However severe the economic difficulties facing the Caribbean, .... Collectively, we have the resource potential necessary for our continued development ....”

Errol W Barrow

Introduction
Historians will posit that circumstances change but history repeats itself. Caribbean island states are yet again challenged with economic transition due to a world recession that has the potential to push the Caribbean labour Market into an assembly to that of the great 1930s depression. The trade union movement is witnessing the disappearance of jobs and job security is becoming a thing of the past as both the public and private sectors continue to explore flexible working relationships.

Trade unions are readily admitting they are not prepared for the social and economic shock waves that are sweeping across the region. (Jamaica) These shock waves are being strongly influenced by the crystallisation of the Caribbean Single Market and Economy (CSME) which in itself is also being strongly influenced by the various trade agreements which the region through CARICOM are signatory to. The impact of such change can be a blessing and a curse; it provides the labour movement with the potential to be involved in the dynamics of the labour market and government interventions, not only as consultants, but as influencers of policy, thereby playing a pivotal role in transitioning challenges into positive developments for Caribbean societies.

The changing dynamics of the labour market highlights the need for Caribbean trade unions to understand what are the factors at play in this new world of work and, of necessity, redefine the accepted meaning of trade unionism and trade union representation. This paper will therefore seek to address in the narrow sense the role of the Caribbean labour Movement (CLM) as it relates to the defence and protection of workers’ rights within the workplace, and in the wider sense the defence and protection of workers’ rights in the society with specific reference to the Barbados.

Factors of change
The current trend of workplace relations in the British Caribbean are strongly influenced by that of the British trade union movement. This heritage is a result of Sir Walter Citrine, a prominent member of the Moyne Commission and Secretary to the British Trade Union Congress who was one of several British trade unionists and Labour members of Parliament who influenced the development of the British Caribbean Trade Union movement through the furnishing of
information, lending advice and offering scholarships to selected persons. This legacy has continued into the 21st Century where trade unionism and by extension industrial relations continue to revolve around the traditional workforce and established collective bargaining procedures focused on increased wages and safety and health in the workplace.

The underlying factors impacting on the trade union movement (TUM) can be identified as increased flexibility, accompanied by growth in growth in non-standard employment, and the contracting out of services.

**Flexibility:** At the policy level the public services are viewed as a vanguard of progressive employment policy and practice. With the crystallization of the CSME it is understood that the public services of the region are expected to be the principal facilitators of the integration process. It is therefore acknowledged that for the public service to effect the successful implementation of the CSME a flexible labour force is necessary.

An examination of the Barbados Public Service revealed that flexi-time, in this case the staggering of working hours, is not new. In the early 90s when it was introduced at the National Insurance Department it was viewed as a fundamental departure from the existing working arrangements of public workers. More than a decade later it is viewed as a benefit to the workers with the staggering of work hours being introduced in the Personnel Administration Division and the Office of Public Sector Reform at the request of the workers.

In such light the public sector union, the National Union of Public Workers (NUPW) supported the concept based on principle, accepting that such an initiative was not only a response to changes taking place in the public sector, but horrendous traffic jams, the need for timely delivery of services in general and the need of employees to juggle family and other domestic responsibilities. Although such an initiative was at the behest of the workers, with the union rubber stamping, there is a need to be on guard that a short-sighted prescription has not been accepted for the changes and impacts presently occurring in the public sector labour market.

Some may argue that the flexibility already in place does not go far enough, but the question that must be considered is how far is far? The Constitutional Review Commission Report speaks to a dual public service, where central public service functions parallel to that of a quasi-public service, and the protection that exists for workers in the central public service does not extend to the workers of the quasi-public service. Thinking outside of the box, will flexi-time eventually support a third tier public service that will be flawed through lack of supporting for good employment practices thereby lending to fragmentation, movement away from training needs, and the undermining of decent work. What job function or service cannot be outsourced? Care must be taken that a periphery workforce does not emerge in the public

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1 West Indian Royal Commission Report, Cmd 6607

service where part-time work, outwork, freelance, homework and sub-contracting becomes the norm, at the expense of a dedicated ‘core’ public sector workforce that delivers a quality service in the face of ongoing saga of inadequate resources and political challenges.

