

Government of the Republic of Trinidad and Tobago

PUBLIC STATEMENT OF THE PERSONNEL DEPARTMENT - 2009

in compliance with

Sections 7, 8 and 9 of the Freedom of Information Act 1999 (FOIA)

In accordance with Sections 7, 8 and 9 of the Freedom of Information Act (FOIA) 1999 the Personnel Department is required to publish the following statements which list the documents and information generally available to the public.

The Act gives members of the public:

- a legal right for each person to access information held by the Personnel Department;
- a legal right for each person to have official information relating to himself/herself amended where it is incomplete, incorrect or misleading;
- a legal right to obtain reasons for adverse decisions made regarding an applicant's request for information under FOIA;
- a legal right to complain to the Ombudsman and to apply to the High Court for Judicial Review to challenge adverse decisions made under the FOIA.

Section 7 Statements

Section 7(1) (a) (i): Functions and structure of the Personnel Department

The Personnel Department, the Head of which is the Chief Personnel Officer, was established by the Civil Service Act, No. 29 of 1965, which came into force on August 27, 1966. This Act, which is now Chapter 23:01 of the Laws of the Republic of Trinidad and Tobago, sets out, at section 14(1), the duties and responsibilities of the Department. Specifically, section 14(1) provides as follows:

- 14(1) The Department shall carry out such duties as are imposed on it by this Act and the Regulations, and in addition shall have the following duties:
- (a) to maintain the classification of the Civil Service and to keep under review the remuneration payable to civil servants;
 - (b) to administer the general regulations respecting the Civil Service;
 - (c) to provide for and establish procedures for consultation and negotiation between the Personnel Department and an appropriate recognised association or associations in respect of:
 - (i) the classification of offices;
 - (ii) any grievances;
 - (iii) remuneration; and
 - (iv) the terms and conditions of employment.

The Personnel Department is also empowered to perform the above functions under similar provisions found in the following Acts:

- The Education Act, Chap. 39:01, formerly Act 1 of 1966
- The Police Service Act, Chap. 15:01, formerly Act 30 of 1965
- The Fire Service Act, Chap. 35:50, formerly Act 31 of 1965
- The Prison Service Act, Chap. 13:02, formerly Act 32 of 1965.

These Acts all provide for consultation and negotiation between the Personnel Department and appropriate recognised associations representing the public officers in the respective Services with regard to the same matters as are specified above and listed at section 14(1) of the Civil Service Act. These Acts also provide for the procedures to be followed where negotiations result in agreement or disagreement between the parties.

Under the Statutory Authorities Act, Chap. 24:01, formerly Act No. 16 of 1966, the abovementioned functions which are specified under the Civil Service Act, are also the responsibility of the Personnel Department. However, where no agreement is reached after consultation and negotiation, the dispute is dealt with in accordance with the procedure relating to disputes as contained in the Industrial Relations Act,(IRA) Chap. 88:01, formerly Act 23 of 1972.

The Chief Personnel Officer, as Head of the Personnel Department, is deemed by section 2(4)(a) of the IRA, to be the Employer, for purposes of the said Act, of any

worker employed by the Government and by section 2(5) to be the Employer of any worker employed by the Municipal Corporations.

The clients of the Personnel Department include public officers, officers of Statutory Authorities under the Statutory Authorities Act and workers, as defined by the IRA, who are in the employ of the Government or the Municipal Corporations.

Over time, the Department's functions have expanded to include responsibility for:

- secretariat and technical services to the Salaries Review Commission (SRC) established by section 140 of the Constitution;
- secretariat and technical services to the Committee of Cabinet Ministers responsible for public sector negotiations;
- management of the Training Fund for daily-rated employees represented by the National Union of Government and Federated Workers (NUGFW); and
- administration of the Group Health Plans for daily-rated employees and monthly-paid officers and certain office holders under the purview of the SRC.

The Salaries Review Commission

The SRC comprising a Chairman and four members who are appointed by the President of the Republic of Trinidad and Tobago, is required by section 141 of the Constitution to review, with the approval of the President of the Republic of Trinidad and Tobago, the salaries and other conditions of service of the President, members of Parliament and the holders of various prescribed offices including top managers in the Public Service.

The Public Sector Negotiations Committee

The Committee of Cabinet Ministers responsible for public sector negotiations, oversees negotiations between organisations that operate mainly with public funds and trade unions/associations, and issues guidelines for such negotiations and for the remuneration of non-unionised employees.

