



TRINIDAD AND TOBAGO  
CONTRACTORS ASSOCIATION

# THE Contractor

TRINIDAD & TOBAGO

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ISSUE NO.12



**Ethics And The  
Construction  
Sector:  
The Many Roots  
of Ethics**

**Major Pitfalls  
In Mediation  
And Arbitration  
Clauses In State  
Construction  
Contracts**

**Audacity Without  
Arrogance:  
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# Ethics And The Construction Sector

by Professor Winston H.E. Suite, PhD  
Professor Emeritus

## 1. Introduction

The very title of this paper begs the question, Are the Law of Contract and the Law of Tort not enough to guide and control the operation of the construction sector and by extension the behavior of the principal actors of the construction sector? Cannot the conduct and practice of the constructions sector through its various instruments, organizations, individual members and their interaction with the various arms of the state sector, the public sector, social and community groups and organizations be controlled by the body of law?

Do we still need more to guide the efficient operation of this, admittedly one of the largest sectors in the national economy? And, one may ask, why this debate now?

This paper will attempt to answer these two questions. The first question is the Law of Contract and the Law of Tort not enough to guide and control the operation of the construction sector and by extension the operation of the Contractors Association, its business organizations, its members individual and corporate, its interaction within and with the state sector and with each actor and with clients and individual members of the various publics.

Why do we seek to introduce a separate and distinct instrument to govern this matrix of relationships in a code of ethics?

It is today obvious that we need another distinct mechanism to guide and govern the matrix of relationships in the sector. The two principal areas of the law,

Contract and Tort, have not brought the much needed relief. We now seek a new code, The code of ethics. This adherence to it would have to be based on mutual consent, agreement and reciprocity.



This paper presents a different, if not entirely new focus on the solution of intractable problems. It presents another code of governance of human and instructional behavior, a code of ethics based on reciprocity and in this it must be understood that

- ethics is not about Religion,
- ethics is not about Morals,
- ethics is about the Philosophy of Reciprocity. It is about fairness,
- it is about doing unto others as you wish them to do unto you. Therefore, Ethics is about reciprocity in relations, personal, business or social.

## 2. The Many Roots of Ethics

This idea is not new. It has its roots in the oldest recorded rules of civilizations. It was the basis of the Code of Hammurabi the Babylon ruler (near 2200 BCE). It has its roots in the oldest religious codes, the Abrahamic Code of the Jews, dated at between 1745 BCE and the Mosaic Code, the Sermon on the Mount dated between 16th and 13th centuries BCE. Some trace it back to Mohammed and Islam from 609 CE. Some trace its development back to the beginnings of the concept of Human Rights and to the Magna Carta in June 1215 AD. Some trace ethics to the works of Thomas Payne, others to the French philosophers Renè Descartes and Rousseau, others trace it to the German philosophers Immanuel Kant, Friedrich Nietzsche and Karl Marx.

But today the call for a code, has sprung up from a desire:

i. to be led by Honour

ii. by reciprocity of expectations and deeds as well as

iii. peaceful and amicable resolutions of difficulties (all disputes and conflicts)

iv. it is also based on full disclosure of all relevant parties before entry into any enterprise. Any withholding of information relevant to the exercise is immediate ground for termination of relations.

v. peaceful negotiation is the main desirable in situations of disputes, disagreement or unforeseen circumstances.



We can therefore trace all Ethical Codes throughout their many roots principally to:

- i. The Ancient Religions
- ii. The Philosophers and
- iii. The Professions

These were to influence the development of the early Professional Codes such as:

- i. Medicine
- ii. Law
- iii. Religion

Later with the development of trade groups to professions each developed their separate code of ethics. Later was to arise the building and construction societies eg:

- Builders
- Masons
- Plumbers

These were to lead to the “Friendly Societies”, the guilds, the lodges and members clubs.

As a result of these groupings, societies, lodges and religious orders were all to develop their own codes of ethics that would spill over into the general society, influencing social, professional and business conduct through the development of their own code of conduct and a code of ethics and codes of practice or how to do code. The later was different from a code of conduct or a code of behavior and determined how members were to carry out the technical work of the group, guild, profession or society.

A code of ethics was to be a code of conduct or code of behavior, are codes of relationships between members. On the other hand, while a code of practice was technical or “how to do” or guidelines. The later highlighted, efficiency, safety, health, appropriate tools, accepted procedure and latest development of efficiency.

The other groups that were to develop Codes of Ethics were:

- a) Religious order
- b) Friendly Societies
- c) Academic and Research Institutions and Universities

The next groups that were to develop codes were:

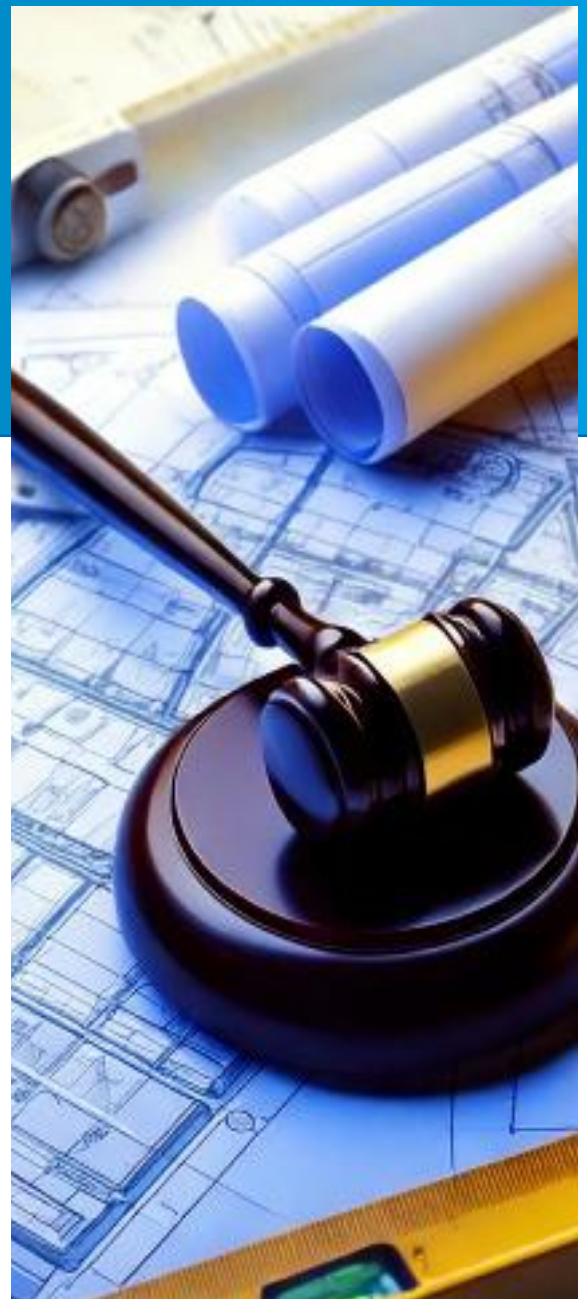
- i. The new professions, Accountants, Quantity Surveyors
- ii. Computer based organizations and IT groups
- iii. Land Surveyors
- iv. Building materials suppliers
- v. Dentists

These developments were to improve the monitoring and policing of the membership and to raise the prestige of the organization and its membership in the eyes of the law and the general public but above all to be able to exercise more control over members and to raise the prestige of the institute in the eyes of the public and as a result to be able to justify the levels of fees.

