



Summary of Proceedings

Public Hearing

Joint Select Committee on Social Services and Public Administration

Held on Wednesday, April 18, 2018

[10:45 a.m. to 12:48 p.m.]

Inquiry into the state of contract employment in the Public Service.

Venue: The J. Hamilton Maurice Room, Mezzanine Floor, Office of the Parliament, Tower D, the Port-of-Spain International Waterfront Centre, 1A Wrightson Road, Port of Spain.

Committee Members

The following committee members were present:

1. Dr. Dhanayshar Mahabir – Chairman
2. Mr. Esmond Forde, MP – Vice-Chairman
3. Brig. Gen. (Ret.) Ancil Antoine, MP
4. Mrs. Christine Newallo-Hosein, MP
5. Ms. Khadijah Ameen

Witnesses who appeared

The following officials were present:

Ministry of Public Administration and Communications

- i. Ms. Joan Mendez - Permanent Secretary
- ii. Mr. Claudelle Mc Kellar - Deputy Permanent Secretary

- iii. Ms. Savitri Balkaran - Director, Public Management Consulting Division (Ag.)

Public Service Commission and Service Commissions Department

- i. Ms. Maureen Manchouck - Chairman
- ii. Ms. Parvatee Anmolsingh-Mahabir - Deputy Chairman
- iii. Mr. Clive Pegus – Commissioner
- iv. Ms. Parbhawatie Maraj - Ag. Director of Personnel Administration
- v. Ms. Natasha Seecharan- Legal Adviser
- vi. Ms. Margaret Morales - Ag. Deputy Director of Personnel Administration

Ministry of Finance

- i. Ms. Michelle Durham-Kissoon - Permanent Secretary (Ag). in the Ministry of Finance
- ii. Ms. Lesann Badoo-Seebaran - Director, Human Resources (Ag.)
- iii. Ms. Catherine Laban - Comptroller of Accounts
- iv. Mrs. Joycelyn Thomas-Vialmosa - Deputy Comptroller of Accounts Ag.

The Chief Personnel Department

- i. Ms. Angela Sinaswee-Gervais - Chief Personnel Officer Ag.
- ii. Ms. Wendy Barton - Deputy Chief Personnel Officer (Ag.)
- iii. Ms. Juliet Gonzales – Director, Human Resource Management (Ag.)
- iv. Ms. Fereda John - Senior Human Resource Officer Ag.

Key Issues Discussed

The following are the key subject areas/issues discussed during the hearing:

Issues discussed with Ministry of Public Administration and Communications (MPAC)

- i. The MPAC intends to advance key initiatives to facilitate public service transformation including:
 - ICT policy planning;

- Public communication and information; and
 - The treatment of issues related to contract employment through the Public Management Consulting Division (PMCD).
- ii. The PMCD provides organizational design services as it relates to ensuring that Ministries and Departments are appropriately staffed and structured;
 - iii. The need to incorporate ICT in the processing of pensions and gratuity payments. Officers and employees approaching the retirement age can receive updates on their pension through the HR Department of the Ministry or department where they last served;
 - iv. Submission of a performance appraisal by supervisors within a Ministry or Department and other related issues may result in delays in gratuity payments;
 - v. The intention to review and upgrade the Integrated Human Resource Information System (IHRIS) to facilitate employee self-service. Once modified it is envisioned that employees would be able to track the status of their gratuity and pension payments, review their performance appraisals etc.;
 - vi. The review of systems and procedures applied within Ministries and departments to manage information needed to process pensions;
 - vii. The establishment of a team within the Ministry to be tasked with making proposals for standardizing the human resource management process and practices across the public service. The difference in human resource procedure and practices among Ministries and Departments is seen as a contributing factor to the delay in pension and gratuity payments;
 - viii. IHRIS has been in existence since 2000. However, in several Ministries and Departments a manual filing system for personnel records is also maintained;
 - ix. The existence of two regimes of contract employment within the Ministry:
 - Contract employees employed to support the operations of Departments, Units and Divisions of Ministry.
 - Political appointees- Cabinet approved contract positions for staff assigned to a Minister. A Minister has sole discretion to hire, discipline and when necessary terminate political appointees;
 - x. The Ministry through consultation with the Chief Personnel Officer and other Stakeholders undertaking a review and preparation of guidelines as it relates to contract employment; and

- xi. PMCD was mandated by Cabinet in February 2018 to conduct a review of all Ministries and Departments with respect to their organizational structure as it relates to their technical and functional capacity in order to the facilitate forecasting needs for contract and established positions.