The Personnel Department - A Central Human Resource Management Agency

As a central Human Resource Management agency, the Personnel Department is involved in the following activities:

- The formulation of policy in those areas of Human Resource Management that do not fall within the purview of the Service Commissions Department.

- The formulation of public sector-specific policies in areas such as Occupational Safety and Health, and the development of guidelines for the Public Service on the treatment of persons afflicted with HIV/AIDS and other life threatening diseases.
- The provision of advice on the establishment, review and implementation of the regulatory framework for Human Resource Management in the Public Service.
- The provision of advisory and consultative services in the sphere of Human Resource Management to line Ministries and Departments.
- The monitoring of the practice of Human Resource Management by the Human Resource Management Units established in line Ministries and Departments.

The terms and conditions of employment of persons employed on contract are, by decision of Cabinet, determined by the Personnel Department.

To enable the Department to fulfill its legal and administrative responsibilities as well as to meet the challenges flowing from its strategic plan to be a Central Human Resource Management Agency for the public sector, a review of the structure of the Department has been undertaken and is currently awaiting approval.

Some understanding of the implications of this plan can be had from the following statements of the Department's Vision and Mission:

Vision: To be the model provider of contemporary human resource management and industrial relations solutions in the public sector.

Mission: To excel in the development of quality Human Resource Management policies, systems and solutions and in the application of industrial relations best practices for the well-being of the Public Service and the nation.

The Department is structured along functional lines and comprises the following Divisions, the names of which are indicative of their areas of responsibility:

- Compensation Management
- Benefits Management
- Industrial and Labour Relations
- Human Resource Policy, Planning and Research
- Legal Services

- Human Resource Management Services
- Corporate Services

Section 7(1) (a) (ii): Categories of documents in the possession of the Personnel Department

1. Administrative files used in the daily operations of the Department
2. Personnel files
3. Files dealing with accounting and financial management
4. Files dealing with official correspondence
5. Financial records
6. Cabinet documents
7. Development Programme files
8. Policy files
9. Strategic Plan of the Personnel Department
10. Training/Human Resource Development Plans for the Personnel Department
11. Legislation and legal instruments
12. Legal opinions and related matters
13. Minutes/Agenda of meetings
14. Files dealing with circulars, memoranda, notices, bulletins
15. Files dealing with official functions, conferences and events hosted and attended by the Personnel Department
16. Personnel Department Newsletter
17. Files relating to Contract Employment
18. Vision & Mission statements
19. Memoranda of Agreement
20. Collective Agreements
21. Class Specifications in respect of offices in the Civil Service and Statutory Authorities subject to the Statutory Authorities Act
22. Job Specifications and Descriptions in respect of offices in the Teaching, Fire, Prisons, Police, Judicial and Legal Service and Sugarcane Feeds Centre

Section 7 (1) (a) (iii): Material prepared for publication or inspection

1. Personnel Department (Office of the Chief Personnel Officer): Role, Responsibilities and Functions
2. Manual of Terms and Conditions of Employment
3. Guidelines for the Administration of Devolved Functions
4. Reports prepared by the Salaries Review Commission

5. Employee Assistance Programme (EAP) Policy for the Public Service of Trinidad and Tobago
6. Guidelines for the Administration of the Employee Assistance Programme (EAP) for the Public Service of Trinidad and Tobago
7. Branching Out - - A Guide to VTEP
8. Documents of Sessions of the Industrial Relations Management Roundtable:
 - i. *The Industrial Court and the Principles of Equity*
 - ii. *Violence in the Workplace*
9. Manuals on the Performance Management system:
 - iii. *Discussing Performance: A Programmed Learning Text*
 - iv. *Shaping Performance: A Manual for Performance Management in the Public Service*
10. Training Policy for the Public Service of Trinidad and Tobago

Section 7 (1) (a) (iv): Literature available by subscription

- This section is not applicable at this time.

Section 7 (1) (a) (v): Procedure to be followed when accessing a document from the Public Authority

- *General Procedure*

It is the policy of the Personnel Department to respond to all requests for information, both oral and written. However, in order to have the rights given by the FOIA (for example, the right to challenge a decision if a request for information is refused), the request must be made in writing. In order to access information that is not readily available in the public domain, the applicant must, therefore, complete the appropriate form, *Request for access to Official Documents*, available at the Personnel Department, Valpark Building, 76-78 St. Vincent Street, Port of Spain or any Public Authority.

- *Addressing Requests*

To facilitate prompt handling of the request, such a request must be addressed to the Designated Officer of the Personnel Department.