Finally, these bodies sought to identify some type of alliance with the ancient Eastern philosophic schools by proclaiming to be guided by ancient process, customs, conduct and practices. Hence, they sought to invoke:

- a Chinese connection with the works of Confucius and Mencius [151 - 479 BCE]
- a ascetic Indian connection, Gautama Buddha [638 5 CE]
- a Indian and the Vedic school of thought [1500 - 800 BCE]

Ethics and consequently ethical code were to emerge out of a multiplicity of varied geographies, histories, philosophies.



Ethics therefore emerged out of:

- i. different legal schools of thought
- ii. professions,
- iii. religions,
- iv. trade/commercial activities,
- v. warfare and military engagement,
- vi. codes of behavior and conflict between nations and within countries and between races and communities,
- vii. conflicts between different races and religions forced to share common resources and space.

It was therefore this forced proximity and association that was to infuse the codes of ethics with a sense of equity and mutual efficiency in the use of limited resources. Codes of Ethics therefore had several dimensions:

- i. fairplay and honesty and disclosure,
- ii. reciprocity in conduct,
- iii. efficiency in the execution of all works,
- iv. upfront agreed standards of safety and care in execution of works,
- v. an obligation to compensate in cases of damage or breaches or injury (the concept of making good).

Codes of ethics are the gold standards of human behaviour in respect of professional conduct, business and trade between individuals, organizations and countries in the conduct of social, business, professional, indeed any type of relationship. Codes of ethics are about reciprocity and equity of all types of relationships.

### **3. The Integrity Commission and Ethics in Public Life in Trinidad and Tobago**

On the 6th November, 2002, the Integrity in Public Life Act 2000 (No. 83 of 2000) came into operation, thereby eliciting the beautiful expression Integrity conjures up all that is good, whole, sound, upright, honest, noble and true and it is the action of human perfection quoted From the foreword by Gerard des Iles C.M. words of first Chairman of the Integrity Commission. This Act sought to provide for the establishment of an Integrity Commission, to make new provisions for the prevention

of corruption of persons in public life; to regulate the conduct of persons exercising public functions, to preserve and promote the integrity of public officials and institutions and for matters incidental thereto. A foundational contribution to the legal discourse on corruption in the public sector was introduced with the Code of Ethics for Parliamentarians including Ministers of 1987 laid in Parliament and later, the Code of Ethics for Minister and Parliamentary Secretaries laid in 1988. All those were preceded by The Prevention of Corruption Act No. 3 of 1987.

The Integrity in Public Life Act of 2000 establishes the Integrity Commission. Persons exercising a public function must make declaration of their income, assets and liability each year to the Integrity Commission. The Integrity Commission may make enquiries to determine the accuracy of such declarations and may investigate the conduct of persons falling under its purview which may be considered dishonest or conducive to corruption. The Commission may also carry out programmes of public education and advise public bodies on practices and procedures to reduce corruption. Under its Act the Integrity Commission is protected from interference or control by any other person or Authority.

### **The Prevention of Corruption Act**

At common law corrupt practices in procurement are criminal offences. However, the Prevention of Corruption Act Chap 11:11 passed in 1987 makes it an offence to offer or receive a bribe to either do anything or to forbear to do anything in which the State or any public body is concerned.



## The Public Procurement Act

The latest machinery designed to limit corruption is the passage of the Public Procurement Act No. 1 of 2015 and its amendments. The Act set up the Office of Procurement Regulation as well as the Procurement Board chaired by the Procurement Regulator. The functions of the Office of Procurement Regulation are varied. They concern regulating all aspects of public procurement including establishing a database of information on public procurement, issuing guidelines and best practices, advising on and reviewing procurement practices. The office may receive complaints from any party involved in public procurement.

The office controls the conduct of procuring entities and contractors. After conducting an investigation the office may make a recommendation to the Director of Public Prosecutions that there are reasonable grounds for suspecting that an offence has been committed. Suppliers or contractors may bring Challenge proceedings where it is alleged that the procuring entity made a decision or took action that is not in or does not accord with or correspond to the Act and may appeal the decision of the Procurement Office to an Appeal Board set up under the Act. The above therefore constitutes the statutory architecture of corruption prevention for Trinidad and Tobago in the law.



### 4. Examples of Conflict or Consequences of Ethical Breach/ Ethical Abuses :

- i. Abuse of Office
  - ii. Abuse of Privilege
  - iii. Abuse of Position
  - iv. Abuse of Confidence/Secrecy
  - v. Abuse of Trust
  - vi. Abuse of Professional Code
- Conflicts of Interest include:
- vii. Conflicts of position
  - viii. Conflicts of office
  - ix. Conflicts of interest

What do we do When Confronted by a Situation of Conflict of Interest?

According to the Bible Matthew 6:24 No man can serve two Masters. Either you will hate the one and love the other, or you will be devoted to the one and despise the other. You cannot serve both God and Mammon.

When we recognize that a conflict of interest has arisen we must immediately, declare that there is a conflict of Interest or that a Conflict of Interest has developed or occurred. In the public sector, one declares one's interest and departs from the forum of decision making. In the private sector, one declares one's interest and leaves it up to the forum to decide whether one should continue participating in the decision-making process.

### **5. What does the World Think of Trinidad and Tobago in Respect to our Levels of Ethical Standards**

The following is a summary of what the author's thinking on corruption in the State of Trinidad and Tobago is during the current era by extension what the world may justifiably think of our efforts to deal with the question of ethics. The Corruption Perceptions Index (CPI) for 2023 developed by Transparency International studied 180 countries and territories worldwide, where for Trinidad and Tobago the score was 42 out of 100. The Corruption Perception Index ranks countries and territories based on how corrupt their public sector is perceived to be. A country or territory score indicates the perceived level of public sector corruption on a scale of zero (highly corrupt) to 100 (very clean).



