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**FORTY-SEVENTH REPORT**

**OF**

**THE SALARIES REVIEW COMMISSION**

**OF**

**THE REPUBLIC OF  
TRINIDAD AND TOBAGO**

**July 17, 1997**

## **FORTY-SEVENTH REPORT OF THE SALARIES REVIEW COMMISSION**

### **Review of the salaries and other terms and conditions of service of Chairmen and Members of the Service Commissions**

In accordance with section 141(1) of the Constitution of the Republic of Trinidad and Tobago, His Excellency the President, by letter dated September 5, 1996, conveyed his approval for a review by the Salaries Review Commission of the salaries and other terms and conditions of service of the Chairmen and Members of Service Commissions. These Service Commissions are:

Public Service Commission  
Teaching Service Commission  
Judicial and Legal Service Commission  
Police Service Commission  
Statutory Authorities Service Commission.

2. Consequent on the approval of His Excellency the President for this review, memoranda were sought from the Service Commissions on the terms and conditions of service of all members of the Commissions. With the receipt of the last of these submissions in January, 1997, the Commission was then able to commence its deliberations on the review.

3. The Constitution makes provision for the following four Commissions:-

Public Service Commission  
Police Service Commission  
Teaching Service Commission  
Judicial and Legal Service Commission.

The Statutory Authorities Service Commission, on the other hand, was established by section 4(1) of the Statutory Authorities Act, Chapter 24:01. In general, the membership of each Commission consists of a Chairman and between two to five members. In the case of the Public Service Commission and the Statutory Authorities Service Commission, provision exists for an office of Deputy Chairman.

4. Among the various offices under these Commissions, only the Chairman and Deputy Chairman, Public Service Commission are considered to hold office on a full-time basis.

5. The Service Commissions, which are fully autonomous, are vested with the power to appoint officers to the relevant Services, to effect promotions, transfer officers and to remove and exercise disciplinary control over those officers under their jurisdiction.

These powers are exclusive to the Service Commissions.

6. The Public Service Commission is responsible for officers of the Civil, Fire and Prison Services which together comprise some 35,000 officers. The Teaching Service Commission has jurisdiction over approximately 13,000 teachers, while the Police Service Commission and Judicial and Legal Service Commission are responsible for some 5,300 and 250 officers respectively. Where the Statutory Authorities Service Commission is concerned, its powers extend only to those Statutory Authorities included in the Schedule to the Statutory Authorities (Declaration) Order made under section 3(2) of the Statutory Authorities Act. At present, there are sixteen such Authorities employing a total of 1,400 persons.

7. We note also that the Commissions are vested with wide discretionary powers. To further secure their independence from both the executive and legislature, the question of whether members have validly performed any function vested in them may not be enquired into in any court. Additionally, the offices of Chairman and Member of Service Commissions are deemed to be special offices so that the terms and conditions of the office holders cannot be altered to their disadvantage after their appointment. The conditions above do not apply to the Statutory Authorities Service Commission.

8. The Commissions have all been vested with the authority to regulate, with the consent of the Prime Minister, their own procedure. For this purpose, three have promulgated regulations which set out the principles and guidelines to be followed in making appointments, promotions and transfers and in exercising disciplinary control over officers in the respective Services. They are the Public Service Commission, the Police Service Commission and the Statutory Authorities Service Commission.

9. The last review of the salaries and other terms and conditions of service for Chairmen and other members of the Service Commissions was carried out in 1991 as part of a general review for all office holders within our purview. At that time, we deliberated on the general responsibilities of the Service Commissions in the areas of appointments, promotions, transfers, terminations and discipline.

10. In their current submissions, the Service Commissions were unanimous in their view that there has been no change, constitutionally, in their structure, role and function. However, a number of factors have impacted on the manner in which they function with the result that their overall workload has increased. In some instances, an expansion in the size of the Services has led to an increase, since 1991, in the number of officers for whom they have responsibility and, consequently, in the volume of matters submitted for their attention. We were informed also that apart

from scheduled meetings, members of the Commissions spend considerable time at home reviewing documents in preparation for meetings and interviews.

