through which he can seek a settlement of the issue. In the first instance, the issue is reported to the Minister of Labour, Employment and Manpower Resources. The Ministry, through its Conciliation Division, is empowered to intervene, as a neutral third party, in assisting employer and trade union or worker to resolve the dispute.

39. If the dispute is not resolved through conciliation, the Minister or either party can refer the matter to the Industrial Court for compulsory arbitration. Subsection 10, Part 1 of the Industrial Relations Act states, inter alia, that "where in the opinion of the Court a worker has been dismissed in circumstances that are harsh and oppressive or not in accordance with good industrial relations practices", the Court may order the re-employment or reinstatement of that worker subject to such conditions as the Court thinks fit to impose. Further, the Court is not bound to follow any rule of law and may make an assessment that is in its opinion, fair and appropriate.

40. Under the Minimum Wages Act (Act 35 of June 1976) - which caters for employees in work places where there is no machinery or no adequate machinery for the effective regulation of remuneration or terms and conditions of such workers - workers are also protected against arbitrary dismissal. Section 26 (i) of the Act states that an employer charged or convicted for contravening the Act, shall not dismiss a worker or otherwise adversely affect him by reason of the fact that:

(a) His charge or conviction was founded on non-compliance with a Minimum Wage Order or in contravention of Section 20, which states that records of compliance with a Minimum Wage Order must be kept for three (3) years; or

(b) The worker gave information to any authorized officer or permitted the officer to perform the duties he is authorized to do when he is of the opinion that the Act is being violated.

An employer who contravenes this section is liable on summary conviction to a fine of \$5,000 and to imprisonment for two years.

5. Protection against unemployment

41. Financial benefits are granted through the following methods to workers who have become temporarily or permanently unemployed as a result of redundancy, sickness or injury:

1. The National Insurance System

This system operates under the National Insurance Act No. 35 of 1971 and 23 of 1980. According to the Act, all employed persons (excluding self-employed), between the ages of 16 and under 65, must be registered as insured persons. The Act provides benefits in return for weekly contributions. The amount contributed is determined by the person's earnings and is divided between the employer and employee who pay two thirds and one third respectively.

There are eight earnings classes. In addition, there is a special Class Z, where the employer pays the total weekly contribution to provide employment injury benefits for an unpaid apprentice or an employed person who has not yet attained age 16 or who has attained the age of 60 and who continues to work.

42. Unemployment related benefits provided under the System include:

(1) Sickness benefit

This benefit is available to any insured person who is unable to work because of illness or affliction with a contagious disease and is so certified by a medical practitioner. Such a person may qualify for this benefit for a maximum period of 52 weeks and the amount payable to him is determined by the class of contribution made.

(2) Invalidity benefit

This benefit is payable to an insured person who has received sickness benefit for at least 26 weeks and has been medically certified as being likely to remain, for a further period of not less than 12 months, incapable of work because of illness. The benefit is payable for as long as the invalidity exists.

(3) Employment injury benefit

This benefit is made to any insured person who is unable to work through a job-related disease, contracted or injury received on the job.

43. The categories of payment include:

(a) Injury benefit, which is payable, according to the class of contribution, for the duration of the incapacity, but up to a maximum period of 52 weeks;

(b) (i) Disablement pension which is payable to those who have received the injury benefit payable. This pension is payable for life or until the disability ceases; and

(ii) Disablement grant which is a lump-sum payment given after the disability of the insured person is medically assessed at less than 20 per cent.

44. In light of the substantial resources accrued to the National Insurance Scheme during the period of high employment, the Government proposes to restructure the Scheme to provide for the introduction of an Unemployment Insurance provision, in addition to the existing benefits. Such provision will be carefully regulated and will allow a maximum limit of support for families in a given period.

2. Workmen's Compensation Act

45. This Act (No. 24 of 1960) as stated in Chapter 88:05 of the Laws of the Republic of Trinidad and Tobago, provides for the payment of compensation to workmen for injuries suffered in the course of their employment. Under this Act, however, persons such as members of the Defence Force, the Police Service and the Fire Service, are not regarded as workmen.

