



Fundamental Conventions **GAP ANALYSIS MATRIX** GRENADA



European Union



FOREWORD

In May 2015, the Caribbean Employers' Confederation (CEC) and the Caribbean Congress of Labour (CCL) entered into a Memorandum of Understanding on joint efforts with respect to the legislative and regulatory framework within CARIFORUM countries. CEC and CCL also agreed that it was necessary to undertake joint efforts to support the understanding, application and implementation of regulatory requirements focusing on the EPA Social Chapter which is in keeping with their commitments under the Project¹ funded by the European Union. In this regard, they agreed to jointly uphold and advocate for the rights and principles enshrined in ILO Conventions addressing the issues of the elimination of child labour, forced labour, discrimination and the right to freedom of association and to bargain collectively.

Most countries of CARIFORUM have ratified all eight of the ILO Fundamental Conventions covering this platform of human rights considered foundational for the realization of Decent Work. Against this backdrop, it was decided to undertake a review of national legislation in force in the region to understand to what extent current legislation was compliant with the obligations undertaken by member States by their ratification of these Conventions.

The gap analyses have been completed on an individual country basis and carried out between March 2016 and March 2017. They will provide the affiliates of the CCL and the CEC with a resource to develop bipartite advocacy and action to reform national legislation where it has been found not to be in strict compliance with the provisions of the respective Conventions. In addition, the gap analyses will provide the CEC and the CCL with a baseline to monitor, assess and advocate for the evolution of legislation within CARICOM and the CARIFORUM countries.

Caribbean Employers' Confederation (CEC)
September 2017

Caribbean Congress of Labour (CCL)
September 2017

¹ The full name of the Project is: Challenges to CARIFORUM Labour, Private Sector and Employers to fulfil their EPA Obligations: Caribbean Employers' Confederation and the Caribbean Congress of Labour Component of the Support to Facilitate Participation of CARIFORUM Civil Society in Regional Development and Integration Process

FUNDAMENTAL CONVENTIONS - GAP ANALYSIS MATRIX

Name of the country analyzed: Grenada

Disclaimer

This gap analysis is based on the information publicly available at the time of preparation. The information therefore may not reflect the current situation, and may not have taken into consideration all relevant legislation and practice. In addition, this analysis covers only laws and regulations (mainly Acts), and does not cover decisions or judgments of court(s) or tribunal(s) which may impact the way in which the laws are interpreted or implemented. The results of analysis are not validated by the government.

This analysis should therefore be considered a starting point for consultations and joint action.

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| Part I. Freedom of association and the effective recognition of the right to collective bargaining | | | | |
| Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) | | | | |
| Article 2 Workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorisation. | [For Articles 2-5 and 7] Q1. Which legislation provides for the rights provided for under Articles 2, 3, 4, 5 and 7 of the Convention? Q2. How is this Article applied in practice? Are there any administrative or other practical elements that may make the application of this Article difficult? | Q1 Grenada Constitution Order 1973 Chapter1 Section 1 b. provides as one of its fundamental freedoms “freedom of conscience, of expression and of assembly and association.” Section 11 deals with freedom of Assembly and Association in detail. Labour Relations Act No 15 of 1999 | The ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR), in relation to the application of this Article of the Convention by Grenada, recommended the reduction of the the minimum number of members to form an employers’ or workers’ organization, stating that the minimum requirements were excessive and capable of hindering the creation of employers’ | Sections 5(1), 5(2) and 9(1)(e) of the Labour Relations Act should be changed accordingly. Prison officers should be guaranteed of their right to join a trade union of their own choosing without previous authorization. |

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| | | <p>(This Act has been amended by Labour Relations (Amendment) Act No 11 of 2000 and No 9 of 2003)</p> <p>The Act does not have a clear statement as to who it applies to. The only statement on applicability is at section 3 that it does not apply to the police or armed forces, except those employed in a civilian capacity. Consequently it can be adduced that it applies to every one else. The definition of employee is equally unhelpful. However the definition of employer includes a public authority. Further , it applies to all registered Unions. There is no specific reference to the public service except in dealing with the essential services and they appear to be represented by unions.</p> <p>Sections 5(2) and 9(1)(e) provides for the number of members required for the registration of an employers’ organization, which is ten.</p> | <p>organizations, particularly given the relatively small size of the country. It did not, however, specify the new numbers.</p> <p>The CEACR requested the Government to ensure that prison officers benefit from the rights and gurantees provided for in the Convention, indicating that in accordance with Article 2 of the Convention, the right to establish and join occupational organizations should be guaranteed for all public servants and officials, and that, under Article 9(1) of the Convention, the only authorized exceptions from the scope of application of the Convention concern members of the police and the armed forces.</p> <p>(See the comments of the CEACR on the above points at: http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:</p> | |

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| | | <p>Sections 5(1) and 9(1)(e) provides the minimum number with respect to workers’ organizations, which is 25.</p> <p>PartV deals with Freedom of Association</p> <p>Section 25- sets out the employee’s basic rights to join a trade Union or to be be elected as a shop steward or safety representative.</p> <p>Section 26- sets out the provisions that protect an employee’s right to freedom of Association (join a trade union).</p> <p>Section 28 deals with the protection of organisations and the right of employees to join organisations or to choose not to join the organisation.</p> <p>The Government has indicated to the ILO that prison officers were prevented from joining organizations of their own choosing. Prisons are part of the essential services (Second Schedule to the Labour Relations Act).</p> | 13100:P13100_COMMENT_ID, P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3253774,103320,Grenada,2015). | |

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| | | <p>This above view is reflected in the Prison Act CAP 254 Section 42(1) There is established an organisation to be called the Prison Officers' Welfare Association which shall act through boards and a central committee in accordance with rules to be made by the Minister. Th Association is to enable prison officers to consider and bring to the notice of the Commissioner and the Minister all matters affecting their general welfare and efficiency.</p> <p>Section 43 (1) It is not be lawful for a prison officer to be a member of a trade union or of any association which has for its objects, or one of its objects, to control or influence the pay, pension or conditions of service of any prison officer. Any offcier who breaks this rule is liable, on summary conviction, to a fine of two hundred dollars and to be dismissed from the prison service.</p> <p>Q2.</p> | | |

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| | | <p>Grenada Constitution Order 1973 Section 16 -Infringement of a constitutional right can be pursued by the aggrieved at the High Court. The High Court has the right to impose penalties.</p> <p>Labour Relations Act No 15 of 1999 Section 31 provides the remedy for infringement of the right to the freedom of association. The matter can be taken to the High Court by the employee and if the Court finds that the complaint is well founded can order reinstatement in a case of dismissal and damages. The only difficulties that may arise is that the matter will be pursued at Court and there may be delays depending on the Court back logs.</p> <p>According to a study done by Big Drum Nation -As of 2005 approximately 26% of Grenada’s workforce was unionized. Organized workers are mostly concentrated in agriculture,</p> | | |

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| | | <p>utilities, service, retail, manufacturing, and finance.</p> <p>There are presently eight recognized unions in the country, namely, Grenada Union of Teachers (GUT); Technical and Allied Workers' Union (TAWU); Public Workers Union (PWU); Bank and General Workers Union (BGWU); Commercial and Industrial Workers Union (CIWU); Taxi Owners and Drivers Association (TODA); Seamen and Waterfront Workers Union (SWWU); and, Grenada Maritime Manual and Intellectual Workers Union (GMMIWU).</p> | | |
| <p>Article 3 1. Workers' and employers' organisations shall have the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes.</p> | <p>[See under Article 2]</p> | <p>Labour Relations Act No 15 of 1999 (This Act has been amended by Labour Relations (Amendment) Act No 11 of 2000 and No 9 of 2003) Section 16 specifies that the Constitution of every organisation shall have the provisions mentioned in the First Schedule to the Act. The First Schedule includes the name of</p> | <p>In relation to this Article of the Convention, the CEACR considered that sanitation, seaport and dock services would not constitute essential services in the strict sense of the term – that is to say, services, the interruption of which would endanger the life, personal safety or health of the whole or part of the population. The Committee</p> | <p>The second schedule of the Labour Relations Act should be reviewed in line with the recommendation by the CEACR.</p> |

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| <p>2. The public authorities shall refrain from any interference which would restrict this right or impede the lawful exercise thereof.</p> | | <p>the organisation, the objects for which it was established, the purposes for which the funds will be used, the manner in which the constitution would be amended/ altered, the method of accounting, the manner in which elections would be carried.</p> <p>Section 46 grants the Minister the power to refer to compulsory arbitration disputes in essential services. The second schedule to this Act establishes the essential services, which includes sanitation, seaport and dock services.</p> | <p>noted the Government’s indication that given the nature of the country as an island, seaports and airports were essential services, since there were no alternatives in the case of any eventuality. It then suggested the introduction of the system of minimum service as a possible alternative to complete banning. (See the comments of the CEACR at: http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3253774,103320,Grenada,2015).</p> | |
| <p>Article 4 Workers' and employers' organisations shall not be liable to be dissolved or suspended by administrative authority.</p> | <p>[See under Article 2]</p> | <p>Labour Relations Act No 15 of 1999 (This Act has been amended by Labour Relations (Amendment) Act No 11 of 2000 and No 9 of 2003) Section 9(1) allows for cancellation of the organisation</p> | <p>No gap identified</p> | |

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| | | at its request, for fraud or mistake or violation of the Act, use of funds for unlawful purposes, improper accounts, a membership of less than 25 re union and less than 10 re employer organisation, or organisation has ceased to exist . Section 38 – certification of a trade union may be revoked if an employee applies to have it revoked on the basis that the union does not represent the majority of the members. There must be evidence that at least 60% of the members of the union does not wish to have that Union represent the bargaining Unit. | | |
| Article 5 Workers' and employers' organisations shall have the right to establish and join federations and confederations and any such organisation, federation or confederation shall have the right to affiliate with international organisations of workers and employers. | [See under Article 2] | Q1 Labour Relations Act No 15 of 1999 (This Act has been amended by Labour Relations (Amendment) Act No 11 of 2000 and No 9 of 2003) Section 29- Gives organisations the right to participate in or affiliate with other organisations . | No gap identified | |

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| | | <p>Section 30 - organisations may participate in or join with international organisations</p> <p>Q2 Trade Unions do have affiliations. The Grenada Trades Union Council (GTUC) is the umbrella Trade Union body for Grenada formed in 1955. It is affiliated with the International Trade Union Confederation (ITUC), and the Caribbean Congress of Labour (CCL). Individual Trade Unions are affiliated to different International Trade Secretariats. For example, TAWU and CIWU are affiliated to Union Network International (UNI), which represents over 16 million workers throughout the world. Another example is TAWU's and BGWU's affiliation to the International Union of Foods (IUF). The employers are affiliated in the Grenada Employers' Federation.</p> | | |
| Article 7 | [See under Article 2] | Q1 | No gap identified. | |

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| <p>The acquisition of legal personality by workers' and employers' organisations, federations and confederations shall not be made subject to conditions of such a character as to restrict the application of the provisions of Articles 2, 3 and 4 hereof.</p> | | <p>Labour Relations Act No 15 of 1999 (This Act has been amended by Labour Relations (Amendment) Act No 11 of 2000 and No 9 of 2003) Section 10- allows registered organisations , in the name of trustees to purchase land or take a lease or sell, mortgage or let land. Section 11- the property of the registered organisations are vested in trustees while these trustees hold a position in the organisation Section 12- may bring or defend any action, suit, prosecution or complaint in any court concerning the right or claim to property, real or personal, of the organisation, and may sue or be sued in their proper names without other description than the title of their office. Section 14- the registered orgainsations are immune from any legal actions taken against their wrongful actin relation to internal dealings of the</p> | <p>Acquisition of legal personality is not required for registration or operation as a trade union.</p> | |

