

Twenty-Seventh Report of the Salaries Review Commission

Review of the Chauffeur Allowance provided to holders
of certain offices under the purview of the
Salaries Review Commission

INTRODUCTION

Section 141(1) of the Constitution of the Republic of Trinidad and Tobago provides for the review by the Salaries Review Commission of the salaries and other terms and conditions of service of the President, Members of Parliament and other prescribed offices.

2. By letter dated 19 December, 1990, the President of the Republic of Trinidad and Tobago conveyed his approval for a general revision of the salaries and other terms and conditions of service of all offices within the purview of the Salaries Review Commission. Our recommendations in respect of that general review were set out in our Twenty-Third Report. This review of the Chauffeur Allowance which is provided to certain office holders has been undertaken as a consequence of our recommendation regarding the allowance at paragraph 46 on page 11 of that Report.

3. We had observed then that one of the specific objectives of that general review was the rationalisation of the fringe benefit component of the respective compensation packages and among other benefits, the Chauffeur Allowance was identified as one in need of review. We recognised that the system of administration of this Allowance for office holders under the Commission had changed from the time of its introduction in 1980 and as a consequence, anomalies and inconsistencies had developed with respect to the composition of remuneration packages provided to the chauffeurs of the various groups of offices as well as the manner in which the facility is administered.

4. It was our view that a new conceptual base needed to be devised since all of these factors brought into question the relevance of the original concept and the objective underlying the provision of the Allowance. Initially, the objective of the arrangement was that of mitigating the demands on the office holder who was required to travel long distances, on a regular basis, in the performance of his official duties, by permitting him to obtain the services of a chauffeur. However, the criterion for the allowance is no longer defined narrowly in terms of a travelling requirement but now includes the status of the office and the level of responsibility of the office holder.

5. We have examined also the quantum of the allowance which constitutes the salary paid to the chauffeur, as well as other elements of the remuneration provided to the individual chauffeurs. Our mandate as stated in Section 141(1) of the Constitution to review the terms and conditions of employment of holders of offices under our purview does not extend to their chauffeurs. Nonetheless, in addressing all the issues

surrounding the allowance, it has been necessary to consider the actual remuneration of the chauffeurs having regard to the varying arrangements which exist and the impact of such arrangements on the total compensation provided to the various office holders.

6. In order to put the review in some perspective we have traced the history of the benefit.

HISTORICAL BACKGROUND OF THE CHAUFFEUR ALLOWANCE

7. The Chauffeur Allowance had its genesis in the Travelling Allowances Regulations, 1953. In these Regulations which were made by the Governor-in-Council under the Travelling Allowances Ordinance, provision was made for the grant of a Chauffeur Allowance to those public officers whose duties necessitated the use of a chauffeur. Section 34 of the Regulations stated:-

"Where the Financial Secretary is satisfied that the nature of an Officer's duty necessitates the employment of a Chauffeur, an allowance at the rate of \$720 per annum may be granted to such officer".

8. All of the following factors were taken into account in the determination of the eligibility of the holder of a particular post for the Chauffeur Allowance:-

- i) the complexity of the job;
- ii) the distances which the officer was required to travel regularly in the performance of his official duties; and
- iii) the mental and physical strain attendant on driving long distances vis-a-vis the mental and psychological demands of the job.

Against this background, the posts which attracted a Chauffeur Allowance included the Warden, Paymaster and Director of the Works and Hydraulics Department.

9. The present arrangements pertaining to the Chauffeur Allowance are set out in Regulation 34 of the Travelling Allowances Regulations made under the Travelling Allowance Act, Chapter 23:50 of the Laws of the Republic of Trinidad and Tobago. The principle governing the grant of the Allowance has remained unchanged. However the new Regulation reflects the constitutional change which has taken place in that the authority to determine eligibility for the Allowance has been vested in the Minister of Finance. Effective January 1, 1974 the quantum of the Allowance was linked to the minimum salary of the post of Chauffeur I in the Public Service.

EXISTING ARRANGEMENTS

10. The Salaries Review Commission in its first general review of July 1980 on the basis of the criteria described at paragraph 8 of this Report extended the Chauffeur Allowance to many office holders who were not previously eligible. At present, some one hundred and forty-three (143) office holders including Ministers of Government, Judges and Permanent Secretaries are eligible to receive a Chauffeur Allowance, equivalent to either the minimum salary of a Chauffeur I (currently \$1,752 per month) or a Chauffeur II (currently \$1,879 per month) in the Public Service, depending on the level of the specific office or group of offices. (The full list of office holders who are eligible for the allowance is set out at Appendix I).