The data sources used to compile the CPI specifically cover the following manifestations of public sector corruption:

- i. Bribery,
- ii. Diversion of Public Funds,
- iii. Officials using their public office for private gain without facing consequences
- iv. Ability of governments to contain corruption in the Public Sector,
- v. Excessive red tape in the Public Section which may increase opportunities for corruption,
- vi. Nepotistic appointments in the civil service,
- vii. Laws ensuring that public sector officials must disclose their finances and potential conflicts of interest,
- viii. Legal protection for people who report cases of bribery and corruption.  
[Whistle Blower Legislation],
- ix. State capture by narrow vested interests,
- x. Access to information or Public Affairs/Government activities.

### **Is Ethics Dead in Modern Societies**

Ethics is about doing the right thing before we are forced to act by either invoking the law or when we are embarrassed to do what we should do.

When our doses of ethics are not enough to make us act societies must rely exclusively on legal codes, the written law. When we must rely exclusively on our legal codes, codes with punishment, the law, we are already in a state of social crisis.

Societies that rely only on law and legal codes and those that have forgotten ethics and ethic codes are those that have forgotten where they are going. They are rudderless and have already lost their bearings. The increased reliance on laws is the greatest evidence that modern societies both the countries of the industrialized north and the developing or non-industrialized countries of the south as evidence that we are moving away from reliance on codes of ethics.

## Matrix of Codes

- (a) Voluntary codes Obey by consent optional  
Dress codes (except for military)
- (b) Compulsory codes
- Legal codes
  - Military codes
  - Professional codes
  - Holy orders
  - Moral orders

In religious societies/Islam, ethical codes are not usually compulsory. They are based on consent.

In come societies dress codes are compulsory, moral codes are compulsory, ethical codes are compulsory, dietary codes are compulsory and religious codes are compulsory.

Code or Society Group	System of Beliefs Voluntary or Compulsory by Prior agreement/ consent
-----------------------------	---

A code may be compulsory or voluntary or optional	
A professional code	Compulsory for members Set by Profession

Technical code  
Procedural/How-to-do code

Compulsory for members of profession. Guided by

- Efficiency
- Safety
- Best Practice
- Procedure
- Use of equipment
- Up to date use of technology

Legal codes  
grounded in the law of the region or  
country  
compulsory/legal  
punishable by law for breach

## Ethical codes

not necessarily compulsory  
compulsory by prior agreement  
or consent or prior agreement

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**Author**

**Professor Winston H.E. Suite, PhD  
Professor Emeritus**

Professor Emeritus Suite graduated with a BSc Engineering First Class Honors in 1974 and completed his PhD in 1978. Professor Suite was awarded an MSc in Construction Engineering and Management in 1983. Over the period 1976 to 1983 Professor Suite was a Director of Suite Engineering Services, a contracting company, as well as a founding member of the Quarry Association. Professor Suite joined the Faculty of Engineering, UWI in 1983 and after retiring in 2005 continued to lecture at the Faculty until 2017. During this time, he served as Professor and head of the Construction Engineering and Management Programme, Head of MSc, Project Management Programme (2002-2012) and was elevated to Professor Emeritus, 2012. He then served with the University of Trinidad and Tobago (UTT) 2013 to the present as Professor and then Senior Research Fellow in the Project Management and Civil Infrastructure System (PMCIS). Professor Suite is a Past President of the Association of Professional Engineers (1985). He has held various board positions within the public sector including stints as Chairman of the Airports Authority, PTSC and NIDCO and the National Trust of Trinidad and Tobago, as well as serving on the boards of the National Quarries Company and of the Caribbean Academy of Sciences. Professor Suite has acted variously as a consultant and arbitrator. Professor Suite has numerous publications in science and technology, the environment, climate change and its impact on industrial development and is a Fellow of several international professional engineering and scientific societies.

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# Some Major Pitfalls in Mediation and Arbitration Clauses in State Construction Contracts in Trinidad and Tobago

by Vaughn I. Lezama, R. Eng.  
CEO and Principal Engineer:  
Consulting Engineers Associates 2005 Ltd

## Introduction

Mediation and arbitration clauses in construction contracts serve as essential mechanisms for dispute resolution, providing an alternative to protracted

litigation. However, poorly drafted

clauses can create significant challenges, particularly when

parties fail to secure the

agreement of designated institutions or individuals to

perform their roles in the

process or appointment

of unqualified and

inexperience persons to a

DAB or arbitration tribunal.

These oversights can lead

to delays, disputes over

procedural validity, and,

in some cases, render the

dispute resolution mechanism

inoperable. Below, we examine

four specific pitfalls in this context

and their implications.



## 1. Failure to Obtain the Agreement of a Designated Institution to Appoint Arbitrators or Administer Arbitration

### The Issue:

There have been state contracts which designate a local institution to appoint arbitrators or administer the arbitration process without first obtaining that institution's consent to undertake these responsibilities. This oversight can create logistical and legal complications when a dispute arises.

### Consequences:

- **Delays in Arbitration Proceedings:** If the designated institution declines or is unable to act, parties may face significant delays while seeking alternative arrangements.
- **Legal Challenges:** Opposing parties may challenge the validity of the arbitration agreement, potentially nullifying the dispute resolution clause and forcing the matter into litigation.
- **Loss of Confidence in the Process:** Uncertainty about the appointed institution's involvement undermines the efficiency and reliability of arbitration, potentially leading to distrust among contracting parties.

### Recommendations:

- **Pre-Designation Approval:** Before naming an institution in a contract, parties must confirm the institution's willingness and capacity to fulfill its designated role.
- **Clarity in Drafting:** Clearly outline the institution's responsibilities, including timelines and procedures, to avoid ambiguity.
- **Fallback Mechanisms:** Include provisions for alternative appointment mechanisms in case the designated institution is unwilling or unable to act.

## 2. Calling on the Chairman of the Board of Engineering to Perform the Function of a Dispute Adjudication Board (DAB) without his Prior Approval

### The Issue:

In one known state contract, the Chairman of the Board of Engineering of Trinidad and Tobago (BOETT) was designated as the sole member of a Dispute Adjudication Board (DAB),



a dispute resolution mechanism, without first obtaining his consent. Such practice assumes availability and willingness, which may not always align with the individual's circumstances or professional competency. As it turned out, the sitting Chairman of the BOETT, at the time, was an esteem Chemical Engineer who had no practice or experience in civil engineering matters which constituted the nature of the dispute and therefore was unable to act in the capacity of DAB when called upon to do so.

### **Consequences:**

- Refusal to Act: With the Chairman declining the role, the dispute resolution process was stalled pending agreement of an alternative.
- Conflicts of Interest: Appointing someone without prior consultation risks conflicts of interest or questions about impartiality if the person is already connected to one of the parties.
- Legal and Procedural Uncertainty: Failure to secure prior approval can render the DAB mechanism ineffective or legally challengeable.



