

The background features a vertical gradient from light purple at the top to light blue at the bottom. Scattered throughout are several realistic water droplets of various sizes, some with highlights and shadows, giving them a three-dimensional appearance.

REVIEW OF CURRENT CARE LAWS AND POLICIES IN SELECT CARIBBEAN JURISDICTIONS

INTRODUCTION

- The reality is that worldwide in 2023 it was estimated that 748 million people aged 15 years and above were outside of the labour force due to care responsibilities.
- Of this number 708 million were women and 40 million were men. The share of women outside of the labour force because of care responsibilities is 45% globally with the highest shares being in Northern Africa (63%) and Arab States (59%).
- The share of women outside of the labour force includes two-thirds or 379 million women within the prime age of 25-54 years.

INTRODUCTION

- The Sustainable Development Goals (SDGs) adopted by all UN Member States in 2015 set out a shared blueprint for peace and prosperity to be achieved by the year 2030.
- The importance of addressing the burden of unpaid care work in order to achieve gender equality and women's empowerment is recognized in SDG 5 particularly through the adoption of Target 5.4: *“Recognise and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family as nationally appropriate”*.

INTRODUCTION

- While there is no official definition of care work, it is recognized that care work consists of paid and unpaid care work.
- UN Women has defined paid care work as “Direct care for persons performed within a household or institution for profit. Paid care work spans both public and private spheres and is provided in a variety of settings, in both formal and informal economies”.

INTRODUCTION

- The term unpaid care work is defined as: “All unpaid services provided by individuals within a household or community for the benefit of its members, including caring of persons and domestic work. Common examples include cooking, cleaning, collecting of water and fuel, and looking after children, older persons, and persons with illness or disabilities”.

INTRODUCTION

- A multi-pronged approach is needed to address the disparities in responsibility for care. This includes:
 - ✓ implementing policies,
 - ✓ **the appropriate legal and regulatory frameworks,**
 - ✓ services, infrastructure, institutions and financial measures.

CARE RELATED LEGISLATION

- Care legislation, are laws that introduce measures to assist men and women to balance their care responsibilities in relation to their children and other family members and their work responsibilities. Care legislation recognizes that the father and mother have equal responsibility for caregiving in the household.

CARE RELATED LEGISLATION

- Care related legislation includes provisions for:
 - ✓ Maternity Leave
 - ✓ Paternity Leave
 - ✓ Parental Leave
 - ✓ Carer's Leave
 - ✓ Flexible Work arrangements
- And other measures such as ensuring that there is sufficient social protection.

CARE RELATED LEGISLATION

- There is also a correlation between domestic work and paid and unpaid care work as in many instances domestic workers including migrant domestic workers are used as a less costly means of obtaining care services.

CARE RELATED LEGISLATION

- Care related legislation contributes to the worker's ability to participate in the economy and society by allowing worker's time off when needed to respond to care responsibilities.
- Measures such as flexible work arrangements allows the worker and employer the opportunity to negotiate matters such as days of work and hours of work which the worker can arrange around their care responsibilities.

CARE RELATED LEGISLATION

- There is evidence that persons who provide unpaid care work particularly at intense levels will suffer negative impacts on their psychological and physical health, if adequate support is not in place. Additionally care responsibilities may constrain social participation and withdrawal from the workforce resulting in financial losses.
- Society loses economically when so many persons of working age either have to withdraw from the workforce completely or are unable to balance their work and family responsibilities. This is why it is essential for Caribbean nations to strengthen their legal frameworks with respect to care responsibilities.

REVIEW OF MOST SIGNIFICANT LEGAL GAPS IN CARE PROVISION IN THE CARIBBEAN COUNTRIES EXAMINED

- The Caribbean countries examined were: Bahamas, Barbados, Jamaica, Belize, Trinidad and Tobago, Saint Lucia and Grenada.
- **Maternity Leave**-All countries reviewed make provision for maternity leave. However, the International Labour Organization (ILO) **Maternity Protection Convention, 2000 (C183)** makes provision for maternity leave of a minimum of 14 weeks duration. Of the countries examined Barbados, Belize and Trinidad met this minimum standard. The other countries were below this standard. Therefore, from a life cycle standpoint there is some level of protection for women at the stage of pregnancy and maternity. However, this protection does not extend to workers in the informal sector and to adoptive and foster mothers.

REVIEW OF MOST SIGNIFICANT LEGAL GAPS IN CARE PROVISION IN CARIBBEAN COUNTRIES EXAMINED

- **Breastfeeding breaks-C183** also makes provision for breastfeeding breaks when the mother resumes work. All the countries examined did not make provision for breastfeeding breaks in their law. This represents a significant gap in the law at this stage.

