

**BARBADOS' COMMENTS ON THE OPERATIONS OF THE CARIBBEAN BASIN
ECONOMIC RECOVERY ACT AND THE CARIBBEAN BASIN TRADE PARTNERSHIP
ACT KNOWN AS THE CARIBBEAN BASIN INITIATIVE (CBI)**

Introduction

This Report provides information to the Office of the United States Trade Representative (USTR) in response to the published notice in the Federal Register/Volume 84, No. 143, inviting comments on the operation of CBI. It is anticipated that the information would be used in the preparation of a report to Congress on the operation of CBI.

Barbados places a high value on the Caribbean Basin Initiative (CBI) programme. The programme enables Barbados to increase its exports, bolster foreign export earnings. These factors all contribute to achieving set economic growth and development targets.

An examination of the trade performance of Barbados with the US highlights the vital role which the programme occupies in domestic exports and the need for its continuation. The US is presently Barbados' top export destination and an average of approximately 60% of Barbados' exports to the US enters under the preferential programme. The duty-free status accorded to some of Barbados' products increases Barbados' ability to compete on the US market. This is significant given the small size of the Barbadian market and economy and the inherent difficulties in achieving economies of scale.

No less important to national goals is the maintenance of linkages to the Barbadian diaspora which is assisted through the provision of traditional products at an economical price. Among such products are rum, jam, jellies, sauces, seasonings and sweetened and unsweetened biscuits. These goods represent the major export products of Barbados to any market.

Barbados remains committed to the principles underpinning the arrangement and continues to advance in the key areas the US has outlined as the eligibility criteria for the CBI. A brief status of some of these is given below:

Barbados' Intellectual Property Rights Administration

The legislative regime which governs the protection of intellectual property rights is WTO TRIPS compliant and the relevant laws reflect the obligations assumed under that agreement.

The policy of the Government of Barbados continues to be the strengthening of the national intellectual rights regime and the promotion of a business climate that stimulates the use of IP in innovation. In line with these goals, the Cabinet of Barbados on June 20, 2019 agreed that

Barbados should accede to the WIPO Internet Treaties, namely the WIPO Copyright Treaty (WCT) 1996 and the WIPO Performances and Phonograms Treaty (WPPT) 1996. Barbados is presently at an advanced stage of accession to the treaties under reference and in this regard expects to deposit its instruments of accession with the Director-General of WIPO in September 2019. Accession to these treaties will allow Barbados to improve in its ability to protect IP disseminated in the newer digital environment as they create online rights and elucidate on how existing rights are to be treated in the age of new communication technologies.

In June 2019, the Cabinet appointed the Advisory Committee on Intellectual Property. The Committee is active and has convened meetings to address its portfolio items which include (i) the analysis of matters to be included under the intellectual property framework with special reference to current and possible global trends; (ii) advising on general policies relating to intellectual property rights protection in Barbados (iii) evaluating the functioning of and Barbados' adherence to the intellectual property treaties and conventions to which it is Party, as well as (iv) assessing the desirability of Barbados becoming party to other intellectual property right treaties and conventions.

A longstanding matter in the local courts regarding copyright has made some advancement. A case was brought against a local radio broadcasting company by the collective management organisation, the Copyright Society of Composers, Authors and Publishers (COSCAP). This matter was referred to the Tribunal by the Court in 2007 which after hearings in 2014 and 2015 delivered its decision June 26th 2015. The decision was appealed by COSCAP and a hearing has been scheduled for October 2019.

Barbados' Labour Environment

Barbados' labour environment is one in which the major stakeholders, or social partners of the economy, namely the government, the private sector and the trade unions, seek to cooperate with each other on a variety of issues facing the economy. This cooperation is embedded in Protocol 6 of the Social Partnership Agreement. Within Protocol 6, with regard to the industrial relations environment, the social partners agreed to exercise mutual respect for and the protection of the rights and entitlements of workers and employers in Barbados.

Barbados has ratified all eight (8) of the ILO's fundamental conventions pertaining to the treatment of labour. As a result, workers in Barbados are:

- legally protected from forced and compulsory labour;
- legally free to associate and to organise; and
- legally free to engage in collective bargaining.

Further, Barbados has ratified conventions on child labour, with legal frameworks implemented regarding the minimum age of employment, through the creation of domestic law and the ratification of the '*Minimum Age*' ILO convention. Stemming from these legal frameworks, the

minimum age of employment in Barbados is set to coincide with the end of compulsory schooling, which occurs at 16 years of age.

Additionally, as noted by the United States Department of Labour's report entitled "*Findings on the Worst Forms of Child Labor – Barbados*," in response to protecting children from the worst forms of labour, the Government of Barbados initiated a National Committee for Monitoring the Rights of the Child in 2014. Barbados has also taken steps to create a legal framework to protect against child labour through the ratification of the '*Worst Forms of Child Labour*' ILO Convention '182'. The Ministry of Labour in Barbados has also placed protecting children from the worst forms of child labour as a priority, noting that the issue requires the attention of all actors in society.

In Barbados, there is no national minimum wage. However, there exists a minimum wage for persons classified as 'shop assistants' which is governed by the *Shops Act* and stands at \$3.13 (USD) per hour. The minimum wage for shop assistants acts as guidance for wage setting within Barbados. However, its application is voluntary to all business entities not classified as 'shops'.

Similarly, working hours in Barbados, in accordance with the *Shops Act*, are stipulated as having a maximum 40 hours and 5 days per week. The *Safety and Health at Work Act* governs occupational health and safety in Barbados.

Changes to the Broadcasting Sector

There has been movement within the broadcasting sector. Cabinet has recently approved legislation which will change the definition of broadcasting thereby allowing for oversight of some of the issues of concern to the USA.

Additionally, there will be changes as to how the broadcasting authority operates. A Cabinet decision will shortly be taken on this issue.

Conclusion

The Government of Barbados remains committed to the ideals that are embedded in the eligibility criteria for the CBI. The commitment and ongoing efforts of Barbados in strengthening the legislative and institutional framework to bolster the regime for intellectual property rights and labour rights as demonstrated in this report, provides compelling evidence of Barbados' continued eligibility for the CBI programme.