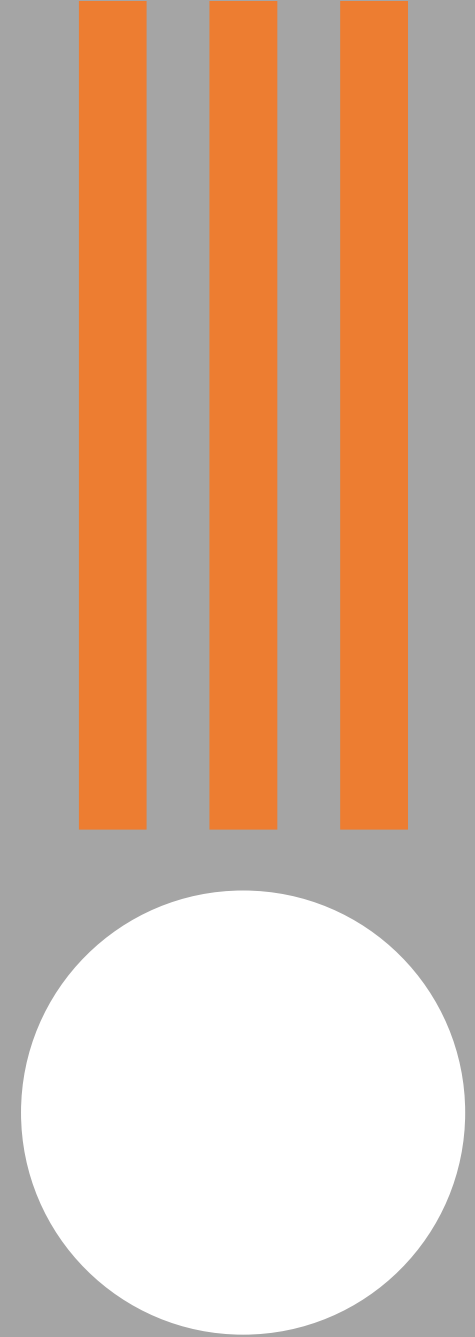


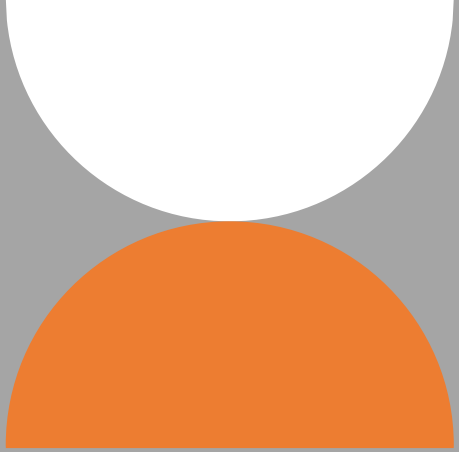
Plan of Action for the Full Implementation of ILO C 151 in Antigua and Barbuda

19 and 20 November 2024
Jeannette Charles



This Consultancy



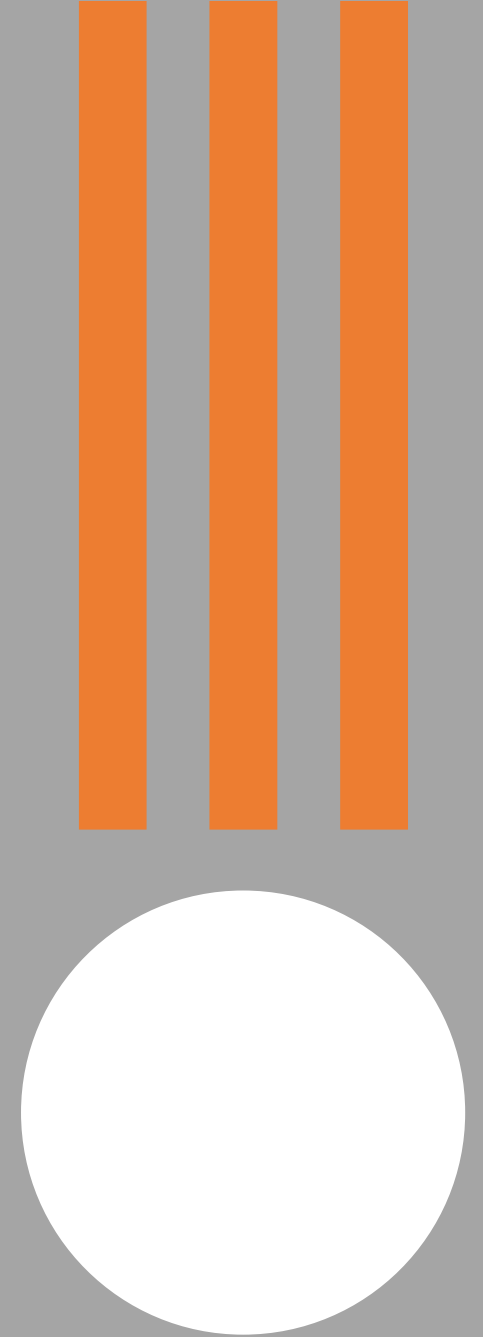


Objectives:

