



KEYNOTE ADDRESS

by

*Her Honour Mrs. Deborah Thomas-Felix
President of the Industrial Court of
Trinidad and Tobago*

A DAY OF SOLIDARITY

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Prince of Wales Ballroom,
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We live in very difficult and uncertain times, a time of global economic, social and environmental challenge. This is an era where we have witnessed the rise of radical extremist groups, an unparalleled refugee crisis in Europe, the continent's biggest since World War II, and spiraling crime rates.

On the economic front the impact of the 2008 financial crisis, which almost brought down the world's financial systems, is still being felt, with its repercussions gaining the most attention in what were hitherto "rich countries". The fallout has strongly impacted on Europe culminating in the Eurozone debt crisis that started in earnest in late 2009 and evolved into a multi-year debt crisis.

The Caribbean has not been spared the ongoing economic shocks of the global financial crisis. The International Monetary Fund (IMF) reported in The Caribbean Development Portal of 2013, that:

"Growth in the Caribbean has stagnated in the last two (2) decades, except in commodity exporters. The last rapid growth spurt in the 1980s was fueled mainly by expansion of tourism, banana production and public investment. Many Caribbean economies face high and rising debt to GDP ratios that jeopardise prospects for medium term debt sustainability and growth. In 2012, overall public sector debt was estimated at about 79% of regional GDP. The main challenges for

Caribbean small states looking ahead include low growth, high debt and reducing vulnerabilities from natural disasters as well as financial sector weakness. These are likely to demand innovative approach to economic policy making looking ahead".¹

The theme for today's Labour Day celebration is: "A Day of Solidarity".

What is solidarity? Solidarity has been defined as unity which produces or is based on unities of interest, objectives and standards. Put another way, it is social cohesion based upon the dependence individuals have for each other.

I am sure some of you have heard the following words:

*"First they came for the Jews, I was silent. I was not a Jew. Then they came for the Communists. I was silent. I was not a Communist. Then they came for the Trade Unionists. I was silent. I was not a Trade Unionist. Then they came for me. There was no one left to speak for me."..... **Martin Niemolier***

No one wants to be left standing alone. Our survival is based on our dependence and interdependence of each other and with the rest of the world. Social cohesion therefore is a very important and valuable tool for us to embrace as citizens of small developing countries in a globalised world, particularly at a time of turmoil and economic uncertainty.

¹ IMF report on Caribbean small states

Many of us pride ourselves in being independent, each one to himself, once I am ok that's fine, often at the expense of others. However in this time of a global crisis, independence may not be the best strategy. That strategy of independence is what I would call dissensus. Dissensus is the antithesis of solidarity. Dissensus in the workplace is self-defeating; it does not assist the unions, it does not assist the government, it does not assist the private sector and it does not assist the Bahamas Industrial Tribunal, particularly in an era which seems to be increasingly mired in economic and social morass.

The social reality is that for us in the Caribbean, and I dare say in order for the people of the Bahamas to ride the tide of this economic and environmental crisis, we need to have all hands on deck. There must be solidarity; there must be the coming together of minds and hearts.

The Bahamas is known as a service-based economy and one of the highest income countries in the Caribbean. I respectfully suggest, that in order to maintain that position in these times of challenge, there is the need for interdependence and synergy between trade unions, employers, workers and government. This is the time to help each other, to understand each other, to have dialogue, to have bilateral talks and negotiate peacefully with each other.

This is the time to reshape the paradigm and rethink our goals, not just as union goals, or governmental goals, or employers' goals, or employees' goals. The world crisis has demanded that we think in terms of national goals, common goals. This is also the time to work symbiotically to foster a harmonious work environment and to develop innovative and creative business techniques and policies.

This is indeed the time to nurture that spirit of solidarity to build a better Bahamas.

As we celebrate the hard work and achievements of past and present generations of workers who have helped to build this country, we must always bear in mind that the practice of good labour relations, social dialogue, proper standards at work, and a sound legal framework are fundamental to this country's and any country's economic and social development. These practices help to promote decent work, better wages, the rights of workers as well as to ensure social stability and peace, which ultimately redound to economic growth and a more equitable, inclusive and just society .

