



INDUSTRIAL COURT OF TRINIDAD AND TOBAGO

MEET WITH THE COURT SYMPOSIUM "6"

ADDRESS BY

HER HONOUR MRS. DEBORAH THOMAS-FELIX

PRESIDENT

INDUSTRIAL COURT OF TRINIDAD AND TOBAGO

9.00 a.m.

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**Regimental Headquarters
Field 17 RST Garden Road
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Delivered by:
Her Honour Mrs. Deborah Thomas Felix
President of the Industrial Court
Meet With the Court Symposium 6
May 19th, 2018

I am particularly pleased to offer welcome remarks this year as we convene our annual 'Meet With the Court Symposium', for the nature of the issues we will collectively address today are fundamental, contemporary and impact all of us in various ways, whether as employers, employees, Members or the Court and the general public at large.

Among the topics to be discussed today is "*Due Process*," in the industrial relations context and in indeed in the wider context; Due Process speaks to the right of citizens to fair treatment. This is a constitutional guarantee to all citizens, a pillar of our democracy and is one of the hallmarks of good governance.

What does this mean to those who practice industrial relations? It means that the procedures which are adopted in the work-place must be fair, just and lawful. There are many employers in Trinidad and Tobago who endeavour to, and succeed in

doing the right thing by adopting the correct procedures in the workplace, particularly in the area discipline. What is of concern are those employers whose approach toward discipline in the workplace is nothing short of arbitrary. Our presenter from the ILO will address the topic of progressive discipline in the workplace in more detail later today.

In this context, I want to emphasise that one of the main areas of focus for Judges of the Court when they deliberate on disputes is to discern whether proper investigations were conducted into a particular incident. As a court, our main concern is to ensure that the proper principles and practices of industrial relations are adopted and used in the workplace particularly when there is need to discipline a worker. Therefore you will find in many of our judgments that we emphasise the importance of the right to be heard.

The “right to be heard” is called the *audi alteram partem* principle. This well-known principle is an integral tenet in the practice of Industrial Relations. Moreover, coupled with the principles of natural justice, the right to be heard places a duty of

impartiality and fairness on decision makers at the work place as the right to a fair hearing is a fundamental right for *all* workers.

Dr. Jackson will address this in greater detail today under the subject of “Due Process *the Overarching Principle in Industrial Relations Law; Meaning and Effect*” and I am sure that he will highlight the true essence of what is due process in the industrial relations context.

Without delving further into the issue - for our presenters will do an excellent job and I expect that you, through your questions, will further ventilate the various topics – I want to emphasise how critical understanding these principles are in preserving impartiality and fairness as bulwarks of the disciplinary process in Industrial Relations. Should we fail to recognise this, we may yet face the spectre of conduct that is harsh, oppressive and in breach of the principles and practice of good industrial relations.

You may ask, what is the link to social media and the Court? I posit that the advent of new communication technologies that have fundamentally transformed the way

we live, play, and work, has also signalled a new era for Industrial Relations.

Perhaps one of the most transformative impacts is how social media has amplified the right to be heard, creating new avenues for expression not only for workers, but for all social partners.

Thus, whether it is with respect to the use of social media by employees, addressing issues related to employment, disciplinary action or dismissal based on employees' social media activities, exploring the evolution of labour law to address how social partners might address social media policies, or how the Court might better utilise social media in meeting its mandate, it is clear that we are not short of issues to discuss.

As I leave you with these initial words on some of the topics we will explore today, I take the opportunity to express my sincere appreciation to you for sharing this occasion with us and for your unstinting support to the Court in this, and all its endeavours. Most importantly, I want to express my gratitude to the Staff of the Court who continue to render yeoman service to the institution and whose work has built

this Symposium into the Court's flagship event. My appreciation also to our presenters who do an excellent job each year of taking us through some critical issues. Finally, my thanks to our host for today, Senator Paul Richards who continues to support our Meet with the Court Symposium.

I look forward to today's proceedings and I am confident that the outcomes will better position the Court in discharging its mandate as an objective arbiter as we collectively work toward supporting social dialogue.

I thank you.