- *Details to be included in the Request*

Applicants are asked to provide details that would allow for ready identification and location of the records that are being requested. If insufficient information is provided, clarification will be sought from the applicant. If the applicant is uncertain as to the details to be included, the Designated Officer will assist.

Requests not handled under the FOIA

A request under the FOIA will not be processed to the extent that it asks for information, for example, material contained within **Acts** and **Legal Notices**, and **Gazettes**, which are currently available in the public domain, either from the Personnel Department or from another public authority.

Responding to requests

The Personnel Department is required to furnish copies of documents only when they are in the Department's possession or they can be retrieved from storage, either in the National Archives or another storage centre.

Subject to *Section 8 Statements*, an applicant is entitled to only one (1) copy of a document held in the Department. If the Department is unable to make a legible copy of a document, it will furnish the best copy possible and note its quality when replying.

In treating with requests, the Personnel Department is not under obligation to:

- (a) create new documents
- (b) perform research for the applicant.

Time Limits

- *General*

The Personnel Department will determine whether a request for access to information will be granted as soon as practicable but no later than 30 days after the request has been made, as required by Section 15 of the FOIA. If a decision is taken to grant access to the information requested, the person will be permitted to inspect the documents or be provided with copies, if the person so request.

- *Fees and Refunds*

The Freedom of Information Fees and Charges Regulations prescribe the fees incurred in making documents available. Where such fees are payable the person is entitled to receive the document/s within seven days of payment of the relevant fee. If the Department fails to provide the information within the seven-day period the person is entitled to a refund of the fees in addition to access to the document/s requested.

Section 7 (1) (a) (vi):

The Designated Officer is: **Ms Gillian Viechweg**

The Alternate Officer is: **Ms Jane Hopkinson**

Address: Personnel Department
Valpark Building
76-78 St. Vincent Street
Port of Spain

Telephone: (868) 623 1621-5

Fax: (868) 624 2640

Section 7 (1) (a) (vii): **Advisory Boards, Councils, Committees,
and other Bodies**

- This section is not applicable at this time.

Section 7 (1) (a) (viii): **Library/Reading Room Facilities**

Information can be accessed at the Personnel Department's Library, situated on Level 3 of the Valpark Building, 76-78 St Vincent Street, Port of Spain between the hours of 9:00 am. and 3:30 p.m., Monday to Friday.

All documents are available for perusal. Books which are designated 'textbooks' in the Personnel Department's Library are not available for loan.

Section 8: Statements

The documents listed at numbers 1-2 below are used to guide officers within the Personnel Department and are available for purchase at the Government Printery. Those listed at numbers 3-32 are available at the Personnel Department for inspection purposes only.

1. Service Acts and Regulations
2. Laws of the Republic of Trinidad and Tobago
3. Guidelines for contract employment in Government Ministries/Departments

and Statutory Authorities and in the Tobago House of Assembly

4. Circular Memoranda to Permanent Secretaries/Heads of Department and certain Statutory Authorities and the Chief Administrator, Tobago House of Assembly
5. Circulars to Permanent Secretaries/Heads of Department and certain Statutory Authorities and the Chief Administrator, Tobago House of Assembly in respect of *Guidelines for the Administration of Devolved Functions*
6. Manual of Terms and Conditions of Employment
7. Minutes of meetings with Association/Unions including Step IV, Grievance Procedure (Daily-rated) except where parties agree they are confidential
8. Memoranda of Agreement with various Associations/Unions
9. Collective Agreements applicable to workers in respect of whom the Chief Personnel Officer is deemed by the Industrial Relations Act to be the Employer
10. Classification and Compensation Plans for the Trinidad and Tobago Teaching Service
11. Classification and Compensation Plans for the Trinidad and Tobago Police Service
12. Classification and Compensation Plans for the Trinidad and Tobago Fire Service
13. Classification and Compensation Plans for the Trinidad and Tobago Prison Service
14. Classification and Compensation Plans for the Civil Service and Statutory Authorities subject to the Statutory Authorities Act
15. Remuneration Arrangements for holders of offices in the Judicial and Legal Service

