



ADDRESS BY

by

HER HONOUR MRS. HEATHER SEALE
President, Industrial Court of Trinidad and Tobago

at the

SPECIAL SITTING

FOR THE OPENING OF THE 2025 - 2026 LAW TERM

AND

IN COMMEMORATION OF THE COURT'S DIAMOND JUBILEE

SUNDARLAL POPO BAHORA THEATRE
SOUTHERN ACADEMY OF THE PERFORMING ARTS
Corner of Todd Street and Rienzi Kirton Highway,
San Fernando
Trinidad and Tobago W.I.

Wednesday 17th September, 2025
10:00 AM

The Industrial Court in San Fernando was opened on February 15, 2005. The first sitting of our San Fernando Court was held the very next day. The then President, His Honour Mr. Addison Khan (now deceased) chaired a two Member panel, of which I was the other Member. The Court heard Trade Dispute No 154 of 2004 between *Banking Insurance and General Workers Union and Antilles Credit Union Co-operative Society Limited*. The Union was represented by Mr. Don Devenish, then Assistant General Secretary and the Credit Union was represented by Attorneys at law Mrs. Norma Maynard Marshall and Mr. Dinesh Rambally. Mr. Rambally served as a Judge of this Court sometime after.

The judgment in the *Antilles Credit Union* case was delivered by me on June 7, 2005.

I am pleased that not only did I sit on the first matter heard in San Fernando but the duty now falls to me to preside over the Court's first Special sitting in San Fernando, in this our sixtieth year of existence.

As the Court celebrates its diamond jubilee, I reflected on the qualities of diamonds. Among the many notable qualities of diamonds is their hard nature. Diamonds are the hardest material known to man which makes them valuable and useful for jewelry but even more so in industry. Diamonds also have a high heat conductivity and for this quality they are used in a number of industries including the automobile and computer industries.

Old school music enthusiasts would also appreciate the diamond needle as a standard component of superior music players.

Like diamonds, the Industrial Court over these sixty years has shown its endurance. The Court and its Judges have been able to withstand pressure and to absorb heat, all in the interest of making better provision for the stabilization, improvement and promotion of good industrial relations.

Over these sixty years, the Court has had, seven Presidents, eleven Vice-Presidents, and six Chairmen of the Essential Services Division and over fifty Judges. Thirteen Registrars have headed the staff of the Court. All of the members of the Bench and every member

of staff have contributed to the Court's endurance and its success over these past sixty years. The Court owes them all a debt of gratitude.

APPOINTMENTS TO THE COURT

I will now address appointments to the Court which from time to time, including this year, have attracted much public attention and discussion.

Firstly, let me welcome to the Bench, three Judges who recently joined the Court, Their Honours Dr. Selwyn Samaroo who returns to the Court having served before, Mr. Brambhanan Dubay and Mr. Rudranath Indarsingh. Their Honours Samaroo and Indarsingh have been appointed to the Essential Services Division and His Honour Mr. Dubay to the General Services Division. We welcome them to the Bench and feel certain that they will each contribute significantly to our jurisprudence.

The Industrial Court consists of a President, a Vice-President, a Chairman of the Essential Services Division and Judges referred to as Members in the *Industrial Relations Act*, Chapter 88:01, (the IRA)

When the Industrial Court was established by the *Industrial Stabilization Act*, No. Act 8 of 1962, ("the ISA") the President of the Court was required to be a Judge of the Supreme Court of Judicature, designated by the Chief Justice after consultation with the Prime Minister. Provision was also made for four other members appointed by the Governor-General for such period and on such terms and conditions as he thought fit. One member, a barrister or solicitor of at least ten years standing, was the Vice-President of the Court. The other three members were comprised of one duly qualified accountant; one duly qualified economist; and one member who was either a duly qualified accountant, a duly qualified economist or a person experienced in industrial relations. You would appreciate, therefore, that it was possible for the Court to be without a member experienced in industrial relations, and you may wonder why the emphasis on accountants and economists. At that time the jurisdiction of the Court extended to the hearing and

determination of complaints relating to the price of goods and commodities. (See section 5(c) of the ISA).

Appointments to the Court are now made in accordance with section 4 of the IRA. The IRA repealed and replaced the ISA on July 31, 1972.

The Court consists of two divisions, the General Services Division and the Essential Services Division. Each Division has a Chairman and a minimum of two other members, as may be appointed by the President of Trinidad and Tobago. In every instrument of appointment, the President shall indicate to which division the appointment is being made.

