

TRINIDAD AND TOBAGO JURISDICTION



BENJAMIN LAW

Toronto's Premier Family-First Law Firm For

Personal Injury | Long-Term Disability | Real Estate
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Labour Overview

The Minimum Wages Order under the Minimum Wages Act, Chapter 88:04, prescribes the normal daily and weekly hours of work, overtime hours as well as breaks and rest periods.

Maternity rights are set out in the Maternity Protection Act, 1998. An employee is entitled to thirteen (13) weeks maternity leave. During the period of maternity leave, an employer is required to pay a minimum amount of pay. An employee who takes maternity leave is also entitled to National Insurance Benefits. Should the payments made by the employer combined with the National Insurance Benefits be less than what the employee's full pay would have been for the thirteen (13) week period, the employer is obliged to pay the difference. Paternity leave is not provided for under the Act.

There are fourteen paid public holidays. However, Carnival Monday and Carnival Tuesday (the two days immediately preceding Ash Wednesday) are not statutory holidays but are de facto holidays.

Vacation leave is not legislated in Trinidad & Tobago. It is a matter left to the discretion of the employer to be agreed with the employee. Although it varies from one industry to another, it is normal that an employee who has:

- 5 years or less service is allowed ten working days per year;
- 5 – 10 years of service is allowed fifteen working days per year; and
- Above 15 years service, 22 working days per year.

There is no set severance formula. If an employee is of the opinion that he has been dismissed unfairly, there are two options available to him under the laws of Trinidad & Tobago – a claim in the High Court pursuant to the general laws (common law) relating to contracts and a claim in the Industrial Court under the Industrial Relations Act.

Pension Overview

Private occupational pension plans are required to be registered under the Insurance Act, Chapter 84:01. A new Occupational Pensions Plan Act is under development and will modernize pensions in Trinidad by providing for the regulation and supervision of occupational pension plans, in line with best practices internationally.

The Pensions Act, Chapter 23:52, addresses pensions for public officers. The compulsory retirement age for public sector workers is age 60.



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Social Security Benefits

The government provides a non-contributory pension scheme. The National Insurance Act provides for a system of compulsory national insurance to insure against the loss of earnings due to sickness, pregnancy, invalidity, death or retirement of or injury to an employee. The employer must register with the National Insurance Board and must also register each of its employees. Contributions are usually reviewed every year; however, the employer's weekly contribution is usually twice that of the employee's.

The Act also provides for the collection of a health surcharge from employees which shall be paid into a consolidated fund for the provision of health services in Trinidad & Tobago. All employed persons whose monthly pay exceeds \$469.00 or weekly pay exceeds \$109.00 are to pay the sum of \$8.25 per week. All other employees are required to pay the sum of \$4.80 per week. This sum is to be deducted from the employee's salary.



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