



**Summary of Proceedings
Public Hearing**

**Joint Select Committee on Local Authorities, Service Commissions and
Statutory Authorities (including the THA)**
held on Monday June 11th, 2018

Subject Matter: Inquiry into Occupational Safety and Health Compliance within the Public Service.

Objectives of the Inquiry

The objectives of the inquiry are as follows:

- To assess the level of compliance of public bodies (in particular Ministries) with the provisions of the OSH Act.
- To examine the efficiency and effectiveness of the operations of the OSH Authority and its Agency.
- To assess the adequacy of existing OSH legislation, policies and guidelines.

Venue: The hearing was held on Monday June 11th, 2018 from 10:16 a.m. to 11:54 a.m. in the J. Hamilton Maurice Room, Mezzanine Floor, Office of the Parliament, Tower D, The Port of Spain International Waterfront Centre, 1A Wrightson Road, Port-of-Spain.

Committee Members

The following Members were present:

- Mr. H.R Ian Roach (Chairman)
- Mr. Nigel De Freitas
- Mr. Darryl Smith
- Ms. Khadijah Ameen

Witnesses Who Appeared

The following officials of the **Occupational Safety and Health Authority (OSHA)** appeared before the Committee:

- Dr. Surendra Dhanraj Deputy Chairman
- Mrs. Carolyn Sancho Executive Director
- Mrs. Pettal John-Beerens Deputy Director Legal
- Mr. Corey Harrison Human Resource Manager
- Mrs. Indira Mc Farlane-Lee Secretary to the Board
- Ms. Anastasia Marchan Research Planning Development Manager
- Mr. Franz Brisbane Chief Inspector (Ag.)
- Mr. Farzan Ali Member

The following officials of the **Ministry of Labour & Small Enterprise Development (MLSED)** appeared before the Committee:

- Ms. Natalie Willis Permanent Secretary (Ag.)
- Mr. Jerome Andre Laveau Deputy Permanent Secretary (Ag.)
- Ms. Sangeeta Boondoo Senior Legal Officer
- Ms. Shanmatee Singh Ng Sang Director, Research & Planning

The following officials of the **Ministry of Health (MOH)** appeared before the Committee:

- Mr. Richard Madray Permanent Secretary
- Dr. Brian Amour Chief Medical Officer (Ag.)
- Dr. Mark Allen Occupational Health Analyst, Ministry of Health
- Dr. Ishta Rampersad Occupational Medical Specialist, NWRHA

Key Issues Discussed

The following are the main issues highlighted during discussions with the **Occupational Safety and Health Authority (OSHA)**

1. The ineffectiveness of the Act has affected the Authority's ability to achieve its mandate;
2. The OSH Authority has engaged in consultations with stakeholders on the deficiencies of the Act;
3. Currently there are 87 vacancies in the OSH Agency out of 152 positions. 32 of these vacancies are in the position of Safety Inspector I.
4. Financial constraints have stymied the OSH Agency's ability to increase its staff complement and has propelled existing internal deficiencies;

6. The required funding to fill these vacancies is \$48M, however for fiscal 20017/2018, the Authority received a total allocation of \$21M of which \$18.8M was released. During the period of October 2016 to March 2018, the OSH Agency received 2497 complaints: 81 complaints were from the public sector and 2416 complaints from the private sector;
7. The vacancies in the position of Safety Inspector I and II are due to financial constraints. Additional, the accommodation available to houses addition inspectors is inadequate.
8. The Agency is awaiting a response from the Chief Personnel Officer on a proposed 3% increase in the remuneration packages for Safety Inspectors
9. There are currently 16 Safety Inspectors, 14 are situated in Trinidad and 2 are in Tobago;
10. Refusing to work is permitted in accordance with Sections 14 to 21 of the Act. However, this course of action can only be initiated after internal investigations by the organisation and its Safety and Health Committee have taken place in order to legitimise claims. This was stated in reference to Teachers within the education system;
11. Some of the actions initiated by the Public Service Association (PSA) to cease work at some public sector establishments are not in keeping with the provisions of the OSH Act.
12. In order to make a determination on whether a situation poses an ‘imminent danger’, the Agency would conduct a risk assessment;;
13. The Agency has suggested that the Safety and Health Committee should comprise all levels of staff to ensure a diverse composition;
14. The OSH Agency can only determine the extent to which an establishment is compliant after inspections are conducted;
15. The OSH Authority has prosecuted persons for failing to report accidents at the workplace, from 2015 to present 200 matters were prosecuted
16. The OSH Authority has a reactive approach to complaints due to staff shortages;
17. Some recurrent OSH risks within Ministries are:
 - Electrical Issues
 - Lack of maintenance of the physical infrastructure;
 - Lack of maintenance of machinery;
 - Inaccurate storage practices
 - Leaking roofs;
 - The generation of mold; and
 - Trip, slips and falls;
18. The OSH Authority issues a prohibition notice after investigations have been conducted and proposed solutions have been offered to the establishment. If these are not implemented and there is evidence of ‘imminent danger’ the Authority issues a prohibition notice.
19. The Agency has implemented a hotline system to receive complaints.
20. The OSH Authority indicated that Section 98 of the Act is outdated;