11. With regard to the administration of the facility, the office holder as the employer of the chauffeur is responsible for the recruitment of the person, the termination of his services and the determination of his duties. On the other hand, the administration of the respective Ministries/Departments pays the salary and other allowances directly to the chauffeur, handles the appropriate income tax and national insurance deductions and administers the other aspects of the chauffeurs conditions, such as sick leave and vacation leave, where applicable.

12. It is our information that of the 143 office holders entitled to the allowance some 72% utilize the benefit i.e. actually employ a chauffeur.

CONSIDERATIONS GOVERNING THIS REVIEW

13. Based on the foregoing description of the manner in which the existing Chauffeur Allowance operates we are of the view that it is not as effective a part of the remuneration package as it could be. Indeed we had commented in our Twenty-Third Report on the counter-productive effect of the slavish manner in which fringe benefits applicable to top public sector executives follow those provided to junior officers. In this regard, we had recommended that there should be a delinking of the remuneration arrangements of the public sector offices within our purview from those applicable to the general Public Service.

14. We had also noted the shift towards simplification of compensation packages in the private sector as a response to changes in the fiscal structure and our aim is to follow this trend. Our review of the Chauffeur Allowance is a step towards achieving such a transformation in the fringe benefit package of top public sector executives.

15. Our recommendations in this regard are set out in the following paragraphs.

RETENTION OF THE FACILITY OF A
CHAUFFEUR BY CERTAIN OFFICE HOLDERS

16. We noted in our Twenty-Third Report that due regard had to be paid to those offices within our purview which carry national status as borne out in the Table of Precedence and have governmental, national and/or other related duties attached to them. Accordingly, we recommend that holders of the offices listed in Appendix II of this Report should continue to be provided with a personal chauffeur.

17. At present the chauffeur's salary is pegged to the minimum salary of a Chauffeur I or a Chauffeur II in the Public Service, depending on the status of the office holder by whom he is employed. In light of the criterion now proposed for the provision of a chauffeur i.e. national status, we consider that a single rate for the job of chauffeur should be paid instead and that it be set at \$1,800 per month.

18. We do not recommend any change in the existing arrangements whereby such a chauffeur is not considered an employee of Government but an employee of personal choice of the office holder. In addition, given the status of this group of office holders we advocate that Government should continue to play a role in the establishment and administration of the other terms and conditions of employment of the chauffeurs and in meeting the costs associated with these benefits.

19. We note also that at present the compensation packages of these chauffeurs of office holders range from the very basic to the very comprehensive. Out of considerations of equity we recommend that this system should be rationalised. We suggest that all chauffeurs should be provided with the same benefits which are now available to chauffeurs of Ministers. These provisions which will be subject to review by Government from time to time, are as follows:-

- i) Commuted Overtime Allowance (where applicable) - \$500 per month
- ii) Subsistence Allowance - \$120 per month
- iii) Vacation Leave - 1 to 3 years service - 2 weeks
Over 3 to 6 years service - 3 weeks
Over 6 years service - 1 month
- iv) Sick Leave - For each completed year of service - 2 weeks

- v) Terminal Benefits - 1 year but less than - 2 weeks pay
5 years service per year
- 5 years service and - in addition
above to the
above, for
the fifth
year and
each
succeeding
year -
3 weeks pay

INTRODUCTION OF A SERVICE ALLOWANCE

20. In respect of certain offices, some form of compensation should be provided to facilitate the engagement by office holders of various services, including those of a chauffeur/driver, which will ease the demands placed on the office holder.

21. We consider that the eligibility criteria should be as follows:-

- (i) the mental, physical and psychological demands of the job;
- (ii) the strain attendant on driving long distances in the performance of official duties; and
- (iii) the hazards associated with certain jobs arising out of extensive travelling as at (ii) including considerations of personal safety.

22. In order to achieve the desired flexibility, we recommend that such compensation should be considered as part of the total compensation package and paid directly to the office holder.

