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INDUSTRIAL RELATIONS NEWSLETTER

Leave & Entitlement



The topic of what workers in Trinidad and Tobago are entitled to has been a widely misunderstood one. Many believe that they have a legal right to certain conditions of employment, not realising that in most cases, especially within the private sector, these conditions are actually at the discretion of the employer. The employers, most times, then turn to principles of good industrial relations or in cases where there is a recognised majority union, the Collective Agreement, for guidance.

What is guaranteed by law?

An entitlement refers to a guarantee to certain conditions and benefits by way of legislation. They refer to provisions that are made in accordance with a society's legal framework. Many of us argue that we are entitled to certain conditions that may not necessarily be in accordance with the laws of Trinidad and Tobago.

1. Minimum Wage

One such entitlement by law is the minimum wage. Under the Minimum Wages Act and the Minimum Wages Order 2014, a worker is entitled to be paid no less than \$15.00 per hour. There are also guarantees in place for certain categories of workers as it pertains to hours of work, meals and rest breaks etc. (i.e. Petrol Filling Station Employees, Catering Industry, Shop Assistants, Security Industry Employees and Household Assistants).

2. Equal Opportunity

The provisions of the Equal Opportunity Act guarantee that an individual will not suffer discrimination in relation to employment based on sex, race, ethnicity, origin, religion, marital status or disability. The Act further protects the individual from discrimination where they have brought proceedings or given evidence against another.

3. Maternity Protection

The Maternity Protection Act guarantees fourteen (14) weeks paid leave to a worker once certain conditions have been satisfied. (Sections 7 and 8).

4. National Insurance

With some exceptions, contributions to the National Insurance Scheme are mandatory for all workers who earn more than \$200 per week. It is these contributions which sustain other benefits such as funeral grants, disability, maternity, illness etc.

5. A safe place of work

Under the Occupational Safety and Health Act, it is the duty of the employer to ensure that all workers have safe conditions of work and the necessary safety equipment needed to carry out their duties.

6. Severance payment

The Retrenchment and Severance Benefits Act guarantees severance payment for workers who have met certain legal requirements. It is not every worker who is entitled to severance benefits, as certain conditions under the Act must first be satisfied.

What is not guaranteed by law?

1. Paternity Leave

Contrary to popular belief, there is no entitlement to Paternity Leave under the laws of Trinidad and Tobago. Such Leave is granted at the discretion of the employer or via the provisions of a Collective Agreement.

2. Bereavement Leave

Bereavement Leave is also commonly misunderstood as being a legal entitlement. In Trinidad & Tobago, there is no law which provides for such. It is recognised, however, that where a death occurs the employee will need to take time off to grieve or make the necessary funeral arrangements. The instances where such Leave is given and the number of days granted are at the discretion of the employer (or outlined in the Collective Agreement).

3. Casual Leave

The provision of Casual Leave varies widely from industry to industry. Such Leave is not mandated by legislation. However, employers understand that the employee may need time off to handle personal matters during working hours.

4. Sick Leave

A legal entitlement to Sick Leave is outlined in the Minimum Wages Act and the corresponding Minimum Wages Orders but this applies to persons employed in the specific categories. Many companies, however, use this legislation as a guide in determining how much Sick Leave should be granted and under what circumstances the worker becomes eligible to receive it.

5. Vacation Leave

[Same as above. See Sick Leave].

Some terms and conditions for workers in Trinidad and Tobago are regulated by legislation. In other instances, the terms and conditions of employment are regulated by collective bargaining with trade unions and the resulting agreements are considered legally binding on the parties.

Where none of the above apply, employers look to the principles and practices of good industrial relations and best practice for guidance. Where this occurs, it is important to create comprehensive contract terms and policies to prevent any misunderstandings and promote good employee relations within the workplace.