Section 4 (1) of Part II of the Act, states:

If in any employment, personal injury by accident arising out of and in the course of the employment is caused to a workmen, his employer shall ... be liable to pay compensation in accordance with the following provisions:

(a) The employer shall not be liable under this Act in respect of any injury which does not disable the workman for a period of, at least, three days from working for full earnings at the work at which he is employed; and

(b) If it is proved that the injury to a workman is attributable to the serious and wilful misconduct of that workman, any compensation claimed in respect of that injury, shall, unless the injury results in death or permanent disablement, be disallowed.

46. The Act also stipulates a scheduled list of occupational diseases. Where it is proven that a worker is suffering from one of the diseases causing disablement or that it has resulted in the death of a workman, the workman shall be entitled to compensation under this Act, as if the disease were a personal injury by accident arising out of and in the cause of that employment, and the disablement shall be treated as the happening of an accident.

47. The amount of compensation payable is determined by the nature of the injury sustained and the length of service with the particular employer.

3. Collective Agreement

48. One of the items negotiated between the trade unions and employers and usually contained within a collective agreement is severance benefits payable to workers in the event of unemployment. The amount paid to the worker is usually determined by his length of service and basic salary. The Government has recently included among the laws of the country, a Retrenchment and Severance Act. This Act sets out the procedure for effecting retrenchment brought about as a result of redundancy and establishes a formula to be applied in computing the quantum of severance benefits payable to retrenched workers. This Act applies to employers of 10 or more workers who terminate the services of 5 or more workers.

The right to safe and healthy working conditions

49. There are several statutes included among the Laws of the Republic of Trinidad and Tobago that serve to ensure and promote safe and healthy conditions for workers. The Children Ordinance (Chapter 46:01), that places restrictions on the employment of young persons and the Workmen's Compensation Act (Chapter 88:05), which provides for the payment of compensation to workmen for injuries suffered in the course of employment, have been discussed in other sectors of the Report.

50. Act No. 6 of 1938, The Shop (Hours of Opening and Employment) Ordinance (Chapter 84:02), stipulates in Section 17 that:

- (1) In the rooms of a shop where female shop assistants are employed, the occupier of the shop shall provide seats behind the counter, or in such position as may be suitable for the purpose, and such seats shall be in proportion of not less than one seat to every three female shop assistants employed in each room, with a minimum of one seat for each room; and
- (2) It shall be the duty of the occupier to permit the females to make reasonable use of the seats.

51. Two Ordinances regulate the procedures for the recruitment of workers:

(1) The Recruiting of Workers Act, No. 23 of 1938 (Chapter 88:10), and its Subsidiary Legislation - Recruiting of Workers Regulations state, inter alia, that:

- (i) Persons under 18 years, except those 14 years and over, with the consent of their parents, shall not be recruited;
- (ii) Recruited workers must be medically examined and must also be brought before a magistrate to determine that the regulations are being observed;
- (iii) Provisions relating to the family of the recruited worker must be made; and
- (iv) Workers must be grouped under suitable ethnical conditions.

(2) The Foreign Labour Contracts Act, No. 4 of 1900 (Chapter 88:11), states, inter alia, that:

- (1) Every contract entered into between any employer and any other person for the performance of any work as a labourer in a foreign country, shall be in writing and shall include, inter alia, the terms and conditions of work and a condition that the labourer shall not be left destitute in that country, but shall, at the expiration of contract, be repatriated by his employer, and at the cost of such employer;

- (2) Every magistrate before whom any contract is executed, is required before permitting such labourer to execute the contract:
 - To explain fully the contract and its terms and conditions to every labourer; and
 - To ascertain that the labourer understands the contract.
- (3) Every magistrate personally shall warn all labourers executing contracts for labour in a foreign country of the risks which they incur arising from the dangerous nature of the climate or the severity of the work, and that in proceeding thereto, they do so at their own risk or peril.