11. Other factors impinging on workload include the increase in the number of professionals entering the different Services and the general upgrading of skills of serving officers, the growing awareness among employees of their legal rights in employment and the increasing determination with which representative trade unions and associations pursue matters of interest to their membership. It is the view of the Service Commissions that decision-making not only has had to be timely in response to growing demands but has also become more difficult because of the complexity of the matters before them. On matters such as promotions and acting appointments, the Commissions find themselves weighing relevant factors more carefully in an effort to avert not only litigation and social repercussions but also challenges to their credibility. In this regard, except in the case of the Judicial and Legal Service Commission, the Chairmen of the Service Commissions have pointed to the fact that the Commissions now spend longer hours addressing a number of constitutional and other legal issues.

12. Another significant factor resulting in an increased workload for the Service Commissions was the introduction of the programme of Public Service Reform which has intensified over the last five (5) years. The goal of the Government of Trinidad and Tobago in this programme is for an improved Public Service that is results-oriented, strong in service delivery, cost-effective, transparent and accountable in all of its operations and this has had implications for the functioning of the Service Commissions. In their thrust towards transparency and in an effort to demystify the human resource management function, the Commissions have instituted more frequent communication between themselves and officers of the various Services and with the associations/unions which represent those officers. We have been informed that some of the Service Commissions in conjunction with the particular Service for which they have responsibility have also organised seminars and workshops and have held consultations with public officers in the Services within their purview.

13. The objectives of the Reform Programme have also led the Service Commissions to review their Regulations in order to bring them more in line with the new human resource management philosophy. An important aspect of the Reform Programme is the delegation of certain functions, such as the laying of disciplinary charges and the imposition of penalties, to the managerial cadre of the various Services. However, most of the Commissions have indicated to us that that undertaking has not been particularly successful with the result that the Commissions have had to continue to perform those functions.

14. It is against this background that the Service Commissions have submitted proposals for improved levels of remuneration, allowances and other benefits. The proposals submitted in respect of salaries are set out in the Appendix.

15. The Statutory Authorities Service Commission as well as the Judicial and Legal Service Commission, in their submissions, have also raised the issue of the opportunity cost of attending meetings of the Commissions and have suggested that consideration might be given to that fact in setting remuneration arrangements. We are, however, unable to support such an idea as it is inequitable and not in keeping with established objective industrial relations principles. In our view, remuneration should be determined by the volume and complexity of the work of a Commission and its level of responsibility.

16. Other factors which some of the Commissions suggested should be taken into consideration in formulating revised remuneration arrangements were the increase in the general cost of living, the fall in the value of the dollar, increased travel costs and equity in remuneration both within a Commission and between Commissions.

17. We do consider that a number of the submissions made by the Service Commissions in support of their claims are valid. Our views in this regard are set out below.

18. On the matter of the increase in the cost of living and the fall in the value of the dollar, the observations of the Commissions have been corroborated by our own research into these matters. We have noted that since 1991 when remuneration arrangements for the members were last reviewed, the Retail Price Index has moved some 100 points, resulting in a 43% increase in the cost of living. Concomitantly, the value of a 1991 dollar had depreciated to 70 cents by March 1997.

19. With respect to their submissions on the increased workload, many of the Commissions furnished statistics which we examined. While the workload of all the Commissions has increased to some degree, among those performing on a part-time basis we observe a certain uniqueness in respect of the activities of the Teaching Service Commission. The education system, being a sub-set of the social system is very dynamic in nature and this has impacted on the volume and composition of the work performed by the Teaching Service Commission. The members of this Commission undertake quite a range of responsibilities, necessitating the attendance of members at standing committee meetings as well as numerous sub-committee meetings. We took particular note of the frequency with which the members were required to conduct interviews of applicants for the offices of principal and vice-principal in primary schools

as well as for appointment in the various subject areas on the curricula of secondary schools, technical institutes and teachers' colleges. With respect to the Chairman, the commitment to attend the weekly standing meeting and his delegated responsibilities require his attendance at office on a daily basis.