23. While it is appropriate that this benefit be consolidated into the basic salary, we do not consider it prudent at this time to do so and propose that this be examined at the next general review. In the interim, however, we recommend that a separate allowance be payable and be called a Service Allowance.

24. In our deliberations regarding the rate of the Service Allowance, we have taken into account the need to provide fair compensation and at the same time enable the office holder where necessary to meet payments such as National Insurance contributions without being out of pocket. We accordingly recommend a sum of \$1,500 per month.

25. The list of offices which we recommend should attract the Service Allowance is set out at Appendix III to this Report.

SPECIAL OFFICES

26. The Commission observes that the incumbents of Special and similar offices protected by Section 136(6) of the Constitution as well as holders of offices under Section 5(5) of the Tax Appeal Board Act and Section 5(3) of the Industrial Relations Act would not be affected by the recommendations of this Report and the new condition would apply only to persons whose appointments take effect on or after the date of implementation of the revised arrangements.

EXISTING INCUMBENTS

27. With respect to incumbents who are eligible at present for a Chauffeur Allowance to facilitate the employment of a personal chauffeur we recommend that they be given the option either to retain the benefit as personal to them or accept the payment of the Service Allowance during their tenure in the existing office.

28. We also recommend that the terms and conditions of service of the offices of Special Adviser to Cabinet on all Protective Services and Chief Executive Officer, National Security Council and the Special Adviser (Protective Services, Ministry of National Security) be altered to provide for an official chauffeur who shall be a Police Officer.

NON-ELIGIBILITY OF CERTAIN JUDICIAL AND LEGAL OFFICERS FOR A CHAUFFEUR ALLOWANCE

29. The Commission wishes to draw attention to a recommendation contained in our Twenty-Third Report regarding the eligibility of offices falling in Group II (formerly Group IA) of the Judicial and Legal Service for a Chauffeur Allowance under the subsisting arrangements. Group IA was designated Group II in the Report and its members are:-

Deputy Chief Magistrate
Deputy Solicitor General
Deputy Director of Public Prosecutions
Deputy Chief Parliamentary Counsel
Chief State Solicitor
Registrar and Marshal
Director, Law Revision.

30. It was incorrectly stated in the Twenty-Third Report that all office holders in Group II (i.e. the former Group IA) were eligible for a Chauffeur Allowance. We have been advised that this position is reflected in Minister of Finance Circular No. 11 of 1992 dated December 17, 1992, which sets out the revised terms and conditions of service applicable to the holders of prescribed offices within the purview of the Salaries Review Commission. In fact, of this group, the Deputy Chief Magistrate is the only office which carries an entitlement to a Chauffeur Allowance.

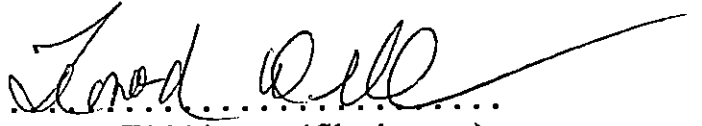
31. The Commission recommends that steps should be taken to establish that with the exception of the office of Deputy Chief Magistrate, members of Group II of the Judicial and Legal Service are not eligible for the present Chauffeur Allowance.


SUMMARY

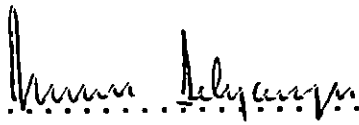
32. In summary, our recommendations are as follows:-

- (i) A personal chauffeur should be provided to the office holders as detailed at Appendix II;
- (ii) the rate payable to chauffeurs under (i) above should be a single one fixed at \$1,800 per month;
- (iii) the terms and conditions of employment of all chauffeurs employed in accordance with (i) and (ii) above should be similar to those provided to chauffeurs of Ministers.
- (iv) a Service Allowance at the rate of \$1,500 per month should be introduced for certain office holders as detailed at Appendix III;
- (v) with respect to incumbents of special and similar offices protected by Section 136(6) of the Constitution, as well as holders of offices under section 5(b) of the Tax Appeal Board Act and Section 5(3) of the Industrial Relations Act the new condition will apply only to persons whose appointments take effect on or after the date of implementation of the revised arrangements;
- (vi) incumbents who are eligible for a Chauffeur Allowance at present, should be given the option either to retain the benefit as personal to them or accept payment of the Service Allowance during their tenure in the existing office;
- (vii) the terms and conditions of service of the Special Adviser (Protective Services, Ministry of National Security) and the Special Adviser to Cabinet on all Protective Services and Chief Executive Officer, National Security Council should be altered to provide for an official chauffeur who shall be a police officer; and
- (viii) steps should be taken to establish that with the exception of the Deputy Chief Magistrate, members of Group II of the Judicial and Legal Service are not eligible for the existing Chauffeur Allowance.

