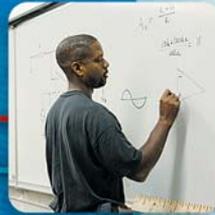


Workers on the move in the CSME



International
Labour
Organization

Subregional
Office for the
Caribbean



RIGHTS AT WORK AND BENEFITS FOR WORKERS IN
THE CARICOM SINGLE MARKET AND ECONOMY





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International
Labour
Organization

The International Labour Organization (ILO) is the United Nations specialized agency devoted to advancing opportunities for women and men to obtain decent and productive work in conditions of freedom, equity, security and human dignity. Its main aims are to promote rights at work, encourage the creation of enterprises and employment opportunities, enhance social protection and strengthen dialogue and consultation for handling work-related issues.

The ILO is the global body responsible for drawing up and overseeing international labour standards. Working with governments and organizations representing employers and workers in 181 member States, the ILO seeks to ensure that labour standards are respected in practice as well as in principle, as the basis for ensuring decent work for all.



The Caribbean Community (CARICOM) was established on 4th July 1973.

The objectives of the Community, identified in Article 6 of the Revised Treaty, are:

- ▶ improved standards of living and work;
- ▶ the full employment of labour and other factors of production;
- ▶ accelerated, coordinated and sustained economic development and convergence;
- ▶ expansion of trade and economic relations with third States;
- ▶ enhanced levels of international competitiveness;
- ▶ organization for increased production and productivity;
- ▶ achievement of a greater measure of economic leverage and effectiveness of Member States in dealing with third States, groups of States and entities of any description;
- ▶ enhanced co-ordination of Member States' foreign and economic policies; and
- ▶ enhanced functional co-operation.

CARICOM Single Market and Economy

The CARICOM Single Market and Economy (CSME) is being established to stimulate economic growth and enhance international competitiveness through the utilization of the region's human and other resources. This is expected to contribute to improved standards of living and work for CARICOM Nationals. The Revised Treaty of Chaguaramas, establishing the Caribbean Community including the CARICOM Single Market and Economy, establishes the legal framework for implementation of the CSME and has been enacted into domestic law by all countries participating in the CSME.

In 2006, the Single Market came into effect with the following key elements:

- ▶ the free movement of skills/labour
- ▶ the free movement of goods
- ▶ the provision of services
- ▶ the free movement of capital
- ▶ the right to establishment

Currently the following countries are participating in the CARICOM Single Market and Economy:

- ▶ Antigua and Barbuda
- ▶ Barbados
- ▶ Belize
- ▶ Dominica
- ▶ Grenada
- ▶ Guyana
- ▶ Jamaica
- ▶ St. Kitts and Nevis
- ▶ Saint Lucia
- ▶ St. Vincent and the Grenadines
- ▶ Suriname
- ▶ Trinidad and Tobago

Work on the Single Economy is ongoing.



Who are CARICOM Nationals?

A CARICOM National is a person who is:

- ▶ a citizen by birth, descent or naturalization of; or
- ▶ a national of; or
- ▶ a person belonging to a Member State of the Community. (Article 32.5 of the Revised Treaty)

Who can move in the CSME?

A. Eligible categories of workers

Presently, the following categories of workers are eligible to move and work freely within the Community:

- ▶ University Graduates
- ▶ Media Workers
- ▶ Sportspersons
- ▶ Artistes
- ▶ Musicians
- ▶ Teachers
- ▶ Nurses

The Conference of Heads of Government of CARICOM has decided to broaden the eligible categories to other workers. The year 2009 has been targeted by CARICOM for the full and free movement of labour within the CSME.

Right to seek employment

The approved categories of workers have the right to seek and engage in gainful employment in any of the Member States, which are part of the CSME arrangements.

Requirements for moving within the CSME

Approved categories of workers are required to obtain a Certificate of Recognition of CARICOM Skills Qualification as provided for in the CARICOM Skills National Acts of Member States. The Certificate will facilitate free movement into and within Member States as it would provide Immigration Officials with proof that a CARICOM National belongs to the approved categories under the CSME.