An assessment of the private sector reveals that flexibility can cover an entire conflation of issues encompassing production, technical and organisational flexibility, wage and occupational flexibility, and flexibility in the working relationship. As such it is viewed as a tool in the management of the production process and is being influenced by the factors of new technologies – engineering, information, and communications being the major ones.

Barbados is not a signatory to the ILO Convention 30, Hours of Work (Commerce and Offices) Convention 1930, however it is acknowledged by the Government and employers and this is reflected in the collective agreements. In the manufacturing sector workers and their representatives have agreed that due to the demands of the manufacturing operations persons may be expected to work well in excess of their regular nine (9) hour shift or longer, particularly engineers, foremen and technicians. A clear example of this is seen in the cement industry where workers in the monthly paid bargaining unit and the cement company agree that there are times when the exigencies of the plant operations require employees falling under the bargaining unit, by virtue of their responsibility, may be required periodically to work outside their regular hours in varying degrees. It was agreed that such employees would receive on the recommendation of the Head of department a compensatory ex-gratia payment in addition to a commuted overtime allowance and, by mutual consent, exercise the option to either receive pay at the appropriate ex-gratia payment or take compensatory time off equivalent to the actual overtime hours worked. Overtime hours worked in extraordinary situations are calculated on hours worked in excess of eight hours in the first five days and for work done in excess of five (5) consecutive days.³

Workers in both the public sector and private sectors are operating in an uncertain and changing economic environment. How these employees adjust to these uncertainties is an important matter for trade unions. The majority of the Barbadian working class, particularly the public workers comprises a large part of the Barbadian middle class. They have made what may be deemed to be major financial and personal investments in their families, home ownership, and university education at home/abroad. These investments have become central to the way they live and are funded in small increments from a steady stream of income. What will have to change for these workers to continue enjoying their standard of living if their jobs and income become more unpredictable is indeed a question with impending profound implications for society? Such developments to be examined by the TUM would certainly be the likely impact on decent work and the ability of the government to deliver quality public healthcare.

³ Arawak Cement Company Limited Collective Agreement 2006 – 2009 with the National Union of Public Workers (on behalf of the monthly paid employees)
Non-Standard Work: Non-standard work in Barbados is not new. The existence of this type of employment activity is an age old phenomenon. However when we examine this type of employment activity there is a connection between the informal sector and this places a direct link to ‘labour market flexibility’.

Discussions have revealed that non-standard employment affects workers in ways that are very significant, and these have been identified as job security, career advancement, training and development, protection under labour legislation and the wages they take home each week. Furthermore, social welfare and worker protection laws are generally restricted to the protection of those workers classified as ‘employees’. Hence, entitlements to a myriad of workplace rights – legislated, and custom and practice – that include the protection of wages, unemployment benefits, hours worked, health and safety laws and the right to organize and collective bargaining also hinge on a specific definition of ‘employee’.

In the Barbados context there is a grey area that exists between an ‘employee’ and a ‘non-standard’ that compounds the distinction between the two. A clear example of this is seen in the public transportation system where a maxi-taxi/driver operator is both an employee and an employer at the same time. This individual moves from that of employee to employer, in a “disguised” relationship where work is done for the same firm on a regular basis.

There is no existing case law that speaks to the non-standard employment relationship, neither is there any readily statistical data on non-standard employment. From a legal perspective, by default, when the definition of “employee” is examined under the Protection of Wages Act Cap 351 and the Severance Payment Act Cap 355A of Barbados it is so narrow that it excludes the non-standard employee, whether in a casual, temporary or on and off employment relationship. When the relationship is examined and particularly by the Severance Payment Tribunal, the question asked is the person an “employee” or not? Section 2 of the Severance Payment Act defines employee as follows;

".. an individual who has entered into or woks under (or, in the case of a contract which has been terminated, worked under) a contract of service with an employer, whether the contract is for manual labour, clerical work or otherwise, is expressed or implied, oral or in writing; ..."

