

**DRAFT REPORT ON RIAL  
TECHNICAL COOPERATION  
BETWEEN**

**LABOUR DEPARTMENT - ST  
VINCENT AND THE GRENADINES**

**AND**

**LABOUR DEPARTMENT -  
BARBADOS**

## **MEETINGS WITH STAFF OF THE LABOUR DEPARTMENT ST VINCENT AND THE GRENADINES**

This meeting provided an opportunity to gain insight into the current administrative arrangements at the Labour Department in St Vincent and the Grenadines. Consequently, the Barbados team was able to examine the extent to which these arrangements would be useful for the effective administration of the OSH Act 2017.

### **Existing Resources within the Labour Department**

1. The current Labour and Safety Inspectorate is comprised of three (3) Senior Labour Officers (SLO); one (1) Employment Officer and two (2) Labour Officers (LO) who report directly to the Deputy Labour Commissioner (DLC). One post of LO is vacant. The DLC has post-graduate training in Occupational Safety and Health (OSH) while one other officer has undertaken short courses in OSH.
2. The jurisdiction is divided into seven (7) industrial divisions: Hotels; Security; Industrial; Shops; Agriculture; Domestic and Workers in offices of Professionals. Officers are assigned to either one or two divisions with rotation taking place at the Department's convenience.
3. At present, the current practice is to concentrate on matters related to terms of employment and labour standards with very little focus on the occupational safety and health issues. There is one form (Safety Inspection I) that is used to record "problems registered relating to basic safety and health in the workplace". Information collected consist of Description of Breach; Description of employees involved and the number; Action recommended to employer; final result and date which includes the date on which the action was complied with.
4. Data from the workplace inspection forms completed by LOs are entered by the LOs into an electronic database as part of the Labour Market Information System (LMIS). The hardcopy forms are retained by the LOs who are responsible for their safekeeping.
5. The department does not possess any OSH monitoring equipment such as occupational hygiene surveillance equipment.

### **Proposed OSH Unit**

6. Several documents have already been prepared:
  - An organizational chart depicting the proposed structure of the Safety and Health Unit.
  - Job descriptions for the post of Occupational Safety and Health Inspector; Senior Safety and Health Inspector and Chief Safety and Health Inspector.
  - Draft OSH Policy and OSH Profile documents.

### **Workplace Accidents**

7. Workplace accidents are not normally notified to the Labour Department SVG (LD-SVG), even though there is legislative provision for employers to notify. In those rare

circumstances when the National Insurance Department informs the Department of an accident, no investigation is undertaken to determine the root cause. The involvement of the LD-SVG would typically focus on whether the rights of the worker, with regard to employment terms, have been infringed.

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8. The Labour Department and National Insurance Department collaborate on accident statistics for the Labour Market Information System.

### MEETINGS WITH STAKEHOLDERS

The objective of these meetings was to provide an understanding of how the activities of the stakeholders supported or detracted from the OSH agenda.

#### Key Public Sector Agencies

9. The key public sector agencies that participated were:
  - Tourism Authority
  - Bureau of Standards
  - Government Electrical Inspectorate
  - Fire Brigade
  - Criminal Investigations Division, Police Department
  - Environmental Health Department
  - Office of the Chief Medical Officer

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#### Tourism Authority

10. It was noted that a number of standards were developed by the Tourism Authority in collaboration with the Bureau of Standards and that these standards have an OSH component. The compliance rate was reported to be approximately sixty percent (60%) for the accommodations segment. Inspections are done by Tourism Authority personnel with assistance provided by the Fire Brigade; Physical Planning Department; Bureau of Standards; and Environmental Health Department.

#### Fire Brigade

11. The Fire Brigade is a department of the Police Force consequently every police officer is provided with a fire allowance and can be co-opted to fight fires. Similarly, officers assigned to the Fire Brigade may be required to perform other duties apart from their primary role of firefighting.
12. The Fire Brigade conducts training for organisations upon request. This training is comprehensive and includes written and practical exams. Once successfully completed the participant receives a certificate which does not expire. Organizations request refresher training at their discretion. The Fire Brigade has been involved in a number of public awareness activities in the schools and the wider community.
13. There is a mechanism for the Physical Planning Department to consult with the Fire Brigade to evaluate proposed building plans for fire safety consideration. The view was however

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expressed that it does not work well. Furthermore, there may only be one person in the Fire Brigade with the requisite skills to perform this role.