**Recommendations:**

- Pre-Contract Engagement: Consult with the designated individual and obtain written agreement to serve in the specified role.
- Role Clarification: Define the responsibilities, timelines, and scope of the DAB's authority to ensure mutual understanding.
- Alternate Appointees: Include a provision for appointing alternate DAB members if the initially designated individual is unavailable.

**3. Requirement to appoint a Lawyer to an Arbitration Tribunal without reference to experience, qualification or competency****The Issues:**

Unsurprisingly, a mediation clause which specify that one member of a three-man arbitration tribunal should be a Lawyer, without specifying any qualification, specialized training or experience and therefore that could mean any lawyer, appeared in a state contract. This is unsurprising simply because the young Turks who occupy the legal departments of state agencies simply believe in the omniscience of a legal certificate. Some of the consequences of such indifference are as follows:

**Consequences****1. Risk of Incompetent Decision-Making:**

- An inexperienced or incompetent lawyer may lack the expertise to handle complex construction disputes effectively.
- Their inability to properly analyze evidence, apply the law, or understand industry-specific practices could lead to poorly reasoned awards.

**2. Reduced Confidence in the Tribunal:**

- Parties may perceive the tribunal as biased or unqualified, undermining trust in the arbitration process.
- Dissatisfaction with the process might lead to challenges against the award or reluctance to comply voluntarily.

### **3. Challenges to the Award:**

- An arbitral award could be challenged on grounds such as improper constitution of the tribunal or failure to follow due process if the lawyer's incompetence affects the proceedings.

### **4. Delays and Increased Costs:**

- An inexperienced arbitrator may cause delays by requiring more time to understand legal or technical issues.
- Additional costs may arise from prolonged hearings or the need for clarifications.

### **5. Reputation Risk:**

- The organization administering the arbitration or the parties involved could face reputational harm due to an unsatisfactory resolution.

## **Recommendations**

### **1. Such a Clause should Include Specific Qualifications:**

- The clause should specify a minimum level of experience or expertise required, such as:
  - A minimum number of years of legal practice.
  - Experience in construction law or arbitration.
  - Membership in relevant professional bodies (e.g., CI Arb, or equivalent local or regional institutional training for arbitrators or a construction law qualification).
- For example: "One arbitrator must be a lawyer with at least 10 years of experience in construction law or arbitration."

### **2. Pre-Agreement Screening of Arbitrators:**

- Include a mechanism to pre-approve arbitrators from an agreed pool provided by the appointing entity, to ensure competence.

### **3. Institutional Arbitration Rules:**

- Use an established ADR/Arbitration institution, such as the local NGO, Dispute Solutions Limited (DSL), that can provide qualified arbitrators and enforce quality standards.

### **4. Right to Object:**

Include provisions allowing parties to object to





the appointment of an arbitrator if reasonable grounds exist to question their competence.

#### **5. Build-in Safeguards in the Arbitration Agreement:**

Require decisions to be made unanimously or allow for majority decisions where more experienced arbitrators can mitigate the impact of an inexperienced one.

#### **6. Dispute Management:**

Consider inclusion in the ADR Clause a stepped dispute resolution process (e.g., mediation, expert determination, or adjudication) before arbitration to resolve issues more efficiently and reduce reliance on potentially inexperienced arbitrators.

### **4. Invoking non-existing Rules of Arbitration of the Arbitration Act, Chap. 5:01**

#### **The Issues:**

Up to and until the advent of Arbitration Act No. 11 of 2023, which repealed and replaced Arbitration Act, Chap. 5:01 of the laws of Trinidad and Tobago, certain state contracting agencies repeatedly and erroneously stated in the Arbitration Clause of their contracts that the applicable Rules of Arbitration would be that of the Arbitration Act (Chap. 5:01). The fact is that this Arbitration Act neither contained procedural Rules of Arbitration nor did it refer to any such rules.

The previous Act assumed the existence of an Arbitration agreement between the parties and served to provide a



legal framework to facilitate the arbitration process. However, this fact seemed to have been completely lost on the part of those who propagated the fallacy of the Act having procedural Rules of Arbitration.

Fortunately, Arbitration Act, Chap. 5:01 was repealed and replaced by the new Act No. 11 of 2023, which referenced the UNCITRAL Rules of Arbitration. As such any reference to the Rules of Arbitration of the new Arbitration Act could imply the UNCITRAL Rules of Arbitration. The issue therefore no longer exists, but it is sighted here to illustrate the point that there is an element of carelessness, laziness, indifference, ignorance or arrogance that pervades the legal departments of state agencies.

To the extent that the inclusion of erroneous or misleading clauses related to mediation and arbitration continue to exist in state contracts, the following is an analysis of the possible consequences of such impropriety and recommendations for mitigation.

## **Consequences of Erroneous or Misleading Statements in Arbitration Clauses**

### **1. Legal Challenges and Invalid Clauses:**

- A court may find a mediation or arbitration clause unenforceable if it is ambiguous, misleading, or contradicts applicable laws. This could lead to delays in resolving disputes and additional litigation costs.
- Erroneous statements might violate existing laws, exposing the contract to legal scrutiny.

### **2. Unfair Burden on Parties:**

- Misleading clauses may place an undue burden on one party, such as excessive costs, which could result in claims of unconscionability or unfairness.

### **3. Reputation Damage:**

- Poorly crafted clauses can harm the reputation of a state contracting agency, especially if stakeholders perceive unfair treatment.

#### **4. Extended Dispute Timelines:**

- Ambiguity or misinformation in the clauses can lead to disputes over the clause itself, compounding the original conflict and delaying resolution.

#### **5. Inconsistent Enforcement:**

- Misleading statements could result in inconsistent interpretations by mediators, arbitrators, or courts, leading to uncertainty in outcomes.

### **Recommendations**

#### **1. Ensure Compliance with international best practice:**

- Mediation and arbitration clauses should be drafted in strict compliance with guidelines provided by relevant contract administration institutions such as FIDIC.

#### **2. Clarity and Specificity:**

Clearly outline key terms, such as:

- Scope of disputes covered by the clause.
- Governing procedural rules (e.g., UNCITRAL Rules).
- Costs and who bears them.

Ambiguous or technical language that could confuse parties should be avoided.

#### **3. Fair and Balanced Terms:**

Clauses should be designed to be fair to all parties, avoiding terms that disproportionately favor one side.

#### **4. Include a Severability Clause:**

It may be useful to add a severability provision which ensures that if any part of the mediation or arbitration clause is deemed invalid, the remainder of the clause and contract will remain enforceable.

#### **5. Provide Notice and Explain Terms:**

It is important to ensure that all parties understand the clause, providing notice and explanation of its implications. Transparency reduces the risk of claims of misrepresentation.