REVIEW OF MOST SIGNIFICANT LEGAL GAPS IN CARE PROVISION IN CARIBBEAN COUNTRIES EXAMINED

- **Paternity Leave**-Barbados recently introduced the Family Act which makes provision for paternity leave. The other countries examined did not make provision for paternity leave. Jamaica has introduced this form of leave by making provision for paternity leave in the Staff Orders for the Public Service. Adoption leave has also been included.

REVIEW OF MOST SIGNIFICANT LEGAL GAPS IN CARE PROVISION IN CARIBBEAN COUNTRIES EXAMINED

- **Parental Leave**-This form of leave is generally available to mothers and fathers either as a non-transferable individual right where both parents have an individual entitlement to an equal amount of leave. In some jurisdictions the leave entitlement is shared. This leave is normally taken after maternity leave or a part of the leave can be postponed for later in the child's life. This type of leave is not prevalent in the Caribbean. This results in a gap at the early childhood age particularly at the stage before the child enters the school system.

REVIEW OF MOST SIGNIFICANT LEGAL GAPS IN CARE PROVISION IN CARIBBEAN COUNTRIES EXAMINED

- It should be pointed out that some countries have introduced a leave that is not referred to as parental leave but it appears that the purpose of said leave maybe akin to parental leave. Bahamas for example has made provision for family leave which allows parents to spend time caring for a young child after the maternity leave period has expired in its Employment Act. In Grenada the Employment Act refers to leave for family responsibilities. The St. Lucia Labour Act makes provision for leave for serious family responsibility.

REVIEW OF MOST SIGNIFICANT LEGAL GAPS IN CARE PROVISION IN CARIBBEAN COUNTRIES EXAMINED

- **Carers Leave**-This form of leave is normally intended to provide emergency or ongoing care for other family members such as elderly parents. This type of leave is not prevalent in the Caribbean countries examined. In light of the increasingly aging population, this results in a significant gap in protection at the older stage of the life cycle.

REVIEW OF MOST SIGNIFICANT LEGAL GAPS IN CARE PROVISION IN CARIBBEAN COUNTRIES EXAMINED

- **Flexible Work Arrangements-** Flexible Work Arrangements is yet another measure that can assist employees, (and particularly women who bear disproportionate responsibilities for care work) to balance family responsibilities. Flexible work arrangements can also enhance gender equality by giving men the time and opportunity to assist with family responsibilities.

REVIEW OF MOST SIGNIFICANT LEGAL GAPS IN CARE PROVISION IN CARIBBEAN COUNTRIES EXAMINED

- The Labour Act, St Lucia allows the employer and employee to agree in a contract of employment to flexible hours which do not exceed 40 hours per week. Jamaica does not have an overarching flexible arrangements law but has introduced legislation which removed restrictions to the implementation of flexible work arrangements.
- This is a gap that should be addressed.

RECOMMENDATIONS TO PARLIAMENTARIANS HAVING REGARD TO THE IDENTIFIED GAPS

- 1) Carry out a gender –responsive review of legislation. Gender responsive law reform is important for ensuring gender equality is achieved in all sectors. Gender-responsive law making starts with the amending or repealing of laws that discriminate on the basis of sex, either expressly or implicitly. It also includes enacting laws that affirm gender-equality principles and guarantees gender equality in practice.

RECOMMENDATIONS TO PARLIAMENTARIANS HAVING REGARD TO THE IDENTIFIED GAPS

2) There are several International Standards and other instruments that provide guidelines in relation to care laws. This includes:

- ❑ ILO Resolution concerning decent work and the care economy-This Resolution recognizes that care is central to human, social and economic well-being and sustainable development. A well-functioning and vigorous care economy contributes to a healthier workforce, creates jobs, supports businesses and enhances productivity.

RECOMMENDATIONS TO PARLIAMENTARIANS HAVING REGARD TO THE IDENTIFIED GAPS

- ILO Workers with Family Responsibilities Convention and Recommendation.
- ILO Maternity Protection Convention and Recommendation.
- Buenos Aires Commitment.

RECOMMENDATIONS TO PARLIAMENTARIANS HAVING REGARD TO THE IDENTIFIED GAPS

- 3) Recall that gender equality is recognized as a basic human right. By virtue of Article 1 of the Universal Declaration of Human Rights, adopted by the UN General Assembly on 10 December 1948: “All human beings are born free and equal in dignity and rights.”
- 4) Examine legislation from other countries that have care laws in place to assess what can be applied in your country.
- 5) Ensure adequate consultation and discussions are carried out with stakeholders to obtain feedback on proposed amendments.