

**BILATERAL COOPERATION OF THE OAS INTER-AMERICAN NETWORK FOR LABOR  
ADMINISTRATION (RIAL)  
BETWEEN THE MINISTRY OF LABOUR OF TRINIDAD AND TOBAGO (MOL) AND THE  
MINISTRY OF EMPLOYMENT AND SOCIAL DEVELOPMENT OF CANADA (ESDC)**

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Modality: Virtual

**Coordination meeting:** June 9, 2021  
**1<sup>st</sup> Cooperation session:** September 13, 2021  
**2<sup>nd</sup> Session:** November 5, 2021  
**3<sup>rd</sup> and final session:** April 27, 2022

All information on this cooperation is available here  
[http://rialnet.org/?q=en/tt\\_can\\_violence%20and%20harassment](http://rialnet.org/?q=en/tt_can_violence%20and%20harassment)

## **FINAL REPORT**

### **OVERVIEW:**

The Bilateral Cooperation Activity between the Governments of Trinidad and Tobago and Canada on harassment and violence prevention was selected during the 14<sup>th</sup> RIAL Call for Bilateral Cooperation, and consisted of virtual sessions where Employment and Social Development Canada (ESDC) provided technical assistance regarding their experience in the design, implementation and enforcement of the Canada Harassment and Violence Prevention Initiative, with the aim of supporting Trinidad and Tobago in their efforts to implement the National Workplace Policy on Sexual Harassment (NWPSH).

The RIAL, coordinated by the Organization of American States (OAS), seeks to strengthen the institutional and human capacities of the Ministries of Labor of the Americas through cooperation and technical assistance among them. More info at: <http://rialnet.org>

### **OBJECTIVES**

#### **General:**

- To learn about Canada's experience vis-à-vis its Harassment and Violence Prevention Initiative in addressing and preventing harassment and violence in the workplace, with a view to developing robust structures at the national level in Trinidad and Tobago to address this issue;

**Specific:**

- To be apprised of the components of Canada's Harassment and Violence Prevention Initiative, in order to apply best practices to the implementation of Trinidad and Tobago's National Workplace Policy on Sexual Harassment.

**TECHNICAL NOTE AND RECOMMENDATIONS**

- The cooperation was developed through synchronous sessions that took place using the ZOOM platform provided by the RIAL-OAS. The entirety of the sessions were recorded by the Technical Secretariat.
- To maximize the effectiveness of the synchronous sessions, information was shared between sessions, to give the opportunity to prioritize spaces for discussion and Q&A. The Ministry of Employment and Social Development of Canada shared important / relevant information, and responded in writing to the final set of questions beforehand.
- The RIAL/OAS hired a consultant in Port-of-Spain to support this exchange and achieve the best possible results. The consultant provided technical advice and identified key elements of Canada's initiative, including legal aspects and operation components, that have been crucial for the development and effectiveness of the initiative, with the view of transferring them to the Trinidadian context.
- All the information regarding this activity, including presentations of all the sessions, is available at [www.rialnet.org](http://www.rialnet.org).

**SESSIONS AND CONTENTS**

During the coordination meeting on June 9, the delegations from Canada and Trinidad and Tobago agreed to undertake the Cooperation activity in three (3) sessions and exchange relevant information before the first session and in the period between subsequent sessions.

- **First session – September 13, 2021** - The first session focused on policy and regulations development at the federal level. Experts from Canada made a

thorough presentation on “Work Place Harassment and Violence Prevention (WPHVP) Regulations - Federal Jurisdiction” including:

- Background and development process of Bill C-65, which amended the Canadian Labour Code for harassment and violence;
- The development of the WPHVP regulations;
- An overview of employers’ obligations (workplace assessments, prevention policy, training, reporting, among others);
- Stakeholder engagement in the development of WPHVP regulations, including round-tables and consultations across Canada.

Following the presentation, a very active discussion unfolded where the authorities of Trinidad and Tobago could ask questions on specific elements of the Canadian experience.