It is critical that the public sector, the private sector, the trade unions and the government work together to encourage and foster a stable, industrial relations climate, as you continue to build on developmental gains made.

An Aboriginal wise woman once said, *"If you come only to help me, you can go back home. But if you consider my struggle*

as part of your struggle for survival, then maybe we can work together.”

I want to focus a bit on the Industrial Tribunal of The Bahamas, its relevance and the role of the judges who maintain the rule of law and administer the labour laws.

I am sure that we can agree that Employers, Workers and Trade unions share a common purpose and a common goal which is to build a successful business enterprise and in so doing, they assist in the socio- economic development of this country.

The Industrial Tribunal also plays its role in the socio economic development of The Bahamas. One of its roles is to ensure that the rights, duties and obligations of each social partner is maintained and protected. The Tribunal, as arbiter is an integral part of the machinery for the resolution of labour disputes in the Bahamas and in so doing contributes to social peace and order in the workplace.

The Judiciary though regarded as the third arm of Government is separate from and independent of the legislature and the executive.

In this context, it is of critical importance that individual Judges of the Industrial Tribunal and the Judiciary, as a whole, are impartial and independent of all external pressures and of each other so that the wider public can have confidence in the system and have the confidence to know that their cases will be decided fairly and in accordance with the Law.

In fact, the cornerstone of a good judge is independence, impartiality, fairness and competence. Judges of the Industrial Tribunal therefore must be free of any improper influence so that they can impartially dispense justice in a fair and even handed manner. In our very small societies, there are those who will call and want to speak to the judge; that sort of familiarity, where you know each and every one, could make it even more difficult for judges, because they are exposed daily to those seeking to influence the outcome of cases.

Unwanted and improper influence could arise from improper pressure by the executive, by individual litigants, by pressure groups, by the media, self-interest, or other judges; in particular more senior judges and it is therefore vital for a judge to be able to decide cases solely on the evidence presented in the Court by parties and in accordance with the law. No extraneous situation should be brought to bear when judges are making that decision; only relevant facts and law should form the basis of that decision; to do otherwise will lend to a system which is not fair and impartial.

Judges must not only be impartial but they must *appear* to be impartial and some of us will remember the Pinochet case in 1999 where the House of Lords held that a decision that it had given had to be set aside and the matter had to be heard again before a different panel of Law Lords.

It had come to light after the original decision that one of the Law Lords might have given an appearance that he was not independent and impartial because of a connection with a

campaigning organisation which was involved in the case. In those circumstances, even though there was no suggestion that the Law Lord was not in fact independent or impartial, the decision did not stand.

Justice demanded that the Appeal be heard again before a panel of Law Lords who had and gave the appearance to reasonable informed observers that they were independent and impartial.

The independence and impartiality of the Judiciary is one of the bulwarks of democracy.

In The Bahamas, the Industrial Tribunal is the vehicle which dispenses social justice and assists in the creation and development of Labour Law jurisprudence. The impartiality of the tribunal's operations is critical for citizens to build confidence in the justice system. The members of the Tribunal should be therefore free from interference from Government, from private sector, from trade unions, and from anyone.

Throughout my discourse today, I have sought to convey the indispensable need for solidarity in a world that is undoubtedly fractured and challenged as it has never been before in recent history.

Small societies such as ours, are even more vulnerable given our size and limited resources. We all have heard, if not experienced the phenomenon of the developed societies sneezing and our smaller nations catching their cold. Indeed the necessity for

solidarity is even more critical if we are not only to survive, but to effectively chart a shared destiny that benefits all.

There is an old African proverb which states, “*If you want to go quickly, go alone. If you want to go far, go together.*”

My hope for you is for solidarity among the social partners, (government, employers and unions) as they continue to navigate the turbulent currents in their search for a safe harbour.

Please remember that SOLIDARITY is a requirement whose time and relevance is NOW.

I wish you Happy Labour Day. May God bless you all.