The President of the Court shall be (i) a Judge of the Supreme Court of Judicature designated, with his consent, by the President of Trinidad and Tobago, after consultation with the Chief Justice; or (ii) a person who has the qualification (age excepted) to be appointed a Judge of the Supreme Court of Judicature and is appointed by the President of Trinidad and Tobago after consultation with the Chief Justice.

The Vice-President of the Court, shall be an Attorney-at-law of not less than ten years standing, appointed by the President of Trinidad and Tobago.

The other Judges of the Court, including the Chairman of the Essential Services Division are appointed by the President of Trinidad and Tobago from among persons experienced in industrial relations or qualified as economists or accountants, or who are Attorneys-at-law of not less than five years standing.

Members of the Court appointed to the General Services Division exercise the jurisdiction of the Court with respect to services other than essential services; and those appointed to the Essential Services Division exercise the jurisdiction of the Court as set out in section 7 of the IRA, in respect of essential services. The Essential Services which are set out in the Second Schedule of the IRA, include Electricity, Water and Sewerage, Telephone and Civil Aviation.

The Special Tribunal established by the *Civil Service Act*, Chapter 23:01 and referred to in the *Police Service Act*, Chapter 15:01, the *Fire Service Act*, Chapter 35:50, the *Prison Service Act*, Chapter 13:02, the *Education Act*, Chapter 39:01, the *Supplemental Police Act*, Chapter 15:02 and the *Central Bank Act*, Chapter 79:02, consists of the Chairman of the Essential Services Division and two other members of that Division selected by him. The Tribunal hears and determines disputes arising under the Acts, just mentioned, as if those disputes arose in essential services.

In the hearing and determination of any dispute referred to it, the Special Tribunal may, in addition to taking into account any submissions, arguments and evidence presented or tendered by or on behalf of the appropriate recognised association and the Chief Personnel Officer, in its judgment, shall be guided by the considerations set out in section 20(2)(a) to (f) of the *IRA*.

Those considerations are:-

- (a) the necessity to maintain and expand the level of employment;
- (b) the necessity to ensure to workers a fair share of increases in productivity in enterprises;
- (c) the necessity for the establishment and maintenance of reasonable differentials in rewards between different categories of skills;
- (d) the necessity to maintain and improve the standard of living of workers;
- (e) the necessity to preserve and promote the competitive position of products of Trinidad and Tobago in the domestic market as well as in overseas markets;
- (f) the need to ensure the continued ability of the Government of Trinidad and Tobago to finance development programmes in the public sector.

It is noteworthy that the matters outlined at section 20 (2) (a) to (f) above are matters that the General Services Division **may** take into consideration in disputes in which the Attorney General intervenes and in which he makes such submissions. However, the Special Tribunal in addition to submissions and evidence and arguments of the parties,

in its judgment, **shall** be guided by those considerations in the hearing and determination of all matters.

Except in the case of a Judge of the Supreme Court who has been designated a President of the Court, all offices in the Court, including that of President are made for a period of three to five years, subject to reappointment.

Removal of a Judge during the period of appointment is provided for under section 4(8) of the IRA. In accordance with that subsection, a Member of the Court, other than a Judge who has been designated as President, under subsection 4(3)(a)(i) may be removed from office during his term of office only for inability to perform the functions of his office (whether arising from infirmity of mind or body or any other cause or for misbehaviour), but shall not be removed except in accordance with section 106 of *the Constitution*, Chapter 1:01.

The absence of tenure for Judges of the Court, which has also gained attention from time to time, poses a number of difficulties for the smooth running of the Court, not unlike that faced by any organization which suffers involuntary turnover of its personnel. The impact on the Court includes loss of skill and institutional knowledge, difficulty in sustaining a culture of team work, morale, and a sense of uncertainty among Judges. The lack of tenure also affects the perception of the independence of the Court.

The closest that the Court has come to realizing tenure for its Judges was in the *Constitution Amendment Bill*, 2015. The Bill was introduced and read for a first time in the House of Representatives by the Honourable Errol McLeod, then Minister of Labour and Small and Micro Enterprise Development. The Bill went to a Second Reading but lapsed thereafter. At that time, the *Industrial Relations (Amendment) Bill*, 2015, which was to be read in conjunction with the *Constitutional Amendment Bill* was also introduced.