Issues discussed with the Public Service Commission (PSC) and Service Commission Department

- i. The mandate of the PSC according to the Constitution of Trinidad and Tobago is to appoint, promote, transfer and exercise disciplinary control over public officers. The Commission plays no role with respect to the contract employment;
- ii. The need for amendments to the Public Service Commission Regulations to facilitate the involvement of the PSC in the administration of contract employment. However, the Constitution of Trinidad and Tobago in Section 3 (4) (c) specifically provides that contract workers are not public officers. Furthermore, there is a court ruling on this particular matter;
- iii. The need for amendments to be made to the Constitution of Trinidad and Tobago as it relates to contract employment;
- iv. Salary differentiation between Contract and Public Service Officers;
- v. There are an approximately 3900 vacancies (without bodies) throughout Ministries and departments. However, most of these vacancies are occupied by contract workers;
- vi. Ministries must send their recommendation to the PSC to advertise vacant positions internally and externally;
- vii. The need for an online system to be implemented for the submission of applications for public service positions. Currently, a manual system is being utilized to process applications for positions.
- viii. There are instances where over 8000 applications were received by the PSC for a positions;
- ix. Service Commission being financially constrained;
- x. The criteria and processes involved in effecting promotions from an acting position to a permanent position within a Ministry or Department;
- xi. The obligation of managers within Ministries and Departments as it relates to the pursuing the filling of vacant positions;
- xii. In 2015 the CPO advised the PSC to advertise positions within the Chief Personnel Department. The positions were advertised and applications were received.

However, some positions were filled by individuals who were soon to proceed on pre-retirement leave and other positions are yet to be filled;

- xiii. The need for greater collaboration between the CPO and PSC; and
- xiv. Approximately, 13800 persons are employed on contract within Ministries and Department.

Issues discussed with the Ministry of Finance (MoF)

- i. Timely and accurate submissions of relevant documents would result in opportune payment of gratuity within 4 months. However, errors in the relevant documents and late submissions would cause delays in the payment of gratuity;
- ii. The tardiness of Government/Ministry's Officers in responding to requests made by the Comptroller of Accounts with regards for additional information or amended documents;
- iii. The need for 3 additional persons to be recruited to support the operations of the Pensions and Gratuity Section within the Comptroller of Accounts Department. Currently, 2 persons are employed on short-term contracts within the Office;
- iv. A note has been drafted and is scheduled to be sent before Cabinet for an additional 20 staff members to be employed within the Pensions Department of the Ministry of Finance;
- v. Decentralization of gratuity payments to Ministries and Department as a means expediting the payment of gratuity to contract employees;
- vi. Over 3000 applications for payment of gratuity is submitted to the Ministry annually. 1000 are new contracts, while 2000 are renewals;
- vii. On average there is a 3 months waiting period before follow-up actions are taken by the Ministry as it relates to applications for gratuity and pension payments of workers;
- viii. Funds being release from the Budgetary Division of the Ministry on a timely basis to facilitate payments of gratuity and pension;
- ix. Pension and gratuity files are also sent to the Auditor General Department for examination, which takes approximately 2 months to process;
- x. The next-of-kin of a person eligible to receive gratuity or pension payments may receive same in the event of the death of the recipient;

- xi. The possibility of making partial payments of gratuity and pension to employees within the public service pending the payment of the full amounts; and

Issues discussed with the Chief Personnel Department

- i. The responsibility of the department is to advise the public service/sector bodies on terms and conditions of employment for a wide range of employees within the public service;
- ii. Furthermore, through consultation and negotiation with the appropriate recognized associations and unions, the department is tasked with the responsibility of advising on terms and conditions of employment for monthly paid officers in the Civil, Teaching, Police and Fire services and statutory authorities through the provisions of the Civil Service Act 1965 Chapter 23:01;
- iii. The responsibility of the department to determine the terms and conditions of employment for daily rated workers and contract employees;
- iv. The department advises on a wide range of HR related issues in the public service;
- v. A Committee headed by the Permanent Secretary to the Prime Minister was established to review the state of contract employment within the public service;
- vi. The need to review the guidelines governing contract employment in the public service with a view to providing greater protection and equality of treatment to contract workers. Currently, the department is reviewing the policy and guidelines;
- vii. The role of the Cabinet in the renewing contract positions;
- viii. Contract positions are advertised by the Department;
- ix. Persons that are employed in a contract position should be guided that there should be no legitimate expectation for receiving a renewal of their contract;
- x. Permanent Secretaries of Ministries having the ability to hire persons on 3 to 6 months Contract;
- xi. Approximately, 117 vacant positions within the Chief Personnel Department, 54 without bodies. Furthermore, these vacant positions include: technical officers, Senior Human Resource Managers, Human Resource Advisors I, II and III;
- xii. Due to the number of persons employed on contract, it is difficult for the CPO to facilitate the negotiation of the terms and conditions of employees on an individual basis;
- xiii. Overpayment of interim salary to contract workers; and

- xiv. Terms and conditions of employment are determined and fixed by the Chief Personnel Department. However, there are standardized terms and conditions for some positions E.g. Business Operations Manager.

Recommendations proffered during the Public Hearing

The following recommendations emanated from the discussions:

- i. That the partial payment of gratuity and pension be considered by the Comptroller of Accounts Office, pending the making of a full payment; and
- ii. That consideration to be given to absorbing contract workers into the public service through enacting the necessary legislative amendments.

View the Hearing

The hearing can be viewed on our YouTube channel via the following link:

<https://youtu.be/iyiCmhvIVV8>

Contact the Committee's Secretary

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Committees Unit

April 26, 2018