14. The Fire Brigade was described as being “young” in both the age range and level of experience of the staff. Additionally, there were limited resources available in terms of the complement of staff; specialized training; and equipment.

15. The representatives indicated that in their view the Fire Service should be the sole authority for the issuing of certificates related to the means of escape in case of fire provided by Section 47 of the Occupational Safety and Health Act 2017.

#### **Bureau of Standards**

16. The representative from the Bureau of Standards suggested that there was a need for OSH standards to be developed and indicated its availability to provide the necessary assistance. It was further reported that this agency has a small number of inspectors who check for compliance with national standards although they do not have statutory enforcement powers.

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#### **Government Electrical Inspectorate**

17. The Electrical Act requires all businesses to obtain a certificate of inspection issued by the Government Electrical Inspectorate and which must be renewed every five (5) years. It was reported that this Act has some fire safety requirements. This department routinely investigates electrical accidents including within the workplace and submits the reports to the Police Department. No information is provided to the Labour Department, SVG.

#### **Criminal Investigations Department, Police Department**

18. The Criminal Investigations Department (CID) is a first responder in serious workplace accidents such as fatalities. It was evident from the discussions that the CID was not aware of the role the Labour Department should play in the investigation of workplace accidents. Further dialogue between the CID and the Labour Department will be needed given that the OSH Act 2017 clearly mandates that the site of an accident in a workplace should not be disturbed (except for certain prescribed conditions) unless the Chief Inspector gives permission. There may also be a potential challenge for SHOs to be allowed access to a scene to gather evidence for their investigation.

19. The Police Department has responsibility to enforce the legislation related to noise. (There was no discussion on this subject during the consultations).

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#### **Environmental Health Department**

20. The Environmental Health Officers (EHOs) currently conduct workplace inspections which generally focus on public health principles but there is an OSH component though limited. In the past, these officers had light meters which they used as necessary. It was reported that there have been a few instances where establishments were closed after instructions were given to correct inadequate conditions such as septic tank issues, mould, poor ventilation and poor lighting. It was noted that EHOs complete a three-credit OSH course during their formal training.

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21. The representatives suggested that given the provision in the OSH Act that the District Medical Officers can function as Medical Inspectors, it may be necessary for these persons to be exposed to some training in occupational safety and health.
22. There was concern regarding the role of the Environmental Health Department after the proclamation of the OSH Act. It was recognized that there will be areas of overlap especially in terms of inspections. It was recommended that a Memorandum of Understanding could be developed so that arrangements are put in place to ensure the necessary cohesiveness between departments.

## MEETINGS WITH EMPLOYEE AND EMPLOYER REPRESENTATIVES

### Employee Representatives

23. There are a number of trade unions or associations representing workers in different fields. The Commercial, Technical and Allied Workers' Union (CTAWU) which mainly represents private sector workers; and the Public Service Union (PSU) were identified as the most prominent but there are the SVG Medical Association; the SVG Bar Association and the teachers' unions. There is also the National Labour Congress which serves as an umbrella body.
24. Typically, the unions play a major role in the resolution of workplace issues (including OSH) with the vast majority being resolved domestically as there tends to be good co-operation from private employers. Most Collective Agreements contain an OSH clause.
25. The representatives expressed eagerness to have the Act proclaimed in spite of noting that the state of many workplaces will pose a significant administrative challenge.
26. The major concerns reported which have received their attention are:
  - Poor indoor air quality
  - Poor ergonomics
  - Inadequate fire safety
  - Poor work practices
  - Lack of safety awareness among workers
  - Workers refusing to wear personal protective equipment
  - Workers having to share some types of personal protective equipment
  - Lack of biological monitoring
  - Lack of access to safety data sheets
  - Inadequate supervision of OSH related issues
  - Poor conditions within the Construction and Agricultural sectors
27. The unions generally have limited resources to respond to OSH issues however the CTAWU has an individual who serves as their focal point on OSH matters. This person already visits workplaces and gives sensitization on OSH. Shop stewards are also given some training in OSH. The CTAWU and the PSU stated their intention to engage in public relations programmes on OSH.

