

TWENTY-EIGHT REPORT OF THE SALARIES REVIEW COMMISSION

Review of the Terms and Conditions of Service
of Chairman, Registration, Recognition and
Certification Board

The President of the Republic of Trinidad and Tobago has conveyed his approval for a review by the Salaries Review Commission of the salary and other terms and conditions of service of the Chairman, Registration, Recognition and Certification Board. This office was placed within the purview of the Commission when it was added to the Second Schedule to the Constitution (Prescribed Matters) Act, Chap. 1:02 by Legal Notice No. 164 dated November 5, 1993.

2. By Section 21(1) of the Industrial Relations Act, Chap. 88:01 the Registration, Recognition and Certification Board (the Board) was established in 1972 and consists of a Chairman and eight other members.

3. The Act provides for the Chairman of the Board to be appointed for a period not exceeding five years by the President of the Republic of Trinidad and Tobago after consultation with organisations/bodies which, in his opinion, are most representative of workers and employers.

4. Under Section 23(1) of the Act, the Board is charged with responsibility for:-

- "(a) the determination of all applications, petitions and matters concerning certification of recognition under Part III, including the taking of preferential ballots under section 34(2);
- (b) the certification of recognised majority unions;
- (c) the recording of the certification of recognised majority unions in a book to be kept by it for the purpose;
- (d) the making of agency shop orders under Part VI and the conduct of ballots and proceedings in connection therewith;
- (e) the cancellation of certification of recognition of trade unions; and
- (f) such other matters as are referred or assigned to it by the Minister or under this or any written law."

5. The above responsibilities with which the Board is charged are indicative of its significance as an independent and impartial institution for the determination of recognition issues and its facilitating role in the promotion of good industrial relations in Trinidad and Tobago and the maintenance of industrial peace.

6. During our discussions with the incumbent of the office, he indicated that his major duties as Chairman of the Board were to guide the deliberations of the Board; preside over oral and quasi-judicial hearings; advise the Minister of Labour on referrals from the said Minister pertaining to the issue of recognition and related matters; and consult with the Chairman and Members of the Industrial Court on regulations governing industrial relations practices in the society.

7. The Commission has considered the circumstances which have shaped and characterised the work load of the Board. At the time of the establishment of the Board in 1972 and in the succeeding formative years, industrial relations were extremely unstable. The growth of the economy resulted in a high level of Trade Union activity and the areas of union recognition and bargaining unit determination were major sources of conflict. During this period, the Board was heavily involved in establishing the framework for its regulatory role, through the development of strategies to encourage and streamline registration and the formulation of guidelines to be utilised by unions seeking recognition. In this context the duties of the Chairman were substantial and demanding and therefore it was considered that the holder of the office of Chairman was required to function on a full-time basis.

8. Against this background, the salary of the Chairman of the Board has, since its inception been equated with that of the Vice President of the Industrial Court. This historical link has its roots in the fact that at the time of the creation of the Board the Chairman was drawn from the membership of the Industrial Court, and it was considered that the duties and responsibilities of the office were comparable with those of the Vice President of the Court.

9. We have noted that the equating of the salary of the Chairman, Registration, Recognition and Certification Board with that of the Vice President, Industrial Court has been consistently maintained throughout the years up to the present time where under the most recent contract of employment the present Chairman is provided with a basic salary equivalent to that of Vice President of the Industrial Court (1983 pay rates). The existing remuneration package of the Chairman is attached as an Appendix to this Report.

10. The Commission recognises that the Board continues to play a critical role in the regulatory process established by the Industrial Relations Act. However, the Commission has noted that concomitant with the downturn in the economy there has been a deceleration of trade union activity in relation to recognition issues and a consequential decrease in the number of matters requiring determination by the Board. Further, it is expected that during the period of its existence, the Board would have established a sound structure of systems and procedures which would permit effective and efficient treatment of issues. As a result, the less complex matters could be handled by the Secretariat given the functions and responsibilities of the Secretary to the Board.

11. In light of the foregoing, therefore, the Commission considers that neither a full-time Chairman, nor the linkage of the basic salary with that attached to the office of Vice President, Industrial Court, is justified.

12. As a basis for determining the level of remuneration appropriate to the office, we have examined the compensation packages provided to other Chairmen of Boards and their respective duties and responsibilities. Accordingly, we recommend that the remuneration package of the Chairman, Registration, Recognition and Certification Board should be as follows:-

SALARY

\$6300 per month.

OTHER TERMS AND CONDITIONS OF EMPLOYMENT

(i) **Transport**

- (a) A maximum loan of \$50,000 at a rate of interest of 6% per annum to facilitate the purchase of a locally assembled or imported motor vehicle with exemption from Motor Vehicle Tax and Value Added Tax limited to the amount associated with the maximum loan;
- (b) a loan to cover the cost of Motor Vehicle Insurance Premium; and
- (c) a Commuted Travelling Allowance of \$750 per month.

(ii) **Subsistence Allowance**

A rate of \$50.00 per day when travelling on official business beyond a radius of ten (10) miles (16 kilometres) from official headquarters.

13. The incumbent of this office now holds a three year contract and would continue to receive the existing remuneration during the life of the contract.

Dated this day..... *19th* July, 1994.

Leonard Williams.....
Leonard Williams
(Chairman)

Edward Collier.....
Edward Collier

Rowell Debysingh.....
Rowell Debysingh

Clive Forgenie.....
Clive Forgenie

George Leonard Lewis.....
George Leonard Lewis

EXISTING REMUNERATION ARRANGEMENTS

Salary

\$9,200 per month.

Housing

Free, furnished supergrade quarters or an allowance of \$750 per month in lieu.

Transport

- (i) A maximum loan of \$25,000 to facilitate the purchase of a locally-assembled standard grade motor car with full exemption from Motor Vehicle Tax;
- (ii) A loan to cover the cost of annual Motor Vehicle Insurance Premium;
- (iii) A Chauffeur Allowance equivalent to the minimum salary of a Chauffeur II in the Public Service, such allowance to be paid only when a Chauffeur is actually employed;
- (iv) A Commuted Travelling Allowance of \$525 per month (effective August 1, 1981).

Subsistence

\$50 per day for travel beyond a radius of 10 miles from official headquarters (effective June 9, 1983).

Overseas Travel Facilities

- (i) In every alternate year, entitlement to go abroad during the annual vacation and to qualify for a free passage allowance for self, wife and children, if any, who are under the age of twenty years, unmarried and dependent on him;
- (ii) The passage allowance not to exceed the cost of three adult, first class return air fares by the most direct route to Kingston;
- (iii) For every alternate occasion, the passage allowance not to exceed the cost of three adult, first class return air fares to the United Kingdom.

Entertainment

An Entertainment Allowance of \$250 per month. Actual expenses incurred for entertainment in excess of this allowance to be met from the official Entertainment Vote under the control of the President of the Industrial Court.

Medical Benefits

Entitlement to operative treatment, X-Ray, bacteriological and pathological examinations and physiological treatment and to all incidental hospitalization services at any hospital or State institution established and maintained by the State under the Hospitals Ordinance or where these services are not available at such hospital, to be paid the cost of such treatment and services in any other hospital, institution or nursing home in Trinidad and Tobago.

The remuneration arrangements set out above are applicable only where the office of Chairman is held on a full-time basis. Where the holder of the office is a Member of the Industrial Court or the holder of another substantive office, he receives, by way of an allowance, the difference between the salary of his substantive office and the salary assigned to the Chairman.