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| | | organisation or a breach of duty arising out of a personal relationship or contract. That is the court will not intervene in issues with their membership eg the amount of the subscription or refund of the subscription. There appears to be no restrictions on registered organisations to own property or enforce their legal rights. | | |
| <p>Article 9 1. The extent to which the guarantees provided for in this Convention shall apply to the armed forces and the police shall be determined by national laws or regulations.</p> | <p>Q. How does the national legislation regulate freedom of association with respect to the armed forces and the police?</p> | <p>Labour Relations Act No 15 of 1999 (This Act has been amended by Labour Relations (Amendment) Act No 11 of 2000 and No 9 of 2003) Section 3 – clearly states that this Act does not apply to the police or armed forces though it does apply to the civilians who are employed in the police or armed forces. Thus it is clear that non-civilian personnel of the police or armed forces do not enjoy the same rights as provided for in the Labour Relations Act. The act does add the provisio that their conditions of service</p> | <p>No gap identified. The national legislation does distinguish civilian and non-civilian workers in the police or armed forces, and allows civilian staff of these forces to join a trade union. (See Paragraphs 227 and 229 of “Digest of decisions and principles of the Freedom of Association Committee of the Governing Body of the ILO” available at: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---normes/documents/publication/wcms_090632.pdf)</p> | |

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| | | <p>service should not be less favourable.</p> <p>The Police Act Cap 244 Section 6 provides that The Governor-General may, in case of war or other emergency, employ the Force to serve with Her Majesty’s Armed Forces or otherwise in defence of Grenada.</p> <p>Section 47 establishes the Police Welfare Association which enables subordinate officers and constables to consider and bring to the notice of the Chief of Police and the Governor-General all matters affecting their general welfare and efficiency, other than questions of discipline, promotion, transfer, leave or any other matter affecting individuals. The Police Welfare Association is a body corporate . It is entirely independent of and not associated with any body or person outside the Force.</p> <p>Section 48 The Governor-General may make rules for the</p> | | |

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| | | <p>constitution and governance of the Association and any matter appertaining to the Association.</p> <p>Section 49(1) It shall not be lawful for a police officer to be or become a member of a prohibited association or of a trade union as defined by the Trade Unions and Trade Disputes Act, Chapter 326, whether the trade union is registered or incorporated or not.</p> <p>Section 49(2) If a police officer whilst in the service of the Force becomes a member of a prohibited association or of a trade union he or she will be guilty of an offence and liable, on summary conviction, to a fine of two hundred and fifty dollars.</p> <p>Section 49(4) If any prohibited association or trade union permits a police officer to become a member of or to receive any benefit, financial or otherwise, from such association or trade union or if such an association or trade</p> | | |

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| | | union permits receipt of money from a police officer, the association or trade union and every officer of the association or trade union who knowingly so permits shall be guilty of an offence and liable, on summary conviction, to a fine of seven hundred and fifty dollars. | | |
| <p>Article 11 Each Member of the International Labour Organisation for which this Convention is in force undertakes to take all necessary and appropriate measures to ensure that workers and employers may exercise freely the right to organise.</p> | <p>Q. Does the national legislation guarantee the right to organize without any distinction, including managerial and executive staff and employers?</p> | <p>Labour Relations Act No 15 of 1999 (This Act has been amended by Labour Relations (Amendment) Act No 11 of 2000 and No 9 of 2003) Section 2 of this Act defines “managerial employee”, however there is no further mention of this type of employee within the Act. There are no restrictions in relation to managerial employees. Section 25 sets out the basic employee rights re freedom of association but there is no distinction made re managerial employee.</p> | <p>Gap identified There was a reference made to “managerial employee” in the interpretation section of the Act but there was no further reference made in the Act. It is submitted that there should be some provision that treats with the position of a managerial employee in relation to freedom of association. It should be clearly stipulated that managerial employees, like any other employee, enjoy the same rights conferred by the Act. However, to avoid any</p> | <p>The Act should treat clearly with the role and rights of a managerial employee in relation to their freedom of association.</p> |

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| | | From the Act it appears that there is no distinction to the right to organise of all employees including ones who are in managerial positions. | conflict of interest, managerial employees should not be part of the same bargaining unit as the workers over which he/she exercises authority. | |
| Right to Organise and Collective Bargaining Convention, 1949 (No. 98) | | | | |
| <p>Article 1</p> <p>1. Workers shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment.</p> <p>2. Such protection shall apply more particularly in respect of acts calculated to--</p> <p>(a) make the employment of a worker subject to the condition that he shall not join a union or shall relinquish trade union membership;</p> <p>(b) cause the dismissal of or otherwise prejudice a worker by reason of union membership or because of participation in union activities outside working hours or, with the consent of</p> | <p>Q1. Are there any provisions in the national legislation that would prohibit denial or cancellation of employment due to trade union membership of a worker?</p> <p>Q2. Does the national legislation provide for protection from any other types of anti-union practices?</p> <p>Q3. How is this Article of the Convention applied in practice? Are there any administrative or other practical elements that may</p> | <p>Q1.</p> <p>Labour Relations Act No 15 of 1999</p> <p>(This Act has been amended by Labour Relations (Amendment) Act No 11 of 2000 and No 9 of 2003)</p> <p>Section 26- sets out the provisions that protect an employee’s right to freedom of Association (join a trade union). This section treats with an employer as well as a union trying to prevent an employee from joining the Union of his choice. It identifies the types of prejudicial action including dismissal or threats that could be brought to bear on the person.</p> <p>Section 28 (2) a person has a right to join or not join a Union</p> | No gap identified | |

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| the employer, within working hours. | make the application of this Article difficult? | <p>and protection from discrimination of any type.</p> <p>Q2. & Q3</p> <p>Labour Relations Act No 15 of 1999</p> <p>Section 31 provides the remedy for infringement of the right to the freedom of association. The matter can be taken to the High Court by the employee and if the Court finds that the complaint is well founded can order reinstatement in a case of dismissal and damages.</p> <p>Section 42 provides for union to enter any employer’s premises for the lawful business of the trade union and to meet with its members. If the employer refuses to allow access to the Union the matter can be pursued at Court and the Court could order the employer to allow the Union to meet.</p> <p>Where section 26 is breached the person who breaches it is on summary conviction liable to a fine not exceeding ten thousand</p> | | |

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| | | dollars or to a term of imprisonment not exceeding one year, or to both such fine and imprisonment. | | |
| <p>Article 2</p> <p>1. Workers' and employers' organisations shall enjoy adequate protection against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration.</p> <p>2. In particular, acts which are designed to promote the establishment of workers' organisations under the domination of employers or employers' organisations, or to support workers' organisations by financial or other means, with the object of placing such organisations under the control of employers or employers' organisations, shall be deemed to constitute acts of interference within the meaning of this Article.</p> | <p>Q1. How does the national legislation ensure that workers' and employers' organization do not interfere each other, by, among others, prohibiting any measures that would limit independence in finance or operation?</p> <p>Q2. How is this Article of the Convention applied in practice? Are there any administrative or other practical elements that may make the application of this Article difficult?</p> | <p>Q1 Labour Relations Act No 15 of 1999 (This Act has been amended by Labour Relations Act No. 15 of 1999Section 26(3) makes it clear that employers or employers' organisations shall not dominate or influence or support a workers' organization with the object of controlling it.</p> <p>Labour Relations (Amendment) Acts No 11 of 2000 and No 9 of 2003</p> <p>Section2- interpretation- "Trade Union" - specifies that the principal purpose of the Union is to promote employees' interests and any organisation that is dominated or influenced by an employer or employer's association is not a Union.</p> | <p>The Labour Relations Act is clear on protecting workers' organizations from the interference of employers' organizations, but does not appear to provide for the protection of employers' organizations.</p> | <p>A provision similar to section 26(3) should be included in the Labour Relations Act with respect to employers' organizations.</p> |

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| | | <p>“Employers Association” also specifies that it is to promote employers interests.</p> <p>Section 30 allows Organisations (Unions and Employers) to be part of international organisations and allows for them to receive financial or other assistance from these international organisations.</p> <p>Q2 Labour Relations Act No. 15 of 1999 Section 70 - The penalty on summary conviction is a fine not exceeding five thousand dollars or to a term of imprisonment not exceeding six months.</p> | | |
| <p>Article 3 Machinery appropriate to national conditions shall be established, where necessary, for the purpose of ensuring respect for the right to organise as defined in the preceding Articles.</p> | <p>Q1. Are there any bodies that would discuss and promote the right to organize? Are they tripartite?</p> <p>Q2. What are the measures envisaged</p> | <p>Q1. The Employment Act No 14 of 1999 Section 8(1) (c) gives the Labour Commissioner the responsibility for developing tripartism. Section 17 establishes the Labour Advisory Board and the Labour</p> | No gap identified | |

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| | under the national legislation that would be taken if the right to organize is violated? | <p>Advisory Board is comprised of 3 persons nominated by the Minister, 3 nominated by the representative organisations of workers and 3 representatives of employers organisations. Section 21 sets out the functions of the Board . There are to advise the Minister on all matters of labour, specifically national policies on basic conditions of employment and on health, environment and safety and welfare at work,the promotion of collective bargaining, proposals for the adoption and amendment of legislation and the review of the operation and enforcement of this Act and the Labour Relations Act, 1999. They are also responsible for matters concerning the activities of the International Labour Organisation.</p> <p>Q2. Labour Relations Act No 15 of 1999 (This Act has been amended by Labour Relations (Amendment) Act No 11 of 2000 and No 9 of 2003)</p> | | |

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| | | <p>Section 26 gives every employee the right to be part of an Union. If the right is violated the employer or the Union can take the matter to the High Court under section 31.</p> | | |
| Article 4 Measures appropriate to national conditions shall be taken, where necessary, to encourage and promote the full development and utilisation of machinery for voluntary negotiation between employers or employers' organisations and workers' organisations, with a view to the regulation of terms and conditions of employment by means of collective agreements. | Q. How, through legal or other means, voluntary negotiation between employers and workers is encouraged and promoted? | Labour Relations Act No 15 of 1999(This Act has been amended by Labour Relations (Amendment) Act No 11 of 2000 and No 9 of 2003) Section 41 provides that once a trade union has the requisite certification the employer is required to bargain in good faith and make every effort to sign off on a collective agreement. Any person who is affected by a refusal to negotiate can pursue the matter at the High Court. Section 41(3)- any employer or person acting on his behalf who fails to enter into negotiations with the certified union is liable on summary conviction to a fine not exceeding ten thousand dollars or to a term of | No gap identified | |

| Main provisions of the fundamental Conventions (Not all Articles of the Conventions are mentioned) | Questions for analysis to consider gaps between the Convention and the existing national legislation and/or practice | Current situation: – National laws or regulations (Please include name of the law and section number) – National policies – National practices etc. | Gaps identified: – Description of gaps etc. | Recommended solutions in national law and/or practice |
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| | | imprisonment not exceeding two years or both such fine and imprisonment. | | |
| <p>Article 5 1. The extent to which the guarantees provided for in this Convention shall apply to the armed forces and the police shall be determined by national laws or regulations.</p> | <p>Q. How does the national legislation regulate the issues of the right to organize and to collective bargaining with respect to the armed forces and the police?</p> | <p>Labour Relations Act No 15 of 1999(This Act has been amended by Labour Relations (Amendment) Act No 11 of 2000 and No 9 of 2003)</p> <p>Section 3 makes it clear that this Act does not apply to the Police or armed forces while it does apply to the civilians who are employed in the police or armed forces. It also provides that they should be treated no less favourably. Thus it is clear that non-civilian personnel of the police or armed forces does not enjoy the same rights as provided for in the Labour Relations Act. The Police are listed in the Second Schedule under the list of essential services. Section 50 (3) makes it clear that no - disputes in the essential services can be referred to the arbitration Tribunal employee, employer or trade union can take</p> | <p>No gap identified.</p> <p>The national legislation does distinguish civilian and non-civilian workers in the police or armed forces, and allows civilian staff of these forces to join a trade union. (See Paragraphs 227 and 229 of “Digest of decisions and principles of the Freedom of Association Committee of the Governing Body of the ILO” available at: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---normes/documents/publication/wcms_090632.pdf</p> | |

