

# **REPORT**

FOR

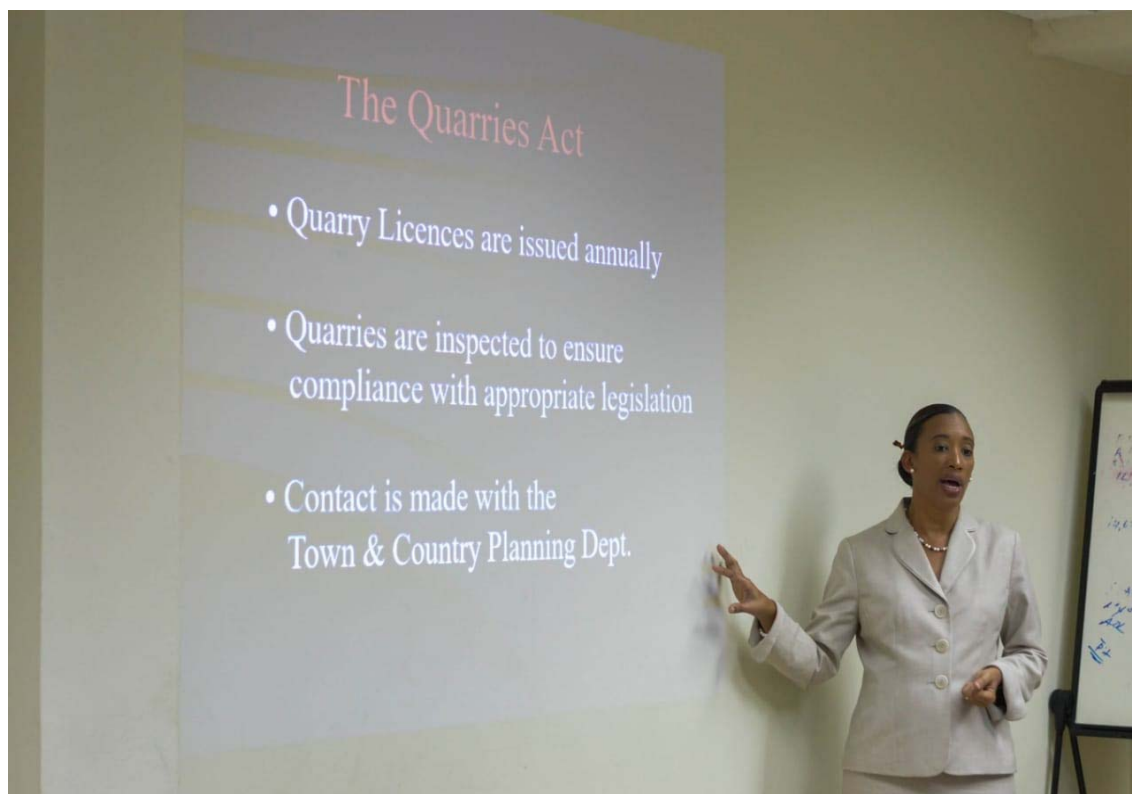
THE ORGANISATION OF AMERICAN STATES (OAS) BILATERAL  
COOPERATION

UNDER

THE 11<sup>TH</sup> CALL FOR PROPOSALS OF THE INTER-AMERICAN  
NETWORK FOR LABOUR ADMINISTRATION (RIAL) ON  
OCCUPATIONAL SAFETY AND HEALTH

ON

## **THE EXPERTS VISIT**



*Mrs Alison Elcock, Senior Safety & Health Officer (ag) of Barbados*

FROM

THE MINISTRY OF LABOUR AND SOCIAL PARTNERSHIP  
RELATIONS OF BARBADOS

TO

THE MINISTRY OF AGRICULTURE, FORESTRY, FISHERIES, RURAL  
TRANSFORMATION, INDUSTRY AND LABOUR OF ST.VINCENT AND  
THE GRENADINES



*Representatives from key stakeholder public sector agencies*

**Date:** *10-14 September, 2018*

**Prepared by:** *Labour Department- Ministry of Agriculture, Forestry,  
Fisheries, Rural Transformation, Industry and Labour of  
St. Vincent and the Grenadines*

## ACKNOWLEDGMENT

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We are particularly grateful to Ms Maria Claudia Camacho, Chief, Labour and Employment Section of the Department of Human Development, Education and Employment, SEDI, of the OAS and her colleague, Mr Guillermo Calzada of the RIAL Team for their Department's selection of our Proposal and for the role played in making sure that all the planning, arrangement and logistics were put in place for the RIAL Bilateral Cooperation Week.

