

Labour Injustices

More often than not, the conversation about labour injustices tends to centre on the subjects of long hours, low wages, night work, child labour, unhealthy working conditions, bad treatment, unsuitable employment and management policies, practices and actions. These are all genuine issues which cannot be disputed. In broadening the discussion, the subject of the extent to which the labour laws, rules and regulations are applied, restricted or denied, become points of interest. It calls for a review of the extent to which the social and civic rights of workers as members of the society are being impacted. With this being the case, the wider issue becomes that of the infringement of the constitutional rights of the individual.

In all this, the emerging issues which take centre stage, would be those of discrimination, unfair and unequal treatment. The protection of workers' rights and their human rights would be matters of the utmost interest to labour. The fundamentals of freedom of association, freedom of choice, to right to equal opportunity, protection against discrimination, the right to decent work, safety and health protection at work and the right to privacy, are matters that engage the attention labour. Labour has to vigilant about practices that border on discrimination that are linked to race, gender, age and colour.

The claim can be made that there are several archaic colonial labour laws which remain on the statute books. These are disadvantageous in their application to workers in this contemporary age. It would appear that legislators are not moving with any haste to repeal these archaic laws. One can only hazard the guess that by maintaining these laws, those who have the authority are able to maintain their dominance and control over workers. Whereas much is said about the constitutional rights and freedom of people, it is obvious that there is much work which needs to be done by trade union leaders and leaders of other civil society organizations, in pressing their demands for the repeal of outdated labour laws and regulations, and for the introduction of more progressive legislation.

Labour Injustices: Dennis de Peiza: Labour & Employee Relations Consultant, Regional Management Services Inc., 17 March, 2023

The ruling of Justice Westmin James in High Court of Barbados in February 2023, was a significant development as it relates to the ensuring the protection of workers' rights and freedoms. Justice James ruled that the Public Service regulation as set out in Section 3.1.18 of the General Orders of Barbados, was unconstitutional. This regulation expressly forbid Public Officers from actively participating in politics, including being adopted as a participating candidate, canvassing on behalf of any party or candidate, acting as an agent or sub agent in any election, holding office in a party political organization and speaking at political meetings. The ruling made it clear that the General Orders regulation was inconsistent with the right of freedom of expression and freedom of association, as enshrined in the constitution of Barbados.

Coming out of this ruling, labour leaders should become aware that there is much to be achieved where attention is placed on addressing anti discriminatory laws. It also has to be acknowledged that there is a responsibility to go beyond this point, in ensuring that there is protection against retaliation. This is to be done so as a means of ensuring that there is compliance and accountability by employers, so as to eliminate the breaches to the protections for workers which have been established.

It is to be understood and respected that labour laws are there to regulate workplace relations between employer and employee. There are therefore critical to ensuring that the rights and dignity of workers are not offended and compromised. With this being the case, a comprehensive review of longstanding legislation ought to be undertaken, if it is not to appear that a mockery is being made by governments' in their decision to ratify the eight International Labour Organization (ILO) fundamental or core conventions.

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