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28. The expectation was stated that the employees' representatives on the workplace joint safety and health committees required by the OSH Act should be Shop Stewards.

### **Employer Representatives**

28. The Employers' Federation and the Chamber of Commerce are the two employers' organisations, although they collectively represent a small fraction of the estimated two thousand employers. The major concerns were

- the potentially high costs associated with the structural improvements that will be needed to retrofit workplaces to comply with fire safety provisions of the OSH Act
- uncertainty over who should bear the cost of retrofitting workplaces and the role of the building owner given that many businesses occupy rented spaces but the OSH Act does not impose any duties on the building owner
- the challenge of finding alternative work for pregnant women particularly in small and micro enterprises

29. Both agencies currently engage in public outreach but this is limited to their membership.

30. It was suggested that the National Tripartite Committee should be revived and could be entrusted with driving the implementation of the OSH Act.

### **PRIVATE SECTOR RESOURCES**

31. One main supplier of safety supplies and personal protective equipment was identified. This provider reportedly had the capacity to supply a wide range of items and indicated a willingness to arrange for special orders if requested. This company presently engages in the supply and maintenance of fire-fighting equipment, some training and fire safety inspection of premises as contracted.

32. Two private sector organizations which were visited provided insight into the typical practices of workplaces which actively manage OSH. The conditions observed were in keeping with conditions and work practices that are often found in Barbados.

33. It was reported that there was limited expertise within the Ministry of Health to address matters related to radioactive materials. However there is one competent individual in the private sector who works very closely with the national hospital on such issues.

34. The view was expressed that there are few people trained in OSH within the wider community but there is a small number of companies that employ Safety Officers.

35. The company Jaric Environmental Safety and Health Services Ltd, which is headquartered in Trinidad and Tobago, opened an office in SVG a few years ago. This company is the major OSH consultant.

36. Within the Construction sector, the use of wooden scaffolding dominates. It was observed that the manner in which such scaffolding is erected requires much improvement. It was

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reported that metal scaffolding was introduced to the market approximately three years ago and there are two main companies that offer metal scaffolding for rent.

37. The availability of analytical services either in the public or private sectors was not established during the evaluation exercise. Having access to such services is an important support mechanism for some OSH functions especially indoor air quality investigations.

#### AREAS OF CONSENSUS

38. There was involvement of many of the stakeholders in a Select Committee which discussed the OSH Act prior to its enactment. It was reported that there was consensus on a proposal that a phased approach be adopted for the implementation of the Act.
39. The need for a national public awareness campaign to educate all sections of the population on the OSH Act was a common thread in the discussions held. The Labour Department, SVG already intends to engage stakeholders to develop an action plan and embark on promotional activities to inform stakeholders, including medical practitioners and engineers, about the Act.
40. The national OSH culture is not developed as there is a general low awareness and profile of OSH.
41. The need for a tripartite approach for the promotion of OSH generally was also viewed as desirable.
42. Examples of poor indoor air quality and poor fire safety provisions were cited as areas of concern.

#### Barbados Best Practices

43. Information was shared on the methodologies utilized by the Barbados Labour Department for the administration of OSH. This covered geographical and focal point areas; promotional and public education activities; inspection tools; enforcement protocol; processing of statutory notification of accident forms; data analysis and reports generated from accident notification forms; and how to conduct accident investigations.
44. The SVG Officers were also introduced to the ILO Promotional Framework on OSH; the ILO-OSH 2001 Guidelines for OSH Management Systems and the Barbados Labour Department OSH self-management programme, that was influenced in part by these guidelines. A number of websites and internet-based resources which can be useful for researching OSH matters and evaluating workplaces were highlighted.