We also like to give special thanks to the Ministry of Labour and Social Partnership Relations of Barbados for its generous support and contribution as the providing institution by way of Experts Visit to St. Vincent and the Grenadines, in the area of Occupational Safety and Health under the 11<sup>th</sup> Call for Proposals of the Inter-American Network for Labour Administration (RIAL) Bilateral Cooperation Programme.

We are immensely grateful to Mrs. Yolande Howard, Permanent Secretary in the Ministry of Labour and Social Partnership Relations of Barbados, for her Ministry's approval of the visit and her two Officers- Mrs. Alison Elcock, Senior Safety and Health Officer (ag) and Mr. Errol Goodridge, Safety and Health Officer, for their acceptance on behalf of the Ministry to visit St. Vincent and the Grenadines during the period 10-14<sup>th</sup> September, 2018. The Labour Department (DoL) is very pleased that they have been able to share with us their knowledge and experience, guidance and recommendations towards our efforts in building a national culture on occupational safety and health at the work place.

We also like to thank the management and staff of the following establishments which were visited during the cooperation week to make observation and first hand assessment on their respective occupational safety and health operations at the work place:

- Grenadine House Hotel
- East Caribbean Group of Companies (ECGC) Ltd

- Kendra's Aluminium
- One St. Vincent Group (OSV) Ltd

We say thank you to all the participants of the various focus group sessions from key Ministries, Departments and Agencies of Government as well as private sector agencies and organisations.

Finally, we wish to thank the Staff of the Labour Department for their cooperation and full participation in the in-house meetings and discussions.



*Representatives from key stakeholder public sector agencies*

## **INTRODUCTION**

The Government of St. Vincent and the Grenadines signalled its commitment to and took the bold step towards achieving decent work for its citizens through the enactment of the Occupational Safety and Health (OSH) Act 2017, which is not yet proclaimed. The Act provides for the safety, health and welfare of persons at work in St. Vincent & the Grenadines. Its enactment is a firm indication of the Government's overwhelming support for the ILO's position that occupational safety and health is a core element of decent work with its focus on promoting a more productive society through the reduction in occupational accidents and work-related diseases.

Under the OSH Act, the Labour Department of St. Vincent and the Grenadines is the Government's Agency charged with the responsibility for its administration and enforcement. The Department is cognizant of the fact that OSH is a relatively new functional area that will require effective preparation and has identified as one of its top priority areas for 2018 and beyond, the implementation of the Act.

The operationalization of this Act calls for the establishment of certain administrative structures, policies and procedures as well as the need for additional manpower with appropriate and adequate training in occupational safety and health, and also the retooling and retraining of existing labour inspectors to effectively enforce the requirements of the OSH Act.

There is an urgent need for such training in OSH inspections/assessments, auditing, litigation procedures and communication strategies etc., in order to develop the human and technical capacity within the Department.

As such these cooperation activities were therefore timely as they helped the DoL to assess its level of preparedness for the implementation of the Act while benefiting from the knowledge, experience and recommendations of the Experts.

## **BRIEF DESCRIPTION OF THE ACTIVITY**

The cooperation activities took the form of Experts Visit from the Ministry of Labour and Social Partnership Relations of Barbados as the Providing Institution. Two officers from the OSH Section of the Labour Department in that Ministry- Mrs. Alison Elcock, Senior Safety and Health Officer (ag) and Mr. Errol Goodridge, Safety and Health Officer (the Barbados Team), travelled to St. Vincent and the Grenadines, as guests of the Labour Department of the Ministry of Agriculture, Forestry,

Fisheries, Rural Transformation, Industry and Labour as the Requesting Institution. The visit took place from the 10<sup>th</sup> to 14<sup>th</sup> September, 2018.

### ***GENERAL AND SPECIFIC OBJECTIVES OF THE COOPERATION***

The general objective of the cooperation activities was to allow the Experts to make an assessment of the state of readiness of the Labour Department of St. Vincent and the Grenadines and to provide technical assistance in the development of the administrative capacity for the implementation of the *Occupational Safety and Health Act 2017*.