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| | | <p>industrial action in respect of an essential service.</p> <p>The Police Act Cap 244</p> <p>Section 47 establishes the Police Welfare Association which enables subordinate officers and constables to consider and bring to the notice of the Chief of Police and the Governor-General all matters affecting their general welfare and efficiency, other than questions of discipline, promotion, transfer, leave or any other matter affecting individuals. The Police Welfare Association is a body corporate . It is entirely independent of and not associated with any body or person outside the Force.</p> <p>Section 48 The Governor-General may make rules for the constitution and governance of the Association and any matter appertaining to the Association.</p> <p>Section 49(1)</p> | | |

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| | | <p>It shall not be lawful for a police officer to be or become a member of a prohibited association or of a trade union as defined by the Trade Unions and Trade Disputes Act, Chapter 326, whether the trade union is registered or incorporated or not. Section 49(2)</p> <p>If a police officer whilst in the service of the Force becomes a member of a prohibited association or of a trade union he or she will be guilty of an offence and liable, on summary conviction, to a fine of two hundred and fifty dollars. Section 49(4)</p> <p>If any prohibited association or trade union permits a police officer to become a member of or to receive any benefit, financial or otherwise, from such association or trade union or if such an association or trade union permits receipt of money from a police officer, the association or trade union and every officer of the association or trade union who knowingly so</p> | | |

| Main provisions of the fundamental Conventions (Not all Articles of the Conventions are mentioned) | Questions for analysis to consider gaps between the Convention and the existing national legislation and/or practice | Current situation: – National laws or regulations (Please include name of the law and section number) – National policies – National practices etc. | Gaps identified: – Description of gaps etc. | Recommended solutions in national law and/or practice |
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| | | <p>permits shall be guilty of an offence and liable, on summary conviction, to a fine of seven hundred and fifty dollars.</p> <p>Police Regulations Cap 244 Re 249 (1) It shall be the duty of a Branch Board to consider and make representations with regard to all matters affecting the general welfare and efficiency of the members of the particular Branch.</p> <p>Reg 249(2) It shall be the duty of the Central Committee to consider and make representations with regard to all matters affecting the general welfare and efficiency of the Police Force as a whole.</p> <p>Reg 251 Representations may be made by resolution or petition in writing submitted by the Secretary to the Commissioner of Police or the Minister through the proper channels.</p> | | |

| Main provisions of the fundamental Conventions (Not all Articles of the Conventions are mentioned) | Questions for analysis to consider gaps between the Convention and the existing national legislation and/or practice | Current situation: – National laws or regulations (Please include name of the law and section number) – National policies – National practices etc. | Gaps identified: – Description of gaps etc. | Recommended solutions in national law and/or practice |
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| Article 6 This Convention does not deal with the position of public servants engaged in the administration of the State, nor shall it be construed as prejudicing their rights or status in any way. | Q1. How does the national legislation regulate the issues of the right to organize and to collective bargaining with respect to civil servants employed in government ministries and other comparable bodies? Q2. How is this provision of the Convention applied in practice? Are there any administrative or other practical elements that may make the application of this Article difficult? | Labour Relations Act No 15 of 1999(This Act has been amended by Labour Relations (Amendment) Act No 11 of 2000 and No 9 of 2003) It should be noted that most of the organisations that would fall within the parameters of the public service are listed as essential services under the Second Schedule to the Labour Relations Act 1999 and would be bound by section 50 (3). That is, essential services can not refer their disputes to the arbitration tribunal nor can they take industrial actions. However, once these officers do not fall within the parameters of essential services or police or armed forces then they can engage in collective bargaining as other types of employees. Grenada Constitution Order 1973 Section 83 (15)- Refers to the " the appropriate representative bodies " as meaning the Grenada Civil | Gap identified. There should be a clear statement of how the civilian officers in the Public Service who are not part of the essential services should conduct their negotiations | Inclusion of a clause in the Labour Relations Act on the freedom of association re civilian officers in the Public Service who are not part of the essential services ie along the lines of section 83(15)of the Constitution or reference to section 83(15) in the Labour Relations Act. |

| Main provisions of the fundamental Conventions (Not all Articles of the Conventions are mentioned) | Questions for analysis to consider gaps between the Convention and the existing national legislation and/or practice | Current situation: – National laws or regulations (Please include name of the law and section number) – National policies – National practices etc. | Gaps identified: – Description of gaps etc. | Recommended solutions in national law and/or practice |
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| | | <p>Service Association and the Grenada Union of Teachers. Thus it is evident that officers who fall within the parameters of these two organisations would fall under the purview of the Labour Relations Act of 1999 in relation to collective bargaining.</p> <p>The point was also made in Employment Act No 14 of 1999 (This Act has been amended by Employment (Amendment) Act No.2 of 2000 and No 10 of 2000) Section 4 states that this Act does not apply to members of the police force, armed forces or to prison guards or officers except those employed in a civilian capacity,</p> | | |

Part II. Elimination of all forms of forced or compulsory labour

Forced Labour Convention, 1930 (No. 29)

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| <p>Article 1 1. Each Member of the International Labour Organisation which ratifies this Convention undertakes to</p> | <p>Q. Are there any national legislation, policy and/or programme to suppress</p> | <p>Grenada Constitution Order 1973 Section 4 defines forced labour and clearly indicates that no person will be held in slavery or</p> | <p>No gap identified</p> | |
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| Main provisions of the fundamental Conventions (Not all Articles of the Conventions are mentioned) | Questions for analysis to consider gaps between the Convention and the existing national legislation and/or practice | Current situation: – National laws or regulations (Please include name of the law and section number) – National policies – National practices etc. | Gaps identified: – Description of gaps etc. | Recommended solutions in national law and/or practice |
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| suppress the use of forced or compulsory labour in all its forms within the shortest possible period. | the use of forced or compulsory labour? | <p>servitude or be forced to perform forced labour.</p> <p>Employment Act No 14 of 1999 (This Act has been amended by Employment (Amendment) Act No.2 of 2000 and No 10 of 2000)</p> <p>Section 25 (1) specifies that no person shall be required to perform forced labour .</p> <p>Section 25(2) Any person who permits or exacts forced labour is liable on summary conviction to a fine not exceeding ten thousand dollars or to a term of imprisonment not exceeding three years or to both such fine and imprisonment.</p> <p>Prevention in Trafficking of Persons Act No 34 of 2014 (came into force on February 5, 2016- Commencement Notice SRO 19 of 2016)</p> <p>This act is extremely detailed and treats with issues of slavery , coercion, debt bondage, sexual exploitation, prostitution,</p> | | |

| Main provisions of the fundamental Conventions (Not all Articles of the Conventions are mentioned) | Questions for analysis to consider gaps between the Convention and the existing national legislation and/or practice | Current situation: – National laws or regulations (Please include name of the law and section number) – National policies – National practices etc. | Gaps identified: – Description of gaps etc. | Recommended solutions in national law and/or practice |
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| | | <p>organised crime, as well as trafficking in persons.</p> <p>Section 9 deals with trafficking in persons for forced labour and 9(7) provides That is a person, is liable on summary conviction to a fine of two hundred and fifty thousand dollars or to a term of imprisonment for seven years or to both. Section 12 deals with the penalty for debt bondage which is the same as above.</p> | | |
| <p>Article 2 1. For the purposes of this Convention the term forced or compulsory labour shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.</p> <p>2. Nevertheless, for the purposes of this Convention, the term forced or compulsory labour shall not include--</p> | <p>Q1. If a national legislation, policy and/or programme to suppress the use of forced or compulsory labour exist, how do they define the term “forced or compulsory labour”?</p> <p>Q2. Does the national legislation contain any exemption in this regard?</p> | <p>Q1 Grenada Constitution Order 1973 Section 4(3), forced labour is defined by its exceptions. Which is along the lines of section 2 (a) to (e) of the Employment Act No 14, 1999</p> <p>Employment Act No 14 of 1999 (This Act has been amended by Employment (Amendment) Act No.2 of 2000 and No 10 of 2000)</p> <p>Section 2 defines forced labour as “work or service that is exacted from any person under the</p> | No gap identified. | |

| Main provisions of the fundamental Conventions (Not all Articles of the Conventions are mentioned) | Questions for analysis to consider gaps between the Convention and the existing national legislation and/or practice | Current situation: – National laws or regulations (Please include name of the law and section number) – National policies – National practices etc. | Gaps identified: – Description of gaps etc. | Recommended solutions in national law and/or practice |
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| <p>(a) any work or service exacted in virtue of compulsory military service laws for work of a purely military character;</p> <p>(b) any work or service which forms part of the normal civic obligations of the citizens of a fully self-governing country;</p> <p>(c) any work or service exacted from any person as a consequence of a conviction in a court of law, provided that the said work or service is carried out under the supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private individuals, companies or associations;</p> <p>(d) any work or service exacted in cases of emergency, that is to say, in the event of war or of a calamity or threatened calamity, such as fire, flood, famine, earthquake, violent epidemic or epizootic</p> | | <p>menace of any penalty and is not offered voluntarily”</p> <p>Prevention in Trafficking of Persons Act No 34 of 2014 (came into force on February 5, 2016- Commencement Notice SRO 19 of 2016</p> <p>Section 2</p> <p>Defines coercion, debt bondage, exploitation, forced labour and slavery.</p> <p>“forced labour” means labour or services obtained or maintained through threats, the use of force, physical restraint, intimidation or other forms of coercion;</p> <p>“servitude” means a condition in which the labour or service of a person is provided or obtained through threats of harm to that person or another person, or through any scheme, plan or pattern intended to cause the person to believe that, if he or she does not perform the labour or provide the service in question, he or she or another person would suffer harm;</p> | | |

| Main provisions of the fundamental Conventions (Not all Articles of the Conventions are mentioned) | Questions for analysis to consider gaps between the Convention and the existing national legislation and/or practice | Current situation: – National laws or regulations (Please include name of the law and section number) – National policies – National practices etc. | Gaps identified: – Description of gaps etc. | Recommended solutions in national law and/or practice |
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| <p>diseases, invasion by animal, insect or vegetable pests, and in general any circumstance that would endanger the existence or the well-being of the whole or part of the population;</p> <p>(e) minor communal services of a kind which, being performed by the members of the community in the direct interest of the said community, can therefore be considered as normal civic obligations incumbent upon the members of the community, provided that the members of the community or their direct representatives shall have the right to be consulted in regard to the need for such services.</p> | | <p>“slavery” means intimidating a person by any means to a state of submission to the control of another person as if that other person is the owner of the first-mentioned person;</p> <p>Q2. Grenada Constitution Order 1973 Section 4(3) list the exemptions to forced labour and they are along the lines of the Employment Act section 2(a) to (e) below .</p> <p>Employment Act No 14 of 1999 Section 2 (a) to (e) does have exemptions – Forced labour does not include : Military service, and work or service that forms part of the civil or communal obligations of Grenadians , service exacted as a consequence of a conviction carried on under the supervision of a public authority , work exacted in emergency situations where life and well being of part of the whole of the population is</p> | | |

| Main provisions of the fundamental Conventions (Not all Articles of the Conventions are mentioned) | Questions for analysis to consider gaps between the Convention and the existing national legislation and/or practice | Current situation: – National laws or regulations (Please include name of the law and section number) – National policies – National practices etc. | Gaps identified: – Description of gaps etc. | Recommended solutions in national law and/or practice |
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| | | endangered and minor communal service. | | |
| Protocol of 2014 to the Forced Labour Convention, 1930 | | | | |
| <p>Article 1</p> <p>1. In giving effect to its obligations under the Convention to suppress forced or compulsory labour, each Member shall take effective measures to prevent and eliminate its use, to provide to victims protection and access to appropriate and effective remedies, such as compensation, and to sanction the perpetrators of forced or compulsory labour.</p> <p>2. Each Member shall develop a national policy and plan of action for the effective and sustained suppression of forced or compulsory labour in consultation with employers' and workers' organizations, which shall involve systematic action by the competent authorities and, as appropriate, in coordination</p> | <p>[For Articles 1-3]</p> <p>Q1. If a national legislation, policy and/or programme to suppress the use of forced or compulsory labour exist, do they contain measures to:</p> <p>(i) prevent and eliminate its use;</p> <p>(ii) provide to victims protection and access to remedies (e.g. compensation-also relevant to Article 4 of the Convention); and</p> <p>(iii) sanction the perpetrators</p> <p>(iv) educate and inform people who may become victims of</p> | <p>Q1.</p> <p>Employment Act No 14 of 1999 (This Act has been amended by Employment (Amendment) Act No.2 of 2000 and No 10 of 2000)</p> <p>(i) The sanctions applied under section 25(2) should prevent its use.</p> <p>(ii) Section 28(1) Employment Act No 14 of 1999 provides that a person who has been affected in this way can pursue the matter in the Court if it can not be addressed in the industrial relations framework.</p> <p>Section 28(2) The Court can order compliance with the Act and payment of compensation for the infringement of the rights .</p> <p>Prevention in Trafficking of Persons Act No 34 of 2014 (came into force on February 5,</p> | <p>Gap identified –</p> <p>While legal means are available in general, but other practical programmes and activities do not seem to be available.</p> <p>Practical preventive measures do not exist, such as identification and patrol of places where forced labour may take place, targeted actions for vulnerable categories of persons, enforcement mechanisms specifically for forced labour.</p> <p>There are no legal provisions on compensation for victims of forced labour other than trafficking.</p> <p>There are no provisions to educate and inform persons who may become victims of forced labour or employers</p> | <p>There should be a policy and plan of action on forced labour, which include practical measures for prevention and elimination of forced labour, compensation for victims and targeted activities for categories of persons considered vulnerable to forced labour including migrant workers, collaboration of authorities and the social partners for prevention and elimination of forced labour, and removal of victims. Such action plan should also include studying of root causes on forced labour.</p> |

