

NINETY-FIRST REPORT OF THE SALARIES REVIEW COMMISSION

Remuneration Arrangements for the office of Executive Director, Occupational Safety and Health Agency

The office of Executive Director, Occupational Safety and Health Agency (OSHA) was created by section 69(2) of the Occupational Safety and Health Act, No. 1 of 2004, (the Act). By virtue of section 69(4), the salary, allowances and other terms and conditions of service of the office fall for review by the Salaries Review Commission (SRC) in accordance with section 141 of the Constitution. It was not possible for the Commission to treat with the salaries and other terms and conditions of service of the office of Executive Director, OSHA during its last general review in 2009, as the information necessary to undertake such review was not then available.

2. The Occupational Safety and Health Agency (the Agency) was established under section 69 of the Act, as the implementation arm of the Occupational Safety and Health Authority (the Authority) and is charged with promoting the safety, health and welfare of persons in the workplace. In accordance with section 66(1) of the Act, the Authority is required, among other things, to:

- (i) assist and encourage persons concerned with matters relevant to any of the general purposes of the Act to further those purposes;
- (ii) make such arrangements as it considers appropriate for the carrying out of research, the publication of the results of research and the provision of training and information in connection with those purposes, and to encourage research and the provision of training and information in that connection by others;
- (iii) make such arrangements as it considers appropriate for ensuring that government departments, employers, employees, organizations representing employers and employees respectively, and other persons concerned with matters relevant to any of those purposes are provided with an information and advisory service and are kept informed of and adequately advised on, such matters; and
- (iv) perform such acts and functions in accordance with law to enforce the provisions of the Act.

In this regard, the Act makes provision, inter alia, for the general duties of employers with respect to occupational safety and health and outlines the rights of employees in the face of safety or health issues.

3. Under the Act, the Executive Director is the head of the Agency and is supported by a Deputy Director. Additionally, the Act provides for the following staff:-

- (i) a Secretary; and
- (ii) such persons who, in the opinion of the Authority, have the necessary training, qualifications and expertise to assist in the delivery of the services of the Agency.

Role and Function of the Executive Director

4. By virtue of section 69(3) of the Act, the Executive Director is the Accounting Officer on the Exchequer Account for the Authority and is responsible for all financial activities of the Agency. Further, in general, the office holder is responsible for:

- (i) carrying out any directions given by the Authority in pursuance of its functions; and
- (ii) providing the (relevant) Minister with information about the activities of the Authority or any other related matter, if requested.

Duties and Responsibilities

5. In our examination of the duties and responsibilities of the office, we observed that the Executive Director is required to:

- plan programmes and activities according to the general multi-annual plan and the annual Business Plan of the Agency;
- direct and coordinate the activities of the Agency in close co-operation with the Authority and the Ministry of Labour and Small and Micro Enterprise Development;
- define measurable indicators for monitoring and evaluating work programmes and activities;
- ensure that the Agency carries out all statutory functions under the Act;
- involve the social partners and other stakeholders, namely, Occupational Safety and Health (OSH) professionals and/or professional associations, universities, non-governmental organisations, chambers of commerce, labour unions, ministries responsible for public health, education, and the environment, in specific OSH strategies, promotion, programmes and other relevant activities;
- promote the dissemination of any prevention and/or enforcement OSH information to all interested parties through the use of various media;

- develop new and innovative promotional programmes to educate the wider stakeholder community including employers, employees, their organizations, students and the general public, in order to improve the awareness of OSH and to raise the national safety culture;
- evaluate and report periodically to the Authority on all outputs and outcomes of the activities of the Agency and advise on further measures to be taken;
- develop proposals which guarantee the sustainability of the organization, its activities, corporate image and its impact, including the organizational changes and resources involved in implementing them; and
- assume responsibility as Accounting Officer for compliance and execution of the Financial Regulations made under section 45(1) of the Exchequer and Audit Act, Chapter 69:01.

Educational Qualifications and Training

6. We are advised that an incumbent is required to be in possession of a post graduate degree, preferably in Occupational Safety and Health Management, Engineering, Natural Sciences or a related discipline. He/she is also required to possess knowledge of relevant international labour legislation and regulations on OSH, including International Labour Organisation Conventions and Recommendations and European Union Directives. Additionally, the officer holder must have knowledge of and experience in OSH quality management standards and certification processes such as OHSAS, ISO and ILO OSM – ms 2001 as well as in financial administration. An incumbent is required to have considerable experience, that is, a minimum of fifteen (15) years, in the field of OSH, preferably in labour inspection and at least seven (7) years experience at the level of Director or comparable position in a similar organisation.