The Experts were mandated to carry out the following Specific objectives:

- Conduct an assessment of the state of readiness for the implementation of the OSH Act by a) reviewing existing workplace inspection protocols and methodologies; b) identifying the strengths and weaknesses/shortcomings, and making recommendations for capacity building;
- Hold discussions with staff and other stakeholders as necessary;
- Conduct training exercises in the application of tools, apparatuses, and mechanisms used in workplace audits;
- Carry out in collaboration with labour inspectors on-site workplace visits for the purpose of conducting OSH audits/inspections;
- Share with staff information on best practices on standard operating procedures and guidelines for departmental functioning under the OSH Act, inspection tools and apparatuses, reporting mechanisms and litigation procedures; and
- Provide information and technology transfer.

The Agenda for the cooperation week was jointly prepared by Mrs. Alison Elcock of Barbados and Mr. Steve Stewart of St. Vincent and the Grenadines and ratified as the Final Agenda by the RIAL Team.

**Activity 1** – Pre-visit review of the following by Barbados Team in preparation for the expert visit to St Vincent and the Grenadines (SVG): **OSH Act, Accident and Occupational diseases (Notification) Act**; Job Descriptions relevant for the administration of the OSH Act; any other relevant OSH documents. All items are to be supplied by SVG.

**Activity 2** – Review inspection process including pre-visit and post visit activities

This activity will involve the review of the inspection process including any preparations to guide the inspection; inspection to a factory and non-factory setting e.g. hotel to gauge readiness to administer the Act, appropriateness of the inspection form will be considered; post inspection activities such as data collection and statistical reporting on individual and departmental basis. Consideration will also be given to any provisions in the Act that empower other agencies.

**Activity 3** – To evaluate the readiness of other agencies empowered to administer sections of the Act; as well as the extent of collaborations with other agencies not empowered by the Act. Readiness of key agencies should be considered in evaluating the national response.

Meeting with staff to discuss role of other agencies and parties in OSH administration; consider extent of existing collaborations with others e.g. Ministry of Health; Environment Protection; Ministry of Agriculture; Standards Authority; Unions; Employers' Associations.

**Activity 4** – To share information on best practices for effective OSH administration: web-based resources; ILO-OSH 2001 Guidelines for OSH Management Systems; Promotional Framework on OSH; Role of public awareness activities; technical resources-

(IAQ/Ergonomics/Wellness/Mechanical Engineering/Chemicals/Construction)

**Activity 5** – To share information on best practices in accident Investigation and its relevance to promoting OSH. The protocols that exist for the reporting of accidents to the Labour Department in St Vincent and the Grenadines (LD-SVG) by employers will be reviewed. The preparation of accident statistics and the process of investigating accidents by LD-SVG will also be examined.

**Activity 6** – To provide written recommendations for OSH administration in St Vincent and the Grenadines; A draft document to be submitted to SVG within two weeks after the visit with the final document submitted within four weeks of the visit.

Time	Activity	Venue
<b>Pre-visit – SEPTEMBER 3 – 10<sup>TH</sup>, 2018 – Activity 1</b>		
	<ul style="list-style-type: none"> <li>• Review of: OSH Act, accident notification Act and other relevant legislation; job descriptions; any other relevant information supplied by SVG</li> </ul>	
<b>DAY 1 – MONDAY, SEPTEMBER 10<sup>TH</sup>, 2018 – Activity 2</b>		
8:30 a.m. – 12.00 p.m.	<ul style="list-style-type: none"> <li>▪ Meet with Staff and key personnel of the Labour Department;</li> <li>▪ Review the organisational chart; geographical coverage; industrial divisions and general practices; non-factory sectors identified as priorities; existing human resources; existing equipment resources; OSH Act, the National OSH Policy; identified national priorities</li> <li>▪ Review existing inspection protocols and methodologies and other relevant documents; pre-inspection activities.</li> </ul>	DoL C R
1:30 p.m. – 4:15 p.m.	<ul style="list-style-type: none"> <li>• Conduct factory/non-factory workplace inspection e.g. hotels; post inspection activities</li> </ul>	DoL C R
<b>DAY 2 – TUESDAY, SEPTEMBER 11<sup>TH</sup>, 2018 – Activity 3</b>		
8:30 a.m.– 10:30 a.m.	<ul style="list-style-type: none"> <li>▪ Meeting with staff to discuss the roles of key stakeholders; identify existing efficiencies and areas for improvement</li> </ul>	DoL C R
10.30 a.m.– 12.00 p.m.	<ul style="list-style-type: none"> <li>▪ Meeting with key stakeholders empowered by the Act to gauge their readiness to administer Act e.g. Fire Service, Competent Persons</li> </ul>	DoL C R
1:30 p.m. – 2.30 p.m.	<ul style="list-style-type: none"> <li>▪ Meeting with Unions and Employers’ Associations to discuss their current concerns about OSH Act administration and expectations for the future.</li> </ul>	DoL C R
2:45 p.m. – 4:15 p.m.	<ul style="list-style-type: none"> <li>▪ Meeting with other agencies e.g. Environmental Protection, Ministry of Health, Ministry of Agriculture, national advisory body on OSH; OSH consultants etc.</li> </ul>	DoL C R



