Non-standard employment is not new in Trinidad and Tobago. What is new however, is the increasing use and diversity of contract workers and the implications for labour market institutions that are premised upon standard patterns of employment. Other issues that have emerged in recent years relate to changes in the hours of work and the lack of comprehensive labour protection.

Economic changes and the rise in contract labour

Since 2000, non-standard employment practices have increased tremendously as a result of expansion in the following three areas:

1) A boom in the construction and energy sectors. This has attracted a multitude of foreign service-related firms, which feed into and off the global multinationals. Foreign firms identify local sub-contractors who, in turn, recruit domestic supervisory, skilled and to a lesser extent, unskilled labour.

2) An increase in Government ‘make work,’ unskilled labour programmes. These programmes have attracted numerous small, labour recruitment firms that tender to supply labour on several projects. Two such programmes are the Community Based Environmental Protection and Enhancement Programme (CEPEP) and the Unemployment Relief Programme (URP). There is little information on the firms employed in CEPEP and URP and their practices but it is known that employees do not have worker representation or written contracts.

3) Establishment of the National Entrepreneurial Development Company (NEDCO). NEDCO is a public programme that promotes small enterprise development. It has been successful in generating numerous one-person operations or ‘own account workers’ who are outside of formal and regulatory employment relations institutions. Like CEPEP and the URP, there is little information on small businesses set up through NEDCO.

In general, both the private and public sectors appear to be driving the creation of non-standard employment practices.
“**Newer” employment strategies and non-standard employment issues**

**A strategy of worker separation with later “re-engagement”**

Over the past decade, trade unions have reported on a new employment strategy, which involves businesses closing down entire departments and then re-hiring the same employees under individual contracts – ostensibly to do similar work. Companies which have utilized this strategy include the Telecommunications Service of Trinidad and Tobago (TSTT), Caroni Limited (sugar manufacturing), the National Broadcasting Service, and the Public Service Transport Corporation (PTSC). Implementation of the ‘new’ employment strategy has led to:

- unfair terms and conditions of work, poor health and safety conditions, discrimination, job insecurity, an authoritarian management culture and an absence of non-wage benefits
- hostility and animosity at the workplace as full-time workers feel threatened by the presence of “temps”

**Changes in hours of work**

Changes in the nature of the employment relationship are reflected in the changing hours of work within the labour market. The normal working day in Trinidad and Tobago consists of eight hours with a 40-hour week. Statistics show that between 1991 and 2000 the proportion of the labour force that worked more than 41 hours per week rose from 22% to 33.6%. By contrast, those who worked between 33-40 hours per week fell from 62% to 55%. These figures suggest a trend towards longer hours.

**Labour protection**

In general, workers in non-standard employment are protected by four bodies of regulation:

1. stipulations laid out in collective agreements;
2. precedents and judgments of the Industrial Court;
3. national labour legislation; and
4. ILO Conventions and Recommendations.

In practice, however, large numbers of non-standard workers remain outside the ambit of labour organizations and are not protected by collective bargaining. Many workers are unaware of the existence of Government regulations that could protect them from abuse.

**Some views from the tripartite community**

In order to gain a better understanding of the trends in non-standard employment practices, a cross section of persons were interviewed from “the three corners of the industrial relations triangle.” Table 1 provides a selection of their responses.

The interviews highlight three new trends. Firstly, unions are having some success in bargaining for specific contract workers, bringing pressure on employers to make non-standard workers “regular.” Secondly, workers are increasingly resorting to the civil courts in order to assert their employment rights. This trend may be on account of weaknesses in the formal labour administration system and the unwillingness of industrial relations institutions to address grievances adequately. Thirdly, professional workers are increasingly being recruited from abroad: doctors from Cuba; pharmacists from the Philippines; and police officers from the United Kingdom.
This trend sets up intra-worker hostility and places foreign workers under differential terms and conditions of employment.

**Key recommendations**

The tripartite committee

(i) Implement laws that have been passed. These laws include the Occupational Safety and Health Act (OSHA), passed since 2003; and the Basic Conditions of Work and Minimum Wages Bill 2000, which provides for National Minimum Standards and Codes of Practices to protect all workers. The Government should also:

- introduce, with amendments if necessary, the Employment Injury and Disability Benefits Bill 2002
- amend the Retrenchment and Severance Benefit Act 1985
- give full effect and adhere to the Legal Notice No 134 of July 11 2000, which provides for
guidelines for contract labour for all Government Ministries, departments and statutory authorities

- amend the Industrial Relations Act (No. 23 of 1972)

Workers

(i) Introduce a Fair Wage Clause in all collective agreements so that workers could obtain the minimum wage scale of regular workers as per classification. All other terms and conditions that apply to regular workers in a collective agreement should also be applied as a basic Floor of Rights to non-standard workers (e.g. medical benefits, holidays and overtime payments).

(ii) Implement training programmes to upgrade workers’ skills in areas such as the use of modern electronic heavy equipment, defensive driving and safety measures.

(iii) Provide payments to contract workers in an envelope, showing the name of the worker, his/her classification, the wage rate, amount of straight time, overtime payments, amount of pay and the exact amounts and reasons for all deductions.

(iv) Ensure that contractors respect the Labour Laws of Trinidad and Tobago and are regularly inspected by the Ministry of Labour. In addition, measures should be introduced to punish those who violate the Labour Laws.

(v) There should be no institutional restraints on workers’ rights to organize themselves.