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| with employers' and workers' organizations, as well as with other groups concerned. | <p>forced or compulsory labour;</p> <p>(v) educate and inform employers about forced or compulsory labour practices;</p> <p>(vi) ensuring that legislation relevant to the prevention of forced or compulsory labour is applied to all workers and all economic sectors, and that its application is enforced through labour inspection;</p> <p>(vii) protecting persons particularly vulnerable to forced or compulsory labour, particularly migrant workers;</p> <p>(viii) establishing and enforcing procedures and mechanisms necessary to prevent and respond to forced</p> | <p>2016- Commencement Notice SRO 19 of 2016 Section 46 provides for the victim to be compensated for any loss the person suffered including physical , psychological or other injury, as well as the cost of medical care. The compensation is to come out of the assets of the convicted person.</p> <p>(iii) Employment Act No 14 of 1999 Section 25(2) Any person who permits or exacts forced labour is liable on summary conviction to a fine not exceeding ten thousand dollars or to a term of imprisonment not exceeding three years or to both such fine and imprisonment.</p> | about forced labour or any clear procedure for treating with forced labour . | <p>There should be a media plan to educate and inform persons about forced labour as well as a brochure setting out the procedure to be used to lay a complaint.</p> <p>These actions should be programmed in consultation with all stakeholders including the social partners.</p> |
| <p>Article 2 The measures to be taken for the prevention of forced or compulsory labour shall include:</p> <p>(a) educating and informing people, especially those</p> | <p>(viii) establishing and enforcing procedures and mechanisms necessary to prevent and respond to forced</p> | <p>(vi) Employment Act No 14 of 1999 Section 9 provides for officers in the Department of Labour to inspect places of work as often and as thoroughly as necessary.</p> | <p>Gap identified – There are no measures provided to educate and inform vulnerable employees of their rights. Employers' and workers' organizations are not specifically involved in</p> | <p>Media plan to ensure that the laws in relation to forced labour are properly publicised.</p> <p>Statistics and data collection on inspections should be</p> |

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| <p>considered to be particularly vulnerable, in order to prevent their becoming victims of forced or compulsory labour;</p> <p>(b) educating and informing employers, in order to prevent their becoming involved in forced or compulsory labour practices;</p> <p>(c) undertaking efforts to ensure that:</p> <p>(i) the coverage and enforcement of legislation relevant to the prevention of forced or compulsory labour, including labour law as appropriate, apply to all workers and all sectors of the economy; and</p> <p>(ii) labour inspection services and other services responsible for the implementation of this legislation are strengthened;</p> <p>(d) protecting persons, particularly migrant workers, from possible abusive and fraudulent practices during the recruitment and placement process;</p> | <p>or compulsory labour; and</p> <p>(ix) studying the root causes of forced or compulsory labour and selecting the results to legislation, national policies or programmes.</p> <p>Q2. What are the progress and results achieved by these measures?</p> <p>Q3. Are employers' and workers' organization involved in implementing measures mentioned under Q1 above? If so, how are they involved?</p> | <p>Section 14 Officers in the Department of Labour are required to submit periodical reports on their inspections.</p> <p>Section 15 Provides for the Minister of labour to make inspections and identify the penalties and violations in his annual report.</p> <p>(vii) The Foreign National and Commonwealth Citizens (Employment) Act No. 18 of 1968(Cap 115) requires workers from out of Grenada to have a work permit.</p> <p>Recruiting of Workers Act 1939 Section 6 requires that every worker will be provided with a document that sets out the conditions of employment. Section 9 – travelling and maintenance expenses to the place of work to be provided by the recruiter</p> | <p>activities for suppression of forced labour.</p> | <p>improved and available to the public.</p> <p>Specific measures should be designed and implemented to closely involving employers' and workers' organizations.</p> |

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| <p>(e) supporting due diligence by both the public and private sectors to prevent and respond to risks of forced or compulsory labour; and</p> <p>(f) addressing the root causes and factors that heighten the risks of forced or compulsory labour.</p> | | <p>Section 10 where the worker is being repatriated or dies the family shall be repatriated Section 11 requires that every worker recruited shall be medically examined and brought before a magistrate.</p> <p>(viii) Employment Act No 14 of 1999 Apart from the Court proceedings referred to and the sanctions referred to and the sanctions Section 10- Sets out the power of the officers to enter workplaces without notice, any hour of the night or day to inspect, to check the registers, books records relating to employees, to interview witnesses, to investigate remuneration and hours of work and to take photographs. The Labour officers can make orders to have measures executed immediately for the protection of employees.</p> <p>Section 16 Sets out the offenses re persons/ employers who hinder or</p> | | |

| Main provisions of the fundamental Conventions (Not all Articles of the Conventions are mentioned) | Questions for analysis to consider gaps between the Convention and the existing national legislation and/or practice | Current situation: – National laws or regulations (Please include name of the law and section number) – National policies – National practices etc. | Gaps identified: – Description of gaps etc. | Recommended solutions in national law and/or practice |
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| | | <p>obstruct the work of the officers from the Department of labour. The person would be liable on summary conviction to a fine not exceeding ten thousand dollars or to a term of imprisonment not exceeding three years or to both such fine and imprisonment.</p> <p>Employment Act No 14 of 1999 Section 48 - Every employee shall receive a pay statement setting out the remuneration for the work. Section 49 Makes it clear that an employer is not allowed to make the employee pay him back the remuneration or deprive him of any remuneration paid or payable.</p> <p>(ix) There is no evidence that the root cause of forced labour was studied.</p> <p>Q2. In 2014, the Ministry of Labor (MOL) employed seven labor inspectors responsible for general</p> | | |

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| | | <p>labor inspections. Data on their findings were not available on the Government website.</p> <p>Q3. No direct evidence of employers' and workers' organization involvement.</p> | | |
| <p>Article 3 Each Member shall take effective measures for the identification, release, protection, recovery and rehabilitation of all victims of forced or compulsory labour, as well as the provision of other forms of assistance and support.</p> | <p>(See under Article 1)</p> | <p>Employment Act No 14 of 1999 (This Act has been amended by Employment (Amendment) Act No.2 of 2000 and No 10 of 2000) Section 9 Requires officers in the Department of Labour to make inspections of workplaces as frequently as necessary. Section 10 deals with the powers of the officers in the Department of Labour to inspect workplaces at all hours of the night or day and to identify victims of forced or compulsory labour. It also provides that they can take measures to protect the employees. Section 16(2) Where the Court finds that the employer or agent is guilty the</p> | <p>Gap identified – No provision for rehabilitation of victims of forced labour.</p> | <p>A policy or procedures should be introduced to treat with the rehabilitation of victims of forced labour.</p> |

| Main provisions of the fundamental Conventions (Not all Articles of the Conventions are mentioned) | Questions for analysis to consider gaps between the Convention and the existing national legislation and/or practice | Current situation: – National laws or regulations (Please include name of the law and section number) – National policies – National practices etc. | Gaps identified: – Description of gaps etc. | Recommended solutions in national law and/or practice |
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| | | employer can be required to pay compensation to the victim. | | |
| <p>Article 5 Members shall cooperate with each other to ensure the prevention and elimination of all forms of forced or compulsory labour.</p> | <p>Q1. If a national legislation, policy and/or programme to suppress the use of forced or compulsory labour exist, do they provide for cooperation with other countries or with other relevant regional and international organizations?</p> <p>Q2. What are the progress and results achieved by these measures?</p> | <p>Employment Act No 14 of 1999 (This Act has been amended by Employment (Amendment) Act No.2 of 2000 and No 10 of 2000)</p> <p>Section 21(2) The Labour Advisory Board deals with issues arising out of the International Labour Organisation</p> | No concrete cooperation in prevention and elimination of forced labour appears to exist. | The programme of action mentioned above under Article 2 should include action to foster international cooperation as deemed necessary. |
| Abolition of Forced Labour Convention, 1957 (No. 105) | | | | |
| <p>Article 1 Each Member of the International Labour Organisation which ratifies this Convention undertakes to suppress and not to make use of any form of forced or compulsory labour--</p> | Q1. What national legislation provides for prohibition of the use of forced or compulsory labour as means as provided for in this Article of the Convention? | <p>Employment Act No 14 of 1999 (This Act has been amended by Employment (Amendment) Act No.2 of 2000 and No 10 of 2000)</p> <p>Section 2 defines “ Forced labour in detail and sets out the exceptions It should be noted that none of the circumstances</p> | The CEACR recommended repealing the mentioned sections of the Shipping Act or restricting their application to situations where the ship or the life or health of persons are endangered, so as to bring the legislation into conformity with the Convention. | Sections 185(b) and (c), and 186(a) and (b), and 191 of the Shipping Act should be amended in line with the recommendation of the CEACR. |

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| <p>(a) as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system;</p> <p>(b) as a method of mobilising and using labour for purposes of economic development;</p> <p>(c) as a means of labour discipline;</p> <p>(d) as a punishment for having participated in strikes;</p> <p>(e) as a means of racial, social, national or religious discrimination.</p> | <p>Q2. How is this provision of the Convention applied in practice?</p> | <p>referred to in Article 1 are referred to in the exemptions consequently, while the Act does not specify these situations it is clear that any coercion of this nature would be a breach of section 25 of the Act which prohibits forced labour.</p> <p>The Grenada Constitution order 1973 Section 10 provides for the freedom of expression, including freedom to hold opinions without interference, freedom to receive ideas and information without interference, freedom to communicate ideas and information without interference</p> <p>Shipping Act, 1994 CAP 303 Sections 1851 (b) and (c), and 186(a) and (b) of the Act provides that penalties of imprisonment may be imposed for breaches of discipline such as disobedience to lawful command, neglect of duty, desertion and absence without leave. Moreover, section 191 of the Act provides for the forcible</p> | | |

| Main provisions of the fundamental Conventions (Not all Articles of the Conventions are mentioned) | Questions for analysis to consider gaps between the Convention and the existing national legislation and/or practice | Current situation: – National laws or regulations (Please include name of the law and section number) – National policies – National practices etc. | Gaps identified: – Description of gaps etc. | Recommended solutions in national law and/or practice |
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| | | <p>conveyance of deserting seafarers to ships registered in another country, where it appears to the minister that reciprocal arrangements will be made in that country.</p> <p>Q2. A breach of section 25 of the Employment Act , that is a person using forced labour would result in (section 25(2) summary conviction to a fine not exceeding ten thousand dollars or to a term of imprisonment not exceeding three years or to both such fine and imprisonment. It could also result in compensation awarded to the victim by the Court - section 28(2)</p> | | |
| Part III. Effective abolition of child labour | | | | |
| Minimum Age Convention, 1973 (No. 138) | | | | |
| <p>Article 2 1. Each Member which ratifies this Convention shall specify, in a declaration appended to its ratification, a minimum age for admission to employment or work within its territory and</p> | <p>Q1. What is the legal minimum age for admission to employment? What provisions of the national legislation provide for it?</p> | <p>Q1. Employment Act No 14 of 1999 (This Act has been amended by Employment (Amendment) Act No.2 of 2000 and No 10 of 2000)</p> | <p>No gap identified. The minimum age for admission to employment provided for in the Employment Act corresponds to the age of completion of</p> | |