20. In the case of the other Service Commissions, excluding the Public Service Commission, the frequency of meetings varied based on the volume of matters to be considered. The Police Service Commission holds its standing meetings fortnightly. The Judicial and Legal Service Commission meets, on average, once per month and between meetings, considers routine matters on a round robin basis. Members of Service Commissions also need to attend sub-committee meetings.

21. The issue of equity in remuneration within and between Commissions is a matter which, in our view, needs to be regularised. Cross membership on various Service Commissions by virtue of ex-officio appointments has tended in the past to affect the level of salaries paid to members of some Commissions, particularly those of the Judicial and Legal Service Commission and the Police Service Commission. This, we consider, is not equitable since the office holders concerned who serve on multiple Service Commissions are expected to discharge the duties of each office fully.

22. In addition to all of the above, we have taken cognisance also of the fact that because of the need for transparency and openness, all the Service Commissions need to be more deliberate in considering matters before them, having regard to the growing trend by public officers to seek legal remedies. We were also made aware that in some instances while the volume of matters was not particularly large, some matters were in fact quite complex and consequently required lengthy deliberations. As a consequence, meetings of the Commissions are often time consuming, lasting between 3 and 7 hours.

#### CONSIDERATION OF THE REQUEST FOR REVISED SALARIES

23. Taking account of all circumstances, we do not consider it unreasonable that members of the various Service Commissions should seek a revision of their remuneration arrangements at this time. However, as pointed out in our Forty-fifth Report on the review of terms and conditions of service of Judges, it is not feasible to address the concerns of office holders within our purview in isolation having regard to the structured relationships which exist between the various offices. Consequently, we are compelled to stress, once again, that there is an urgent need for a general review of the terms and conditions of employment of all office holders within our purview.

24. Notwithstanding the foregoing, we have assessed, on the basis of all the submissions, that the present position of the Teaching Service Commission requires urgent attention. The volume of work of the Teaching Service Commission has made us conclude that the Chairman of that Commission should be appointed on a full-time basis. Further, we also see a need for a closer comparison in terms of salaries with the Public Service Commission. In considering the matter, we, nevertheless, had to bear in mind the significant differences in the scope of the responsibilities of the two Commissions. We noted that the Public Service Commission is responsible for some 35,000 officers in the Civil, Prison and Fire Services while the Teaching Service Commission has some 13,000 teachers within its purview. Consequently, the number of matters in the areas of selection, interviews, appointments, promotions, transfer and discipline which fall to be dealt with by the Public Service Commission is, in our view, far greater than that of the Teaching Service Commission.

25. Additionally, we believe that some adjustment is needed in the level of remuneration paid to members of the Judicial and Legal Service Commission and the Police Service Commission. In these cases, remuneration arrangements should be on the basis of the duties and responsibilities of members on those Commissions and should not be adjusted downward to take account of the fact that certain persons hold membership in an ex-officio capacity.

26. Accordingly, we recommend that with effect from July 1, 1997 the Chairman, Teaching Service Commission should be considered to hold office on a full-time basis with a revised salary of \$6,500 per month. Members of that Commission should be paid a revised salary of \$3,000 per month with effect from the same date. In the case of the Judicial and Legal Service Commission and the Police Service Commission, in order to restore equity in remuneration between various Commissions, we recommend that with effect from July 1, 1997, the Chairmen of these two Commissions should be paid \$1,600 per month and the Members, \$1,500 per month.

27. The existing salaries payable to the members of the other Service Commissions should be maintained until there is a general review of remuneration arrangements for the body of office holders which fall within our purview.

