

**ADDRESS BY HER HONOUR MRS. DEBORAH THOMAS-FELIX
PRESIDENT OF THE INDUSTRIAL COURT
AT THE LAUNCH OF THE INDUSTRIAL COURT OF TRINIDAD & TOBAGO
LAW REPORTS VOLUME I ON 17TH MAY, 2012
AT THE NATIONAL ACADEMY FOR THE PERFORMING ARTS**



Our nation became independent in 1962 and gave birth to a new system of social justice delivery three (3) years later in the form of the Industrial Court of Trinidad & Tobago.

This Court was created out of a need for social and economic stability in the country, and it has played a tremendous role in this regard.

The Industrial Court is an independent, impartial and integral part of the resolution process of trade disputes in Trinidad and Tobago. This Court has mechanisms not only for open court hearings, but for closed door conciliation, in fact conciliation has been available at the court for decades. Despite legislative and

administrative challenges, the Court has been able to resolve myriad disputes over the past 47 years and it has developed a rich body of jurisprudence in Industrial Relations. Volume 1 of the Law Reports which is launched today is but a small part of this jurisprudence.

Currently, in the country, there are several ongoing negotiations for new collective agreements between Unions and employers. The negotiation of a new collective agreement is a very complex process. It requires that both sides have great negotiating skills, patience, level headedness, mutual respect and a proper understanding of the country's economy.

This year there have been several disputes filed at the Court which are related to the breakdown of negotiations. As a result, some workers have taken industrial action in the form of strike and employers have taken lockout action. There is some concern about industrial action in the wider community, but there is no need for alarm.

This shows that the well established machinery for collective bargaining which has been developed and continues to flourish in this country since the establishment of the Industrial Court, is working. Collective bargaining is dynamic. Therefore, for it to truly be effective, the rights and ability of employers and unions to use economic leverage to advance their interest must be accepted as a natural part of the process. Workers have the right to strike and employers have the right to enforce lockouts as alternatives to intervention and adjudication by the Industrial Court. Industrial action is integral to an effective bargaining process.

A strike or lockout is really a show of power; it is one side flexing its economic muscle against the other, as part of collective bargaining. Of course, industrial action comes with a price. If you lose the strike or lockout then you may be forced to rethink your strategy for the next negotiation and there may be concerns about your economic survival, or you may have uneasy thoughts that your re-election may be in jeopardy. Of course there can be

impacts on the wider society especially when one of the essential services is involved in the Industrial action. To quote former President Braithwaite of the Industrial Court, ***“one man’s strike is the other man’s lockout.”***

Recently I have noted with disquiet and from all reports the rest of society shares this disquiet that violence and fear seem to be quietly creeping back in the negotiation process. Who can benefit from the violence? What good can come from this? Employers and employees’ representatives should act responsibly in the collective bargaining process to ensure that the negotiation mechanism which has existed and has worked for decades in this country is properly utilized, and that the issues on the negotiation table are not derailed by violence.

I believe we all share a common purpose and goal which is to assist in the development of this country and in so doing to improve the quality of life of our fellow citizens. Violence in industrial action will impede the country’s progress. The Industrial

Court has delivered a plethora of judgments on negotiations and industrial action which may be useful in the resolution of these disputes.

We are here today to celebrate a milestone of this Court's achievements. Volume I of the Law Reports contains a rich collection of judgments, which have been delivered by the members of the Industrial Court and the Court of Appeal of Trinidad and Tobago from 1965 to 1975. This Volume spans the period of the Industrial Stabilisation Act to the current Industrial Relations Act and it provides a useful guide for what may be deemed good industrial relations policies and practices.

I wish to thank the members of the Editorial Committee, namely the former Vice President of the Court, Mr. Gregory Baker, the former Chairman Essential Services Division and Solicitor General, Mrs. Eleanor Joye Donaldson-Honeywell, the current Chairman of the Essential Services Division, His Honour Mr. Vernon Ashby and Her Honour Mrs. Heather Seale, the

Editor, the former President of the Industrial Court, Mr. Cecil O. Bernard, the Consultant Editor, Dr. the Honourable Lloyd G. Barnett, O.T., and the Publisher, The Caribbean Law Publishing Company for their tremendous contribution in making this publication possible.

We pay homage to all the judges who have served the Court since its forty seven (47) years of existence. We pay special tribute to the judges who have served the Court for the period 1965 to 1975. These Judges were the Pioneers who created and developed jurisprudence for a new court, for a new nation and indeed for a new era.

I thank each of you for your attendance today as we celebrate this historic moment. Do enjoy the rest of the evening.