- Receive feedback on assessment and recommendations
- Prioritize action plan

Day 1: Assessment

An overview of law and practice



The Report

1. Background

2. Context

3. Assessment

4. Plan of Action

Appendix One: List of Recommendations

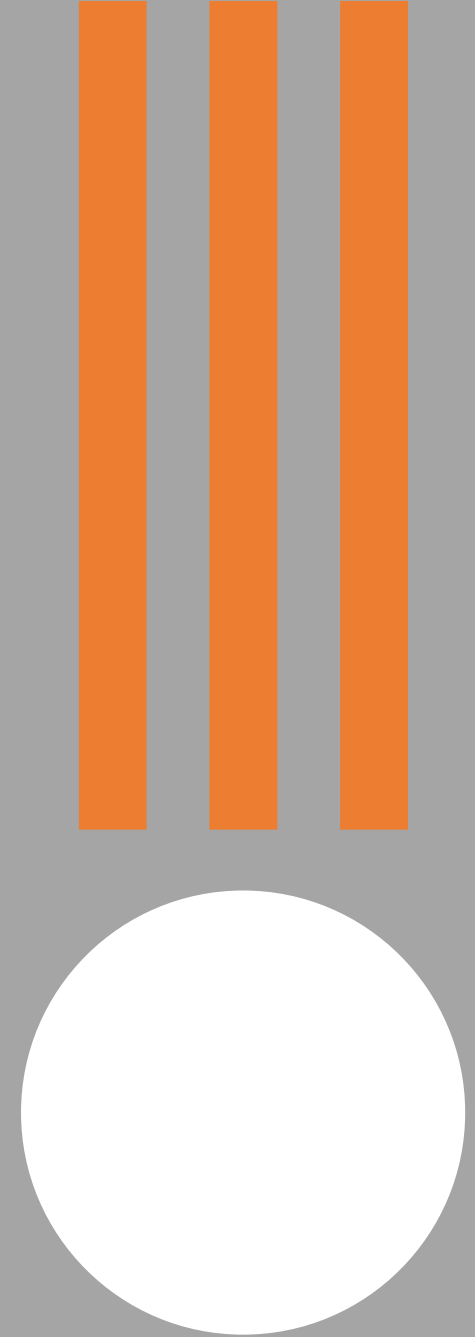
Appendix Two: List of Labour Laws

Appendix Three: Public Employee Organizations

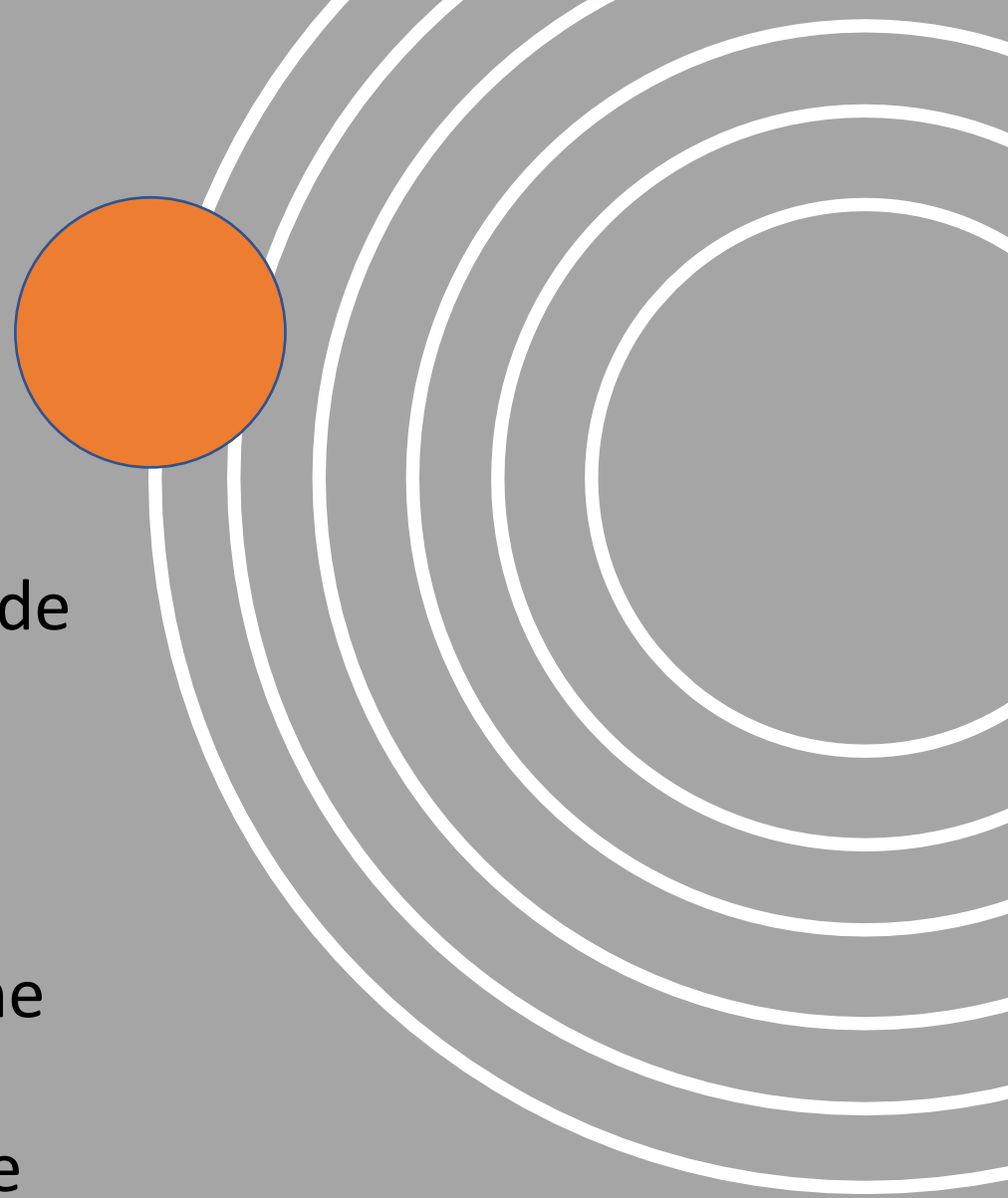
Appendix Four: Stakeholder Consultations