Entry of approved categories of workers

A CARICOM National with a Certificate of Recognition of CARICOM Skills Qualification, who is seeking to enter another Member State will be granted entry for a definite or indefinite duration. When the Skills Certificate is issued by the designated Minister of their home country or another Member State, CARICOM Nationals will be granted entry for six months, during which period the host country has the right to verify that the person indeed belongs to one of the eligible categories. CARICOM Nationals will be granted indefinite entry when the host country is satisfied that the person is indeed a Skilled CARICOM National.

Workers not belonging to the approved categories

Workers who are not yet eligible for free movement, will have to apply for a work permit. Once they have found employment and have a job letter in hand, they must initiate the applicable procedures as laid out in relevant Immigration and Labour Acts in Member States before accessing employment.

The permits are usually issued for a specific job and for a specific period.

ILO Declaration on Fundamental Principles and Rights at Work

The success of the CSME depends on a well-integrated labour force – where workers are treated equally in the host country and enjoy the same fundamental rights at work as a national.

CARICOM Member States, which are also members of the ILO have all subscribed to the fundamental rights at work which are embodied in the International Labour Organization's Declaration on Fundamental Principles and Rights at Work, namely:

- ▶ the elimination of discrimination in respect of employment and occupation;
- ▶ freedom of association and the effective recognition of the right to collective bargaining;
- ▶ the elimination of all forms of forced and compulsory labour; and
- ▶ the effective abolition of child labour.

The fundamental principles and rights at work aim to safeguard workers from exploitation. Furthermore, the implementation of these principles and rights provide a framework for workers to enjoy equal opportunity, access decent work and obtain a fair share of the wealth which they have helped to generate.

Article 7 on Non-discrimination and Article 73 on Industrial Relations of the Revised Treaty of Chaguaramas guarantee some of these fundamental rights at work. The Charter of Civil Society also makes adequate provisions for protecting fundamental workers' rights.

The International Labour Organization (ILO) Declaration on Fundamental Principles and Rights at Work

The ILO Declaration on Fundamental Principles and Rights at Work covers four essential categories in the world of work. In each of these categories, there are two Conventions that further stipulate and define these rights.

DISCRIMINATION

- ▶ No. 111 Discrimination (Employment and Occupation) Convention
- ▶ No. 100 Equal Remuneration Convention

FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING

- ▶ No. 87 Freedom of Association and Protection of the Right to Organize Convention
- ▶ No. 98 Right to Organize and Collective Bargaining Convention

FORCED AND COMPULSORY LABOUR

- ▶ No. 29 Forced Labour Convention
- ▶ No. 105 Abolition of Forced Labour Convention

CHILD LABOUR

- ▶ No. 138 Minimum Age Convention
- ▶ No. 182 Worst Forms of Child Labour Convention



1. Equal Opportunity and Treatment in Employment

ILO Convention No. 111 on Discrimination

ILO Convention No. 100 on Equal Remuneration

This fundamental right promotes equal opportunity and treatment in all aspects of work, from training to recruitment and pay, to working conditions. It stipulates that no worker should be discriminated at work on the grounds of race, colour, sex, religion, political opinion, national extraction or social origin.

CARICOM Nationals, who are entitled to move and work freely within the CSME, are also entitled to be recruited and to work under the same conditions as nationals of the Member State to which they have moved for work purposes. “Any discrimination on the grounds of nationality only shall be prohibited.” (Article 7 of Revised Treaty)

In addition, the principle of equal opportunity between women and men must be respected as women have the right “to be afforded equal opportunities for employment and to receive equal remuneration with men for work of equal value” (Article XII.b – Charter of Civil Society).

ILO Convention No. 111 on Discrimination

All persons should, without discrimination, enjoy equality of opportunity and treatment, in respect of:

- ▶ access to vocational guidance and placement services
- ▶ access to training and employment of their own choice on the basis of individual suitability for such training or employment;
- ▶ opportunities for promotion;
- ▶ security of tenure of employment;
- ▶ remuneration for work of equal value; and
- ▶ conditions of work, including hours of work, rest periods, annual holidays with pay, occupational safety and health measures, as well as social security measures and welfare facilities and benefits provided in connection with employment.



