



# COMMUNICATION WORKERS' UNION

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## PRESS STATEMENT

### A Pyrrhic Victory after years of waiting on the wheels of Justice

The release of the 2018 judgment - Trade Dispute NOS. ESD 106-108 OF 2018 which was reserved and handed down on January 17, 2025 can be best described as a pyrrhic victory. Dissenting views were received from our members and some have said, CWU should now throw its fists of solidarity and strength in the air and declare being victorious... The judgment when analysed pointedly and pellucidly speaks to “no cogent evidence that the Trade Union (CWU) has agreed to a reduction of the labour force by five hundred (500) odd workers”. Conversely if they did, the Employer failed to provide relevant numbers to the Trade Union despite several requests. In fact, the Employer did not abide by the terms agreed in Article 3.1 (a).

Further, in relation to clause (C) it does not appear that the Employer did offer alternative employment to some of the workers. Any infraction on the part of the Employer in this respect is exacerbated by the fact that good and proper industrial relations practice demands that in such a circumstance.

Despite regular requests from the Recognised Majority Trade Union the Employer unduly delayed the provision of adequate information regarding the number of workers intended to be retrenched. The Employer failed to enter into consultations with the Trade Union with a view to averting, reducing or mitigating the effects of the proposed retrenchment.

- New job descriptions were issued by the Employer without any discussion or consultation with the Recognised Majority Trade Union.
- No discussion or consultation was entered into by the Employer with the Trade Union concerning redeployment of workers. The redeployment of workers was conducted in a manner that was not in keeping with good industrial relations practice.
- The dismissal of the Workers is harsh and oppressive and contrary to good industrial relations practices. The retrenchment of all the Workers were not in keeping with the provisions of the Retrenchment and Severance Benefits Act, Chapter 13. The contractually agreed criteria of LIFO were not observed and applied.

Notwithstanding S.10 of the IRA which sets out the power of the Court, S.10 (3), (4) and (5) pertaining to an award for damages where a worker has been dismissed in circumstances that are harsh and oppressive or not in accordance with the principles of good industrial relations practice is where the quantum is frowned upon. ***"The basis for an award should be properly explained to leave no doubt to all parties as to the rationale for arriving at an award and its methodology. Doing so maintains the integrity of the decision making process and gives force to the value of procedural justice, key pillars of which include: trust, voice, respect, accountability, understanding and access to information. – Justice Kokaram the advice offered in recent Civil Appeal Judgment No. P377 of 2016 between Bhagwansingh's Hardware and Advocate Trade Union***

The Union contends, although the workers received severance payments the damages should at least be akin to the award of comrade Elder and his order greater as the Secretary General of the Union at the

time and the retaliation meted out to him as the leader of the Trade Union on leave. It seems to the CWU that the Industrial Court “*plucked a figure from the air*”.

The CWU avers that although justice appears to have been done, and may understand the logical position to reinstate all 503 workers, the question of deciding the quantum in this case remains perplex, coupled with how and why has the Company gone unscathed from this harsh and oppressive act against over 500 workers. Simply a slap on the wrist to say the least. They have gone to lengths in 2018, 2022 and currently in 2025 to “bust the Union” as Industrial Relations in TSTT is at an all-time low.

Although equity will not suffer a wrong to be without a remedy, in this case the remedy was miniscule for the workers, some of whom are not happy. TSTT has flagrantly disregarded the Collective Agreement and continues to even to this present day.....

The Union thanks the Honorable Court for the judgment.

SINCERELY

**COMMUNICATION WORKERS' UNION**



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