The Severance Payment Tribunal Reports provide numerous cases that examine the employment relationship. However there is nothing specific that speaks to the non-standard employment relationship.

4 Three Focus Groups - Trade Unions, Government and the Private Sector on non-standard employment in Barbados was conducted on March 21, 2006

5 These laws may be accessed at http://www.caricomlaw.org/
Focus group discussions with the trade union movement revealed that clear examples of non-standard employment can be identified in the tourism sector where workers in the hotel industry are engaged as seasonal, regular, casual, part-time and temporary. It should be noted that the private sector union, the Barbados Workers Union (BWU) has a collective agreement in place for these workers and it speaks to the category of worker and not the different types of employment relationships.

Within the tourism sector the situation of the Tour Guide can also be highlighted. Discussion revealed that these workers fall into the category of seasonal worker – November to March, and that the majority of these workers have no social protection and in many cases there is the absence of a contract. The trade union movement has suggested that the freelance employment relationship of a Tour Guide is one of collusion and such collusion is a double edged sword where it worked to the perceived benefit of such guides on the one hand and to their detriment on the other.

As it regards the trade union involvement in the representation of workers engaged in non-standard employment they have had very little or no impact on the terms and conditions of employment within this economic sector and this is compounded by the need for social protection for these workers as labour legislation has had very a very limited impact on the lives and livelihood of these workers.

**Contracting out:** The contracting out of services is relatively new form of employment relationship that has taken root across the Caribbean from the late 1980s. Such form of employment is a source of concern for the trade union movement where employees are subjected to safety and health issues in the workplace and lack of job security. In a Nation Newspaper article the then Minister of Labour and the Civil Service, Rawle Eastmond speaking to the issue of sub-contracting, out-sourcing and engagement of agents pointed out that such work arrangements caused significant challenges for safety and health in the workplace. He also made note of the fact that the health and safety of migrant workers was a source of concern as evidence revealed that these workers were sometimes made to take chances with their health and safety, which Barbadian workers are forbidden from practising, and asserted that there must be no discrimination against migrant workers.  

Nonetheless there are clear examples of contracting out and outsourcing in the public service which can be seen in the areas of the provision of security services to the National Insurance Building and the passenger screening process at the Grantley Adams International Airport. Yet there is a Ministry of Defence and Security providing security guard services to government ministries, departments and schools.

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Page 5 of 11
There is also the outsourcing of janitorial services where these services are provided in the evening after regular working hours. Unlike the security firm which is unionised there is no union presence and there appears to be a high level of staff turnover, with workers having very little social protection, low wages and below par working conditions.

**Social Contract**

The Barbados ‘Social Contract’ is a series of ‘contracts’ between the social partners of Barbados, namely the Congress of Trade Unions and Staff Associations of Barbados (CTUSAB), the private sector and the Government of Barbados. The genesis of this social contract has its roots in the world economic crisis triggered by the Gulf War. The heart of what may be deemed the worse economic recession in recent history for Barbados occurred in 1991 when receipts from tourism plummeted. During the period 1989 and 1992, GDP fell by 13%, unemployment rose from 15.1% to 23%, the public debt rose from 6.6% to 11.5%, the foreign debt increased significantly and inflation increased moderately but steadily.⁷

It was out of this crisis that the Government of Barbados approached the IMF and a number of structural programmes were implemented. This programme would among other things witness the public workers facing an 8% salaries cut and the freezing of their increments for the eighteen (18) month period of September 1991 to April 1993 and there would be job losses of 8,000 across the public sector.

These measures were rejected by the Barbadian public with the trade union movement serving as the focus of the general protests which garnered the support of the employers’ organizations and other members of civil society including the church who also taking part. The unions argued that the structural programme did not adequately take into account the negative social consequences for the people of Barbados, nor did they equitably distribute the burden of the adjustment measures.

In the midst of this ‘national emergency’ unprecedented protests in recent history occurred, and social dialogue provided a strategic mechanism that guaranteed a nation-wide problem solving mechanism and a reduction in industrial unrest in the country. Such dialogue existed before the 1990s crisis as Barbados has a history of bipartite and tripartite consultation on major issues affecting the economy and society. In this case building trust became the cornerstone of a stakeholder partnership that created a cordial environment for consultation and engagement by the parties. Out of these consultations the first protocol would emerge, created with a view to implementing measures for the sustained economic development of Barbados.