<b>DAY 3 – WEDNESDAY, SEPTEMBER 12<sup>TH</sup>, 2018 - Activity 4</b>		
8:30 a.m. – 12.00 p.m.	<ul style="list-style-type: none"> <li>▪ Share with Staff information on best practices for departmental functioning under the OSH Act, inspection tools and apparatuses, reporting mechanisms and litigation procedures; the enforcement policy observed by Barbados Labour Department; web-based resources; ILO-OSH 2001 Guidelines for OSH Management Systems; Promotional Framework on OSH; Role of public awareness activities; technical resources (IAQ/Ergonomics/Wellness/Mechanical Engineering/Chemicals/Construction);</li> </ul>	DoL C R
1:30 p.m. – 4:15 p.m.	<ul style="list-style-type: none"> <li>▪ Conduct training exercises for Staff in the application of inspection tools/apparatuses, and mechanisms used in workplace inspections.</li> </ul>	DoL C R
<b>DAY 4 – THURSDAY, SEPTEMBER 13<sup>TH</sup>, 2018 – Activity 5</b>		
8:30 a.m. – 4.15 p.m.	<ul style="list-style-type: none"> <li>▪ To share information with Staff on best practices when conducting accident investigations. Focus would be placed on reviewing accident reporting protocols; preparation of accident statistics with reference to ILO statistical guidelines;</li> <li>▪ Introduction to accident investigation using case studies</li> <li>▪ Workplace inspections</li> </ul>	DoL C R
<b>DAY 5 – FRIDAY, SEPTEMBER 14<sup>TH</sup>, 2018 – Activity 6</b>		
8.30 a.m. – 12.00 p.m.	<ul style="list-style-type: none"> <li>▪ Present the review findings to Staff by identifying gaps, strengths and weaknesses.</li> <li>▪ Hold discussions and briefings with Staff and other Stakeholders on their findings and observations;</li> </ul>	DoL C R
<b>Post-Visit – Activity 6</b>		
	<ul style="list-style-type: none"> <li>• Submission of recommendations to SVG (September 28<sup>th</sup>)</li> <li>• Final document submitted (October 12<sup>th</sup>)</li> </ul>	

## MAIN RESULTS AND FINDINGS

During the cooperation week the Barbados Team met with the Senior Staff of the DoL and representatives of key stakeholder Ministries and Departments of Government and, also some private sector agencies and organisations. They also visited a few industrial enterprises together with labour inspectors to observe OSH-related activities and to provide feedbacks.

### *MEETINGS WITH SENIOR STAFF*

These meetings provided an opportunity to gain insight into the current administrative arrangements at the DoL. 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 Deputy Labour Commissioner (DLC), three (3) Senior Labour Officers (SLO); one (1) Employment Officer and two (2) Labour Officers (LO). 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 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 them into an electronic database as part of the St Vincent and the Grenadines Labour Market Information System (SVG-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; and
    - Draft National OSH Policy and OSH Profile documents.
- ***Workplace Accidents***
7. Workplace accidents are not normally notified to the DoL, even though there is legislative provision for employers to notify. In those rare circumstances when the National Insurance Services (NIS) informs the DoL of an accident, no investigation is undertaken to determine the root cause. The involvement of the Department would typically focus on whether the rights of the worker, with regard to employment terms, have been infringed.
8. The DoL and NIS collaborate on accident statistics for the SVG-LMIS.