Benefits for workers

Social Security

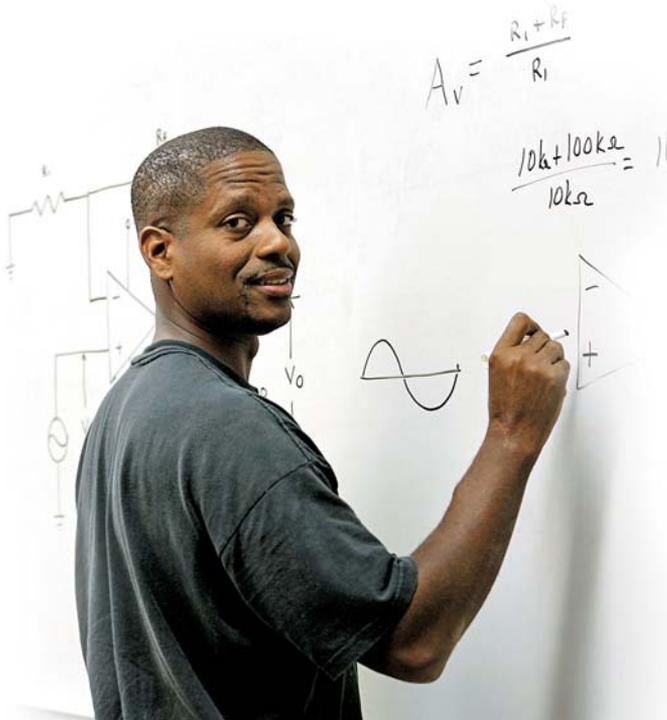
A CARICOM National, who is a worker, must be insured in the Member State where he or she is employed and must therefore make contributions to the respective social security organization. In some Member States, social security organizations are referred to as national insurance agencies.

It is important to note that CARICOM Nationals are entitled to the same benefits as nationals of the host country, as provided by the respective social security organization.

The CARICOM Agreement on Social Security, which came into effect on 1st April, 1997, protects all entitlements to long-term benefits by providing for the adding up of all the contributions, which have been paid to the respective social security organization in Member States where they worked.

This Agreement applies to the following payments of social security:

- ▶ invalidity benefits;
- ▶ disablement benefits;
- ▶ old age or retirement benefits;
- ▶ survivors' benefits, and
- ▶ death benefits.



2. Having a Voice at Work

ILO Convention No. 87 on Freedom of Association and Protection of the Right to Organize

ILO Convention No. 98 on the Right to Organize and Collective Bargaining

ILO Convention No. 87 guarantees the right of workers and employers to organize and join organizations freely and take action to protect their interests in the labour market and at the workplace. ILO Convention No.98 protects those who join trade unions and promotes the voluntary negotiation of terms and conditions of employment.

These principles and rights afforded to both workers' and employers' organizations ensure that dialogue and negotiation needed for improving employment terms and conditions can be easily facilitated, affording each party an opportunity to voice and protect their own interests.

A CARICOM National, who is employed in another Member State, has the right "to form or belong to and participate in the activities of trade unions or other associations for the promotion and protection of his or her interest, or the right not to belong to and participate in the activities of any such trade union or association" (Article XIX.a – Charter of Civil Society).

ILO Convention No. 87 on Freedom of Association and Protection of the Right to Organize sets out the following rights and guarantees:

- ▶ workers and employers can establish and join organizations of their choice without previous authorization;
- ▶ workers' and employers' organizations shall have the right to draw up their own constitutions and rules; and
- ▶ workers' and employers' organizations shall not be liable to be dissolved or suspended by administrative authority.

ILO Convention No. 98 on the Right to Organize and Collective Bargaining:

- ▶ guarantees workers adequate protection against acts of anti-union discrimination in respect of their employment, including requirements that a worker not join a union or relinquish trade union membership for employment, or dismissal of a worker because of union membership or participation in union activities.
- ▶ encourages and protects the process of voluntary negotiation between workers and employer organizations to regulate terms and conditions of employment by means of collective agreements.