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| <p>on means of transport registered in its territory; subject to Articles 4 to 8 of this Convention, no one under that age shall be admitted to employment or work in any occupation.</p> <p>3. The minimum age specified in pursuance of paragraph 1 of this Article shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years.</p> <p>4. Notwithstanding the provisions of paragraph 3 of this Article, a Member whose economy and educational facilities are insufficiently developed may, after consultation with the organisations of employers and workers concerned, where such exist, initially specify a minimum age of 14 years.</p> | <p>Q2. If the minimum age is 14, was there a consultation with employers' and workers' organization in accordance with Article 2, paragraph 4 of the Convention?</p> <p>Q3. What is the age of completion of compulsory schooling? What provisions of the national legislation provide for it?</p> | <p>Section 32 – Minimum age for admission to employment is 16.</p> <p>Q2 – not applicable</p> <p>Q3. Education Act Chap. 86 Section 2 defines the compulsory school age as 5- 16 years. Section 15 details what is meant by compulsory that is every child of compulsory school age must be provided with an educational programme.</p> | <p>the compulsory education regulated under the Education Act.</p> | |
| Article 3 | Q1. Does the national legislation provides for | Q1. | Gap identified- | Include in the legislation a list of |

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| <p>1. The minimum age for admission to any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardise the health, safety or morals of young persons shall not be less than 18 years.</p> <p>2. The types of employment or work to which paragraph 1 of this Article applies shall be determined by national laws or regulations or by the competent authority, after consultation with the organisations of employers and workers concerned, where such exist.</p> <p>3. Notwithstanding the provisions of paragraph 1 of this Article, national laws or regulations or the competent authority may, after consultation with the organisations of employers and workers concerned, where such exist, authorise</p> | <p>a higher minimum age for admission to any employment which likely to be hazardous to young persons? If so, what is that minimum age?</p> <p>Q2. If the higher minimum age is 16, was there a consultation with employers' and workers' organization with specific reference to Article 3, paragraph 3 of the Convention?</p> | <p>There is no legislation of general applicability dealing with hazardous employment.</p> <p>A special law contains a relevant provision.</p> <p>Shipping Act CAP 303 Section 135(2) of prohibits the employment of persons under the age of 18 years in any capacity in any Grenadian ship (without a certificate granted by a duly qualified medical practitioner certifying that such person is fit to be employed in that capacity).</p> <p>Section 135 (1) – No person under 16 shall work on a ship unless the work is approved by the Director of Maritime Affairs on board a school-ship or training ship or Director certifies that he or she is satisfied, that the employment will be beneficial to him or her and the person is physically fit to do the job.</p> | <p>No reference to the types of work that would constitute hazardous work for persons under 18 years of age and which should not be available to young persons</p> | <p>employment that would constitute hazardous employment for persons who are not adults.</p> |

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| employment or work as from the age of 16 years on condition that the health, safety and morals of the young persons concerned are fully protected and that the young persons have received adequate specific instruction or vocational training in the relevant branch of activity. | | Section 135(4) prohibits the employment of persons under 18 years in the engine room of any vessel. Q2. There is no indication of consultation with with employers’ and workers’ organization on hazardous employment. | | |
| <p>Article 4</p> <p>1. In so far as necessary, the competent authority, after consultation with the organisations of employers and workers concerned, where such exist, may exclude from the application of this Convention limited categories of employment or work in respect of which special and substantial problems of application arise.</p> | <p>[For Articles 4-6 and 8]</p> <p>Q. Does the national legislation exclude: (i) any categories of workers and/or (ii) certain industries from the scope of application of the minimum age legislation, in particular young persons engaged in vocational educational training programmes approved by the competent</p> | <p>Employment Act No 14 of 1999 (This Act has been amended by Employment (Amendment) Act No.2 of 2000 and No 10 of 2000)</p> <p>Section 32(1) states that a person under the age of sixteen years shall not be employed or allowed to work in any public or private agricultural, industrial or non-industrial undertaking.</p> <p>There is no definition of agricultural or industrial or non-industrial undertaking.</p> | <p>Gap identified –</p> <p>The term “<i>public or private agricultural, industrial or non-industrial undertaking</i>” needs to be defined in the Act and if the definition of agricultural worker and industrial worker is to apply to persons under 16 ,it should be clearly stated.</p> <p>No information as to the type of work that would constitute holiday work and the hours that a child would be allowed</p> | <p>The term “<i>public or private agricultural, industrial or non-industrial undertaking</i>” should be defined.</p> <p>Include specific information as to the kind of work which would constitute holiday work and the hours a child would be allowed to work .</p> |

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| | <p>authority, or young persons participating in artistic performances? If so, what are the excluded categories of workers and industries?</p> | <p>There is a definition of of an agricultural worker and an industrial worker in Part VI of the Act but the legislation is clear that the interpretation section applies to Part VI and the prohibition of employment re persons under 16 is set out in Part V of the Act.</p> <p>Section 32(3) Sets out the exemptions to minimum age. That is a person can be employed under the age of sixteen if it is work done in technical schools, on the job training , work experience exercises, work done on school ships, training ships, provided that the work is approved and supervised by a public authority.</p> <p>It should be noted that the Act does not specify an age below 16 that would apply for work done in technical schools, on the job training , work experience exercises, work done on school ships, training ships, which would mean any child, no matter how young, could work once it falls</p> | <p>to work doing holiday work. This gap could lend itself to abuse.</p> | |

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| | | <p>under the technical and vocational training ambit.</p> <p>Section 32 (1) also has an exception in that a person under 16 could work in a holiday job but there are no specific of the kind of job or the amount of hours the child could work</p> <p>Section 34 A person under 18 years would have to undergo a medical examination before the person would be allowed to work on a ship.</p> <p>There is no reference to persons participating in artistic performances.</p> | | |
| <p>Article 5 1. A Member whose economy and administrative facilities are insufficiently developed may, after consultation with the organisations of employers and workers concerned, where such exist, initially limit the scope of application of this Convention.</p> | (See under Article 4) | <p>Optional clause of the Convention – The national legislation does not make use of this option.</p> | N/A | N/A |

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| <p>3. The provisions of the Convention shall be applicable as a minimum to the following: mining and quarrying; manufacturing; construction; electricity, gas and water; sanitary services; transport, storage and communication; and plantations and other agricultural undertakings mainly producing for commercial purposes, but excluding family and small-scale holdings producing for local consumption and not regularly employing hired workers.</p> | | | | |
| <p>Article 6 This Convention does not apply to work done by children and young persons in schools for general, vocational or technical education or in other training institutions, or to work done by persons at least 14 years of age in undertakings, where such work is carried out in</p> | <p>(See under Article 4)</p> | | <p>Gap identified-</p> <p>A person should not be allowed to work in technical schools, on the job training , work experience exercises, or work done on school ships, training ships, under the age of 14.</p> | <p>The Act should preclude persons under 14 from being involved in technical or vocational training under the age of 14.</p> |

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| accordance with conditions prescribed by the competent authority, after consultation with the organisations of employers and workers concerned, where such exist, and is an integral part of-- (a) a course of education or training for which a school or training institution is primarily responsible; (b) a programme of training mainly or entirely in an undertaking, which programme has been approved by the competent authority; or (c) a programme of guidance or orientation designed to facilitate the choice of an occupation or of a line of training. | | | | |
| Article 7 1. National laws or regulations may permit the employment or work of persons 13 to 15 years of age on light work which is-- | Q1. Does the national legislation allow light work for persons of 13 to 15 years of age? If so, which provisions of the national legislation provide for it? | Q1. There is no reference in the Employment Act No 14 of 1999 to persons of 13 to 15 years being permitted to work . The Act is clear that employment is from 16 unless it is work done in technical schools, on the job training , work | Gap identified – There is no definition of the term “light work”. There is no restriction on the age at which a person could be involved in technical or vocational training. | The term “light work” should be defined. Restrictions should be placed on the age at which a person could become involved in technical or vocational |

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| <p>(a) not likely to be harmful to their health or development; and (b) not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instruction received.</p> <p>2. National laws or regulations may also permit the employment or work of persons who are at least 15 years of age but have not yet completed their compulsory schooling on work which meets the requirements set forth in sub-paragraphs (a) and (b) of paragraph 1 of this Article.</p> <p>3. The competent authority shall determine the activities in which employment or work may be permitted under paragraphs 1 and 2 of this</p> | <p>Q2. Does the national legislation permit the employment of persons who are at least 15 years of age but have not yet completed their compulsory schooling? If so, which provisions of the national legislation provide for it?</p> <p>Q3. In cases mentioned under Q1 and Q2 above, has the competent authority adopted a list of permitted activities and working conditions including hours of work?</p> <p>Q4. Are the options provided for under Article 7, paragraph 4 of the Convention used in the national minimum age legislation?</p> | <p>experience exercises, work done on school ships, training ships, approved by a public authority. However there is no restriction on the age at which a person could be involved in technical or vocational training so it is possible that persons between 13- 15 can be involved in technical work, on the job training , work experience exercises, on school ships, training ships, and therefore work of that nature.</p> <p>Moreover, there is no reference to light work in the Employment Act, except for a possibly related provision of section 32(1) of the Act allowing a person under 16 to work in any public or private agricultural, industrial or non-industrial undertaking in “holiday job” employment. The term “holiday job” is not defined or maximum hours a young person may work under this section. Consequently any person under the minimum age can work in an</p> | <p>The term “holiday job”, which appears in section 32(1) of the Employment Act, is not defined in terms of the minimum age for such work, types of work the young person may engage or maximum hours such work may be allowed.</p> <p>The CEACR commented on this section in relation to the term “light work” provided for in Article 7 of Convention No. 138. The Committee requested the Government to ensure that the “holiday job employment” of persons under 16 years of age is only performed by persons of 13 years of age and above and under the conditions provided for by Article 7(3) of the Convention. It recalled that, pursuant to Article 7(1) of the Convention, national laws and regulations may permit the employment or work of persons of 13–15 years of age</p> | <p>training to prevent abuse.</p> <p>Holiday work should be defined and restrictions placed on the types of work that would constitute holiday work, the hours of work and the minimum age of a child engaged in holiday work.</p> |

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| <p>Article and shall prescribe the number of hours during which and the conditions in which such employment or work may be undertaken.</p> <p>4. Notwithstanding the provisions of paragraphs 1 and 2 of this Article, a Member which has availed itself of the provisions of paragraph 4 of Article 2 may, for as long as it continues to do so, substitute the ages 12 and 14 for the ages 13 and 15 in paragraph 1 and the age 14 for the age 15 in paragraph 2 of this Article.</p> | | <p>endeavour once it is considered holiday work.</p> <p>Turning to other laws, section 4 of the Recruitment of Workers Act of 1939 prohibits the recruitment of persons under the age of 18 years, provided that the minister may, by regulation, authorize persons above the age of 16 years to be recruited for light work with the consent of their parents/guardian and subject to conditions prescribed by the regulation. Furthermore, according to section 5 of the Recruiting of Workers Regulations of 1941, no juvenile between the ages of 16 and 18 years shall be recruited, except with the consent of their parents/guardian and provided that the conditions of employment are stated in writing and approved by the district Magistrate, that the employment is suitable, and that the welfare of the juvenile is sufficiently safeguarded. The Committee further notes the Government's</p> | <p>on light work and, under the terms of Article 7(3), the competent authority shall determine the activities in which light work may be permitted and shall prescribe the number of hours during which, and the conditions in which, such employment or work may be undertaken. (See the CEACR's comment at: http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3256794,103320,Grenada,2015).</p> | |