Key Findings

- Strengths
- Opportunities



Key Findings



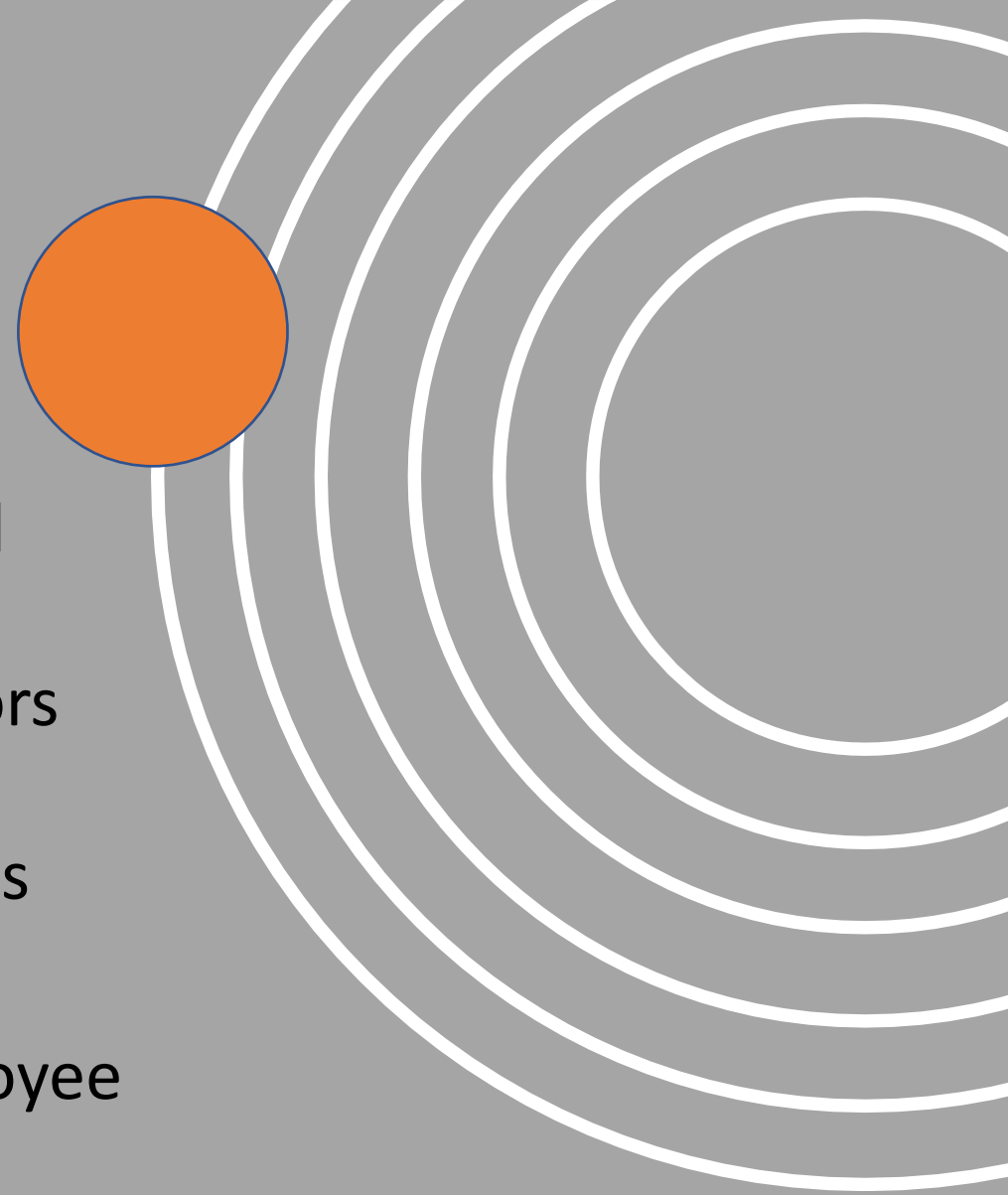
Strengths: Legislation and Systems

- Constitutional right to organize and join trade unions
- The Antigua and Barbuda Labour Code
- Ministerial support
 - Understanding of the importance of the Convention
 - Commitment to advocate and promote
 - Minister of Labour is also the Attorney General