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## RECOMMENDATIONS

### Labour Department

1. In keeping with Section 8(8)(c) of the OSH Act 2017, the Advisory Council should be appointed at the earliest opportunity to drive the promotion of the Act. Consideration should be given to the inclusion of the following stakeholders as members on the Council:
  - Ministry of Health through the Environmental Health and Environment Protection Department
  - Bureau of Standards
  - Fire Brigade
  - Representation of the medical fraternity
  - Representative of the engineering fraternity
2. The Labour Department should immediately engage in activities to enforce the existing OSH related legislation, namely the Factories Act and Accidents and Occupational Diseases Notification Act. This will allow staff to start the process of developing competences in these areas.
3. All Labour Officers could benefit from basic training in OSH.
4. The proposed qualification for the post of SHO should be reviewed. Consideration should be given to including as an alternative: a degree in a natural science, environmental health, environmental engineering or similar; along with appropriate training in occupational safety and health from a recognized institution. A person with those types of degrees at the undergraduate or post graduate level will very likely possess the core knowledge required. Additionally, there are many recognized organizations that provide short courses in specialized OSH areas.
5. The job description for the post of Clerk should be developed as this position could provide critical support for the work of the OSH Unit.
6. Several procedures and policies need to be developed for the administration of the OSH Act and could be utilized immediately. These include
  - the collection and analysis of accident data
  - procedures for the investigation of accidents
  - inspection tools (checklists) for use in OSH inspections
  - the purchase of equipment, namely cameras and OSH equipment for the documentation and analysis of indoor environmental parameters and workplace conditions
  - procedures for the file management of inspection checklists/reports etc
7. It is noted that there are already a number of forms related to the reporting of accidents that are in use however the following comments are offered:
  - a. Form 26 – it is unclear how this relates to Form 26a as some of the same information is needed. It appears that it will be completed by the SHO however it requires information related to employment conditions which is outside the normal mandate of the OSH officer. Some formatting editing is needed as some section letters are repeated. It should be borne in mind that the ILO schedule of

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occupational diseases is quite extensive and beyond the information provided in question 18.

- b. Form 26a – The design of this form, which seems to be aimed at the employer, will allow of greater ease in data coding and statistical analysis. It must be pointed out that given the length of the form, there is potential for employers to submit incomplete information therefore sensitization and education will be critical. Some formatting edits are needed.
- c. Form 26c – This form which is to be completed by the medical practitioner and provides information on injuries and occupational diseases. Question 8 and Annex F3 should be reviewed to be more in line with the ILO schedule of diseases.

- 8. Several prescribed forms need to be developed for example the annual report to be submitted by the Medical Inspector required by Section 16.
- 9. The Department should collaborate with the Bureau of Standards in the development of OSH related standards. For example, consideration may be given to standards relevant to the construction sector such as scaffolding erection and use; excavation and work over water.
- 10. Administrative mechanisms should be put in place to facilitate compliance with Section 64 of the OSH Act 2017, which requires the forthwith notification of fatalities and critical injuries. This will also be relevant for Sections 65 and 32(1) which may require the SHO to respond to workplace instances that occur outside of the “normal business day”.
- 11. It is recommended that consideration be given to the practicality of the ability of the Labour Department to respond within 24 hours in all instances where employees exercise their right to refuse dangerous tasks.
- 12. Procedures for the selection and appointment of Competent Persons, Technical Examiners, Medical Inspectors and Hearing Officers needs to be developed. This should include the involvement of employer and employee representatives through their national bodies.
- 13. There is significant concern by some stakeholders over the cost implications of the fire safety and welfare requirements of the Act on existing buildings. A clear position should be articulated on how these aspects of the Act will be administered.
- 14. It may be useful to establish guidelines on the application of the provisions within the Act that relates to fire safety which explain the role of the building owner and the occupier. This may be necessary given the restrictions that the occupier, as a tenant, would usually face in making certain structural alterations that may be necessary to comply with the Act
- 15. It would be useful for clearer guidelines to be established for the functioning of safety and health committees. In unionized workplaces, it would be prudent to specifically state the involvement of trade unions in the selection of employee representatives on the committee. Additionally, the frequency of safety and health committee meetings and its authority to make recommendation should be stated. One way of achieving this can be through a regulation to the Act.
- 16. Given the challenges faced by small and micro businesses due to their limited resources, it might be useful to develop an OSH policy template that such businesses can use to comply with the provisions at Section 19.
- 17. The provisions in Section 24(4) allow for “discipline in the customary manner where employees break the safety provisions”. It is recommended that the Labour Department

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provide published guidelines to employers, particularly small and micro businesses, on best practices with regard to disciplinary procedures to reduce the likelihood of abuse or mistakes by the employer.

