

DOING BUSINESS IN TRINIDAD AND TOBAGO

COVID-19 FAQS FOR EMPLOYERS

The outbreak of the Covid-19 coronavirus has presented new challenges for employers. We have collated below responses to some Frequently Asked Questions that you might have.

It is important to note that the current situation is dynamic and uncertain. This is particularly true in Trinidad and Tobago, because much of our employment requirements are determined, not by legislation or regulation, but by the principles of ‘good industrial relations practice’. These principles are not codified, but instead must be gleaned from decisions of our Industrial Court. There is, understandably, little precedent for the current situation.

It is difficult to conclusively predict the view that the Industrial Court, looking at an employer’s actions with the benefit of hindsight, might take. However, we have attempted to set out below our understanding and recommendations, based on the situation as it currently stands. This situation may change on short notice. While we will do our best to keep you updated on developments as they arise, please contact us before relying on the contents of this FAQ, or if you require any specific assistance.

HEALTH AND SAFETY

What health and safety obligations do employers have?

Employers have a general duty under the Occupational Health and Safety Act and the common law to ensure the health, safety and welfare of all employees at work. The Occupational Safety and Health Authority has helpfully issued written Covid-19 Guidelines for Employers and Businesses, which can be accessed at this link: [OSHA Covid-19 Guidelines](#).

LEAVE

Are employees entitled to paid Sick Leave -

A. Generally? The legislative provisions governing sick leave in Trinidad and Tobago are limited. In the public sector, provisions governing sick leave are set out in the individual pieces of legislation that deal with each service¹. In the private sector, a handful of industries² are governed by Minimum Wages Orders which entitle employees in those industries to a prescribed amount of paid sick leave.

For all other employees, sick leave is governed by the provisions of the employment contract, policy or (where the employer is unionised) collective agreement. However, because public sector and minimum wages legislation generally provide for 14 days paid sick leave per year, many private sector employers have used this as a guide in crafting their own policies. The way in which sick leave operates in practice, including

¹ The Civil Service Act, Police Service Act and Fire Service Act

² Restaurants and Catering, Shop Assistants, Household Assistants