#### CONSIDERATION OF OTHER TERMS AND CONDITIONS OF EMPLOYMENT

28. The Service Commissions also submitted proposals for a review of certain other terms and conditions of service, namely, Travelling Allowances, Subsistence Allowances, Medical Benefits and Gratuity. Our recommendations with regard to these benefits are

set out below:-

### Travelling Allowances

#### (i) Motor Vehicle Loan

29. The Statutory Authorities Service Commission has proposed that the existing loan of \$75,000 which is currently provided to the Chairman of that Commission to facilitate the purchase of a motor vehicle should be increased to \$120,000. The Public Service and Teaching Service Commissions have proposed the introduction of the car loan facility to Members of those Commissions as only the Chairmen of those Commissions as well as the Deputy Chairman, Public Service Commission are provided with such loans at present.

30. As a general principle, facilities for car loans are provided to holders of full-time offices on the basis of the need of office holders to travel in the performance of their official duties. In the few instances in which part-time office holders are eligible for such a facility, this has been provided on the basis of the status of the office. We are not of the view that the existing loan facility should be extended to other office holders in the Service Commissions at this time.

31. With respect to the proposal for an increase in the quantum of the existing purchase loan facility available to the Chairman, Statutory Authorities Service Commission, we have noted that as the car market has expanded and become more competitive since the existing rate was set in 1995, a greater variety of vehicles has become available with showroom prices ranging between \$58,000 and \$108,000. We are of the view therefore that the existing loan ceiling of \$75,000 is adequate, bearing in mind that the purpose of the facility is to assist the office holder in purchasing a vehicle. We recommend that there should be no change in the existing facility at this time.

#### (ii) Commuted Travelling Allowance

32. The members of the Statutory Authorities Service Commission, the Judicial and Legal Service Commission and the Police Service Commission have recommended that the existing levels of Commuted Travelling Allowance be increased as follows:-

	From (per month) \$	To (per month) \$
Chairman, Statutory Authorities Service Commission	900	1,200

	From (per month) \$	To (per month) \$
Deputy Chairman/Member, Statutory Authorities Service Commission	300	600
Chairman/Member, Judicial and Legal Service Commission	300	500
Chairman/Member, Police Service Commission	300	350

In subsequent discussions, our attention was drawn to the considerable expense incurred by members of the Commissions who reside long distances from Port of Spain, especially when those members were required to attend meetings more than once per week. We recognise the need for some adjustment to be made to alleviate the hardship being experienced by certain members. We therefore recommend that in instances where members of the Service Commissions reside beyond a radius of twenty (20) kilometres from Port of Spain, they should be eligible for a Commuted Travelling Allowance of \$600 per month instead of the \$300 per month now payable. This revised rate should take effect from July 1, 1997.

#### (iii) Motor Vehicle Repair Loan

33. The members of the Statutory Authorities Service Commission have proposed an increase in the existing Motor Vehicle Repair Loan to \$20,000. The Repair Loan of \$10,000 is available to all holders of offices within our purview who are eligible for the Motor Vehicle Purchase Loan. We consider it inequitable to single out a small group of office holders for the provision of an increased loan and therefore recommend that the existing ceiling should be maintained.

#### (iv) Chauffeur Allowance

34. The Statutory Authorities Service Commission has proposed that the Chauffeur Allowance equivalent to the minimum salary of a Chauffeur I in the Public Service which was once payable to the Chairman of that Commission should be reinstated. It was in our Twenty-seventh Report in 1994 that we sought to rationalise the Chauffeur Allowances provided to office holders within our purview. At that time, we recommended that the Chairman of the Statutory Authorities Service Commission, among others, should no longer be eligible for the payment of a Chauffeur Allowance. We are not of

the view that any compelling factors exist at this time which would warrant a review of the current position.