52. Within the Ministry of Industry and Enterprise, there is the Factory Inspectorate Unit, which administers the Factories Ordinance (Chapter 30:02). The objective of this statute is to promote the health, safety and welfare of persons employed in factories. Regulations and orders made under this Ordinance are:

- (1) Distillery Safety Regulations;
- (2) Factories (Prescribed Forms) Order;
- (3) Boiler Regulations;
- (4) Air Pressure Containers Regulations;
- (5) Factories (Cleaning of Machinery in Motion) Order;
- (6) Woodworking Machinery Regulations;
- (7) Factories (Electricity) Regulations;
- (8) Factories (Welfare) Regulations;
- (9) The Electric Accumulator Order; and
- (10) The Factories (Protective Measures) Order.

53. Areas of concern to this Unit include cleanliness, overcrowding, ventilation, temperature, lighting, drainage of floors, sanitary conveniences, fire safety, safe means of access to any egress from the place of work, the provision of personal protective equipment and clothing.

54. The Inspectorate ensures that all fired and certain unfired pressure vessels and all hoists or lifts in which the direction of movement of the platform or cage is restricted by a guide or guides, have been subjected to the statutory periodic examinations or tests. Other duties include inspecting buildings to determine suitability for use as factories or warehouses, examining layout of plant and equipment, identifying hazards of a chemical and inspecting commercial and industrial installations for the storage of fuel.

55. In the welfare sector, aspects examined by the Inspectorate relate to drinking water, washing facilities, accommodation for clothing not worn during working hours, sitting facilities and first-aid facilities. Other premises such as electrical stations, charitable or reformatory institutions, docks, wharfs, quays and warehouses are subject partly or wholly, to the Factories Ordinance.

56. Under the Mines, Borings and Quarries Act (Chapter 61:01), the Factory Inspectorate is responsible for the inspection of quarries. The inspector ensures that the regulations pertaining to the safe working of mineral deposits, the responsible use of explosives and the siting of explosive magazines are observed.

57. A comparison of industrial accidents by industry for the three-year period 1984-1986, reveals that for that period, the majority of accidents (1,696) occurred in the Petroleum Industry (including off-shore). Assembly Type and Related Industries (689) and Chemicals and Non-Metallic Materials, which include quarries (667) experienced the second and third highest number of industrial accidents over the period. Further, the majority of accidents in 1985 occurred as a result of stepping on, striking or being struck by objects.

58. Electrical inspection services are also provided by the Ministry of Works, through the Electrical Inspectorate. The services provided include the inspection of electrical installation and equipment in all buildings such as dwelling units, factories and offices, the licensing of wiremen, the licensing of projectionists for cinemas, and the investigation of accidents and fires of electrical origin.

59. The Government has recognized that the existing Factories Ordinance which was enacted in 1948 does not contain adequate provisions relative to the extent of industrialization and technological development which have taken place since then.

60. A new Act entitled "An Act Respecting the Safety, Health and Welfare of All Persons in Relation to the Activities of Industrial Establishments", (Occupational Safety and Health Act, 1983), has been drafted. This Act would repeal both, the Factories Ordinance, 1948 and the Employment of Women (Night Work) Act (Chapter 88:12).

61. Areas in which this proposed legislation would depart from the present Ordinance, include:

- (1) It would embrace all persons at work with the exception of domestic assistants;
- (2) Provision is made for the control of wastes and effluents from industrial establishments, as well as far more rigorous medical examinations, supervisions and the regulation of the employment of all persons;

- (3) The bill provides for additional safety requirements in respect of areas such as dangerous substances, dangerous machines, dangerous fumes and lack of oxygen, explosive and flammable dust, chains, means for fire fighting and escape in case of fire. The occupier would be required to supply, at his own expense, protective equipment and clothing for his employees;
- (4) Health requirements would include the frequent removal of dust and fumes, the control of noise and artificial humidity, and the protection of persons employed from exposure to toxic substances;
- (5) The inspector would be empowered to prohibit, if necessary, the use of plant and machinery, until satisfactory arrangements are made to effectively control the source of danger;
- (6) The occupier would be required to report to the Chief Inspector, the number of man days lost each month as a result of accidents;
- (7) New and improved measures are added to the law relating to welfare facilities for persons employed;
- (8) Every existing industrial establishment must be registered; and
- (9) Construction plans of all proposed industrial establishments must be submitted to the Chief Inspector for his approval.