#### **6. Standardize Templates:**

Whether through the office of the Procurement Regulator (OPR) or a collaborative effort on the part of the key state contracting agencies, standardized templates vetted by construction management and legal experts can be created to reduce the risk of drafting errors and ensure consistency.

## Conclusions and Recommendations

Some of the pitfalls in mediation and arbitration clauses in state contracts in Trinidad and Tobago often stem from a failure to secure prior agreement from designated institutions or individuals. These oversights undermine the effectiveness of dispute resolution mechanisms, leading to delays, legal challenges, and diminished confidence in the process. By addressing these issues through careful drafting, pre-appointment consultations, and contingency planning, contracting parties can strengthen the integrity and functionality of dispute resolution provisions, ensuring they serve their intended purpose effectively.

The consequences and recommendations in a scenario where an inexperienced lawyer is likely to be appointed on an arbitration panel revolve around the potential issues of competence, fairness, and enforceability in the arbitration process, as well as steps to mitigate them.



A dispute resolution clause that allows for the appointment of an inexperienced lawyer as an arbitrator poses risks to the arbitration process and the quality of its outcome. Careful drafting of arbitration agreements to specify qualifications, coupled with institutional safeguards, can mitigate these risks and enhance the likelihood of a fair, efficient, and enforceable resolution.

Contractors should object strenuously to the imposition of any clause which seeks to appoint an arbitrator, simple on the basis of the person being a lawyer. Indeed, it is strongly recommended that lawyers whose principal practice and experience bear no relation to construction disputes should be avoided as arbitrators in such disputes. Yes, to experienced Lawyer/Engineers, of which there are only a very few locally. The fact is that there are nuances of industry-specific practices which if not understood could lead to an inability to properly analyze the unique technical nature of the evidence and therefore result in poorly reasoned awards.

By implementing the recommendations with regard to the efficacy of arbitration clauses, the risk of disputes arising from erroneous or misleading mediation and arbitration clauses can be reduced while fostering fair, efficient, and enforceable dispute resolution processes.



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Vaughn Lezama is a Civil Engineer with over 44 years of engineering practice. He is the Chairman and Principal Engineer at Consulting Engineers Associates 2005 Ltd. Eng. Lezama is registered with the Board of Engineering of Trinidad and Tobago and is a Fellow and Past President of the Association of Professional Engineers of Trinidad and Tobago. He is also a Member of the American Society of Civil Engineers. Eng. Lezama has extensive experience in Engineering Designs, Technical Studies, Construction Supervision, and Contract Administration. He is highly trained in the use of the FIDIC suite of Contracts. Currently, Eng. Lezama serves as the Registrar of the Board of Engineering of Trinidad and Tobago (BOETT) and is responsible for maintaining the Register of Engineers in accordance with the Engineering Profession Act No. 34 of 1985.



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# Audacity Without Arrogance A Formula for Leadership in Construction

by Mikey Thackoor

NH International Caribbean Ltd

Author - Begin At The End

## Be Bold, Not Boastful



In Caribbean construction, leadership transcends the ordinary—it embodies the region’s spirit, vibrant, dynamic, and resilient. It’s not just about executing plans but about navigating a kaleidoscope of challenges and surprises while orchestrating a symphony of moving parts. For me, steering a project feels as unpredictable and exhilarating as a calypso rhythm, where high-stakes demands, unyielding deadlines, and a team as colorful and diverse as the islands converge.

Success in this arena requires more than knowledge—it demands audacity. It’s about having the courage to make bold, decisive calls, especially when the waters are uncharted.

But audacious leadership doesn’t sit easily with a “permission structure,” a system that constantly encourages leaders to seek approval at every turn. Why? True audacity thrives on conviction and agility. When a leader has to pause to get consensus or wait for the green light, the project can lose momentum, becoming tangled in red tape and hesitation. In Caribbean construction, where every project is unique and each day can bring fresh challenges, waiting for permission can derail the flow, stifling the boldness needed to lead with

impact. Audacity, by its nature, requires the freedom to act quickly and decisively, qualities that don't align with a culture of seeking constant validation.

Leadership requires more than technical skill; it demands audacity. Success in this field isn't for the faint-hearted; it's for those who can confidently make bold decisions, thrive under pressure, and navigate unexpected twists with resilience and adaptability. The meek need not apply because every project and challenge requires leaders ready to face obstacles head-on, pushing past conventions to deliver extraordinary results.

Meekness can hinder progress in this environment, while audacity—tempered by humility—paves the way to success. Leaders who strike this balance inspire teams, respect collective wisdom, and create legacies built on trust and innovation. Audacity fuels growth, and those who lead with it transform their projects and people, setting new standards for construction leadership across the Caribbean. It's this blend of audacity and humility that prevents boldness from crossing the line into arrogance.

Yet, audacity without humility can cross the line into arrogance, where balance becomes essential. The Caribbean leader who understands this knows when to move decisively and when to lean on their team's expertise. They don't need a permission structure because they respect the process, but they know that construction is dynamic and sometimes demands a quick, bold pivot to stay on track.

In the Caribbean landscape, where projects reflect the vibrancy and resilience of the islands, audacious leaders thrive by making informed, daring choices and trusting their instincts, free from the constraints of perpetual approval. This blend of courage and humility—without the need for permission—keeps the rhythm of a project in sync, pushing boundaries and delivering results that inspire.



## Why Construction Demands Audacity

Construction is not a world for the timid. Every decision, every moment counts. Leaders face tight deadlines, intricate logistics, and high-stakes choices where hesitation can mean missed opportunities or costly mistakes. Audacity, then, isn't optional; it's a requirement. It's the willingness to push boundaries, challenge the status quo, and keep the momentum rolling—even when obstacles loom large.

Boldness in construction leadership enables project managers and site leaders to:

- **Tackle Unpredictable Challenges:** Complexities are par for the course. Audacious leaders confront this head-on, finding innovative solutions and steering teams through uncertain terrain.
- **Take Calculated Risks:** True leadership is about discerning when to take the leap and when to pull back. Leaders must calculate risks, make decisive choices, and be resolved to stand by those decisions.
- **Inspire Confidence and Momentum:** When leaders show courage, their teams feel empowered. Audacity fosters a spirit of resilience, pushing everyone to go beyond their limits and give their best.

Without boldness, progress would halt in the face of adversity. When practiced skillfully, Audacity enables leaders to keep projects on track even in the most challenging times. Yet here lies a critical question: How much is too much?

## The Risk of Arrogance: When Boldness Crosses the Line

While audacity is essential, unchecked boldness can quickly spiral into arrogance—a trap even the best leaders risk falling into. Arrogance in construction is not just a personal flaw; it's a destructive force that can alienate team members, stifle collaboration, and derail projects.