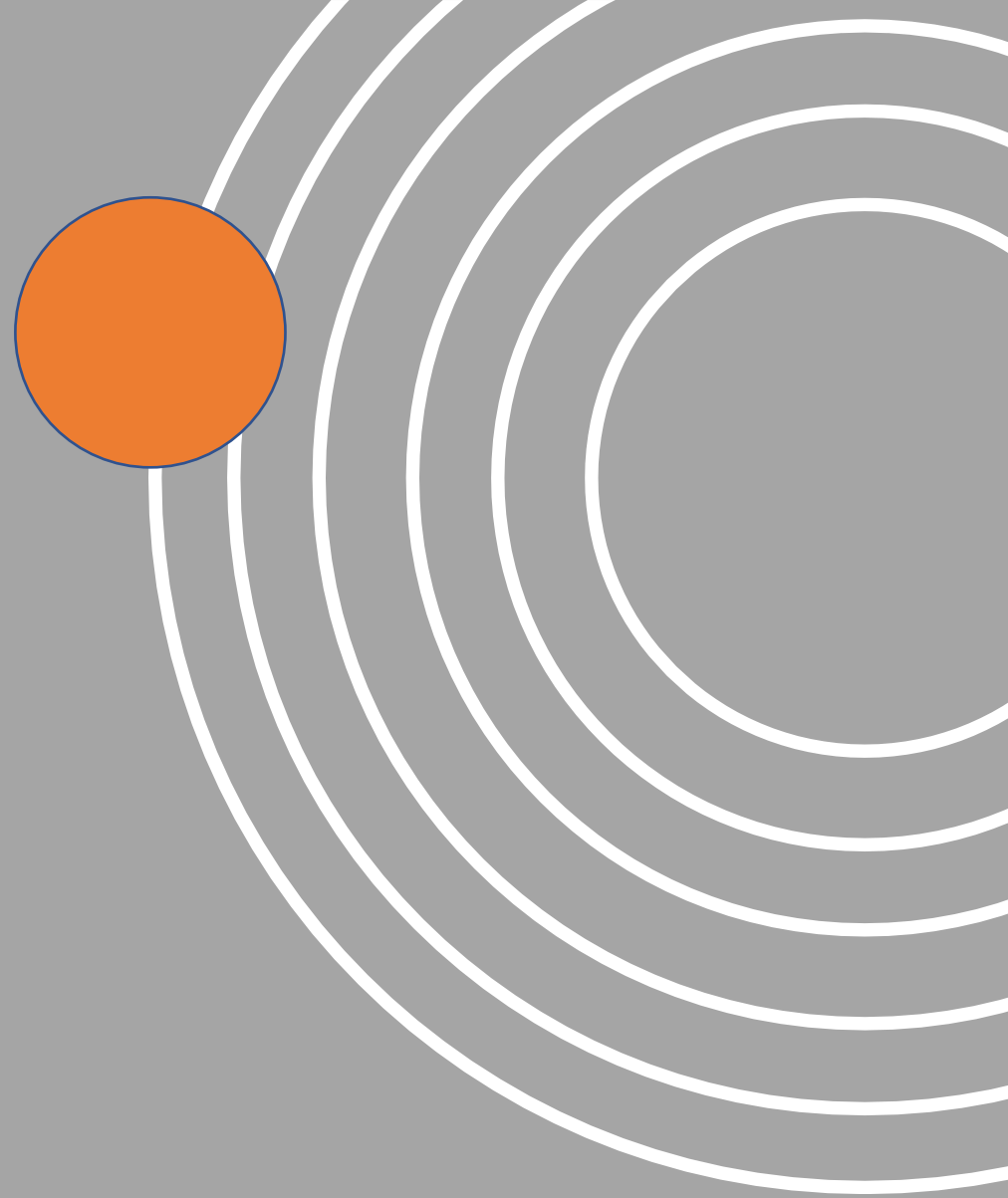
Key Findings

Strengths: Relationships

- Employee organizations are recognized and respected
 - collective bargaining across both sectors and all industries
 - regional and international relationships
 - local TUC
- Working relationship amongst public employee organizations
- Strong tripartite relationship
- ILO support



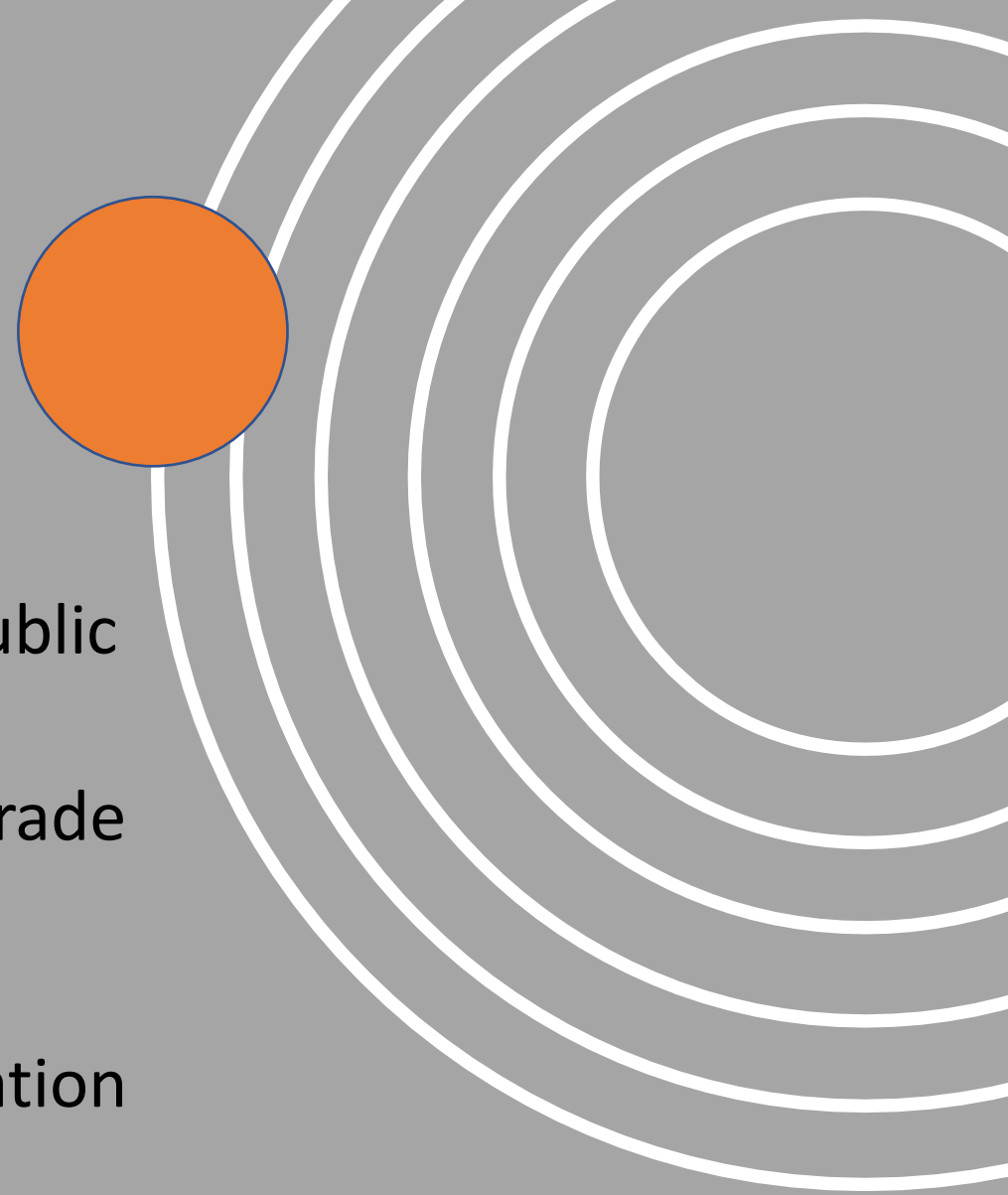
Key Findings



Opportunities: Legislation and Systems

- Apply the Convention to civil service and police by
 - Revising the CSA and Police Act
 - Expanding the Labour Code
 - Expanding the Industrial Court
- Improve management of ratifying and implementing conventions