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| | | <p>information that, to date, there have been no reported incidents of work which contribute to harmful effects on the health, safety and morals of children and hence no types of hazardous work have been identified.</p> <p>In any case, the national legislation does not appear to define the term “light work”.</p> <p>Q2. There is no provision on persons at least 15 years of age but have not yet completed their compulsory schooling.</p> <p>Q3. There is no list of permitted activities and working conditions and no hours of work in relation to holiday work. In other instances the law precludes employment under the age of 16.</p> <p>Q4. The options provided for in Article 7, paragraph 4 of the</p> | | |

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| | | convention are not referred to in the national minimum age legislation- Employment Act No 14 of 1999. | | |
| <p>Article 8 1. After consultation with the organisations of employers and workers concerned, where such exist, the competent authority may, by permits granted in individual cases, allow exceptions to the prohibition of employment or work provided for in Article 2 of this Convention, for such purposes as participation in artistic performances.</p> <p>2. Permits so granted shall limit the number of hours during which and prescribe the conditions in which employment or work is allowed.</p> | (See under Article 4) | Optional clause of the Convention – The national legislation does not make use of this option. | N/A | N/A |
| <p>Article 9 1. All necessary measures, including the provision of appropriate penalties, shall be taken by the competent</p> | Q1. What penalties (fines, imprisonment, etc.) does the national legislation provide for in case of failure to apply | <p>Q1 Employment Act No 14 of 1999 Section 35 A person who contravenes the minimum age provision is liable</p> | No Gap identified. | |

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| <p>authority to ensure the effective enforcement of the provisions of this Convention.</p> <p>2. National laws or regulations or the competent authority shall define the persons responsible for compliance with the provisions giving effect to the Convention.</p> <p>3. National laws or regulations or the competent authority shall prescribe the registers or other documents which shall be kept and made available by the employer; such registers or documents shall contain the names and ages or dates of birth, duly certified wherever possible, of persons whom he employs or who work for him and who are less than 18 years of age.</p> | <p>the minimum age legislation?</p> <p>Q2. Are contraventions of the minimum age regulations often reported by the labour inspectorate? Any statistical information available, including any sanctions imposed?</p> | <p>on summary conviction to a fine not exceeding ten thousand dollars or to a term of imprisonment not exceeding three years or to both such fine and imprisonment.</p> <p>Q2 There is no statistical data available on the website of the Ministry of Labour even the annual report which the Minister of labour is required by law to prepare was not available. However , the United States Department of Labor, Bureau of International Labor Affairs did a report on Grenada in 2014 and found that the research did not indicate that child labour, even in its worst form, exist in Grenada. Grenada had ratified all the key conventions in relation to child labour. In 2014 the Ministry of Labour employed 7 Labour inspectors. There were no complaints or inspections relating to child labour during the reporting period. During the reporting period, the perpetrator</p> | | |

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| | | of a 2013 child pornography was convicted and fined approximately \$7,400; both the victim and the perpetrator received counseling. There were no new criminal investigations, prosecutions, or convictions relevant to child labor during the reporting period. The Government has continued to support programs that provide school meals, uniforms, and transportation costs to students of low-income families. | | |
| Worst Forms of Child Labour Convention, 1999 (No. 182) | | | | |
| Article 2 For the purposes of this Convention, the term child shall apply to all persons under the age of 18. | Q. How does the national legislation define the term “child”? Could there be different, or even conflictual definitions in different laws and regulations? | Employment Act No 14 of 1999 Child means anyone under the age of 16. Child Protection and Adoption Act No 20 of 2010 – child is anyone under 18 Juvenile Justice Act No 24 of 2012 Child is anyone under 18 Electronic Crimes Act No 23 of 2013 | No gap identified. While there are different ages, it appears that when it relates to the protection of a child the age is anyone under 18. | |

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| | | <p>Section 12(1) defines a child as a person under 18</p> <p>Prevention in Trafficking of Persons Act No 34 of 2014 (came into force on February 5, 2016- Commencement Notice SRO 19 of 2016) Section 2 defines a child as a person under 18 or a person over 18 with special circumstances ie serious illness or physical or mental disability.</p> <p>Education Act Chap. 86 Does not define “Child” but in section 2 defines “adult education” as training or education for person over compulsory school age and since compulsory school age ends at 16 it means a child is anyone 16 or under.</p> | | |
| <p>Article 3 For the purposes of this Convention, the term the worst forms of child labour comprises: (a) all forms of slavery or practices similar to slavery,</p> | <p>[For Articles 3 and 4] Q1. How does the national legislation define the term, “child labour”? Does it specify</p> | <p>Q1. There is no definition of Child labour per se in The Employment Act No 14 of 1999. Section 32 does have the marginal note “Prohibition on child labour” but it does not define it. It states that</p> | <p>In relation to paragraph a of this Article of the Convention, section 188 of the Criminal Code does not prohibit the sale and trafficking of boys for prostitution, as well as the sale and trafficking of children</p> | <p>Section 188 of the Criminal Code should be amended to protect both boys and girls in all cases provided for in Article 3(a) and (b) of the Convention.</p> |

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| <p>such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;</p> <p>(b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;</p> <p>(c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;</p> <p>(d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.</p> | <p>“worst forms of child labour”?</p> <p>Q2. Does the national legislation contain any exemption in this regard?</p> <p>Q3. Is there a list of hazardous work as defined under Article 3, paragraph (d) of the Convention? The list may have been adopted as law or regulations, or as an administrative issuance after consultation with employers’ and workers’ organizations.</p> | <p>a person under sixteen is not allowed to work in any public or private agricultural, industrial or non-industrial undertaking. There is no definition of public or private agricultural or industrial or non-industrial undertaking.</p> <p>That being said there are other pieces of legislation which treat with the worst forms of child labour.</p> <p>The Grenada Constitution Order states as a fundamental right, no person shall be held in slavery or servitude.</p> <p>The Criminal Code Chap. 72A- Section 178 deals with the defilement of a female under 13 years- attempts to have carnal knowledge of her - shall be liable to imprisonment for seven years. Section 179- defilement of a female between 13 to 16 years , shall be liable to imprisonment for five years Section 180 – corruption of a female- by duress threats ,</p> | <p>for labour exploitation, while it does so for girls.</p> <p>In relation to paragraph b, section 188 of the Criminal Code criminalizes the procuring of girls for prostitution, does not appear to criminalize the use of a child for sexual exploitation and, furthermore, does not seem to prohibit the use, procuring or offering of boys for prostitution.</p> <p>These points on the Criminal Code are indicated in the CEACR’s comment on the application of this Article of the Convention (http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3141641).</p> | <p>A list of hazardous work as provided for in Article 3(d) of Convention No. 182 should be adopted.</p> |

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| | | <p>intoxication procures a female to permit carnal knowledge shall be liable to imprisonment for five years. Section 188 Procuration- Any one who procures a female under twenty-one in or out of Grenada to have sex; Procures any female to become a common prostitute Procures any female to leave the state to become part of a brothel for the purpose of prostitution is liable to imprisonment for two years Section 216- Exposing a child to grievous harm shall be liable to imprisonment for five years.</p> <p>Electronic Crimes Act Clause 12(2) of the Electronic Crimes Act addresses the use of new technologies as an enabler to pornography and child sex abuse by prohibiting (i) the publishing/transmittal of electronic material which depicts a child engaged in sexually</p> | | |

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| | | <p>explicit act or conduct; (ii) the creating and distribution of child pornography; and (iii) the use, procuring or offering of a child for production of pornography or pornographic performances.</p> <p>Prevention in Trafficking of Persons Act No 34 of 2014 (came into force on February 5, 2016- Commencement Notice SRO 19 of 2016)</p> <p>This act is extremely detailed and treats with issues of slavery , coercion, debt bondage, sexual exploitation, prostitution, orgained crime, as well as trafficking in persons.</p> <p>Section 9 deals with trafficking in persons in detail and section 10 states the penalties where the offences referred to in section 9 relates to a child.</p> <p>That is a person is liable on conviction on indictment to a fine of one million dollars or to a term of imprisonment for twenty-five years or to both.</p> | | |

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| | | <p>Section 11 provides that where the offences under 9 causes death or life threatening illness or is done by a person with authority over the child or in a position of trust the person would be liable on conviction on indictment to a fine of one million dollars or to a term of imprisonment for thirty years or to both.</p> <p>Q2.</p> <p>Criminal Code Chap. 72A- Section 179 It shall not be an offence if the accused person had reasonable cause to believe that the female was of or above sixteen years of age . Also the prosecution can not proceed with the matter where three months have passed since the commission of the offence.</p> <p>Electronic Crimes Act Section 12 (3) It shall not be an offence if the person can establish that the child pornography was for a bona</p> | | |

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| | | <p>vide law enforcement purpose or .</p> <p>Section 12(5) where the publication is in the public good or is in the interest of science, literature, art or learning.</p> <p>Shipping Act CAP 303 Section 135 (1) – No person under 16 shall work on a ship unless the work is approved by the Director of Maritime Affairs on board a school-ship or training ship or Director certifies that he or she is satisfied, that the employment will be beneficial to him or her and the person is physically fit to do the job.</p> <p>Q3. There is no reference to hazardous employment in the legislation. There is no list of types of work that are not available to children. According to section 32(1) of the Employment Act a person under the age of sixteen years shall not be employed or allowed to work</p> | | |

| Main provisions of the fundamental Conventions (Not all Articles of the Conventions are mentioned) | Questions for analysis to consider gaps between the Convention and the existing national legislation and/or practice | Current situation: – National laws or regulations (Please include name of the law and section number) – National policies – National practices etc. | Gaps identified: – Description of gaps etc. | Recommended solutions in national law and/or practice |
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| | | in any public or private agricultural, industrial or non-industrial undertaking. There is no definition of agricultural or industrial or non-industrial undertaking. | | |
| Article 4 1. The types of work referred to under Article 3(d) shall be determined by national laws or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned, taking into consideration relevant international standards, in particular Paragraphs 3 and 4 of the Worst Forms of Child Labour Recommendation, 1999. 3. The list of the types of work determined under paragraph 1 of this Article shall be periodically examined and revised as necessary, in consultation with the | [See under Article 3] | The list of hazardous work that children should not be allowed to do has not been included in any law. | There is no list of hazardous jobs that children should not be allowed to carry out. See also under Article 3 of Convention No. 138. There is no specific policy that treats with child labour but there is law. | A list of hazardous jobs that children are restricted from carrying out should be included in a policy or legislation. |

| Main provisions of the fundamental Conventions (Not all Articles of the Conventions are mentioned) | Questions for analysis to consider gaps between the Convention and the existing national legislation and/or practice | Current situation: – National laws or regulations (Please include name of the law and section number) – National policies – National practices etc. | Gaps identified: – Description of gaps etc. | Recommended solutions in national law and/or practice |
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| organizations of employers and workers concerned. | | | | |
| Article 5 Each Member shall, after consultation with employers' and workers' organizations, establish or designate appropriate mechanisms to monitor the implementation of the provisions giving effect to this Convention. | Q1. Is there a tripartite body to deal with matters provided for in the Convention? If so, what legislative or administrative instrument regulates it? What are the body's core functions? How is the body structured? Q2. Please provide information on the activities of such body. Any results achieved by the body? | The Labour Advisory Board established under section 17 of the Employment Act No 14 of 1999 is comprised of 3 representatives of employers organisations and 3 representatives of workers organisations . Its mandate, under section 21 is the formulation and implementation of national policies on basic conditions of employment and on health, environment and safety and welfare at work, consequently it can be said that there is a tripartite body empowered by law to deal with these matters. . The Ministry of Labour (MoL), the Child Welfare Authority, the Royal Grenada Police Force and the Ministry of Education jointly collaborate to effectively monitor the implementation of the provisions of the Convention. | No gap identified | |