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To date five protocols have been signed and the three tripartite agreements reached between 1991 and 1998 constitute a primary development in industrial relations in Barbados. They marked the beginning of national-level negotiations in the country and formed the basis of what can be described as a significant evolution of an institutional framework for social partnership in addressing social and economic issues.

*Protocol I (1993 – 1995) Economic Stabilisation and Collective Bargaining was signed in August of 1993:* In this protocol, the tripartite partners agreed to broad principles of an incomes policy “as part of an overall strategy for sustained economic development of the country” in recognition of the need to reverse the gradual erosion of the country’s competitiveness through “resolute and coordinated action by the social partners”. The primary objectives of the incomes policy were:

- a commitment to maintain an exchange rate of BDS$2 to US$1;
- the expansion of the economy through competitiveness;
- the promotion of access to employment; and
- a reduction in the incidence of social dislocation caused by high unemployment.

The parties agreed to a wage freeze in both the public and private sectors at all organizational levels, including allowances and fringe benefits, the exception being in those areas where wages were deemed to be substandard, and where increases might be made. However, workers were to continue to enjoy their existing benefits and conditions.

*Protocol II (1995 – 1997) Forging Partnership on Wage Restraint and Productivity:* The decision to create a second protocol after the specific goals of arresting economic decline and establishing economic growth had been achieved was based on the recognition of the constructive role of the first tripartite agreement. It was therefore viewed not as a short-term mechanism, but as an integral part of the dynamic nature of the evolving industrial relations system in the country.

Protocol II moved from a policy of “wage freeze” to a policy of “wage restraint”, placing emphasis on the need to promote “a mechanism which will achieve restraint in prices, wages and other compensation payments in order to make Barbados’ goods and services more competitive”. Crucially, Protocol II placed a strong emphasis on productivity.

*Protocol III (1998 – 2000) Building a Sustainable Social and Economic Partnership:* This protocol moved beyond narrow economic concerns to address the new issues associated with globalization. The new policy objectives included:

- the maintenance of a stable industrial relations climate;
- the reduction of social disparities through increased employment; and
- the consolidation of social dialogue through tripartite consultation.
This set of objectives would be described as a “social compact”, undeniably to emphasize not only the broad scope of the agreement but also to emphasize the social partnership as an all-inclusive one in which all segments of society were to be taken into account in policy formulation and implementation.

Protocols IV and V, signed between 2001 and 2005 would speak to the manifestations of globalisation and commitment to the crystallisation of the CSME.

*Protocol IV (2001 – 2004)* introduced reflections on globalization, which probably reflected both the original concern for IMF pressures, and a renewed interest in international negotiations. Emphasis was also laid on small and micro enterprises, particularly self employment as a means of solving the issue of high absenteeism in the workplace.

Absenteeism is rife in large or medium size organisations, and self employment is therefore a way of improving productivity. Protocol IV also dealt with health in the workplace, disability, taxes, pensions and the environment.

*Protocol V (2005–2007)* expanded the previous protocol provisions, stating the Partners’ commitment to among other things the success of the CSME, and welcoming the Caribbean Court of Justice as the final court of appeal for the region, breaking legal ties with the United Kingdom House of Lords. As it regards entrepreneurship the protocol states:

> “the Social Partners support current measures to improve the regulatory framework in which business in both the private and the public sectors is conducted in Barbados. The Partners recognise that while fair and balanced regulations are necessary, every effort should be made to ensure that these regulations support a culture of entrepreneurship”.

This is a vibrant plea in favour of what Germans would have called the “social market economy”, and what some Europeans consider as the political compromise at the heart of the European models.

What can be deemed to be the most extraordinary provision of Protocol V is probably article 4.4, which stated that national employment policy

> “should provide adequate safeguards against recourse to contracts for a specific period of time, whose effects are designed to run counter to the purpose of such a policy and so negate the intended protection of workers’ security of tenure”.