Key Findings

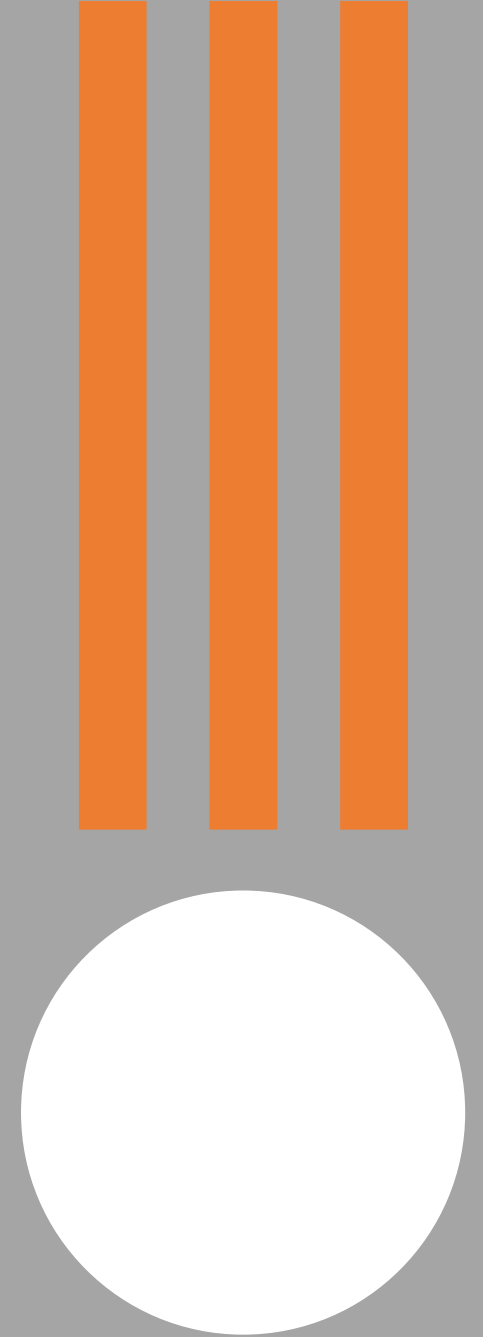


Opportunities: Relationships

- Improve communication throughout the public service
- Strengthen working relationship amongst trade unions, especially within and with public employee organizations
- Share expertise through tripartite collaboration influencing practices in both sectors

Summary of the Assessment

Moving to Conformity: The Matrix



General Recommendations

- Language
 - i. Gender inclusive
 - ii. Plain English and easily understood by the intended users
- Compile laws
- Expand the Code to include collective bargaining in the public service.
- In all circumstances of legislative, administrative, and technological reform protections against ministerial interference must be incorporated.

Article 1: Scope, Exclusions and Exceptions

As stated in Article 1(1) of the Convention it applies to all persons employed in the public service with exceptions as reasonably detailed in national law or policy.

Assessment

- The Convention is applied to most public employees, including civil servants and the police
- Exclusions include military, judiciary and independent offices as defined by the Constitution

Opportunities

- Strengthen language in the Civil Service Act to clearly protect Schedule Two employee's right to organize and bargain collectively
- Remove the exclusion of the ONDCP from the Code
- ❖ Introduce an employee organization in the military

Articles 2 &3: Definitions

It is important that the law introduces definitions that are easy to understand and applied universally to remove confusion by its users. For the same reason, it is imperative that States use the same language across their regional and international agreements.

Assessment

Constitutional definitions are limited

Opportunities

- Adopt the terms public employee and public employee organization
- Introduce systems for civil service and the police to certify and decertify bargaining agents

Articles 4 & 5: Protection of the Right to Organize

Guarantees of adequate protection against acts of anti-union discrimination in respect of public employees' employment (Article 4 (1)) and adequate protection against any acts of interference by a public authority in their establishment, functioning or administration (Article 5 (2)).

Assessment

Access to employment is limited to police as anti-union membership clauses exist in the Police Act.

Opportunities

Ensure there are sufficiently dissuasive sanctions and penal remedies for anti-union discrimination and interference in the Labour Code to be applied to all employees.

Articles 4 & 5: Protection of the Right to Organize

Guarantees of adequate protection against acts of anti-union discrimination in respect of public employees' employment (Article 4 (1)) and adequate protection against any acts of interference by a public authority in their establishment, functioning or administration (Article 5 (2)).

Assessment

- Access to employment is not conditional, except for police.
- Concerns for political interference exist

Opportunities

Ensure there are sufficiently dissuasive sanctions and penal remedies for anti-union discrimination and interference in the Labour Code for all employees

Article 6: Facilities to be Afforded to Public Employee Organizations

Regulated in practice by legislation or collective agreements or other means. E.g. facilities to collect dues, ability to carry out their functions both during and outside their hours of work, transport and communication, necessary time off without loss of pay for carrying out their representation functions in the undertaking, access to the management of the enterprise, the right of assembly, authorization to post trade union notices, the right to attend meetings, or such other material facilities and information as may be necessary for the exercise of their functions

Assessment

Facilities are inconsistently afforded

Opportunities

- Document standards within the civil service and police
- Consultation on union security clause

Article 7: Procedures for Determining Terms and Conditions of Work

Promote the full development and utilization of machinery for negotiating terms and conditions of employment with public employee's organisations. Negotiation must be understood as being any form of discussion, formal or informal, that is designed to reach agreement.

Assessment

Collective bargaining is practiced for all public employees

Opportunities

- Improve transparency and accountability by documenting a grievance procedure
- Expand the Industrial Court
- ❖ Expand working committee on terms and conditions of work

Article 8: Settlement of Disputes

The settlement of disputes arising in connection with the determination of terms and conditions of employment shall be sought through negotiation between the parties or through independent and impartial machinery, such as mediation, conciliation and arbitration.

Assessment

- Independent and impartial machinery can be introduced
- Essential services list unreasonably limits dispute actions

Opportunities

- Expand the Labour Code to include public service conciliation
- Expand the Industrial Court and Court of Appeals
- Revise the Essential Services Schedule

Article 9: Civil and Political Rights

Special emphasis on the following civil liberties, as defined in the UDHR, which are essential for the normal exercise of trade union rights: the right to freedom and security of person and freedom from arbitrary arrest and detention, freedom of opinion and expression and in particular freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers, freedom of assembly, the right to a fair trial by an independent and impartial tribunal and the right to protection of the property of trade union organizations.