3. No compulsory work - elimination of forced labour

ILO Convention No. 29 on Forced labour

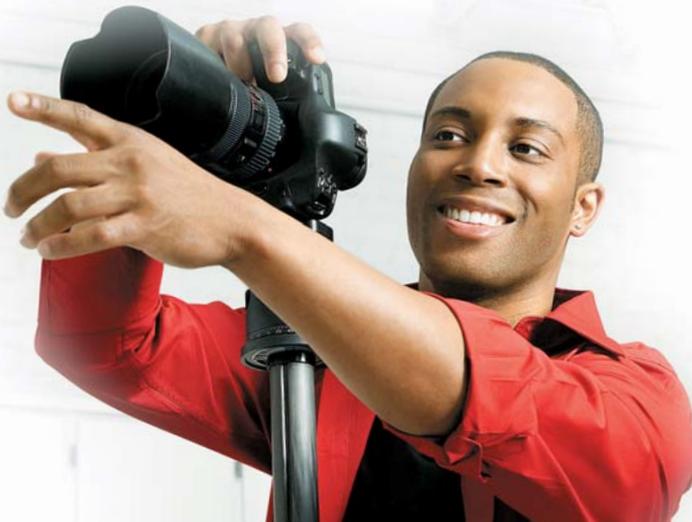
ILO Convention No. 105 on Abolition of Forced Labour

These Conventions embody the principle that no one should be forced to work, that is, to perform work on a non-voluntary basis or under threat of being penalized. They call for the suppression of forced or compulsory labour in all its forms.

All CARICOM Member States have ratified the two ILO Conventions on Forced Labour and so are committed to its elimination. Furthermore, the Revised Treaty is not applicable in cases where goods are produced through forced labour in accordance with Article 226.

While **ILO Convention No. 29** calls for the general prohibition of forced or compulsory labour in all its forms (subject to 5 exceptions provided for in the Convention), **ILO Convention No. 105** on the Abolition of Forced Labour provides for the suppression of any form of forced or compulsory labour in five defined cases:

- ▶ as a means of political coercion or education or as punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system;
- ▶ as a method of mobilizing and using labour for purposes of economic development;
- ▶ as a means of labour discipline;
- ▶ as a punishment for having participated in strikes; and
- ▶ as a means of racial, social, national or religious discrimination.



4. Protection of children-elimination of child labour

ILO Convention No. 138 on Minimum Age for employment **ILO Convention No. 182 on the Worst Forms of Child Labour**

These Conventions provide protection against the exploitation of children by clearly defining a national minimum age for entry into employment and by abolishing, as a matter of urgency, the worst forms of child labour. These include the use of children below the age of 18 for illicit activities and for work in hazardous occupations, such as working with heavy and dangerous equipment or chemicals. The purpose of these Conventions is to ensure that children are afforded an opportunity to access education and to develop physically, mentally and morally before entering into work.

The Revised Treaty of Chaguaramas is not applicable in cases where goods have been produced through child labour in accordance with Article 226.



ILO Convention No. 138 obliges ILO member States to:

- ▶ pursue a national policy designed to ensure the effective abolition of child labour;
- ▶ establish by law a minimum age for admission to employment and work (between the ages of 14-15); and
- ▶ prohibit the employment of young persons under 18 years of age in work or activities that are likely to jeopardize their safety, health or moral development.

ILO Convention No. 182, which addresses all children below the age of 18, targets the worst forms of child labour. It requires member States to take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency. These forms include such inhumane practices as:

- ▶ slavery, trafficking, debt bondage and other forms of forced labour;
- ▶ prostitution and pornography;
- ▶ forced recruitment of children for military purposes;
- ▶ the use of children for illicit activities such as trafficking of drugs; and
- ▶ work which is likely to harm the health, safety or morals of children.



Enforcing Your Rights - help and information

If you are a CARICOM National and have moved within the CSME and you think that your rights have been infringed in the receiving country, you may:

- ▶ seek representation by your union if you are a member of a union;
- ▶ consult the Ministry of Labour or Labour Department in that country; or
- ▶ contact the CSME Focal Point in your country or host country.

For further information on movement within the CSME, please contact the CSME Unit or Focal Point in your country, or visit the CSME website at www.csmeonline.org.