Perhaps the time has come for the question of tenure to be seriously revisited. In addition, it is my view that qualifications and/or experience in occupational safety and health should be added to the existing disciplines now required for appointment to the Court. Sometime

in the future the need may well arise for the Court to have a Division of occupational safety and health.

Relevant to matters brought to the Court under the *Occupational Safety and Health Act*, Chapter 88:08, is the limitation period for complaints under the Act. In a judgment of the Judicial Committee of the Privy Council, handed down yesterday, the Board ruled that the limitation period for complaints brought for health and safety offences before the Industrial Court is six months and Civil proceedings pursuant to section 83A, that is by an aggrieved person, must be brought within two years. The Court had eagerly anticipated this judgment to provide certainty. Approximately four hundred (400) Complaints have been stayed pending the decision.

While I have only read the judgment and have not had the opportunity to thoroughly digest it. A few paragraphs caught my attention, namely paragraphs 47, 49 and 50. From my cursory reading of those paragraphs, I wish to highlight three points from the dicta - section 83A 'creates a potential route to making a criminal complaint outside of the six-month time limit'; an Aggrieved person which is not defined in the OSH Act must extend to cover employees, trade unions and others affected by a contravention of or a failure to comply with the Act and there is no reason why the OSH Authority or an Inspector in the Authority cannot be an aggrieved person.

THE WORK OF THE COURT 2024-2025

Activities in commemoration of the Court's Diamond Jubilee

The Court had hoped to embark on a number of initiatives for this our sixtieth year, including our annual Stakeholder Conference and a quiz on the Court for students. However, financial constraints have affected some of our plans including those two initiatives. Therefore, we are happy that we could invite students today. We thank you and your Principals and Teachers for accepting our invitation.

Many of our guests today were present at our Service of Divine Worship on March 20th at the Parish of the Assumption Maraval, which marked the start of our Diamond Jubilee Year.

Further activities included Stakeholder outreach. Their Honours Daniel and Austin made a presentation on the jurisdiction, processes and traditions of the Court to the Hugh Wooding Law School in March, Their Honours George-Marcelle and Mitchell, reflected on the 60 years of the Court in a presentation 'Celebrating the Court's Role and Legacy' at the Caribbean World of Work Forum 2025, presented by the Cipriani College of Labour and Co-operative Studies. Their efforts at both presentations were ably supported by our Communications and Library staff who made brochures on the Court available. Some of those brochures are available today in the display by the Library in the lobby.

Features on the work of the Court were produced by the Information Division of the Office of the Prime Minister. These features included past and present Members of the Court, as well as some of our stakeholders. We thank you all for your input. Many of these features were aired on radio and television and are accessible on our Facebook page, YouTube channel and now, our recently introduced Instagram page.

We hope to culminate the year with an awards function for Judges and staff to show the Court's appreciation for their service over the years. Very high on list of priorities for our diamond jubilee year is publication of the Second Volume of the Court's law Reports which has been stalled since 2014, mainly because of a lack of funding. We are optimistic that in the 2025/2026 Budgetary allocations, the Court will get the necessary funding to produce our second volume and move on to our third.

Institutional Strengthening

The Court participated in ILO Subregional Symposium on Dispute Resolution in the Caribbean: "Making labour justice accessible to all", held on 9-10 October 2024, in Port of Spain. It was convened by the International Labour Organization (ILO) Decent Work Team and Office for the Caribbean, Port of Spain. The main objective of the symposium

was to provide a forum for dialogue and exchange of experiences between participants from dispute resolution institutions with the aim of improving the performance of labour dispute prevention and resolution systems in the Caribbean.

At the end of the Symposium, participants formulated conclusions, which among other things, reaffirmed the ILO's and the Caribbean countries' commitment to advancing social justice, and promoting decent work, and underscored the importance of harmonious industrial relations in fostering economic growth and sustainable development.

Following the Symposium, on October 11th and 14th 2024, the ILO facilitated the roll out of its tool for the self-assessment of the effectiveness of the adjudicative mechanism for labour disputes resolution at the Industrial Court.

ILO's Facilitators were Mr. Pablo Arellano, Regional Specialist for Latin America and the Caribbean in Labour Relations and Social Dialogue and Ms. Nancy Varela, Social Dialogue and Labour Administration Specialist, ILO Decent Work Team and Office of the Caribbean. I headed the team of participants from the Court, which included Judges, the Registrar and key personnel including the Court Administrator.