#### ***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:
    - St. Vincent & the Grenadines Tourism Authority
    - St. Vincent & the Grenadines Bureau of Standards (SVGBS)
    - Government Electrical Inspectorate
    - Fire Brigade, Royal St. Vincent and the Grenadines Police Force
    - Criminal Investigations Division (CID), Royal St. Vincent and the Grenadines Police Force
    - Environmental Health Department
    - Office of the Chief Medical Officer
- ***St. Vincent & the Grenadines Tourism Authority***
10. It was noted that a number of standards were development 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 per cent (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, Royal St. Vincent and the Grenadines Police Force***

11. The Fire Brigade is a department of the Royal St. Vincent & the Grenadines 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 fire fighting.
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. Organisations 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 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 representative indicated that in their view the Fire Brigade 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.

▪ ***St. Vincent & the Grenadines 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.

▪ ***Government Electrical Inspectorate***

17. The Electricity Regulations under the Electricity Supply Act requires all consumers 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 within the workplace and submits the reports to the Police Headquarters. No information is provided to the DoL.

- *CID, Royal St. Vincent and the Grenadines Police Force*

18. The 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 DoL should play in the investigation of workplace accidents. Further dialogue between the CID and the DoL will be needed given that the OSH Act 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 have responsibility to enforce the legislation related to noise. (There was no discussion on this subject during the consultations).

- *Environmental Health Department*

20. The Environmental Health Officers (EHOs) currently conduct workplace inspections which generally focus on public health principles and practices 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.
21. The representative 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 and associations representing workers in different fields. The Commercial, Technical and Allied Workers' Union (CTAWU) which mainly represents private sector workers; the Public Service Union (PSU), the St. Vincent & the Grenadines Teachers Union (SVG TU), The National Workers Movement (NWM) and the SVG Medical Association were

identified as the most prominent. 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.
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 Steward.
  - *Employer Representatives*
29. 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; and
  - the challenge of finding alternative work for pregnant women particularly in small and micro enterprises
30. Both agencies currently engage in public outreach but this is limited to their membership.
31. 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*
32. One St. Vincent Group Inc (OSV Ltd) was identified as one of main suppliers of safety supplies and personal protective equipment. 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.
33. 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.
34. 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.
35. 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.
36. 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.
37. 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 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.

38. While 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*

39. Some of the key stakeholder agencies participated in a select committee meeting which discussed the OSH Act prior to its enactment. There was consensus on a proposal that a phased approach be adopted for the implementation of the Act.

40. 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 DoL 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.

41. The national OSH culture is not yet developed as there is a general low awareness and profile of OSH.

42. The need for a tripartite approach for the promotion of OSH generally was also viewed as desirable.

43. Examples of poor indoor air quality and poor fire safety provisions were cited as areas of concern.

▪ *Barbados Best Practices*

44. 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.

45. The DoL 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, which 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.

### **NEXT STEPS**

Before the enactment of the OSH Act in 2017, a special committee meeting comprising key stakeholders was convened to examine the implementation of the Act on a phased basis and to make recommendations to Cabinet. The committee made its recommendations, which were submitted to the Cabinet for consideration. The DoL awaits Cabinet's decision and also the release of the appropriate financial resources from the Ministry of Finance in order to set up the administrative mechanisms required.

With the insights and guidance gained from these cooperation activities, the DoL must now become more proactive in engaging key stakeholders in carrying out certain activities that would require little financial outlay. A series of in-house and inter-agency meetings would be convened over the next eight months to establish appropriate procedures, policies, forms and guidelines. Public education and awareness would continue within the framework of limited financial resources by way of press releases, website news articles and radio programmes.

The following are the immediate steps that would be taken in the series of activities leading to full and effective implementation.

#### **▪ *Enforcement of existing OSH related Legislations***

Since the OSH Act 2017 is not yet proclaimed, the DoL should proceed immediately to engage in activities to enforce the existing OSH related legislations, namely the Factories Act and the Accidents and Occupational Diseases (Notification) Act, which will be repealed following the proclamation of the OSH Act. Hopefully, this will allow staff to start the process of developing competences in these areas.

#### **▪ *Development of Procedures and Policies***

Several procedures and policies need to be developed for the administration of the OSH Act and which can be pursued immediately. These include but not limited to:

- the collection and analysis of accident data
- procedures for the investigation of accidents
- identification of inspection tools (checklists) for use in OSH inspections
- procedures for the selection and appointment of Competent Persons, Technical Examiners, Medical Inspectors and Hearing Officers must be

developed with the involvement of employer and employee representatives through their national bodies.