- **Poor Decision-Making:** Arrogance blinds leaders to valuable input and alternative perspectives. When ego drives decisions, it limits a leader's ability to make sound,



strategic choices.

- **Loss of Trust and Team Cohesion:** Arrogance disrupts the team dynamic. In construction, success hinges on collaboration. Leaders who disregard the contributions of others foster an environment of tension and mistrust.
- **Alienating Talent:** Talented, skilled team members often won't stay where they feel undervalued. Arrogant leaders risk driving away the people who could make their projects successful.

Audacity without self-awareness can harm not only the leader but the entire project. In construction, where every cog in the wheel plays a vital role, arrogance can leave a once-cohesive team feeling undervalued and disconnected.

### **Finding the Balance: Audacity with Self-Awareness**

The most effective leaders don't let audacity overpower humility. They understand that the strength to make bold decisions must be complemented by the wisdom to respect their team, listen to diverse perspectives, and acknowledge their limitations. When audacity is tempered with self-awareness, leaders build teams that aren't just effective—they're inspired.

### **Here's how leaders in construction can embody audacity without arrogance:**

1. **Listen First, Lead Boldly:** By valuing the contributions of every team member, leaders can make informed decisions that draw on their team's full expertise. Listening doesn't detract from bold leadership—it enhances it.
2. **Embrace Mistakes as Learning Moments:** Arrogant leaders struggle with mistakes; audacious, humble leaders treat them as feedback. They own their decisions but aren't afraid to admit when something hasn't worked.
3. **Cultivate a Culture of Respectful Dialogue:** Encouraging open, honest discussion enables teams to voice concerns and ideas. Leaders who value input build trust and foster collaboration, enabling their team to tackle challenges from every angle.
4. **Stay Grounded and Adaptable:** The best leaders remain adaptable, adjusting their approach when necessary and constantly seeking better results. They never let ego get in the way of sound decision-making.

## **Building a Culture of Boldness with Humility**

Leading with audacity but without arrogance isn't just a personal mission; it's a team-wide culture. Leaders who model this balance create environments where team members feel respected, empowered, and willing to take calculated risks. In such a culture, innovation thrives, and team members are motivated to excel. The team learns to embrace success and setbacks, constantly refining and improving in the spirit of shared commitment.

## **The Caribbean Construction Edge: Courage with Community**

In Caribbean construction, where projects are shaped by the region's distinct demands, finding this balance is even more crucial. The Caribbean's close-knit communities mean that leaders have an opportunity to cultivate trust and resilience in unique ways, drawing on the region's strong values of collaboration and unity. When leaders push forward with the audacity to overcome local challenges but the humility to value each team member, the results are projects that meet expectations and exceed them, benefiting entire communities.

## **Leading Beyond Structures**

At its best, construction leadership extends far beyond managing timelines, resources, and logistics; it's fundamentally about managing people. The most impactful leaders know that every blueprint and milestone is ultimately brought to life by a team whose energy, dedication, and trust are essential. These leaders don't just build structures; they foster environments where collaboration, respect, and shared commitment become the proper foundation of every project. It's about building trust, layer by layer, just as intentionally as you'd lay the foundation of any structure.

Audacity, the courage to push forward, challenge norms, and make bold decisions, fuels progress. It's what moves projects ahead, even in the face of setbacks and unexpected challenges. However, seasoned leaders understand that audacity alone isn't enough to sustain a

project or a team. Humility must walk hand-in-hand with boldness, creating a leadership style that is both dynamic and grounded. Humility allows leaders to value their team's collective wisdom, listen, adapt, and make space for voices that may offer solutions they hadn't considered.

By striking this crucial balance, construction leaders can inspire their teams to give their best, transforming workplaces into environments where people are empowered to go above and beyond. These aren't just projects—they are legacies in the making, work environments that don't just accomplish goals but stand as examples of leadership done right. These environments foster a culture where people feel valued, innovation is encouraged, and challenges are seen as shared obstacles to overcome.

Ultimately, the real power of audacity in construction lies in acting decisively without losing sight of the team's input and expertise. The genuinely exceptional leader knows how to be bold without being overbearing and how to lead without alienating. They recognize that, by embracing both courage and humility, they create a ripple effect—encouraging others to take ownership, care deeply about their work, and take pride in the team's collective success.

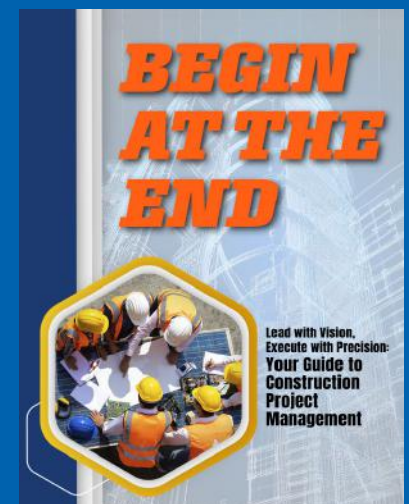
As they walk this path, these leaders do more than complete projects; they inspire transformation. They lead in a way that resonates, achieving greatness not just in the structures they build but also in the trust and respect they cultivate along the way. With every step forward, they redefine what it means to be a leader in construction, proving that the balance of audacity and humility is a blueprint for lasting success.



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Mr. Mikey Thackoor is an experienced professional in the construction industry with a track record of over 25 years working across the globe. Presently, he holds the position of Head of Operations (Eastern Caribbean) at NH International Caribbean Ltd. In this role, Mr. Thackoor provides expert leadership in project development, design, implementation, and execution to ensure optimal results are achieved.