The tool provided for the measurement of key indicators including efficiency, speediness, accountability, accessibility, independence, impartiality, fairness, equality, professionalism and enforcement. It provides the Court with very useful indicators to measure and strengthen its effectiveness.

The Court thanks the Director of the ILO Decent Work Team and Office of the Caribbean, Dr. Musabayana and the entire hardworking team for their commitment to improving the performance of labour dispute prevention and resolution systems in the Caribbean and for their continued support in the area of training.

Team Culture Building Workshop

In April, Judges participated in a "Team Culture Building" Workshop. The Workshop utilised the DiSC personality test behavior-focused assessment approach that

categorized participants into four primary styles: **Dominance (D)**, **Influence (I)**, **Steadiness (S)**, and **Conscientiousness (C)**. By providing insights into the natural behavioral tendencies and priorities of the various Disc styles, the Workshop aimed at improving communication and collaboration among Judges by explaining how colleagues with the various styles interact and approach their work. This type of training is especially important for our Judges as traditionally we sit in panels of three, and understanding our various mind-sets is invaluable in building an effective team. The sessions were insightful, helping us gain a deeper understanding of our collective team dynamics. The Workshop was held at the Judicial Education Institute of the Judiciary of Trinidad and Tobago Training Centre. We record our thanks to Facilitator, Ms. Antonia Lucky and to the Judiciary and in particular the JEITT for making their training facilities available for our session.

Statistics

During the year in review, seven hundred and seventy-one (771) new cases were filed, thirty-two (32) less than 2023/2024 period, which recorded eight hundred and three (803) cases. During the said period one thousand, one hundred and fourteen (1114) matters were listed for hearing, some of which were consolidated and/or heard together resulting in one thousand and thirty (1030) actual hearings.

The Court disposed of 854 matters during the period. An increase of seventy-five (75) more than the seven hundred and seventy-nine (779) matters disposed of for the same period in 2023/2024.

During the period 2024/2025 the clearance rate was 110.77%, which is 13.76% percentage points higher than the period 2023/2024 when the clearance rate was 97.01%.

Of the 854 dispositions, 255 Judgments were delivered, 262 matters were settled through the conciliation and bilateral process and 238 cases were withdrawn. Ninety-nine (99) matters were dismissed for a number of reasons including non-appearance by the Union

or by both parties, they concerned workers who were not members in good standing of the Union which brought the dispute and for opinions of the Board that the aggrieved was subject to the exclusion under section 2 (3) (e).

The Court referred five hundred and thirteen matter (513) matters to conciliation during the review period upon the request of the parties, 60 were settled in conciliation and bilaterally, 17 were withdrawn, 213 returned to open court and 223 remain in conciliation. The Court's Conciliatory process continues to be well utilized.

Of the total number of disputes filed at the Court both in the General and Essential Services Divisions, Trade Disputes remain the largest number of matters filed. Six hundred and ten (610) followed by forty-five (45) Occupational Safety and Health Complaints; forty (40) Retrenchment and Severance Benefits Disputes; and twenty-seven (27) Industrial Relations Offences.

I am heartened by the increase in the clearance rate in spite of our challenges of shortages of Court Reporters and secretarial staff.

Of a total of twenty-five posts of Verbatim Reporter I and Verbatim Reporter II, on the establishment, all are vacant, that is there is no permanent staff filling those positions. These are positions which are filled by the Public Service Commission. In order to partially fill that gap, the Court has utilized a combination of ten acting Verbatim Reporters/ Service Providers, many of whom work on a part-time basis and are drawn from retired Verbatim Reporters.

We also have only two Legal Officers. Among many other duties, they assist Judges in their research. While we work to improve our support staff, the Judges and the staff continue to give of their best. We continue to strive to fulfil our mandate of hearing and determining matters expeditiously even with the gaps in our staffing complement. We commend our staff for their efforts. However, there is an impact on our delivery of more timely judgments and we resolve to further improve in this court year.

Tobago

The Court continued sittings in Tobago this year, which we resumed last year. The Court sat from August 11th to August 15, 2025, at the Supreme Court in Tobago. The Court held seven (7) hearings, three (3) conciliation sessions and one case management conference (Mention and Report). The Court was led by the Vice-President His Honour Mr. Soverall (then Acting President) and their Honours Morton Mitchell and Jillian Bartlett-Alleyne and ably supported by staff.