Assessment

- Constitution clearly protects civil and political rights
- Civil Service Act unreasonably applies restrictions to civil servants – Privy Council decision in Eloy DeFreitas case

Opportunities

- Repeal CSA 10
- Define the fundamental right of police officers
- ❖ Engage in meaningful dialogue and Constitutional reform, as warranted, on public employee's right to contest national and local elections

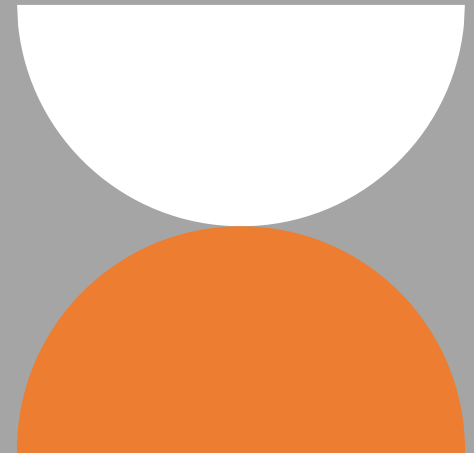
Thank You



Q&A Feedback

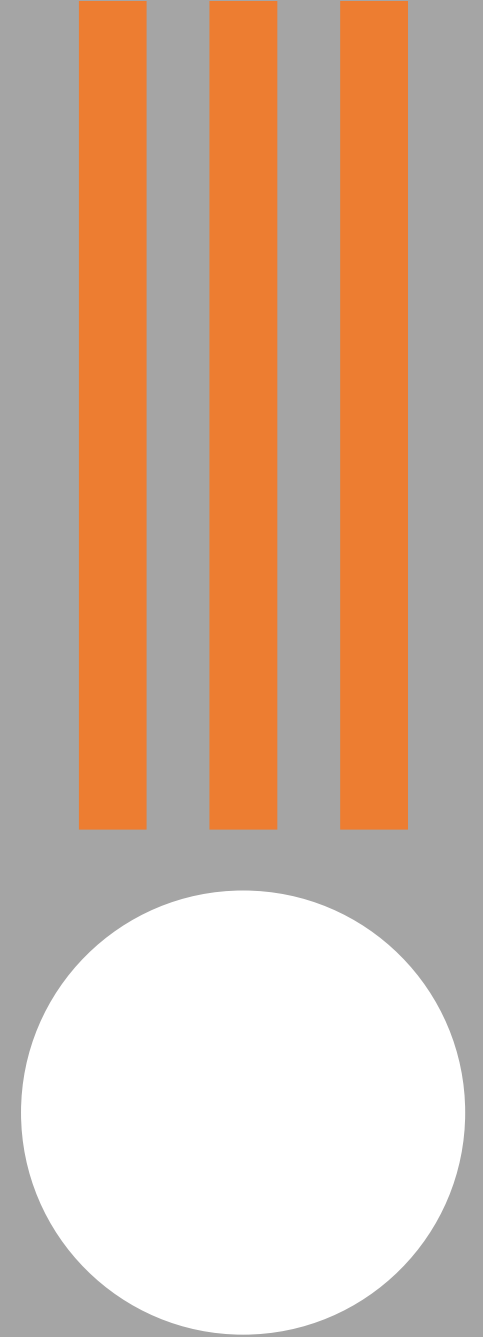
19 November 2023

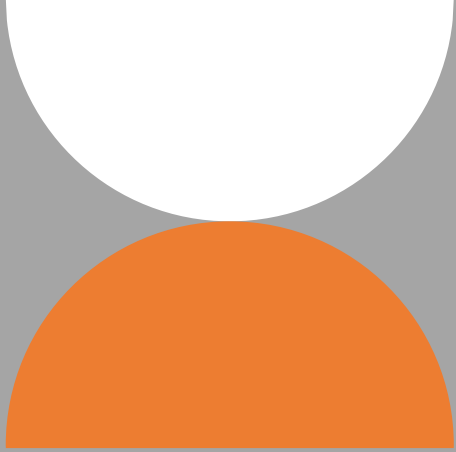
- Composition of the working group to include other unions
- Typos corrected
- Concerns on how to ensure good faith negotiations discussed
- Negotiating fee to remain
- Building trust amongst stakeholders and parties to negotiations is critical and must be built into all project planning activities



Day 2: Plan of Action

Collaboration, Commitment and
Cultural Shift





Objective:
Prioritize plan of action

“

The secret of change is to
focus all of your energy
not on fighting the old,
but on building the new.

—
SOCRATES

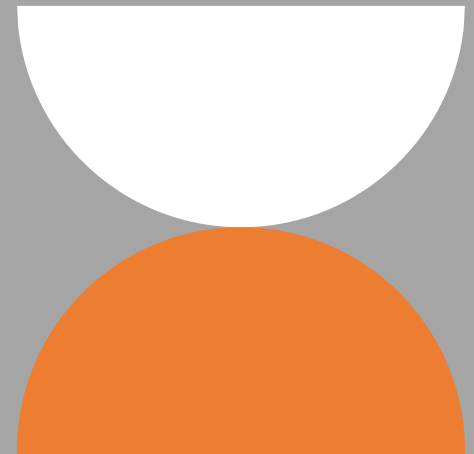
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Group Exercise:
Finalizing and
Prioritizing
Recommendations to
Close C151 Gaps