| Main provisions of the fundamental Conventions (Not all Articles of the Conventions are mentioned) | Questions for analysis to consider gaps between the Convention and the existing national legislation and/or practice | Current situation: – National laws or regulations (Please include name of the law and section number) – National policies – National practices etc. | Gaps identified: – Description of gaps etc. | Recommended solutions in national law and/or practice |
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| <p>Article 6</p> <p>1. Each Member shall design and implement programmes of action to eliminate as a priority the worst forms of child labour.</p> <p>2. Such programmes of action shall be designed and implemented in consultation with relevant government institutions and employers' and workers' organizations, taking into consideration the views of other concerned groups as appropriate.</p> | <p>[For Articles 6; and 7, paragraph 2]</p> <p>Q1. Is there a national policy and programme on child labour?</p> <p>Q2. What is its main content? Does it contain time-bound measures addressing issues mentioned under Article 7, paragraph 2 of the Convention?</p> <p>Q3. Is it adopted and implemented in consultation with employers' and workers' organizations and other groups, associations and organizations concerned with child labour?</p> <p>Q4. How is this programme implemented? Are</p> | <p>According to Grenada 2015 Statistical Digest from UNICEF. The Government undertook to further develop its child protection systems by using several different strategies. The success of these strategies employed in strengthening the family and child protection legislative framework in Grenada is reflected in the list of Amendments and Acts introduced during the period 2010- 2013. These include:</p> <p>Domestic Violence Act, Chapter 84, (No. 19 of 2010)</p> <ul style="list-style-type: none"> • Child (Protection and Adoption) Act, Chapter 44A, (No. 20 of 2010) • Age of Civil Legal Responsibility Act, Chapter 4A, (No. 14 of 2011) • Criminal Code, Chapter 72A (Amendment) (No.29 of 2012) Sections 19-31 • Juvenile Justice Act, (No. 24 of 2012) (not enforced) • Education (Amendment) Act (2012) • Civil (Birth) Registration Bill (2013) | <p>Various laws exist. However, programmes of action to prevent and eliminate the worst forms of child labour in practice does not appear to exist.</p> | <p>Programmes of action to prevent and eliminate the worst forms of child labour should be developed and implemented.</p> |

| Main provisions of the fundamental Conventions (Not all Articles of the Conventions are mentioned) | Questions for analysis to consider gaps between the Convention and the existing national legislation and/or practice | Current situation: – National laws or regulations (Please include name of the law and section number) – National policies – National practices etc. | Gaps identified: – Description of gaps etc. | Recommended solutions in national law and/or practice |
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| | there any results achieved? | <ul style="list-style-type: none"> • Electronic Crimes Act (2013) <p>In 2014 it passed the Prevention of Trafficking in Persons Act. The Child Protection and Adoption Act created the Child Protection Authority as the legally mandated agency to handle all aspects of child protection cases, from receiving reports to conducting investigations; placing children; initiating legal proceedings and taking all necessary follow up actions.</p> | | |
| <p>Article 7</p> <p>1. Each Member shall take all necessary measures to ensure the effective implementation and enforcement of the provisions giving effect to this Convention including the provision and application of penal sanctions or, as appropriate, other sanctions.</p> <p>2. Each Member shall, taking into account the importance of education in eliminating child labour, take effective and time-bound measures to:</p> | <p>Q1. What kind of penalties does the national legislation provide for violation of the provisions on child labour?</p> <p>Q2. Is there a public body specifically dedicated to the prevention and eradication of child labour (e.g. a children’s authority)?</p> | <p>Q1</p> <p>The Criminal Code Chap. 72A- Section 178 deals with the defilement of a female under 13 years- attempts to have carnal knowledge of her - shall be liable to imprisonment for seven years. Section 179- defilement of a female between 13 to 16 years , shall be liable to imprisonment for five years</p> <p>Section 180 – corruption of a female- by duress thrests , intoxication procures a female to permit carnal knowledge shall be</p> | See under Article 3 regarding Criminal Code. | See under Article 3 regarding Criminal Code. |

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| <p>(a) prevent the engagement of children in the worst forms of child labour;</p> <p>(b) provide the necessary and appropriate direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration;</p> <p>(c) ensure access to free basic education, and, wherever possible and appropriate, vocational training, for all children removed from the worst forms of child labour;</p> <p>(d) identify and reach out to children at special risk; and</p> <p>(e) take account of the special situation of girls.</p> <p>3. Each Member shall designate the competent authority responsible for the implementation of the provisions giving effect to this Convention.</p> | | <p>liable to imprisonment for five years.</p> <p>Section 188 Procuration- Any one who procures a female under twenty-one in or out of Grenada to have sex; Procures any female to become a common prostitute Procures any female to leave the state for to become part of a brothel for the purpose of prostitution is liable to imprisonment for two years</p> <p>Section 216- Exposing a child to grievous harm shall be liable to imprisonment for five years.</p> <p>Electronic Crimes Act no 23 of 2013 Section 12(4) A person who contravenes section 12 (2) relating to child pornography commits an offence and is liable on conviction on indictment to a fine not exceeding two hundred thousand dollars or to a term of</p> | | |

| Main provisions of the fundamental Conventions (Not all Articles of the Conventions are mentioned) | Questions for analysis to consider gaps between the Convention and the existing national legislation and/or practice | Current situation: – National laws or regulations (Please include name of the law and section number) – National policies – National practices etc. | Gaps identified: – Description of gaps etc. | Recommended solutions in national law and/or practice |
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| | | <p>imprisonment not exceeding five years or to both and in the event of second or subsequent conviction to a fine not exceeding three hundred thousand dollars or to a term of imprisonment not exceeding twenty years or to both.</p> <p>Prevention in Trafficking of Persons Act No 34 of 2014 (came into force on February 5, 2016- Commencement Notice SRO 19 of 2016)</p> <p>Sections 9(7), 10 (2), 10(3), 11,12, 13(2) deal with the penalties imposed in relation to a breach of this Act specifically the provisions relating to sexual exploitation, debt bondage, slavery, trafficking and where it comes to children the penalties are: That is a person is liable on conviction on indictment to a fine of one million dollars or to a term of imprisonment for twenty-five years or to both.</p> | | |

| Main provisions of the fundamental Conventions (Not all Articles of the Conventions are mentioned) | Questions for analysis to consider gaps between the Convention and the existing national legislation and/or practice | Current situation: – National laws or regulations (Please include name of the law and section number) – National policies – National practices etc. | Gaps identified: – Description of gaps etc. | Recommended solutions in national law and/or practice |
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| | | <p>Section 11 provides that where the offences under 9 causes death or life threatening illness or is done by a person with authority over the child or in a position of trust the person would be liable on conviction on indictment to a fine of one million dollars or to a term of imprisonment for thirty years or to both.</p> <p>Sections 22, 26</p> <p>This Act also provides for a child to be taken to a place of refuge and for the victim to be taken before a magistrate to get a protection order and have the person seen by a doctor .</p> <p>Where the victims are not from Grenada they would be repatriated.</p> <p>Secton 46 provides for the victim to be compensated for any loss the person suffered including physical , psychological or other injury, as well as the cost of medical care. The compensation is to come out of the assets of the convicted person.</p> | | |

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| | | <p>Employment Act No 14 of 1999 Section 35 A person who contravenes the minimum age provision is liable on summary conviction to a fine not exceeding ten thousand dollars or to a term of imprisonment not exceeding three years or to both such fine and imprisonment. There is Free basic education</p> <p>Education Act Chap. 86 Section 2 defines the compulsory school age as 5- 16 years. Section 15 details what is meant by compulsory that is every child of compulsory school age must be provided with an educational programme. According to Grenada 2015 Statistical Digest from UNICEF the net primary school enrolment rate in 2011 was 92.5% and the net secondary school enrolment rate for 2011 was 85%.</p> <p>Q2 The Child Protection and Adoption Act created the Child</p> | | |

| Main provisions of the fundamental Conventions (Not all Articles of the Conventions are mentioned) | Questions for analysis to consider gaps between the Convention and the existing national legislation and/or practice | Current situation: – National laws or regulations (Please include name of the law and section number) – National policies – National practices etc. | Gaps identified: – Description of gaps etc. | Recommended solutions in national law and/or practice |
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| | | Protection Authority as the legally mandated agency to handle all aspects of child protection cases, from receiving reports to conducting investigations; placing children; initiating legal proceedings and taking all necessary follow up actions. | | |
| <p>Article 8 Members shall take appropriate steps to assist one another in giving effect to the provisions of this Convention through enhanced international cooperation and/or assistance including support for social and economic development, poverty eradication programmes and universal education.</p> | <p>Q1. Does the country under review have any agreement or programme for prevention and eradication of child labour with other countries or with regional and international organizations?</p> <p>Q2. If so, has such agreement or programme achieved any results?</p> | <p>All key international conventions concerning child labor has been ratified ie ILO C. 138, Minimum Age ILO C. 182, Worst Forms of Child Labor UN CRC UN CRC Optional Protocol on Armed Conflict UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography Palermo Protocol on Trafficking in Persons Q2 Legislation has been passed to make the conventions effective.</p> | No gap identified | |
| Part IV. Elimination of discrimination in respect of employment and occupation | | | | |
| Equal Remuneration Convention, 1951 (No. 100) | | | | |

| Main provisions of the fundamental Conventions (Not all Articles of the Conventions are mentioned) | Questions for analysis to consider gaps between the Convention and the existing national legislation and/or practice | Current situation: – National laws or regulations (Please include name of the law and section number) – National policies – National practices etc. | Gaps identified: – Description of gaps etc. | Recommended solutions in national law and/or practice |
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| Article 1 For the purpose of this Convention-- (a) the term remuneration includes the ordinary, basic or minimum wage or salary and any additional emoluments whatsoever payable directly or indirectly, whether in cash or in kind, by the employer to the worker and arising out of the worker's employment; (b) the term equal remuneration for men and women workers for work of equal value refers to rates of remuneration established without discrimination based on sex. | Q1. Does the national legislation define the term “equal remuneration for men and women for work of equal value”? Q2. Does the national legislation contain any exemption in this regard? | Employment Act No 14 of 1999 (This Act has been amended by Employment (Amendment) Act No.2 of 2000 and No 10 of 2000) Section 27 – Provides that every employer shall pay male and female employees the same remuneration. Q2. There are no exemptions re equal remuneration in the Employment Act No 14 of 1999 | The national legislation provides only for “equal remuneration between men and women”, and it does not contain the element of “for work of equal value”. | Employment Act should be amended to provide fully for the principle of equal remuneration for men and women for work of equal value. |
| Article 2 1. Each Member shall, by means appropriate to the methods in operation for determining rates of remuneration, promote and, in so far as is consistent with such methods, ensure the application to all workers of | Q. Are there any laws, regulations, wage committees or collective agreements that promote and ensure the application of the principle of equal remuneration for men and women workers for work of equal value? | Employment Act No 14 of 1999 The Wages Advisory Committee was established under section 51 of this Act is comprised of representatives of employers organisations and representatives of workers organisations as well as representatives of any other | Gap identified. There is no body to promote and ensure the application of the principle of equal remuneration for men and women for work of equal value. | There should be legislative, administrative or other measures to promote and implement the principle of equal remuneration for work of equal value for both the public and private |

| Main provisions of the fundamental Conventions (Not all Articles of the Conventions are mentioned) | Questions for analysis to consider gaps between the Convention and the existing national legislation and/or practice | Current situation: – National laws or regulations (Please include name of the law and section number) – National policies – National practices etc. | Gaps identified: – Description of gaps etc. | Recommended solutions in national law and/or practice |
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| <p>the principle of equal remuneration for men and women workers for work of equal value.</p> <p>2. This principle may be applied by means of--</p> <p>(a) national laws or regulations;</p> <p>(b) legally established or recognised machinery for wage determination;</p> <p>(c) collective agreements between employers and workers; or</p> <p>(d) a combination of these various means.</p> | | <p>interests as the Minister thinks fit. Its mandate, under section 51 (1) is where no arrangements exist for the effective regulation of wages in a particular trade, industry or occupation the Committee is required to investigate the conditions of employment in such trade, industry or occupation and to make recommendations as to the minimum rates of wages which should be payable.</p> <p>The latest minimum wage order, the Minimum Wage Order, 2011 establishes a uniform minimum wage for 13 categories of workers.</p> | | <p>sectors. There should be a specific</p> |
| <p>Article 3</p> <p>1. Where such action will assist in giving effect to the provisions of this Convention measures shall be taken to promote objective appraisal of jobs on the basis of the work to be performed.</p> | <p>Q1. Does the national legislation or any administrative instrument provide for objective appraisal of jobs to identify the value of jobs for application of the</p> | <p>There is no provision for objective appraisal of jobs to identify the value of jobs for application of the principle of equal remuneration for men and women workers for work of equal value in the Employment Act No 14 of 1999.</p> | <p>Gap identified –</p> <p>There is no provision setting out a method by which the remuneration for jobs are determined.</p> | <p>There should be a provision setting out a method by which the wage of a job would be determined. That is the objective method or perhaps just that the remuneration for</p> |