- **Second session – November 5, 2021** – This session addressed challenges and tools for implementation of the Workplace Harassment and Violence Prevention Regulations, which included:
  - The establishment of two tripartite working groups (WG) (the Roster of Investigators WG and the Implementation Policies and Guidelines WG) and their activities, operations, functioning and accountability.
  - Training modules for employees of the Government of Canada and the public through the Canadian School of Public Service (CSPS)
  - Awareness campaigns, including use of social media, email, podcasts and Government’s website. Importance of technical briefings.
  - Harassment and Violence Prevention Hub.
- **Third and final session – April 27, 2022** – Given the pressing responsibilities assigned to the Workplace Directorate and the OSH area in Canada, related to new COVID-19 vaccination regulations, among others, this last session had to be postponed until 2022.

The third and final session was divided into 3 parts:

- The first part of the session consisted of a presentation from the Canadian delegation on enforcement of the workplace harassment and violence prevention regulations. The presentation included details on the operation of the Canadian Harassment and Violence Prevention Hub, as well as their regional enforcement protocols -education and promotional activities,

tailored compliance policies, among other matters-, and it highlighted challenges and lessons learned.

- The second part of the session was a question-and-answer section, focusing on the list of questions that were sent beforehand from the delegation of Trinidad and Tobago and answered in writing by the Canadian delegation. During this time, delegates from Trinidad and Tobago were able to ask follow-up questions based on the written answers. The following topics were addressed: timeframe for reporting an occurrence of violence, type of evidence/information that should be brought forward when opening a case, confidentiality protocol, psycho-social support for those involved in a case, the difference between investigation and workplace assessments, the role of bystanders and observers, and sources of funding for training.
- During the last part of the session, Trinidad and Tobago presented some of the next steps, which will use the Canadian expertise and all the knowledge acquired during this cooperation:
  - Implementation of a helpline
  - Meeting with the drafting committee to formalize enforcement mechanisms
  - The ratification of C190
  - Training of officers
  - Meeting with tripartite partners and beyond to try to implement a version of the Canadian Hub in Trinidad and Tobago, and
  - Holding discussions with relevant actors to establish statutory timeframes and the roles of bystanders and observers for different jurisdictions, among other actions.

## **PARTICIPANTS**

### **MINISTRY OF LABOUR OF CANADA:**

- Ms. Brenda Baxter, Director General, Workplace Directorate
- Mr. Duncan Shaw, Senior Director, Occupational Health and Safety
- Ms. Renee Roussel Senior Director for Regional Regulations and Compliance
- Ms. Ana Maria Iliescu, Senior Policy Analyst, Occupational Health and Safety
- Ms. Marijo Dumont-Labrie, Policy Analyst, Bilateral and Regional Labour Affairs
- Ms. Aster Andemariam, Policy Analyst, ESDC

- Ms. Melanie Aumais, Manager Reg Ops Compliance, ESDC

#### **TRINIDAD AND TOBAGO:**

##### **Ministry of Labour**

- Ms. Sabina Gomez, Chief Labour Relations Officer and representatives from the Conciliation Advisory and Advocacy Division
- Ms. Rosa-Mae Whittier, Director, International Affairs Unit and representatives from the International Affairs Unit
- Ms. Sangeeta Boondoo, former Senior Legal Office and representatives from the Legal Unit
- Representatives from the MOL Corporate Communications Unit
- Representatives from the Occupational Safety and Health Agency

##### **Law Reform Commission**

- Ms. Phoebe-Ann Edwards, Secretary (Ag.)

#### **ORGANIZATION OF AMERICAN STATES**

- Ms. Maria Claudia Camacho, Labor and Employment Section Chief, Department of Human Development, Education and Employment (DHDEE)
- Mr. Guillermo Calzada, Program Officer of the Labor and Employment Section, DHDEE
- Ms. Leah Thompson, Consultant

#### **MAIN RESULTS AND FINDINGS**

The cooperation activity provided the Trinidad and Tobago team with detailed information about several aspects of Canada's Harassment and Violence Prevention initiative. The following represent some of the most important lessons which could possibly be replicated or adapted in the Trinidad and Tobago context.

##### **i. Harassment and Violence Prevention Outreach Hub (the Hub)**

The Harassment and Violence Prevention Outreach Hub (the Hub) was covered in the second session and was also considered in the third session, as well as in the written questions and answers which were exchanged prior to the third session. The Hub was developed as a resource to provide support and information to employers and employees pertaining to their rights and obligations under the new violence and harassment prevention legislative framework. It functions similarly to a hotline where trained Early Resolution Officers (EROs) respond to queries and provide guidance and counselling on the legislation.