- procedures for the file management of inspection checklist/reports, etc.,
- an OSH policy template for use by small and micro businesses that face certain inherent challenges so as to comply with Section 19; and
- the medical examination procedures so as to be relevant to the type of work to be performed.

▪ ***Review and Development of OSH related Forms***

It is noted that there already exists a number of forms particularly Forms 26, 26a and 26c, related to the reporting of accidents that are in use. However, these forms require some re-formatting and editing to take into consideration the issue of length of the form, overlapping of information required as well as the ILO schedule of diseases.

Several prescribed forms need to be developed, for example:

- a) the annual report form to be submitted by the Medical Inspector required by Section 16 of the Act;
- b) the notice of compliance form to be submitted by the employee, as well as the statement of agreement/disagreement to be submitted by the employee representative (Section 77);
- c) a standardized form to be used as the certificate for the medical examination of young persons.

▪ ***Inter-Agency Collaboration***

Linkages should be established with other agencies and departments which carry out functions that are relevant to OSH. The aim should be to utilize existing resources to enhance the administration of the Act. It would be necessary to sensitize all relevant 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.

There is an urgent need for the DoL to collaborate with the *Bureau of Standards* (SVGBS) in the development of OSH related standards, for example, standards relevant to the construction sector such as scaffolding erection and use; excavation and work over water.

There should be 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 Department prior to construction of these buildings. This is necessary to ensure that satisfactory fire safety provisions are included at the design phase.

Chemical Biological Radiological and Nuclear (CBRN) issues are 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 the Environment. Consequently, this is another area for collaboration.

There is a need for orientation of the CID to the role the DoL plays in the investigation of workplace accidents as required by the OSH Act, and arrangements should be put in place to allow for appropriate cooperation between the CID and the DoL in the investigation of accidents at work. It would also be useful for the CID to provide assistance in photographing workplace accident scenes for the Labour Department, particularly in the initial stages.

Efforts should be made to ensure that the existing standards for the inspection and licensing of various activities by the SVG Tourism Authority compliment but at least do not contradict acceptable OSH practices or the OSH Act.

- *Development of OSH related Guidelines*

The DoL must proceed to establish clear guidelines for the functioning of safety and health committees. In unionised 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.

The provisions in Section 24(4) allow for “discipline in the customary manner where employees break the safety provisions”. The DoL must provide published guidelines to employers particularly small and micro businesses on best practices with regard to disciplinary procedures. This would allow for the provisions in Section 24(4) to be effectively observed by the employer with minimum abuse or mistakes.

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. Therefore, formal guidance must to be developed by the DoL to address these issues.

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

## EVALUATION OF THE ACTIVITY AND RECOMMENDATIONS

- *Evaluation of Activity*

At the end of the cooperation week the Barbados Team was able to achieve all but one of the specific objectives. The failure to achieve that objective was more a shortcoming on the part of the DoL than any fault of the Team. In summary:

- 1) The findings on the DoL' level of readiness together with recommendations were reviewed and discussed with DoL staff.
- 2) Discussions were held with key stakeholder agencies empowered by the Act and the extent of their collaboration assessed.
- 3) The gaps in the OSH Act were identified with recommendations for correction.
- 4) The officers who accompanied the Team on the factory and non-factory workplace audits/inspections benefitted significantly from the observations and feedback given.
- 5) Since the DoL did not have in its possession any inspection tools/apparatuses, the officers could not receive any related application training.
- 6) A number of useful websites were identified as possible sources to which officers can refer, and
- 7) Information on Barbados and other countries' best practices (including ILO Guidelines) and related technology was shared.

Overall, there has been a heightened level of awareness and enthusiasm among senior officers on the importance of OSH. They now have a greater level of understanding and appreciation of the Department's role and functions, as well as the requirements for and challenges surrounding the implementation of the OSH Act.

The officers were also very appreciative of the information, guidance and recommendations provided by the Team which no doubt, have contributed to the strengthening of the administrative and technical capacity within the DoL in support of the implementation of the OSH Act. They were very engaging in the discussions, sharing their own experiences, clarifying issues of the law, learning of Barbados'

experience and essentially appreciating the level of work that would be required of them going forward.