18. The provision in Section 56(1) must be carefully examined to ensure that it is not prejudicial to persons seeking employment. Furthermore, the required medical examination should be relevant to the intended area of employment. It would be useful for formal guidance to be developed by the Labour Department.
19. Regarding the requirement for the medical examination of young persons, a standardized form to be used as the certificate should be developed. Additionally, the medical examination procedures should be established so as to be relevant to the type of work to be performed.
20. The exemption for the examination of young persons provided for in Section 70(2) should be for a **class** of industrial establishments rather than an individual establishment.
21. Standardized forms should be developed for the notice of compliance to be submitted by the employee; as well as the statement of agreement/disagreement submitted by the employee representative (Section 77).
22. It is recommended that consideration be given to restricting the employment of young persons in activities that can harm them physically and/or psychologically.
23. The OSH Act does not explicitly require the examination of pressure vessels such as boilers and air receivers; or lifting equipment such as cranes, hoist and lifting tackle. Consideration should be given to declaring these examinations a requirement of the Act (Section 17).
24. It might be useful to set a minimum number of employees above which the requirements for employers to provide lunchrooms and certain welfare provision would take effect (Section 63).
25. In the event that the prescribed manner for the release of information as allowed under Section 21(3) is not established, there could be negative public outcry.
26. Complaints related to poor indoor quality and ergonomics are likely to be prominent issues that may arise. The Labour Department therefore needs to be properly prepared to respond to such incidents. This will require training and procurement of equipment.
27. Two ~~sections~~ sectors that should be considered for early implementation of the Act are the construction and agricultural sectors.
28. It was noted that there was a stated preference for a phased implementation of the Act. This has already been submitted to the Cabinet for consideration. This position is supported in principle.

### Fire Brigade

29. In view of the role imposed on the Fire Brigade by the OSH Act, this agency will require additional resources to carry out inspections and review emergency plans including specialized training of staff.
30. The current programme of public education should be expanded and strengthened. Consideration could be given to establishing a Prevention and Training unit(s) within the Brigade.

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31. Although the Fire Brigade prefers to have sole responsibility for issuing Certificates of Fire Escape, the OSH Act makes provision for the appointment of competent persons to carry out this task. In the event that competent persons are to be appointed, the Fire Brigade should be involved in the selection process.
32. There should be a well-functioning mechanisms to ensure that OSH considerations form part of the process for the approval of applications of proposed buildings by the Physical Planning Department. This should involve a review and approval by the Fire Brigade prior to construction of these buildings. This is necessary to ensure that satisfactory fire safety provisions are included at the design phase.
33. The anticipated demands that will be placed on the Fire Brigade may warrant its dedication to these functions exclusively.

#### **Employee and Employer Representatives**

34. Institutional capacity building should be provided to trade unions and employer organisations that would allow them to assist their constituents through training as well as workplace evaluations.

#### **Other Public Sector Agencies**

35. There should be orientation of Criminal Investigations Department (CID) to the role the Labour Department plays in the investigation of workplace accidents as required by the OSH Act.
36. It would be useful for the CID to provide assistance in photographing workplace accident scenes for the Labour Department, particularly in the initial stages.
37. Arrangements should be put in place to allow for appropriate cooperation between the CID and the Labour Department in the investigation of accidents at work.
38. Efforts should be made to ensure that the existing standards for the inspection and licensing of various activities by the Tourism Authority compliment but at least do not contradict acceptable OSH practices or the OSH Act.
39. Linkages should be established with other departments which carry out functions that are relevant to OSH for example the Bureau of Standards, the Government Electrical Inspectorate and the Environment Health Department. The aim should be to utilize the existing resources to enhance the administration of the Act. It may be necessary to sensitize all departments to the technical competences that exist within each department. There is merit in establishing formal arrangements between departments to optimize resources while respecting the various mandates.
40. The extent to which analytical services are available locally either within the public sector or privately should be determined. Where necessary such resources should be developed or enhanced. In the interim, adequate arrangements should be made to facilitate regional or extra-regional laboratory analyses when required.
41. Chemical Biological Radiological and Nuclear (CBRN) issues is an emerging area of OSH and public health within the region. It is a specialized area that will require training for SHOs; Fire Brigade; Police Department; Ministry of Health and Ministry of Environment, consequently, this is another area for collaboration.

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