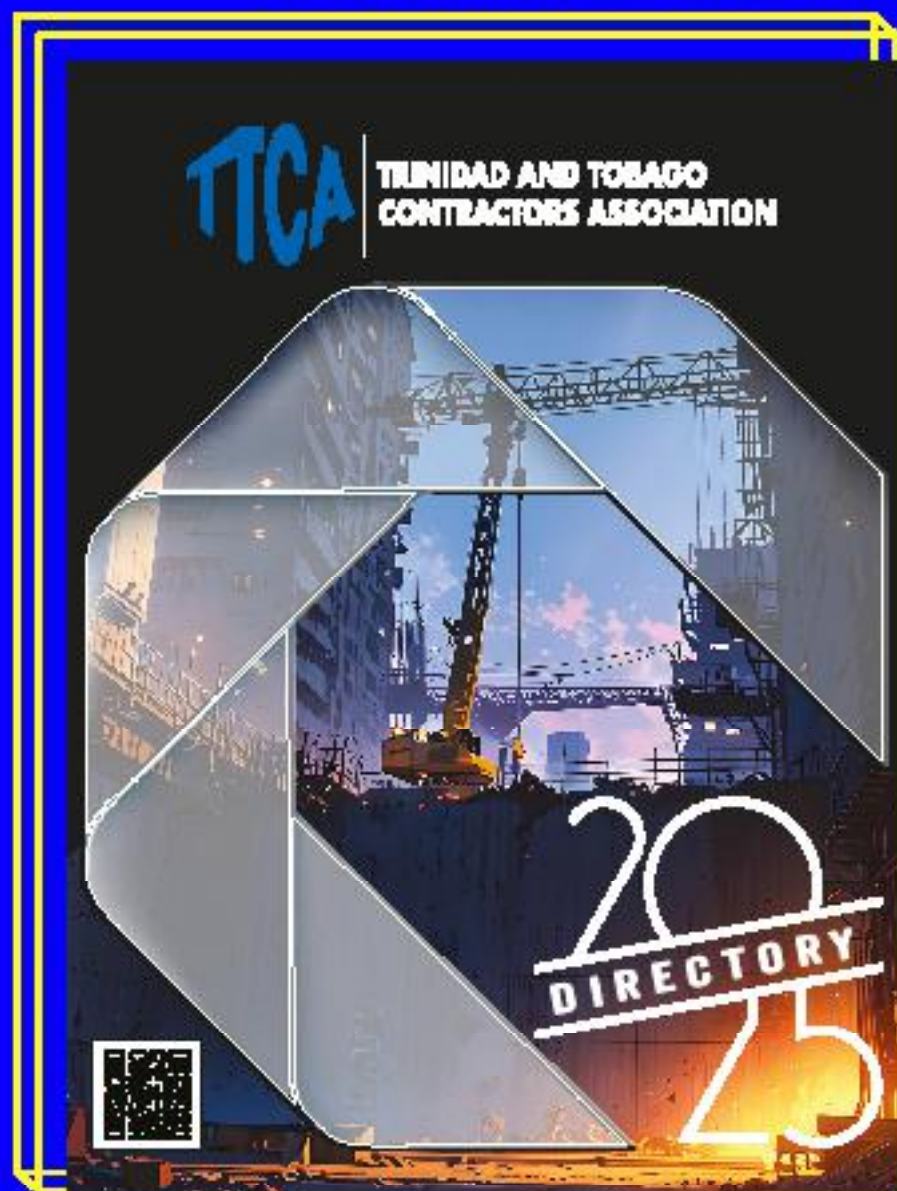


Mikey Thackoor is the author of  
*Begin At The End.*

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TTCA ANNUAL DIRECTORY

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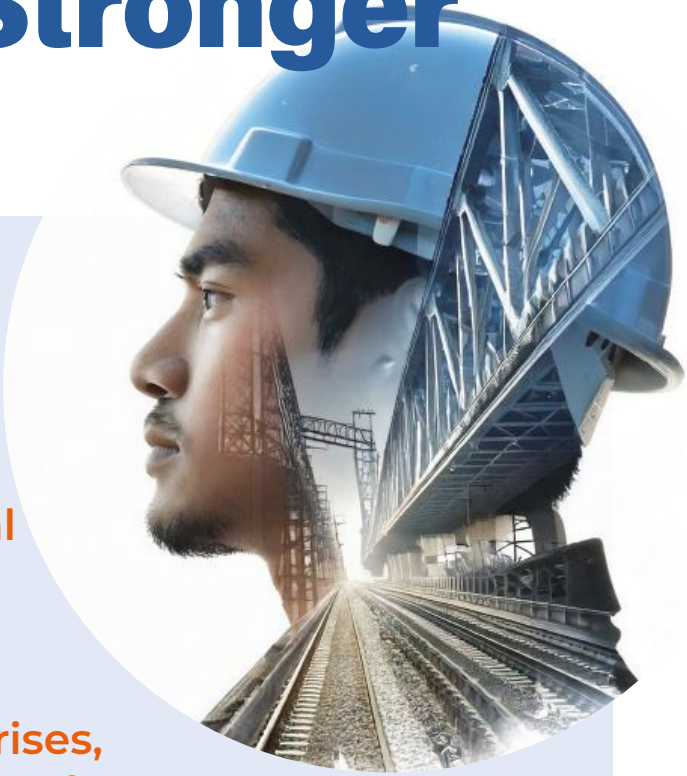
2025 DIRECTORY



# Vocational Training and Apprenticeships: Building a Stronger Workforce

The construction sector in Trinidad and Tobago plays a crucial role in the country's economic development. From infrastructure projects to commercial and residential construction, this industry forms the foundation of national growth. However, as the demand for skilled labor rises, a shortage of adequately trained workers is becoming a serious challenge.

Could vocational training and apprenticeship programs be the key to closing this skills gap? This article explores the state of the construction workforce, the benefits of vocational training, successful case studies, and actionable recommendations to strengthen this vital sector.



## The Current State of the Construction Workforce in Trinidad and Tobago

### A Growing Skills Gap

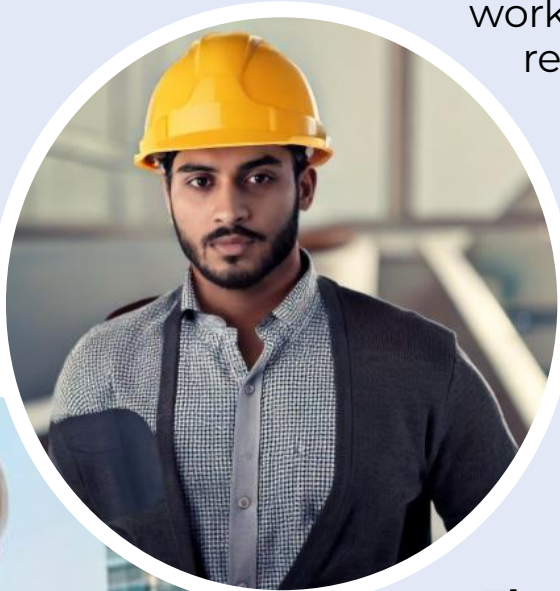
The construction industry is facing a significant shortage of skilled workers, driven by several interrelated factors. An aging workforce is leaving the industry, and there are not enough young, skilled replacements to fill the gap. Limited access to formal training opportunities further restricts the development of advanced professional skills. Additionally, the perception that construction careers lack stability discourages younger generations from entering the field.

### Overreliance on Foreign Labor

As a result of this skills shortage, many construction firms increasingly depend on foreign labor to meet project demands,

often at a higher cost. While these workers provide short-term relief, this reliance does not contribute to the

long-term sustainability of the sector. If the construction industry in Trinidad and Tobago is to remain competitive, a greater emphasis must be placed on strengthening the local workforce.



### The Benefits of Vocational Training and Apprenticeships

Vocational training and apprenticeship programs offer a practical, hands-on approach to education, providing benefits not only for individuals but also for the construction sector and the broader economy.