### Subsistence Allowance

35. A number of the Service Commissions have proposed an increase in the Subsistence Allowance payable to members. At present, an allowance of \$50 per day is paid when office holders are required to travel beyond a radius of sixteen (16) kilometres from official headquarters. Further, an additional sum of \$10 per day for attendance at meetings is paid to members who reside outside of Port of Spain. This latter allowance is peculiar to members of Service Commissions only. It was set by the Cabinet prior to the introduction of the Subsistence Allowance for travel away from official headquarters. In our view, the existence of this allowance is anachronistic and it is for this reason that over the years we have not recommended an increase in the existing rate and continue not to do so. With regard to the existing allowance of \$50 for travel beyond the specified radius from official headquarters, we recognise that adequate meals outside Port of Spain cost between \$55 and \$65. However, it would be preferable to recommend changes to the allowance when a general review is undertaken since the benefit applies to the majority of offices for which we are responsible.

### Subsistence Allowance for travel to and from Tobago

36. No provision exists at present to meet expenses incurred by members of the Commissions while travelling to Tobago on official business. While the Commissions have indicated that they have not in the past held meetings in Tobago, they have recognised the need to hold meetings from time to time in areas other than Port of Spain.

37. Additionally, the Statutory Authorities Service Commission has indicated that one of its members actually resides in Tobago and has to attend meetings in Trinidad once a week. The expenses of this member are met at present by the Statutory Authorities Service Commission Department. However, we consider that a formal provision should be introduced to cater for the occasions on which members of any Service Commission may have to travel to Tobago on official business as well as for members who reside in Tobago and have to travel to Trinidad. We recommend as follows:-

Where a member who resides in Trinidad travels to Tobago on official duty and vice versa, the cost of airfare and ground transportation in Tobago (in the case of the member travelling to Tobago) and in Trinidad (in the case of the member travelling to Trinidad) should be met by the Service Commissions Department or the Statutory

Authorities Service Commission Department, where applicable. Additionally, a subsistence allowance of \$70 per day should be paid, if no overnight stay is required. Where overnight stay is required, the cost of accommodation and meals plus a Subsistence Allowance of \$10 per day should be met by the relevant Department.

### Vacation Leave

38. In keeping with our recommendation that the Chairman, Teaching Service Commission be appointed on a full-time basis, we are of the view that he should be eligible for Vacation Leave of thirty (30) calendar days per annum.

### Medical Benefits

39. The Teaching Service Commission has proposed that all its members should be eligible for medical benefits. These are normally provided to persons employed on a full-time basis so that at present, only the Chairman and Deputy Chairman, Public Service Commission are eligible for such benefits. We maintain the view that the facility should not be extended to persons who are engaged on a part-time basis. However, bearing in mind that we have recommended that the Chairman, Teaching Service Commission should be appointed on a full-time basis, it would be appropriate for that office holder to be provided with the same medical benefits applicable to the Deputy Chairman, Public Service Commission as follows:-

Entitlement without charge to pathological examinations and physiological treatment and to all incidental services at any hospital or other State institution or, with approval, to be paid the cost of such treatment at any other institution in Trinidad and Tobago.

### Gratuity

40. At present, only the Chairman and Deputy Chairman, Public Service Commission are eligible for a gratuity of 20% of salary at the end of their term of office. The Teaching Service Commission has proposed that all its members should be eligible for a similar benefit.

41. In our Thirty-sixth Report on pensions and other terminal benefits which was recently accepted, we considered a similar proposal to introduce the payment of such a gratuity to members of Commissions. We noted then that in the public sector, the practice has been to provide terminal benefits including gratuities only to persons who serve on a full-time basis and we endorsed that

position.

42. We recommend that the Chairman, Teaching Service Commission, in keeping with our proposal that that office be held on a full-time basis, should be provided with a gratuity of 20% of gross salary at the end of his/her term of office. This benefit should take effect from the current term of office of the present Chairman.

### SUMMARY

43. In summary, we recommend as follows:-

#### 1. Salaries

- (i) With effect from July 1, 1997, the Chairman and Members, Teaching Service Commission should be paid \$6,500 per month and \$3,000 per month respectively;
- (ii) With effect from July 1, 1997, the Chairmen of the Judicial and Legal Service Commission and Police Service Commission should be paid \$1,600 per month and the Members of those Commissions should be paid \$1,500 per month;
- (iii) the salaries of the members of other Service Commissions should be maintained until a general review of the terms and conditions of all office holders within our purview is undertaken.