Seven (7) oral judgments were delivered, one (1) matter was settled by conciliation the other two matters dealt with in conciliation were adjourned to new dates, along with the matter addressed in Mention and Report. Those seven (7) oral judgments were in respect of ten (10) disputes which concerned twenty-five (25) workers. Our Tobago sittings are in keeping with our thrust for greater access to justice by all.

One of the hearings in Tobago, one was a hybrid sitting. Both representatives were unable to secure transportation to Tobago during that week which coincided with the Great Race. As a consequence, they both agreed to hold a hybrid hearing. They were present at the Court in Trinidad while the Worker and Employer 's witness as well as the Judges were at the Court in Tobago. From all accounts, the matter proceeded smoothly and ended in the parties agreeing to a settlement.

The sessions in Tobago were facilitated by the Judiciary's willingness to share its facilities with the Industrial Court. On behalf of the Court, I would like to express my gratitude to the Honourable the Chief Justice Mr. Justice Ivor Archie, ORTT, for once again generously extending to the Industrial Court, the Judiciary's court facilities in Tobago. We also wish to thank the staff of the Judiciary for their invaluable support during the period.

The Court also extends its gratitude to the Attorneys-at-law, Union Representatives and Industrial Relations Consultants who sacrificed part of their Court vacation.

We commend our Judges who also gave up time during their vacation and members of staff who worked tirelessly, selflessly and efficiently to ensure the smooth-working of our Tobago sessions.

The Court continues to work on making the Tobago Industrial Court a reality. We look forward to the day when we will have our own Court in Tobago which would facilitate year round sittings.

Information Technology

The project on the conversion of the old Judicial Enforcement Management Systems (JEMS) database to the new Case Management Software has continued. The developer is working non-stop to assiduously complete this project to provide the court with a robust system and offer eCourt services to all its litigants.

We plan to engage our stakeholders at the appropriate time on our proposed eCourt services. The Court is mindful of the persons whom we serve and our aim is to enhance our functioning to make access easier and more in alignment with the digital age while keeping the needs of our stakeholders, both internal and external, uppermost.

The Court is also using technology to modernize its warehouse facility for the storage of its old Court records. Our new warehouse facilities have been outfitted with shelving which utilizes a Radio Frequency Identification (RFID) feature. The RFID feature allows for wireless tracking and identification of documents. **It is an efficient way to identify individual items electronically** leading to enhanced security, and faster retrieval of documents.

The Court's warehouse is now equipped with Smart shelving which combines sensors, digital shelf labels, digital signages, RFID technology, cameras and a management system, leading to greater overall efficiency in managing our old records. It is expected that it will fully operational by the end of 2025.

Improvement Works

Repair and upgrade of our Court in Port of Spain, which is long overdue remains a challenge. We remain hopeful that in the new financial year, we will receive sufficient funding to start some much needed work. The staff and occasionally our Judges are not as comfortable as they should be. I sat in awe yesterday listening to what seemed to me to be the many ongoing projects of the Judiciary for improvement in its physical facilities.

While relatively speaking we are a small Court, we have outgrown our space.

We have been our brother's keeper in relation to housing the Recognition, Registration and Certification Board on the Court's Third floor. We now need that space urgently. It is our hope that in this court year, suitable premises will be found for the Board.

CONCLUSION

In conclusion, as the Court moves into its sixty-first year we will continue to fulfill our mandate of dispensing social justice and providing for the stabilization, improvement and promotion of good industrial relations. As I said at our last opening, it is a testament to the Court collectively, its Judges, past and present, staff and stakeholders that the Court has withstood the test of time.

I thank you all, those who have attended this our first sitting in San Fernando, in person and those who have joined us online, listened on the radio or followed the television broadcast on TTT. We thank the Information Division of the Office of the Prime Minister for their assistance in productions which record the work of the Court over the last sixty years. The Court is particularly pleased that at this our first opening in San Fernando we have students attend also for the first time.

I thank the media for their coverage of this event and for the infomercials that have been aired in the lead up to this sitting. Special thanks to the tireless efforts of those members of staff who have made yet another Special sitting a success. I know it was no easy task. I wish to also thank the Ministry of Agriculture, Land and Fisheries.

The Court now stands adjourned to 9.00am tomorrow at Port of Spain and 9.30 am in San Fernando.

Mrs. Heather Seale
President, Industrial Court
September 17, 2025
