

Question No. 65 to the Minister of Labour and Small Enterprise Development

- (a) Whether inspections are conducted to ensure that Chinese companies on current state projects comply with the Industrial Relations Act, Chap. 88:01, the Occupational Health and Safety (OSHA) Act, Chap. 88:08 and the OSHA Regulations.
- b) the type, date and location of each inspection conducted in part (a)?

Reply

The Ministry of Labour and Small Enterprise Development (MLSED) plays a strategic role in fulfilling Government's labour, employment and entrepreneurship commitments with the aim of maintaining industrial peace, facilitating decent work and improving the quality of life of all persons in Trinidad and Tobago. One of the critical targets associated with the Sustainable Development *Goal 8: promote inclusive and sustainable economic growth, employment and decent work for all*, for which the Ministry plays a pivotal role in fulfilling Trinidad and Tobago's obligation, is to "*protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment*".

To give effect to this, the Ministry seeks to ensure the protection, safety and health of workers, as articulated in Government's **Official Policy Framework**, through the implementation of the Occupational Safety and Health (OSH) Act, Chapter 88:08. The OSH Authority/Agency is responsible for the enforcement of the OSH Act and conduct inspections on companies for compliance. Companies that conduct their undertakings within Trinidad and Tobago are also inspected for compliance.

To date, the OSH Agency conducted investigations at the following Ministries and State Agencies:

- The Urban Development Corporation of Trinidad and Tobago (UDeCOTT)
- National Insurance Property Development Company (NIPDEC)
- Ministry of Works and Transport (MWT)
- Ministry of Education (MOE)
- Ministry of Health (MOH)
- Water and Sewerage Authority (WASA)

Inspections were also conducted on Chinese Companies that are contracted by the above named Ministries and State Agencies who operate within Trinidad and Tobago in accordance with the requirements of the OSH Act;

- Notice of Undertaking Building Operations or Works of Engineering Construction (Section 63) (Form 15);
- Application for Approval of Building Plans for Factory or Warehouse (Section 59(1));
- Notice of Accident (Section 46); and
- Reports of Complaint.

Additionally, the Ministry through the Labour Inspectorate Unit (LIU) is also responsible for the protection of workers and to ensure that proper terms and conditions of employment are met. This is accomplished through the monitoring and enforcement of the following pieces of labour legislation:

1. Minimum Wages Act, Chapter 88:04 and the Minimum Wages Orders;
2. Maternity Protection Act Chapter 45:57; and
3. Children Act, 2012 (Part XIV).

The LIU conducts inspections and investigations of complaints on all establishments that fall under its jurisdiction. The Unit has received and responded to a large number of complaints that are lodged each year. For fiscal 2018, a total of 283 complaints were received.

To date, the Unit has not received any complaints from workers employed by Chinese Companies contracted by Ministries and State Agencies. However, mechanisms are in place to address any issues that may arise that falls under the purview of the LIU.

In monitoring the compliance of these Chinese Companies and particular the working conditions of migrant workers, two (2) of the challenges that have been identified are the language barrier and the lack of policy guidelines specific to migrant workers. However, in 2018 an Inter-Ministerial Committee for the Development of a Labour Migration Policy for Trinidad and Tobago was established under the purview of the Ministry. One of the mandates of this Inter-Ministerial Committee is the development of a Labour Migration Policy for Trinidad and Tobago. With regard to the language barrier, the Ministry will seek to explore the use of technology devices to translate between languages during field visits in real time, both verbally and written.

b) As mentioned earlier, companies conducting their undertakings within Trinidad and Tobago are also inspected for compliance. To date, the OSH Agency has reported that inspections were conducted on the following Chinese Companies, which are contracted by the named Ministries and State Agencies:

Type	Date	Location
China Railway Construction Company – Application for Approval of Building Plan	23 May 2018	LINAC Facility St. James Medical Facility Western Main Road, St.James (MOH Project)
China Railway Construction Company. -Application for Approval of Building Plan Construction of Intersection -Notice of Undertaking of Building Operations /Works of Engineering Construction	20 March 2018	The Intersection of the Southern Main Road and Churchill Roosevelt Highway Curepe. (Min of Works & Transport Project)
China Railway Construction Company. -Application for Approval of Building Plan -Notice of Undertaking of Building Operations /Works of Engineering Construction -Accident Investigation	15 July 2015 20 January 2016 22 February 2016 28 September 2016 25 September 2018 26 September 2018	Arima Hospital Queen Mary Avenue Arima MOH/UDeCOTT Project
China Jiangsu International Corporation Trinidad and Tobago -Accident Investigation	01 September 2017 15 November 2017	Central Plaza UTT Wallerfield UTT Signature Park Building Project Tamana Etech Park (MOE)
Sinohydro Corporation Limited (Waste water treatment plant and collection system)	14 March 2016 12 January 2017 16 January 2017 16 March 2017	Lot 6-10 Haddaway Lands Churchill Roosevelt Highway La Horquetta Arima

Type	Date	Location
-Accident Investigation -Notice of Undertaking of Building Operations /Works of Engineering Construction	28 November 2017 5 April 2018	(WASA project)
Beijing Liujian Construction Corporation (Planned development of Phoenix Park Estate)		Project not yet underway