16. Report of the Committee to examine the future direction of Defence Force Pay
17. Report of Cabinet-appointed Committee to explore issues related to the implementation of Group Health Insurance coverage for the Public Service
18. A report of the selection of an Administrator for the Group Health Plan by a Joint Committee representatives from NUGFW and the Personnel Department
19. A report on the evaluation of prospective Plan Administrators of the Group Health Plan for monthly-paid officers in the Civil Service, Statutory Authorities and the Tobago House of Assembly
20. Documents of Sessions of the Industrial Relations Management Roundtable:
 - The Industrial Court and the Principles of Equity
 - Violence in the Workplace
21. Reports of the Salaries Review Commission that have been approved by Cabinet
22. Personnel Department Circulars from 1969 to 2009
23. Personnel Department (Office of the Chief Personnel Officer): Role, Responsibilities and Functions
24. Employee Assistance Programme (EAP) Policy for the Public Service of Trinidad and Tobago
25. Guidelines for the Administration of the Employee Assistance Programme (EAP) for the Public Service of Trinidad and Tobago
26. Branching Out – A Guide to VTEP
27. Manuals on the Performance Management system:
 - Discussing Performance: A Programmed Learning Text
 - Shaping Performance: A Manual for Performance Management in the Public Service

28. Report of the Joint Working Party on Reclassification and Upgrading of all Jobs in the Bargaining Unit represented by the National Union of Government and Federated Workers
29. Events Co-ordination, Protocol and Etiquette Guidelines for the Office of the Chief Personnel Officer
30. Guidelines for the Administration of Devolved Functions
31. Training Policy for the Public Service of Trinidad and Tobago
32. Ministerial Performance Management Framework Report

Section 9 Statements: Reports and Statements

Section 9 (1) (a): A report or a statement containing the advice or recommendations, of a body or entity established within the public authority.

- This section is not applicable at this time.

Section 9 (1) (b): A report or a statement containing the advice or recommendations, of a body or entity established outside the public authority by or under a written law, or by a Minister of Government or other public authority for the purpose of submitting a report or reports, providing advice or making recommendations to the public authority or to the responsible Minister of that public authority.

- This section is not applicable at this time.

Section 9 (1) (c): A report or a statement containing the advice or recommendations, of an inter-departmental committee whose membership includes an officer of the public authority.

- This section is not applicable at this time.

Section 9 (1) (d): A report, or a statement containing the advice or recommendations of a committee established

within the public authority to submit a report, provide advice or make recommendations to the responsible Minister of that public authority or to another officer of the public authority who is not a member of the committee.

- This section is not applicable at this time.

Section 9 (1) (e): **A report (including a report concerning the results of studies, surveys or tests) prepared for the public authority by a scientific or technical expert, whether employed within the public authority or not, including a report expressing the opinion of such an expert on scientific or technical matters.**

- Report on Indoor Air Quality Assessment and Health and Safety Audit at the Valpark Building 76-78 St. Vincent Street, Port of Spain

Section 9 (1) (f): **A report prepared for the public authority by a consultant who was paid for preparing the report.**

The following reports are for examination only:

- Public Service Salary Survey (PriceWaterhouseCoopers)
- Consultants' Report prepared by KPMG Consulting on the Job Evaluation Exercises in the following Services:
 - Teaching Service
 - Prison Service
 - Police Service
 - Fire Service
- Consultants' Report on the Job Evaluation Exercise in the Judicial and Legal Service (PriceWaterhouseCoopers)
- Consultant's Report on the Institutional Strengthening of the capacity of Ministries/Departments/Statutory Authority to undertake Human Resource Planning in the Public Service

Section 9 (1) (g): **A report prepared within the public authority and containing the results of studies, surveys or tests carried out for the purpose of assessing, or making recommendations on, the feasibility of**

establishing a new or proposed Government policy, programme or project.

- This section is not applicable at this time.

Section 9 (1) (h): **A report on the performance or efficiency of the public authority, or of an office, division or branch of the public authority, whether the report is of a general nature or concerns a particular policy, programme or project administered by the public authority.**

- Ministerial Performance Management Framework Report.

Section 9 (1) (i): **A report containing final plans or proposals for the re-organisation of the functions of the public authority, the establishment of a new policy, programme or project to be administered by the public authority, or the alteration of an existing policy, programme or project administered by the public authority, whether or not the plans or proposals are subject to approval by an officer of the public authority, another public authority, the responsible Minister of the public authority or Cabinet.**

- Strategic Plan of the Personnel Department 2001-2004
- Human Resource Development Plan of the Personnel Department 2004-2006

Section 9 (1) (j): **A statement prepared within the public authority and containing policy directions for the drafting of legislation.**

- This section is not applicable at this time.

Section 9 (1) (k): **A report of a test carried out within the public authority on a product for the purpose of purchasing equipment.**

- This section is not applicable at this time.

Section 9 (1) (l): **An environmental impact statement prepared within the public authority.**

- This section is not applicable at this time.

Section 9 (1) (m): **A valuation report prepared for the public authority by a valuator, whether or not the valuator is an officer of the public authority.**

- This section is not applicable at this time.