21. Due to the outdated regulations outlined in Section 98 of the OSH Act, the OSH Agency has highlighted ten (10) Regulations that the Agency has drafted policies for. Six (6) have been approved by the OSH Authority for possible amendment to the Act;
22. During the consultation process, the OSH Agency highlighted several areas that require attention:
 - Increase in fines
 - Structure of the OSH Authority and Agency should be clarified or revised;
 - OSHA should be made autonomous, akin to the EMA;
 - OSHA should be authorised to charge fees for its function;
 - Power of the OSH Authority to prosecute;
 - Subsidiary legislation should be amended;
 - Definitions should be included and updated;
 - Certificates required under the Act should be revised and include expiration dates;
 - Timeframes for reporting accidents;
 - Guidelines for risk assessments;
 - The burden on an Inspector should be reduced;
 - Extent of exclusion of residential areas;
 - Does not outline the duty of the employer to outline policies prior to engagement in employment;
 - Procedure for safety and health offenses should be clarified; and
 - An independent Commission should be created to treat with offenses;
23. Refusal to Work (RTW) action was effected at the Point Fortin and Roxborough Fire Stations;
24. The Authority is considering recommendations for Persons with Disabilities to be included in the Act;
25. The land allocated for the OSH Authority's new office is being reviewed by the Commissioner of State lands;
26. The OSH Authority is compiling a list of high risk agencies in order to prioritise inspection visits;
27. The Safety Inspector I has a monthly target of 10 inspections and the Safety Inspector II has a target of 4.
28. The Agency admitted that primary and secondary schools do not have Health and Safety Committees. As such they are currently in discussions with the Ministry of Education to resolve this matter.

The following are the main issues highlighted during discussions with the **Ministry of Labour and Small Enterprise Development (MLSED)**:

1. The MLSED is seeking to increase the amount of funds that are allocated to the OSH Authority to assist it in improving its operational efficiency;

2. The Ministry is reviewing the legislative amendments submitted by the OSH Authority;
and
3. The Ministry's view is that the OSH Authority should not be independent body due to its contract employment arrangement.

The following are the main issues highlighted during discussions with the **Ministry of Health**:

1. The role of the MOH in supporting the execution of the provisions of the OSH Act.
2. A Health and Safety Committee has been created within the Ministry of Health;
3. The Ministry intends to provide members of its Health and Safety Committee and sub-committees with Training ;
4. The hiring of Occupational Safety and Health staff has increased the Ministry's ability to be compliant;
5. The composition of these Safety Committees are not specified in the Act;
6. The MOH noted that it is the only Ministry that has an Occupational Health Analyst;
7. In some Ministries persons who have been in facilities management often overlap into the roles of an Occupational Safety and Health specialists;
8. The cost associated with hiring a Health and Safety professional has posed a challenge to many Ministries;
9. Reports of industrial injuries are to be submitted to the Chief Medical Officer for investigations to be conducted;
10. The MOH committed to strengthening the reporting requirements for occupational diseases; and
11. Training has to be conducted to strengthen the capacity of frontline physician staff.

The hearing can be viewed on our YouTube channel via the following link:
<https://youtu.be/RxA8S6HfYk8>

Contact the Committee's Secretary

You may contact the Committee's Secretary at jsclasasc@tpparliament.org or 624-7275 Ext. 2283