This initiative was of particular interest to Trinidad and Tobago as the CAAD, Ministry of Labour will soon launch the 800-CAAD Hotline within the framework of the National Workplace Policy on Sexual Harassment in Trinidad and Tobago. This hotline will provide support to employers, employees and migrant workers with work related issues, including providing support to victims of sexual harassment in the workplace. The training of EROs and the performance measurement metrics of the Canadian Hub can be examined further and adapted to the Trinidad and Tobago context.

## **ii. Roster of Investigators**

The Canadian Regulations established a Roster of Investigators in order to facilitate the engagement of qualified, professional investigators as needed. It is considered a last resort in the sense that it is called upon in the event that an employer does not have a list of investigators jointly-developed between itself and their applicable partner; or where there is no consensus among the employer, the principal party and the responding party on who should be selected to act as an investigator.

The Canadian Labour Programme established a Working Group which included representatives of employer and worker organisations to develop the Roster of Investigators. This Working Group designed the criteria and process for the evaluation of potential candidates and issued a public call for candidates for the Roster.

Interest has been expressed by the Trinidad and Tobago MOL in establishing a list of trained independent Investigators which would be utilized, not as a last resort but as a primary resource. The process of collaborating with tripartite partners and establishing the criteria for the investigators may be a helpful guide for the Trinidad and Tobago team.

## **iii. Confidentiality**

Canada's Regulations have incorporated strong privacy protections to ensure that complaints about harassment and violence in the workplace are treated confidentially.

This is done by;

- requiring that the investigator's final report not reveal, directly or indirectly, the identity of the persons who are involved in an occurrence or the resolution process for an occurrence
- the prohibition of policy committees, workplace committees, and health and safety representatives from participating in an investigation related to an occurrence of harassment and violence
- requiring that the employer describe in their harassment and violence prevention policy the manner in which the employer will protect the privacy of persons who are involved in an occurrence or in the resolution process for an occurrence.

The maintenance of confidentiality throughout the investigative process and the protection of privacy were key areas of interest for the Trinidad and Tobago team.

**iv. Training on the Code and Regulations (Employer Obligation)**

A clear set of employer obligations are in place in Canada, as it pertains to implementing the harassment and violence prevention Code and Regulations. A key element is the requirement for employers to develop or identify training for new and current employees, employers, Designated Recipients (persons to whom a party may submit a notice of an occurrence) and Persons Designated (for treating with complaints of contraventions of the Code or Regulations). There are also established timeframes within which this training must be completed.

**v. Statute of limitation/ time limitation for complaints**

There is no prescribed time limit within Canada’s Code for a current employee to submit a notice of an occurrence of harassment and violence to their employer. A former employee has three months after the end of employment to submit a notice to their former employer however, they may have the option to apply for an extension based on certain factors. In the case of the responding party being no longer employed by the organisation, the employer is not required to investigate however a review and update of the employer’s workplace assessment must be conducted.

**NEXT STEPS**

The Ministry of Labour will conduct an internal review of the information received from the cooperation activity and determine the elements of the Canadian initiative which can be incorporated into activities supporting the implementation of the National Workplace Policy on Sexual Harassment. In addition, consideration is being given to the development of recommendations for the contents of a National Workplace Violence and Harassment Policy and it is envisioned that the insight received from Canada’s experience would be utilised in this exercise.

**EVALUATION OF THE ACTIVITY AND RECOMMENDATIONS**

The Trinidad and Tobago Ministry of Labour views the cooperation activity as a success. The colleagues from Employment and Social Development Canada (ESDC) provided a comprehensive overview of the development of their Regulations to address and prevent harassment and violence in the workplace. The presentations were designed to highlight crucial elements of their process as well as some important features of the Regulation itself. In addition, the Canadian colleagues provided thorough and generous responses to a wide range of questions which were submitted by the Trinidad and Tobago team in advance of the third and final session.

The MOL is of the view that the expectations of the cooperation activity were met and looks forward to utilising the information received to support its activities towards addressing and preventing sexual harassment as well as violence and harassment more broadly in the workplace.

**ADDITIONAL COMMENTS FROM THE PROVIDING INSTITUTION**