- *Recommendations for DoL*

1. The Advisory Council should be appointed at the earliest opportunity, in keeping with Section 8(8) (c) of the OSH Act 2017, so as to drive the promotion of the Act. Consideration should also 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 from the Officer of the Chief Medical Officer
  - Representation from the engineering fraternity
2. All Labour Officers should receive basic training in OSH.
3. The proposed qualification for the post of Safety and Health Officer (SHO) should be reviewed. Consideration should be given to including as an alternative, a degree in 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.
4. 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.
5. Administrative mechanisms should be put in place to facilitate compliance with Section 64 of the OSH Act 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”.
6. Consideration should be given to the practicality of the ability of the DoL to be able to respond within 24 hours in all instances where employees exercise their right to refuse dangerous tasks.

7. 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.
8. 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.
9. Consideration should be given to restricting the employment of young persons in activities that can harm them physically and/or psychologically.
10. 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).
11. Consideration should be given to setting a minimum number of employees above which the requirements for employers to provide lunchrooms and certain welfare provision would take effect (Section 63).
12. In accordance with Section 21(3) careful consideration should be given of the prescribed circumstances and the prescribed manner for the release of information as allowed under that provision.
13. The ability to deal with potential complaints related to poor indoor quality and ergonomics requires adequate preparation both in terms of training and procurement of equipment.
14. The purchase of equipment, namely cameras and OSH equipment for the documentation and analysis of indoor environmental parameters and workplace conditions is absolutely necessary.
15. The Construction and Agricultural Sectors should be considered for early implementation of the Act.

- *Recommendations for Fire Brigade*

16. 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.
17. 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 Department.
18. 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 Department should be involved in the selection process.

- *Recommendations for Employee and Employer Organisations*

19. 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.

#### **ADDITIONAL COMMENTS FROM THE PROVIDING INSTITUTION**

The Barbados Team urged the DoL to seriously consider the extent to which analytical services are available locally either within the public sector or privately. 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.

**APPENDICES**



***L-R: Arlene Lewis, Labour Commissioner, Phillip Bailey, General Secretary, the Public Service Union and Steve Stewart, Economist and RIAL focal point***



***DoL Officers L-R: Cherry-Ann Williams, Zhingra Greaves, Eloise Exeter and Marissa King***





***L-R: Steve Stewart, Burns Bonadie, General Secretary- CTAWU, and Louise Glasgow, Health & Safety Officer, CTAWU***



***L-R: Alison Elcock and Errol Goodridge of Barbados listening to Susan Clarke, Senior Labour Officer***

## **LIST OF INDIVIDUAL PARTICIPANTS**

- 1) Ms Arlene Lewis, Labour Commissioner
- 2) Mrs Racquel Lawrence, Deputy Labour Commissioner
- 3) Mr Steve Stewart, Economist
- 4) Ms Susan Clarke, Senior Labour Officer
- 5) Ms Eloise Exeter, Senior Labour Officer
- 6) Ms Zhing Greaves, Senior Labour Officer
- 7) Ms Cherry Ann Williams, Employment Officer
- 8) Ms Ereen Archibald, Labour Officer
- 9) Mr Joel James, Assistant Superintendent of Police,
- 10) Mr Hesran Ballantyne, Assistant Superintendent of Police
- 11) Ms Hetlyn Francis, Electrical Inspector
- 12) Mr Ezra Ledger, Director, SVG Bureau of Standards
- 13) Mr Carlos Wilson, Senior Environmental Health Officer
- 14) Mrs Faylene King, Chief Operating Officer, SVG Tourism Authority
- 15) Mr Phillip Bailey, General Secretary, Public Service Union
- 16) Mr Joseph Burns Bonadie, General Secretary, CTAWU
- 17) Ms Louise Glasgow, Safety & Health officer, CTAWU
- 18) Mr Anthony Regisford, Executive Director, Chamber of Commerce
- 19) Mrs Phyllis John Primus, Executive Officer, St. Vincent Employers' Federation

## **LIST OF ENTERPRISES WHERE OSH INSPECTIONS WERE CONDUCTED**

- 1) Grenadine House Hotel
- 2) East Caribbean Group of Companies (ECGC)
- 3) Kendra's Aluminium
- 4) One St. Vincent Group Inc (OSV Ltd)