| Main provisions of the fundamental Conventions (Not all Articles of the Conventions are mentioned) | Questions for analysis to consider gaps between the Convention and the existing national legislation and/or practice | Current situation: – National laws or regulations (Please include name of the law and section number) – National policies – National practices etc. | Gaps identified: – Description of gaps etc. | Recommended solutions in national law and/or practice |
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| <p>2. The methods to be followed in this appraisal may be decided upon by the authorities responsible for the determination of rates of remuneration, or, where such rates are determined by collective agreements, by the parties thereto.</p> <p>3. Differential rates between workers which correspond, without regard to sex, to differences, as determined by such objective appraisal, in the work to be performed shall not be considered as being contrary to the principle of equal remuneration for men and women workers for work of equal value.</p> | <p>principle of equal remuneration for men and women workers for work of equal value? If so, are there any manuals or guidelines on the methods for such job appraisal?</p> <p>Q2. How such job appraisal is used in practice?</p> | <p>There is a definition of remuneration in section 2 as wage and any additional benefits, allowance or emoluments. Section 2 also defines wages as all earnings and allowances capable of being expressed in terms of money for services. There are provisions in section 47-50 that set out practically how wages are paid but it does not spell out how the value of the job is determined. There is no reference to a job evaluation exercise.</p> | | <p>jobs should be tied to an objective job evaluation exercise.</p> |
| <p>Article 4 Each Member shall co-operate as appropriate with the employers' and workers' organisations concerned for the purpose of giving effect to the provisions of this Convention.</p> | <p>Q. Is there a tripartite body established and operating for the promotion and implementation of the principle of equal remuneration for men</p> | <p>The Wages Advisory Committee was established under section 51 of this Act is comprised of representatives of employers organisations and representatives of workers organisations as well as representatives of any other</p> | <p>See under Article 2.</p> | <p>See under Article 2.</p> |

| Main provisions of the fundamental Conventions (Not all Articles of the Conventions are mentioned) | Questions for analysis to consider gaps between the Convention and the existing national legislation and/or practice | Current situation: – National laws or regulations (Please include name of the law and section number) – National policies – National practices etc. | Gaps identified: – Description of gaps etc. | Recommended solutions in national law and/or practice |
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| | and women workers for work of equal value? | interests as the Minister thinks fit. Its mandate, under section 51 (1) is where no arrangements exist for the effective regulation of wages in a particular trade, industry or occupation the Committee is required to investigate the conditions of employment in such trade, industry or occupation and to make recommendations as to the minimum rates of wages which should be payable. | | |
| Discrimination (Employment and Occupation) Convention, 1958 (No. 111) | | | | |
| Article 1 1. For the purpose of this Convention the term discrimination includes-- (a) any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation; (b) such other distinction, exclusion or preference which | [For Articles 1 and 4] Q1. How does the national legislation define the term “discrimination”? In particular, what are the effects considered “discriminatory” compared to ? What are the grounds on which discrimination is prohibited? | Q1 Grenada Constitution Order 1973 Section 13(3) states: "discriminatory" means affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, place of origin, political opinions, colour, creed or sex whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded | According to the CEACR, the Employment Act does not apply to the police force, armed forces and prison staff. The Police Act or the Prisons Act do not contain relevant provisions prohibiting discrimination in employment and occupation (See the Committee’s comment at: http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_C | If needed, the Police Act or the Prisons Act should be amended to contain relevant provisions, as recommended by the CEACR. |

| Main provisions of the fundamental Conventions (Not all Articles of the Conventions are mentioned) | Questions for analysis to consider gaps between the Convention and the existing national legislation and/or practice | Current situation: – National laws or regulations (Please include name of the law and section number) – National policies – National practices etc. | Gaps identified: – Description of gaps etc. | Recommended solutions in national law and/or practice |
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| <p>has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation as may be determined by the Member concerned after consultation with representative employers' and workers' organisations, where such exist, and with other appropriate bodies.</p> <p>2. Any distinction, exclusion or preference in respect of a particular job based on the inherent requirements thereof shall not be deemed to be discrimination.</p> | <p>Q2. Does the national legislation make any exemption? In particular, in relation to Article 4 of the Convention, does the national legislation consider not discriminatory measures applied to individuals who are involved in activities intended to safeguard the security of the State?</p> | <p>privileges or advantages which are not accorded to persons of another such description”.</p> <p>Employment Act No 14 of 1999</p> <p>Section 26(1)</p> <p>No person shall discriminate against any employee on the grounds of race, colour, national extraction, social origin, religion, political opinion, sex, marital status, family responsibilities, age or disability, in respect of recruitment, training, promotion, terms and conditions of employment, termination of employment or other matters arising out of the employment relationship.</p> <p>Q2.</p> <p>Grenada Constitution Order of 1973</p> <p>Section 13 (4) (5) (6) (7)& (8) sets out the exemptions to the Order. It does not apply to any law that is made for the appropriation of public revenues or other public funds, to persons who are not</p> | <p>COMMENT YEAR:3143280,103 320,Grenada,2013). It is therefore not clear how members of the police force, armed forces, prison guards or officers are protected against discrimination.</p> | |

| Main provisions of the fundamental Conventions (Not all Articles of the Conventions are mentioned) | Questions for analysis to consider gaps between the Convention and the existing national legislation and/or practice | Current situation: – National laws or regulations (Please include name of the law and section number) – National policies – National practices etc. | Gaps identified: – Description of gaps etc. | Recommended solutions in national law and/or practice |
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| | | <p>citizens, who have a disability and could be provided with an advantage, to provisions with respect to standards or qualifications for a job in the Public Service, disciplined force, any office in the service of a local government authority, office in a body corporate, that is reasonably required in the interests of defence, public safety, public order, public morality, public health. The Act does make exemptions to individuals who are involved in activities intended to safeguard the security of the State.</p> <p>Employment Act No. 14 of 1999 Section 4 of the Act provides for categories of workers to whom the Act does not apply: the police force, armed forces and prison guards or officers except those employed in a civilian capacity. The Government indicated that the non-civilian personnel in these categories of workers are covered by the Police Act (No. 38 of 1966) and the Prisons Act (No.</p> | | |

| Main provisions of the fundamental Conventions (Not all Articles of the Conventions are mentioned) | Questions for analysis to consider gaps between the Convention and the existing national legislation and/or practice | Current situation: – National laws or regulations (Please include name of the law and section number) – National policies – National practices etc. | Gaps identified: – Description of gaps etc. | Recommended solutions in national law and/or practice |
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| | | <p>11 of 1980) (See the comment of the CEACR at: http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3143280,103320,Grenada,2013).</p> <p>Section 26(2) does specify an exemptions as a programme or activity that has as its object the amelioration of conditions of disadvantaged individuals.</p> | | |
| <p>Article 2 Each Member for which this Convention is in force undertakes to declare and pursue a national policy designed to promote, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof.</p> | <p>[For Articles 2 and 3]</p> <p>Q1. Is there a national policy for promotion of equality of opportunity and treatment in respect of employment and occupation?</p> <p>Q2. Does such national policy: (i) seek cooperation of employers' and workers' organizations and of other entities concerned ?</p> | <p>For both Articles 2 and 3 of the Convention:</p> <p>Q1</p> <p>There is currently no national policy for equality.</p> <p>Employment Act No 14 of 1999 Section 26(1) States specifically that there shall be no discrimination in respect of recruitment, training, promotion, terms and conditions of employment, termination of employment or other matters</p> | <p>Gap identified</p> <p>There is currently no national policy for equality.</p> <p>The legislation refers to no discrimination in relation to training but there are no details and no references to vocational training. Greater detail is required.</p> | <p>A national policy for equality with contents as provided for in Article 3 of the Convention should be adopted.</p> <p>The Act should be amended to include details in relation to training- example discrimination prohibited in all types of training including vocational training,</p> |

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| | <p>(ii) identify any new legislation necessary?</p> <p>(iii) identify any existing legislation that needs to be repealed or amended?</p> <p>(iv) cover public sector employment?</p> <p>(v) cover vocational education, vocational training and public employment service?</p> <p>Q3. How is such national policy implemented in practice? Please describe activities undertaken and their results achieved.</p> | <p>arising out of the employment relationship.</p> <p>Q2 There is no particular reference to cooperation of employers and workers organisation but as stated previously the Labour Advisory Board established under section 17 of the Employment Act No 14 of 1999 is comprised of 3 representatives of employers organisations and 3 representatives of workers organisations . Its mandate, under section 21 is the formulation and implementation of national policies on basic conditions of employment and on health, environment and safety and welfare at work, consequently it can be said that there is a tripartite body empowered by law to deal with these matters. .</p> <p>Q3. According to Big Drum Nation in 2005 approximately 43% of Grenada’s organized workforce is working women, slightly</p> | | <p>schools , university, or other training facility.</p> |

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| | | <p>mirroring the overall working population sex ratio.</p> <p>Employment act No 14 of 1999 A Section 26(3) A person who discriminates against another person commits an offence and shall be liable on summary conviction to a fine not exceeding ten thousand dollars or to a term of imprisonment not exceeding three years or to both such fine and imprisonment.</p> <p>Grenada Constitution Order of 1973</p> <p>Section 16 a person who is aggrieved due to a breach of fundamental rights re discrimination can pursue the matter at the High Court. The High Court can make an order in relation to the complaint.</p> | | |
| <p>Article 3 Each Member for which this Convention is in force undertakes, by methods</p> | | See under Article 2. | See under Article 2. | See under Article 2. |

| Main provisions of the fundamental Conventions (Not all Articles of the Conventions are mentioned) | Questions for analysis to consider gaps between the Convention and the existing national legislation and/or practice | Current situation: – National laws or regulations <u>(Please include name of the law and section number)</u> – National policies – National practices etc. | Gaps identified: – Description of gaps etc. | Recommended solutions in national law and/or practice |
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| <p>appropriate to national conditions and practice--</p> <p>(a) to seek the co-operation of employers' and workers' organisations and other appropriate bodies in promoting the acceptance and observance of this policy;</p> <p>(b) to enact such legislation and to promote such educational programmes as may be calculated to secure the acceptance and observance of the policy;</p> <p>(c) to repeal any statutory provisions and modify any administrative instructions or practices which are inconsistent with the policy;</p> <p>(d) to pursue the policy in respect of employment under the direct control of a national authority;</p> <p>(e) to ensure observance of the policy in the activities of vocational guidance, vocational training and placement services under the</p> | | | | |

| Main provisions of the fundamental Conventions (Not all Articles of the Conventions are mentioned) | Questions for analysis to consider gaps between the Convention and the existing national legislation and/or practice | Current situation: – National laws or regulations (Please include name of the law and section number) – National policies – National practices etc. | Gaps identified: – Description of gaps etc. | Recommended solutions in national law and/or practice |
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| direction of a national authority; (f) to indicate in its annual reports on the application of the Convention the action taken in pursuance of the policy and the results secured by such action. | | | | |
| Article 4 Any measures affecting an individual who is justifiably suspected of, or engaged in, activities prejudicial to the security of the State shall not be deemed to be discrimination, provided that the individual concerned shall have the right to appeal to a competent body established in accordance with national practice. | [See under Article 1] | Grenada Constitution Order of 1973 Section 13(7) The Act does make exemptions to individuals who are involved in activities intended to safeguard the security of the State in relation to measures affecting an individual who is justifiably suspected of, or engaged in, activities prejudicial to the security of the State. | No gap identified. | |