### **Benefits for Trainees**

These programs equip workers with marketable skills in high-demand areas such as masonry, carpentry, electrical work, and construction safety, significantly enhancing employability. Skilled workers also gain greater job security, with increased opportunities for stable, well-paying employment and career advancement.

### **Benefits for the Construction Sector**

By creating a steady pipeline of skilled employees, vocational training helps close skills gaps and sustains construction activity. Trained workers perform tasks more efficiently, reducing project delays and improving overall productivity. Additionally, investing in local workforce development reduces reliance on foreign labor, ensuring that domestic talent is prepared to fill key roles.

### **Benefits for the Economy**

A weakened construction sector negatively impacts national productivity and economic growth. A robust vocational training system helps ensure that construction continues to contribute to the country's GDP while simultaneously lowering unemployment rates.

### **Challenges Facing Vocational Training in Trinidad and Tobago**

Despite its benefits, vocational training in Trinidad and Tobago faces several challenges that must be addressed.



### **Funding Constraints**

Developing high-quality vocational training programs requires significant investment in infrastructure, educators, and equipment. Government budgets are often stretched thin, limiting the ability to create and sustain effective training initiatives.

### **Stigmas Around Skilled Trades**

Cultural biases frequently place academic routes above vocational careers, leading many young people to overlook opportunities in skilled trades. This perception limits the number of individuals willing to enter the construction workforce.

### **Misalignment with Industry Needs**

Some training programs fail to keep pace with industry advancements, resulting in graduates whose skills do not match current market demands. Without proper oversight and adaptability, vocational training risks becoming outdated.

### **Lack of Awareness**

Many jobseekers remain unaware of available vocational training programs and the career opportunities they offer. Greater outreach and education are needed to connect individuals with these valuable resources. While these challenges may seem significant, they are not insurmountable.

### **Recommendations for Strengthening Vocational Training:**

#### **Strengthen Private-Public Partnerships**

Collaboration between construction companies and vocational training institutes is essential to ensuring that curricula align with real-world industry demands. Government incentives, such as tax benefits, can encourage private firms to invest in apprenticeship programs and workforce development.

#### **Increase Funding Opportunities**

Securing financial support from grants, government allocations, and international development programs

can help expand training facilities and attract high-quality instructors.

### **Promote Vocational Careers**

Public awareness campaigns can help shift societal perceptions of skilled trades. Highlighting success stories and showcasing the critical role tradespeople play in national development can make vocational careers more attractive.

### **Modernize Training Programs**

Incorporating digital tools, construction software, and green building technologies into vocational curricula will ensure graduates are equipped with modern skills that align with industry needs.

### **Establish Recognition Frameworks**

Developing certification systems that align with international standards will improve employability both locally and abroad, allowing Trinidad and Tobago's construction workforce to compete on a global scale.

### **Developing Workforce Potential, Strengthening the Future**

The construction sector is a vital driver of economic growth in Trinidad and Tobago, but its continued success depends on bridging the growing skills gap. Vocational training and apprenticeships offer a clear path to strengthening the workforce, equipping individuals with the skills needed to sustain the industry.



The poster for the Green Leaf Awards 2026 features the EMA logo at the top, which includes a stylized green leaf and the text 'EMA environmental management authority'. Below the logo, the title 'GREEN LEAF AWARDS 2026' is centered, followed by the subtitle 'Celebrating Sustainability in the Private Sector'. The main body of the poster has a green background with white text. It states: 'For the past 26 years the Green Leaf Awards (GLA) has recognised environmental heroes. For the 2026 edition of the GLA, the Environmental Management Authority (EMA) will celebrate sustainability in the private sector.' It then asks: 'Is your organisation making strides in ESG, waste reduction, external environmental education, innovative environmental technologies, sustainable livelihoods or greenhouse gas reduction? We invite you to mark your calendars, spread the word and gather details on your projects.' Below this, it says: 'Learn more about how your organisation can participate in the GLA 2026 - Celebrating sustainability in the private sector.' At the bottom, it states: 'The guidelines and nomination form are now available! Please visit [www.ema.co.tt](http://www.ema.co.tt)'. There are also social media icons for Facebook, Instagram, X, LinkedIn, and YouTube, and a small logo for the Ministry of Planning and Economic Development.

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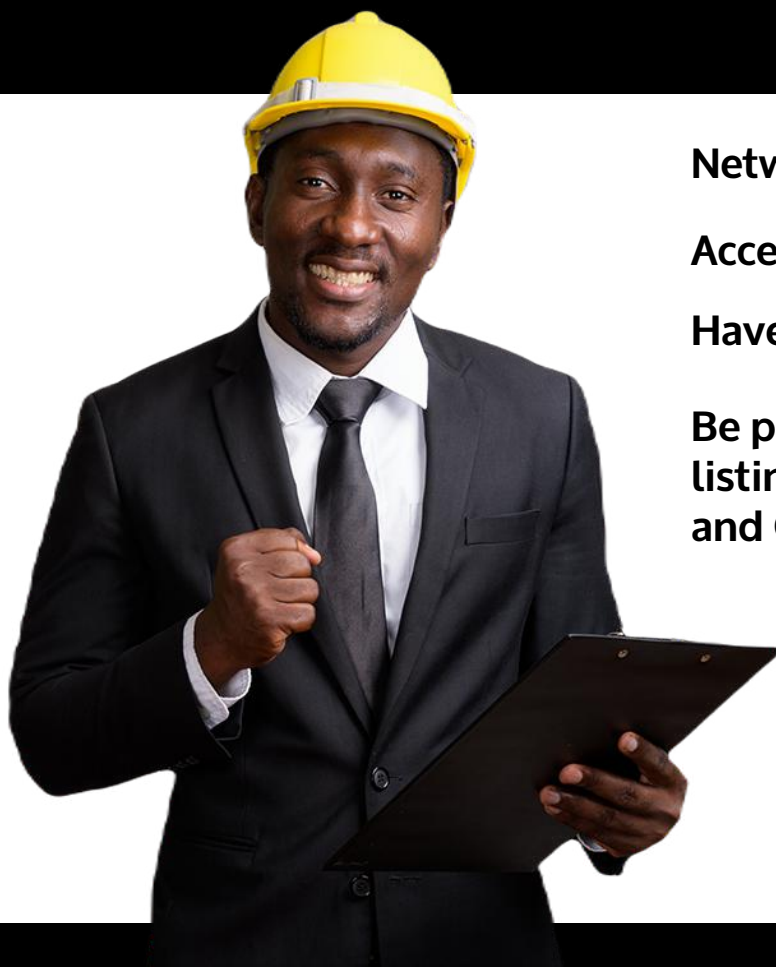
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