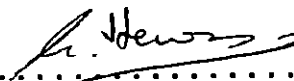
Dated this day, 12th May, 1994.


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Leonard Williams (Chairman)


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Edward Collier


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Rowell Debysingh


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Clive Forgenie


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George Leonard Lewis

APPENDIX I

List of Offices under the Salaries Review Commission,
the holders of which are entitled to a Chauffeur
Allowance equivalent to the minimum salary of a
Chauffeur I and Chauffeur II in the
Public Service

A. Chauffeur II

Prime Minister
Ministers of Government
Ombudsman
President of the Senate
Speaker of the House of Representatives
Leader of the Opposition
Justice of Appeal
Puisne Judge
Auditor General
Industrial Court, President
Industrial Court, Vice President
Industrial Court, Chairman, Essential Services Division
Industrial Court, Member
Tax Appeal Board, Chairman
Tax Appeal Board, Member (full time)
Chairman, Tobago House of Assembly

B. Chauffeur I

Parliamentary Secretary
Permanent Secretary to the Prime Minister and Head of the
Public Service
Permanent Secretary, Ministry of Finance
Economic Adviser to the Prime Minister
Commissioner of Inland Revenue and Chairman of the Board
of Inland Revenue
Permanent Secretary
Chief Personnel Officer
Director of Personnel Administration
Chief Medical Officer
Director of Contracts
Commissioner of Inland Revenue
Secretary to the Ombudsman
Comptroller of Accounts
Director of Budgets
Director, Research and Development, Ministry of Finance (now
Permanent Secretary, Planning and Mobilization)
Clerk, Tobago House of Assembly
Director, Management Development Centre
General Manager, Port Authority
Executive Director, WASA
General Manager, PTSC

Executive Director, NHA
Special Adviser to Cabinet on all Protective Services and
Chief Executive Officer, National Security Council
Special Adviser (Protective Services, Ministry of National
Security)
Solicitor General
Director of Public Prosecutions
Chief Parliamentary Counsel
Chief Magistrate
Master of the High Court
Deputy Chief Magistrate
Deputy Solicitor General
Deputy Director of Public Prosecutions
Deputy Chief Parliamentary Counsel
Chief State Solicitor
Registrar General
Registrar and Marshal
Director, Law Revision
Senior Magistrate (North Eastern Counties only)
Chairman, Elections and Boundaries Commission
Chairman, Public Service Appeal Board
Chairman, Public Service Commission
Deputy Chairman, Public Service Commission
Chairman, Teaching Service Commission
Chairman, Statutory Authorities Service Commission
Chairman, Integrity Commission
President, NIHERST

APPENDIX II

List of offices the holders of which should
be provided with a personal chauffeur

Prime Minister

Minister of Government

President of the Senate

Speaker of the House of Representatives

Leader of the Opposition

Chairman, Tobago House of Assembly

Parliamentary Secretary

Chief Justice (in addition to official driver, who
is a Police Officer)

Justice of Appeal

Puisne Judge

Chairman, Tax Appeal Board

List of offices the holders of which should
be provided with a Service Allowance

Ombudsman
Auditor General
President, Industrial Court
Permanent Secretary to the Prime Minister and
Head of the Public Service
Permanent Secretary, Ministry of Finance
Commissioner of Inland Revenue and Chairman of
the Board of Inland Revenue
Economic Adviser to the Prime Minister
Permanent Secretary
Chief Personnel Officer
Director of Personnel Administration
Chief Medical Officer
Director of Contracts
Commissioner of Inland Revenue
Comptroller of Accounts
Director of Budgets
Director, Research and Development
Clerk, Tobago House of Assembly
Secretary to the Ombudsman
Solicitor General
Director of Public Prosecutions
Chief Parliamentary Counsel
Chief Magistrate
Master of the High Court
Deputy Chief Magistrate
Senior Magistrate
Magistrate
President, National Institute of Higher Education
(Research, Science and Technology)