Group Exercise Outcome: Finalizing and Prioritizing Recommendations

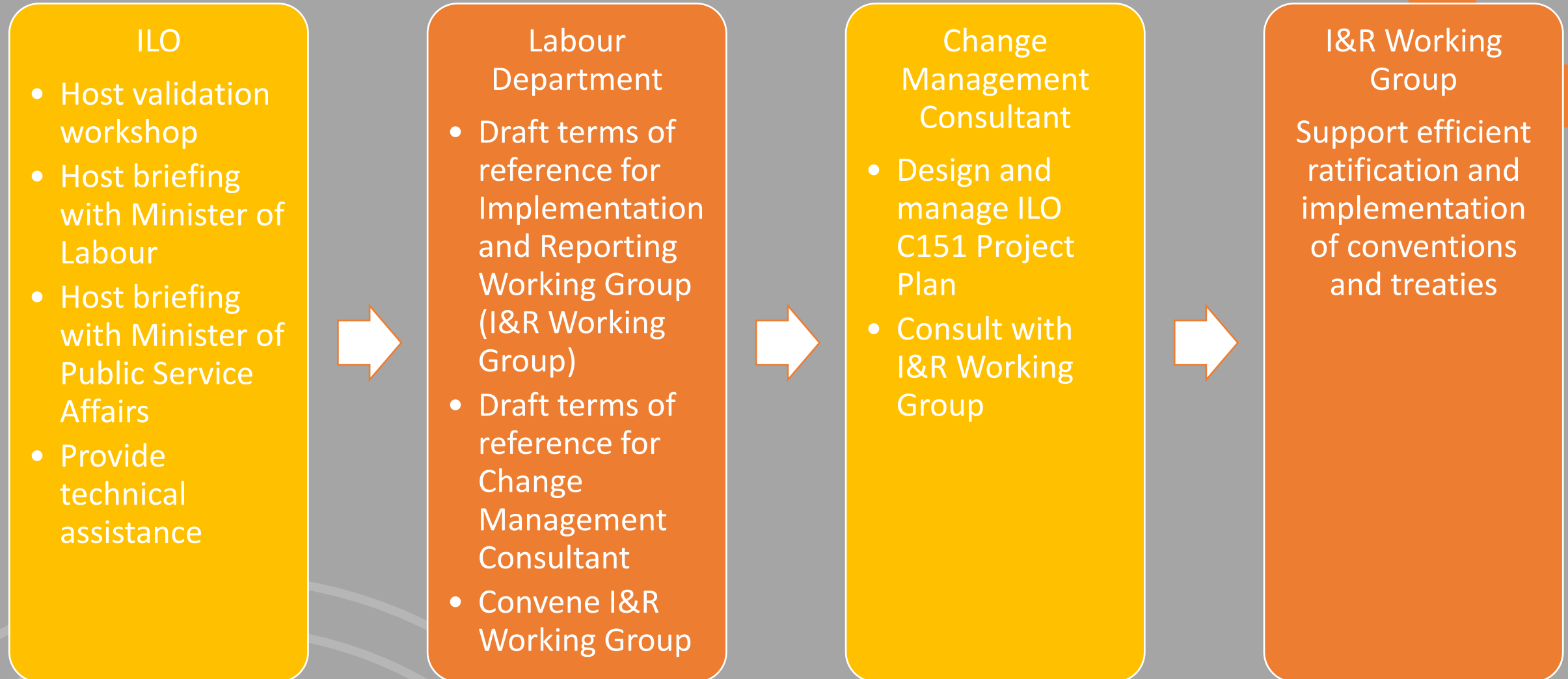
1. Recommendations reviewed and accepted with edits to reduce redundancy
2. Composition of I&R Working committee amended to include all public employee organizations
3. Implementation of C151 should flow as follows:
 - Amend the Labour Code
 - Resource related systems – Conciliation and Industrial Court
 - Amend CSA and Police Act
 - Harmonize related legislation (ongoing)
 - Pass all legislation
 - Implement changes in Civil Service
 - Monitor and evaluate
 - Implement changes in the police service



Group Exercise:

Key Stakeholder Responsibilities

Prioritizing Plan of Action



Group Exercise Outcome: Detailing Activities in the Plan of Action

Tripartite Management

ILO host validation workshop – I&R volunteers solicited

ILO briefing of absent stakeholders

I&R Working Group members confirmed

ILO to host initial I&R meeting to draft/finalize TOR and develop rules of engagement

Ongoing leadership and teambuilding activities for I&R members

I&R to draft work plan and budget for approval – i.e. to hire CMC and related activities

I&R to draft TOR and engage Change Management Consultant (ILO support)

With CMC develop C151 Project Plan and Budget – people, process and technology

Ongoing assessment, planning, monitoring, and evaluation of IC151 Plan

Determine scope of involvement in other Conventions and develop schedule of review based on national reporting responsibilities

GoAB Executive/Legislative

ILO briefing of Ministers after validation workshop and final edit of report (Mission Report)

Ministerial empowerment of I&R Working Group

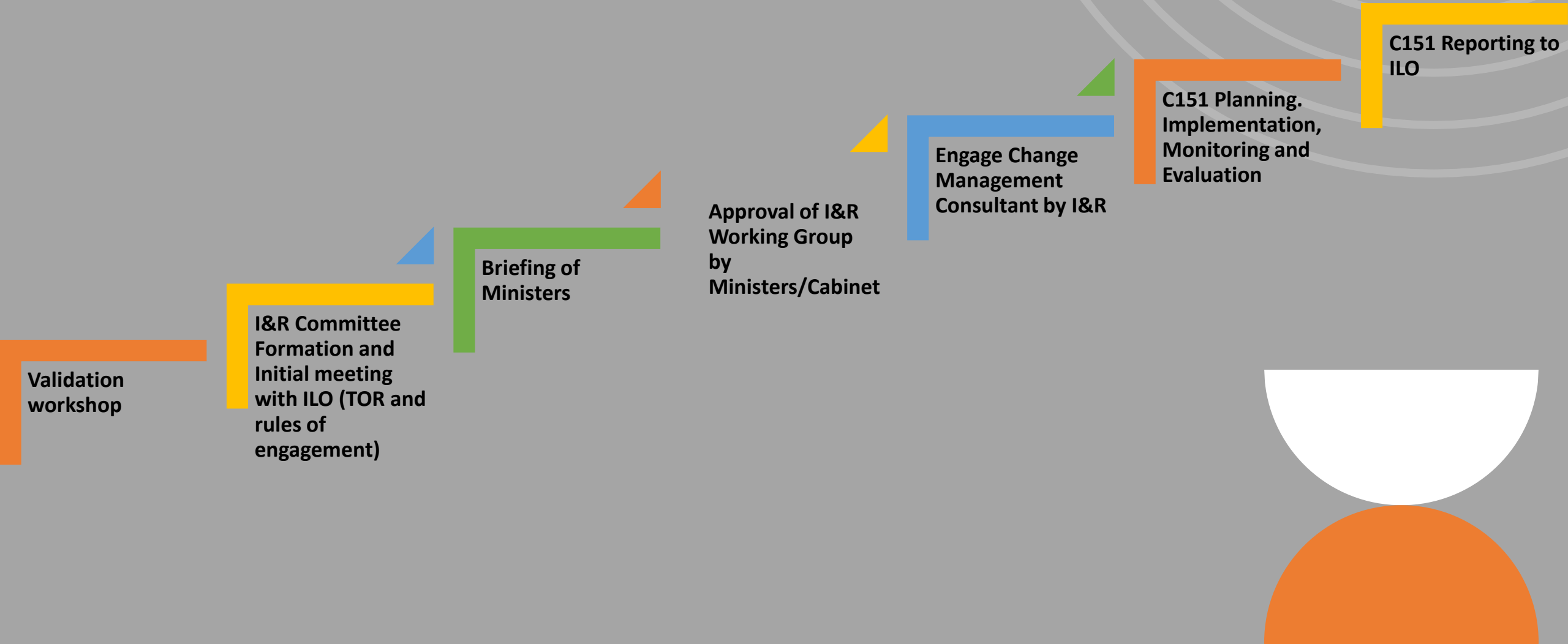
Approval and allocation of project planning budget as presented by I&R