#### 2. Travelling Allowances

##### (i) Motor Vehicle Loan

The existing loan ceilings of \$75,000 and \$100,000 available to certain members of Service Commissions should be maintained.

(ii) **Commuted Travelling Allowance**

With effect from July 1, 1997, members of all Service Commissions who reside beyond a radius of twenty (20) kilometres from Port of Spain should be paid a Commuted Travelling Allowance of \$600 per month instead of \$300 per month.

(iii) **Motor Vehicle Repair Loan**

The existing Motor Vehicle Repair Loan of \$10,000 should be maintained.

(iv) **Chauffeur Allowance**

The Chauffeur Allowance formerly paid to the Chairman, Statutory Authorities Service Commission should not be reintroduced.

3. **Subsistence Allowance**

(i) The existing rate of Subsistence Allowance of \$50 per day for travel beyond a radius of sixteen (16) kilometres from official headquarters and the sum of \$10 per day for attendance at meetings payable to members who reside outside Port of Spain, should be maintained.

(ii) For travel to and from Tobago on official duty:-

(a) Where a member who resides in Trinidad travels to Tobago - the cost of airfare and ground transportation in Tobago to be met by the Service Commissions Department or Statutory Authorities Service Commission Department, where applicable, plus a

subsistence allowance of \$70 per day to be paid, if no overnight stay is required. Where overnight stay is required, the cost of accommodation and meals plus a subsistence allowance of \$10 per day to be met by the relevant Department.

- (b) Where a member who resides in Tobago travels to Trinidad - the cost of airfare and ground transportation in Trinidad to be met by the Service Commission Department or Statutory Authorities Service Commission Department, where applicable, plus a subsistence allowance of \$70 per day to be paid, if no overnight stay is required. Where overnight stay is required, the cost of accommodation and meals plus a subsistence allowance of \$10 per day to be met by the relevant Department.

4. Vacation Leave

The Chairman, Teaching Service Commission should be eligible for Vacation Leave of thirty (30) calendar days per annum.

5. Medical Benefits

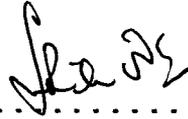
The Chairman, Teaching Service Commission should be entitled without charge to pathological examinations and physiological treatment and to all incidental services at any hospital or other State institution or,

with approval, to be paid the cost of such treatment at any other institution in Trinidad and Tobago.

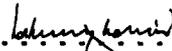
6. Gratuity

The Chairman, Teaching Service Commission should be provided with a gratuity of 20% gross salary at the end of his/her term of office. The benefit should take effect from the current term of office of the present Chairman.

Dated this .....17<sup>th</sup>..... day of July, 1997.



.....  
Professor George M. Richards



.....  
Edward Collier



.....  
Rowell Debysingh



.....  
Keith Ortiz



.....  
Joyce Marshall

APPENDIX

SUMMARY OF THE SALARY PROPOSALS SUBMITTED  
BY THE SERVICE COMMISSIONS

SERVICE COMMISSION	EXISTING SALARY	PROPOSED SALARY
Public Service Commission	Chairman - \$9,300	No specific increase proposed
	Deputy Chairman - \$6,500	
	Member - \$3,200	
Teaching Service Commission	Chairman - \$5,700	Chairman's salary to be brought in line with that for Deputy Chairman, Public Service Commission
	Member - \$2,500	
Judicial and Legal Service Commission	Chairman - \$1,100	Chairman - \$5,000
	Member - \$1,000	Member - \$3,000
		<u>To take effect from June 1, 1995</u>
Police Service Commission	Chairman - \$1,100	Chairman - \$6,000
	Member - \$1,000	Member - \$3,000
Statutory Authorities Service Commission	Chairman - \$5,700	Chairman - \$6,500
	Deputy Chairman - \$3,500	Deputy - \$4,000
	Member - \$1,500	Chairman - Member - \$2,500