7. In seeking to determine an appropriate remuneration package for the office, we took into account the knowledge, experience and training which the holder of the office of Executive Director is required to possess. Also, we sought to compare the scope and range of duties and responsibilities of the office of Executive Director, OSHA with those of other offices within our purview. In this regard, we found a number of similarities between the office of Executive Director, OSHA and that of Executive Director, National Library and Information System Authority (NALIS). Both office holders serve at the executive level in Statutory bodies and head their individual organizations. In this regard, they are both responsible for:-

- planning, organizing, directing and managing programmes and activities associated with the operation of their entities;
- formulating and implementing policy on the directive of the Authorities to which they are accountable;

- initiating and co-ordinating activities to further the objectives of their respective Authorities;
- monitoring and evaluating programmes and projects;
- performing as Accounting Officers in compliance with the Financial Regulations made under section 45(1) of the Exchequer and Audit Act, Chapter 69:01.

Pension/Gratuity

8. We note that the Act makes no provision for superannuation and pension benefits for employees of the Agency. We have been advised that while section 69A of the Act makes provision for the preservation of superannuation and pension rights accruing at the time of transfer of an officer in the public service to the Authority or the Agency, such a provision merely ensures that the superannuation and pension benefits which had accrued to an individual in the public service at the time of transfer to the Agency would not be lost. No provision has been made for service in the Agency to continue to accrue as pensionable service.

Recommendations

9. In light of the foregoing, we recommend that the office of Executive Director, OSHA be placed in the same grouping as that of Executive Director, NALIS and other top offices at the executive level in the Top Managers in the Statutory Bodies grouping.

10. We are of the view that steps ought to be taken to examine what appears to be an omission in the Act on the issue of pension benefits. With respect to the office under our purview, we recommend that until a decision is made on superannuation benefits for persons in the Agency, legislative steps should be taken to allow the office of Executive Director to be eligible for such benefits under the Pensions Extension Act, Chap. 23:53.

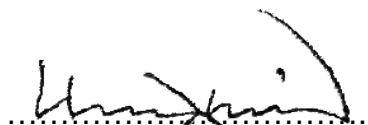
11. The remuneration arrangements which we recommend are the same as those of the offices referred to in paragraph 9 and are contained in the Appendix.

Effective Date

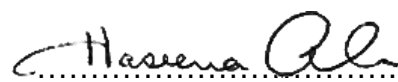
12. We recommend also that the remuneration arrangements be made effective from the date on which the office is filled. In this connection, we are advised that while the office of Executive Director was established in 2004, it has been vacant since its establishment. Instead, a parallel position of Executive Director/Chief Executive Officer

was created to facilitate the employment and remuneration of an individual who was recruited from abroad and that individual was employed on contract over the period May 23, 2007 to May 22, 2009.


Dated this 10th day of December , 2010.




.....
Edward Collier
(Chairman)



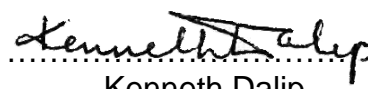
.....
Haseena Ali



.....
Dr. Marjorie Thorpe



.....
Gerard Pinard



.....
Kenneth Dalip

APPENDIX

RECOMMENDED REMUNERATION ARRANGEMENTS FOR THE OFFICE OF EXECUTIVE DIRECTOR, OCCUPATIONAL SAFETY AND HEALTH AGENCY

Salary

\$25,700 per month.

Transport Facilities

- (i) A maximum loan of \$200,000 at a rate of interest of 6% per annum repayable over a period of six (6) years to facilitate the purchase of either:-
 - (a) a new motor vehicle with exemption from Motor Vehicle Tax limited to the amount payable on a vehicle with an engine capacity of 1999cc and exemption from Value Added Tax to a maximum of \$36,000; or
 - (b) a used motor vehicle with exemption from Special Motor Vehicles Tax limited to the maximum amount payable in respect of Motor Vehicle Tax on a vehicle at (a) above and exemption from Value Added Tax to a maximum of \$36,000.
- (ii) A loan to cover the cost of Motor Vehicle Insurance premium at a rate of interest of 6% per annum.
- (iii) A maximum loan of \$20,000 at a rate of interest of 6% per annum to effect repairs to a motor vehicle.
- (iv) A Transportation Allowance of \$3,250 per month.

Service Allowance

\$4,500 per month.

Subsistence Allowance

- (i) \$130 per day when travelling on official business beyond a radius of sixteen (16) kilometres from official headquarters, and where it is necessary to purchase a meal(s).

- (ii) When on official duty in Tobago, the office holder to be eligible for hotel accommodation and meals, as necessary. In the absence of the provision of any meal(s), to be paid \$130 per day.
- (iii) For travel abroad on official business, US\$100 per day, once not in receipt of other allowances for overseas travel such as those payable under Minister of Finance Circular No. 2 dated April 7, 2006.

Housing Allowance

\$6,450 per month.

Entertainment

Actual expenses incurred for official entertainment to be met from an official Entertainment Vote under the control of the Occupational Safety and Health Authority.

Vacation Leave

Thirty (30) calendar days per annum.

Telephone Facilities

\$500 per month.

Medical Benefits

Membership in and entitlement to medical benefits as provided for under the UNIMED Group Health Plan.

Pension/Gratuity

Subject to the amendment of the Schedule to the Pensions Extension Act, Chap. 23:53, entitlement to superannuation benefits in accordance with the provisions of the Act.