Ongoing advocacy by Minister of Labour in Cabinet based on briefings from I&R Working Group

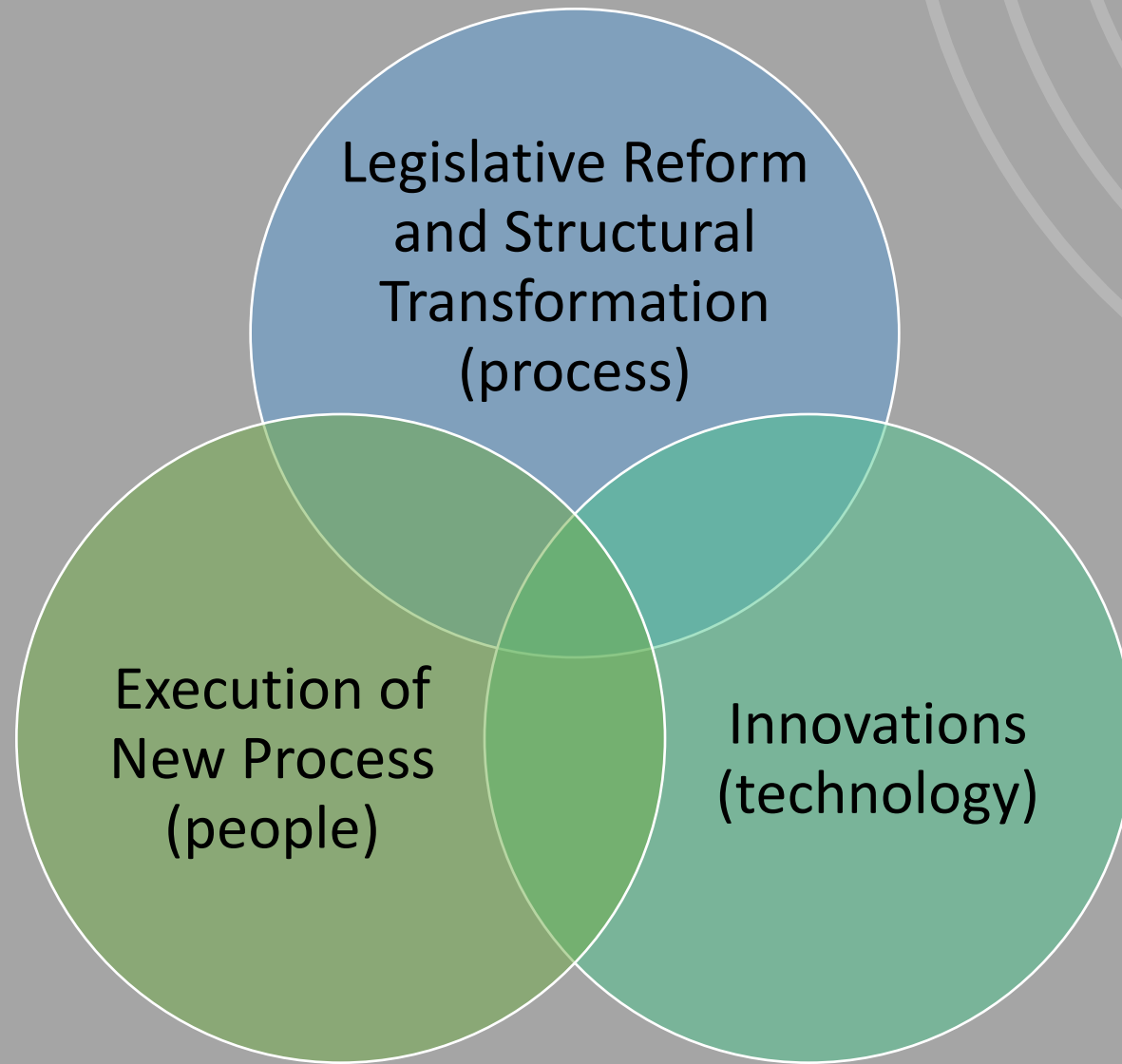
Approval and allocation of C151 implementation plan and budget as presented by I&R (people, process and technology)

C151 Implemented in legislation and practice

Group Exercise Outcome: Prioritized Plan of Action



It is important
that there be
conscious
effort to
manage these
changes to
achieve the
“sweet spot”
where they
overlap
harmoniously



Thank You

“

The secret of change is to
focus all of your energy
not on fighting the old,
but on building the new.

SOCRATES

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