This amounts to a rejection of fixed term contracts which are not the norm in Barbados. The most dramatic consequence of the introduction of flexibility is that the security of tenure for
workers can be destroyed considering the fact that flexibility in the workplace can take different forms.\textsuperscript{8}

As it regards economic and social challenges occurring in the Island the social partnership continues in its endeavour to formulate a united response on such issues, the most recent being consultations on a medium term fiscal strategy for the period 2010 to 2014 that speaks to improved revenue and expenditure management, and institutional strengthening.\textsuperscript{9}

As stated earlier the principle of social dialogue has its origins prior to the 1990s economic recession through the voluntaristic tradition of bipartite and tripartite consultations. Formal and informal mechanisms are in place for such dialogue and these are seen both in the public and private employment relationships. The process of social dialogue facilitated through the consultation and consensus building provides an avenue through which common and differing interests are discussed in a cordial format so as to avoid workplace conflict.

An example of this process is to found in the case of Arawak Cement Company Limited Partnership Forum Sub-Committee. The purpose of this Sub-Committee is to promote good employment practice through a partnership approach to addressing employment issues of common interest to parties involved - the employers, employees/trade unions’ representatives. One of the core values of this partnership can be identified as the active involvement of all members of the partnership in the process of policy planning, development and service delivery to the internal customer. This speaks to the strength of the industrial relations system in the organisation and the commitment of the constituents to the building of trust and respect in the dialogue process where employees not only feel they have a stake in outcomes, but that they are involved in the process.

**Trade unionism: dead or alive**
Barbados has an historical experience of vibrant collective bargaining in both the private and public sectors of the economy. Collective bargaining is the undisputed means of employment regulation in the country, either directly for unionized workers or indirectly for other wage earners. With regard to wage earners they benefit either through the traditional extension of gains to non-union members or by the demonstrative effect of collectively determined wages.

Industrial relations however remains voluntaristic, there are no trade union recognition laws and according to Professor Rose-Marie Antoine, Lecturer in Law at the University of the West Indies, Cave Hill Campus, one of the best kept secrets is that Barbados has the poorest labour

\textsuperscript{8} Full copies of the Protocols can be sourced at [http://labour.caribyte.com/social-partnership](http://labour.caribyte.com/social-partnership), and a discussion by Jean-Paul Révauger on the Irish model of the Social Partnership is to be found at [http://jprevauger.over-blog.com/article-23785933.html](http://jprevauger.over-blog.com/article-23785933.html).

\textsuperscript{9} [http://labour.caribyte.com/social-partnership](http://labour.caribyte.com/social-partnership)
law record in the Commonwealth Caribbean. However the Labour Department has a laid out process for the recognition of and adds that a trade union is said to be recognised when the employer agrees to enter into negotiations with the a trade union on the behalf of the workers.

With this in the forefront, the industrial relations climate in Barbados remains relatively quiet. There is a high level of worker representation in the workplace as mechanisms and procedures for such representation are laid out in the varying collective agreements, and in the case of the public sector in the Public Service Act 2007.

Based on the fact that trade union membership stands at approximately 70% of the workforce, this figure alone would lead one to surmise that trade unionism is very much alive in Barbados.

**The way forward Conclusions/Recommendations**

"Workers are our most valuable asset" is a cliché that no member of any trade union or management team would disagree with. With this in mind trade unions need to broaden their agenda as it regards research that speaks to the treatment of workers in trade agreements and added to this would be an examination of how best to represent workers across borders.

Trade unions must be catalysts and not passive receptors; they must be in the vanguard of defining and advocating for positive change. Such proactivity can only occur in an environment where constant dialogue exists with membership and the employer.

There is also a need to redefine the meaning of labour, for how we perceive labour will influence the level of representation given. Labour speaks to workers and it also speaks to a factor of production. When labour is being negotiated in the varying trade agreements is labour being viewed as workers who are factors of production? This is a matter that the TUM need to examine, particularly when it comes to representation of workers interests.

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10 The Barbados Business Advocate Business Monday, March 1, 2010
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