

Government of the Republic of Trinidad and Tobago

PUBLIC STATEMENT OF THE PERSONNEL DEPARTMENT - 2013

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 the 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 governing 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) classification of offices;
 - (ii) grievances;
 - (iii) remuneration; and
 - (iv) 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;
- The Police Service Act, Chap. 15:01;
- The Fire Service Act, Chap. 35:50;
- The Prison Service Act, Chap. 13:02.

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, the functions of the Personnel Department, as specified in the Service Acts mentioned above, are also the responsibility of the Personnel Department in relation to the organisations which fall under the Act. 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.

The Chief Personnel Officer, by virtue of Section 2(4) (a) and Section 2(5) of the IRA, is deemed to be the Employer of any worker employed by the Government.

The clients of the Personnel Department include Ministries and Departments, regulatory bodies, public officers, officers of Statutory Authorities under the Statutory Authorities' Act, workers, as defined by the IRA, who are in the employ of the Government or the Municipal Corporations, Associations and Unions representing government employees and citizens.

From its establishment in 1965, the core functions of the Personnel Department have revolved around matters pertaining to the determination of pay and other terms and conditions of employment and the administering of the general regulations governing the Public Service. Nevertheless, its functions have undergone some evolution in keeping with changes in Government policy. A major factor prompting change has

been the initiative to establish a modern human resource management (HRM) system in the Public Service.

Currently, the Department's functions include responsibility for:

- secretariat and technical services to the Salaries Review Commission (SRC) established by section 140 of the Constitution of the Republic of Trinidad and Tobago (see description below);
- secretariat and technical services to the Ministerial Committee, a committee of Cabinet Ministers responsible for monitoring salary and wage negotiations and remuneration arrangements of employees in the public sector (see description below) ;
- administration of the two (2) Group Health Plans, one for daily-rated employees and the other for monthly-paid officers in the Civil and Teaching Services and certain office holders within the purview of the SRC;
- advising on the pay and other terms and conditions of service of offices within the purview of the SRC; persons employed in those Statutory Boards and State Enterprises which receive guidelines from the Ministerial Committee; and members of the Defence Force;
- formulating policies in areas of Human Resource Management which are within its statutory mandate;
- formulating specific public sector policies in areas such as Occupational Safety and Health, the Public Service Employee Assistance Programme, and the development of guidelines for the Public Service on the treatment of persons afflicted with HIV/AIDS and other life threatening diseases;
- advising on and reviewing the legal and regulatory framework for aspects of Human Resource Management in the Public Service;
- providing advisory and consultative services to line agencies in respect of those matters which are within its purview;
- facilitating the implementation of specific strategic Human Resource Management initiatives in the Public Service;
- strengthening the capacity of Human Resource Management Units to implement those public-service-wide programmes and policies within the Department's purview;
- monitoring and auditing the implementation of those public-service-wide programmes and policies within the Department's purview; and

- determining the terms and conditions of employment of persons employed on contract in the Public Service and in Statutory Authorities.

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 (1) 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 Ministerial Committee

The Ministerial Committee issues guidelines to public sector organisations to guide their negotiations with trade unions/associations. In addition to issuing guidelines for such negotiations and for the remuneration of non-unionised employees, the Committee also provides guidelines on the implementation of job evaluation, restructuring and any other exercises which have significant financial implications.

The Department's Vision and Mission Statements are as follows:

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.

To enable the Department to fulfill its legal and administrative responsibilities as well as to meet its challenges, a strategic review was undertaken in 2011.

The Department at present is structured along functional lines and comprises the following seven Divisions:

- Compensation Management;
- Benefits Management;
- Industrial and Labour Relations;
- Human Resource Policy Planning and Research;
- Legal Services;
- Human Resource Management Services; and
- Corporate Services.

The Department's Corporate Head, the CPO, is supported at the strategic level by two Deputy Chief Personnel Officers.

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

1. Administrative records used in the daily operations of the Department;
2. Personnel records;
3. Accounting and financial management records;
4. Files dealing with official correspondence;
5. Cabinet Minutes and/or Notes;
6. Development Programme files;
7. Policies;
8. Strategic Plans of the Personnel Department;
9. Training/Human Resource Development Plans for the Personnel Department;
10. Legislation and legal instruments;
11. Legal opinions and related matters;
12. Minutes of and Agenda for meetings;
13. Circulars, memoranda, notices and bulletins;
14. Files dealing with official functions, conferences and events hosted and attended by the Personnel Department;
15. Personnel Department Newsletters;
16. Files relating to contract employment;
17. Vision & Mission statements;
18. Memoranda of Agreements;
19. Collective Agreements;
20. Class Specifications in respect of offices in the Civil Service and Statutory Authorities subject to the Statutory Authorities' Act;
21. Job Specifications and Descriptions in respect of offices in the Teaching, Fire, Prison, Police and Judicial and Legal Services and the Sugarcane Feeds Centre;
22. Legal Documents that are filed in the Industrial Court and with the Special Tribunal
23. Documents prepared to provide guidance to Ministries and Departments in implementing HRM programmes
24. Reports of consultants

