

## WHERE IS OUR LABOUR CODE?

In 2006, the St. Lucia Labour Party passed the Labour Code so as to give protection to workers who, most times, were being exploited by the Employers. The Labour Code did not take effect due to the results of the 2006 General Elections, which saw the coming into office of the United Workers Party, under the leadership of Sir John Compton. Soon after that, the newly appointed Minister of Labour, Hon. Stephenson King indicated that one of his Government's priorities was to enact the Labour Code. However, he was of the opinion that some amendments to the existing document were required.

After the unfortunate demise of Sir John, the Labour portfolio was handed over to Hon. Edmund Estephane, who again promised that the Labour Code would have been passed as a matter of urgency. After some more consultation in 2010, a much WATERED DOWN version of the Code was presented to the House of Assembly for debate in 2011. With some more amendments, both the lower and upper houses approved the now named "Labour Act".

In presenting the Labour Code Amendment Bill to Parliament on Tuesday, February 15, 2011, the Labour Minister, Hon. Edmund Estephane said that "the amended Labour Code is designed to facilitate a level playing field between employers and employees". He went on further to state that "the purpose of the Labour Code is to bring about the necessary legislation relating to Labour and Industrial Relations in St. Lucia in a consolidated way that is sensitive to existing local practices, without compromising existing international labour standards". The amended Labour Code, he said, stipulates workers' rights and responsibilities and that of their employers.

He said further "we are a responsible Government; we promised the people of St. Lucia that we would revisit the Code and we have done just that".

"We chose to review the Code not because it was convenient and easy, but because it was the responsible thing to do. By doing so, this Government listened to the voices of the people and provided the opportunity for trade union, employers and the general public to further examine those provisions of the Labour Code, so that issues could have been settled amicably". The Minister said that once both houses had approved the amendments, the Code would be presented to the Governor General to affix her signature to make the Code law.

So, my dear workers, where is the Code today – November 2011.

As I intimated earlier, the Code which was presented to Parliament on February 15, 2011 was a debased version of what was passed in the House in 2006. For the purpose of this Article, I have chosen to identify three (3) of the more important workers' rights which were amended/removed from the Code by the Government of the United Workers Party.

(1) Section 90 of the Principal Act stated that an employee who has worked for six (6) months or more shall be eligible for paid sick leave, This Section was amended by taking out "shall" and replacing it with "may", and if its economically feasible to do so".

After mounting pressure exerted by the employers, what is now Section 161 (1) and (2) of the Code, is yet again an anti-worker position. The original document presented to the employers stated that where an employee had given ten (10) or more years' service to an employer, and that

employee's services were terminated by reason of resignation, sickness, etc., the employee would have been entitled to a severance payment. Section 161 now states that "the Minister "may" after consultation with the Trade Unions and employers' organizations, make Regulations relating to severance".

There are also amendments made to Section 358 of the Code which makes it more difficult for trade unions to gain recognition to bargain on behalf of groups of workers. The principal act states that the Unions should demonstrate that "a substantial" member of workers are members of the Union; the amendment states that the Union must show that "a majority" of members with the bargaining unit wish to be represented by the Trade Union". In any event, with or without these amendments, the fact remains that St. Lucia still, today, does not have a Labour Code/Labour Act.

I am of the opinion that we should agitate, if not, for ourselves then for our children that the Government enact the Labour Code to bring about that level playing field which the Minister of Labour spoke about earlier.