Section 7 (1) (a) (iii): Material prepared for publication or inspection by members of the public

- Personnel Department (Office of the Chief Personnel Officer): Role, Responsibilities and Functions.

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

- 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 facilitate the exercise of the rights conferred on individuals 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, entitled '*Request for access to Official Documents*', - available at the Personnel Department, Valpark Building, 76-78 St. Vincent Street, Port of Spain or from 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 made under the FOIA will not be processed to the extent that it is for information, for example, material contained within Acts, 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 at 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; or
- (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 requests.

- ***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. Virginia George**

The Alternate Officer is: **Ms. Donna Byron-Douglas**

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

Telephone: (868) 623 7125 Ext 233
(868) 625 1753

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

Where a request for access to information has been granted, arrangements will be made, as necessary, for such information to 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 a.m. and 3:30 p.m., Monday to Friday.

Section 8 Statements

The documents listed below are used to guide officers within the Personnel Department. Those listed at numbers 1-2 are available for purchase at the Government Printery. Those listed at numbers 3-34 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 Associations/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 Cabinet-appointed Committee to explore issues related to the implementation of Group Health Insurance coverage for the Public Service;
17. Report on the selection of an Administrator for the Group Health Plan by a Joint Committee comprising representatives from NUGFW and the Personnel Department;
18. 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;
19. Documents of Sessions of the Industrial Relations Management Roundtable:
 - The Industrial Court and the Principles of Equity; and
 - Violence in the Workplace;
20. Reports of the SRC approved by Cabinet;
21. Personnel Department Circulars from 1969 to 2012;
22. Employee Assistance Programme (EAP) Policy for the Public Service of Trinidad and Tobago;
23. Guidelines for the Administration of the Employee Assistance Programme (EAP) for the Public Service of Trinidad and Tobago;

24. Branching Out – A Guide to VTEP;
25. Manuals on the Performance Management system:
 - Discussing Performance: A Programmed Learning Text; and
 - Shaping Performance: A Manual for Performance Management in the Public Service;
 - Shaping Performance: Appraising Mr. Paul (compact disc)
26. Report of the Joint Working Party on Reclassification and Upgrading of all Jobs in the Bargaining Unit represented by the NUGFW;
27. Events Co-ordination, Protocol and Etiquette Guidelines for the Office of the Chief Personnel Officer;
28. Guidelines for the Administration of Devolved Functions;
29. Training Policy for the Public Service of Trinidad and Tobago;
30. Training Policy Guidelines;
31. Personnel Department Ministerial Performance Management Framework Report - 2008
32. Personnel Department Ministerial Performance Management Framework Report - 2010
33. Guidelines for Managing HIV and Aids in the Public Service;
34. Report of the Defence Force Pay Review Committee.

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;
- Report on the Indoor Air Quality Assessment at the Compensation Management Division No. 59 Frederick 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)
- Consultant's Reports prepared by KPMG Consulting on the Job Evaluation Exercises in the following Services:
 - Teaching Service
 - Prison Service
 - Police Service
 - Fire Service
- Consultant's 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 (Price Waterhouse Coopers);
- Consultant's Report on the review of the Approved EAP Policy for the Public Service and Guidelines for the Administration of the EAP [Behavioural Management Solutions Ltd (BMS)]
- Consultant's Report on Stakeholder Consultations for the EAP (BMS)
- Consultant's Report on Inventory and Assessment of the capability and capacity of EAP Service Providers and Clinical Auditors (BMS)
- Consultant's Report on Options available for the Design of an EAP for the Public Service (BMS)
- Consultant's Report on the design of an Employee Assistance Programme for the Public Service (BMS)
- Consultant's Report on Implementation Plan for the EAP.

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.”

The following report is for examination only:

- Consultant's report on Review of the Classification and Compensation System in the Civil Service and Statutory Authorities

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.”

The following reports are for examination only:

- Personnel Department Ministerial Performance Management Framework Report 2008
- Personnel Department Ministerial Performance Management Framework Report 2010

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.”

The following reports are for examination only:

- 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.