Head 04: Industrial Court

Total Allocation: $ 41,779,280.00

A summary of the Industrial Court’s Expenditure, Divisions and Projects.
Financial Scrutiny Unit, Parliament of the Republic of Trinidad and Tobago
**Publication**

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About this Guide

This guide provides a summary of expenditure for the Industrial Court for the period 2014-2020. It provides the Members of Parliament and stakeholders with an overview of the Court’s responsibilities. The primary purpose of this guide is to consolidate all of the information contained within the various Budget Documents pertaining to the Industrial Court and provide readers with an analysis of the same. This guide is based primarily on:

- the Draft Estimates of Recurrent Expenditure;
- the Draft Estimates of Development Programme; and
- the Auditor General’s Report on the Public Accounts of the Republic of Trinidad and Tobago for the fiscal year 2018.
Head 04 – Industrial Court

Court’s Overview

Establishment of the Court: The Industrial Court was established on March 20, 1965 by section 5(1) of the Industrial Stabilisation Act. This act was repealed and replaced by the Industrial Relations Act, Chapter 88:01 on July 31, 1972. The Industrial Court is a superior court of record, therefore it has a status that is equivalent to that of the High Court of Justice. It is a specialised court with its own peculiar jurisdiction. It is responsible for dispensing social justice.

Role and Function: The principal role of the Court is to settle unresolved disputes and other matters which arise between employers and trade unions representing the workers employed by the employers under the Industrial Relations Act, Chapter 88:01 (I.R.A.), the Retrenchment and Severance Benefits Act, Chapter 88:13, the Maternity Protection Act Chapter 45:57, the Minimum Wages (Amendment) Act, Chapter 88:04 and the Occupational Safety and Health Act, Chapter 88:08.

Mission: To be an effective Court upholding the Principles and Practices of good Industrial Relations as pillars of Industrial Peace, Economic and Social Development.

Vision: To be an industrial relations Court established under the constitution which is fair, equitable and expeditious in dispensing social justice.

Jurisdiction of the Court: In addition to its inherent powers as a superior court of record, the Court has jurisdiction – to hear and determine trade disputes; to register collective agreements and to hear and determine matters relating to the registration of such

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1 Industrial Court website, accessed on September 16, 2019; http://www.industrialcourt.org.tt/about-us/about-the-court
agreements; to enjoin a trade union or other organization or workers or other persons or an employer from taking or continuing industrial action; to hear and determine proceedings for industrial relations offences under the IRA; to hear and determine any other matter brought before it, pursuant to the provisions of the IRA.

Divisions of the Court: The Court sits in two Divisions. They are as follows:

1. The General Services Division which exercises the jurisdiction of the Court as set out in section 7 of the Industrial Relations Act, Chapter 88:01 with respect to services other than essential services; and
2. The Essential Services Division which exercises the jurisdiction of the Court as set out in section 7 of the Industrial Relations Act, Chapter 88:01 with respect of essential services.

Under the Essential Services Division is the Special Tribunal established by the Civil Service Act, Chapter 23:01 which hears and determines disputes in the Civil Service, the Police Service, the Fire Service, the Prison Service, the Teaching Service, the Supplemental Police and Central Bank. The Special Tribunal consists of the Chairman of the Essential Services Division of the Industrial Court and two other members of that Division selected by the Chairman.

Core Values:
- Integrity, justice, honesty, equity, respect, accountability, teamwork, discipline, loyalty.

Registrar (Accounting Officer): Mr. Noel Inniss

Line Ministry: Ministry of the Attorney General and Legal Affairs

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Accounts of Accounting Officers

Individual Areas of Concern

Grants of Credit On The Exchequer Account

2.37: A Grant of Credit as defined at section 18 of the Act is the necessary authority to issue from the Exchequer Account the amount specified in the Credits.

2.38: Total expenditure exceeded Applications of Credit granted at the following entities:

- Industrial Court - The total expenditure of $39,793,990.77 exceeded Applications of Credit granted of $39,791,121.88 for the year 2017/2018 by $2,868.89.

Appendix 1 – Treasury Statements

Statement Of Expenditure For The Financial Year 2018

<table>
<thead>
<tr>
<th>HEAD OF EXPENDITURE</th>
<th>ORIGINAL ESTIMATES FY 2018</th>
<th>SUPPLEMENTARY ESTIMATES &amp; TRANSFERS</th>
<th>TOTAL APPROVED ESTIMATES FY 2018</th>
<th>ACTUAL EXPENDITURE FY 2018</th>
<th>VARIANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>LESS THAN ESTIMATES</td>
</tr>
<tr>
<td>04 - Industrial Court</td>
<td>$42,815,108.00</td>
<td>$0.00</td>
<td>$42,815,108.00</td>
<td>$39,793,990.77</td>
<td>$3,021,117.23</td>
</tr>
</tbody>
</table>

Key Statement from the 2018 Standing Finance Committee Meeting

During the Standing Finance Committee debate of 2018, the following statement was made in relation to the emphasis of the Industrial Court for the fiscal year 2018/2019:\(^4\)

“The Industrial Court is a well-established feature of our laws providing in essence what is mostly referred to as common sense justice in the parameters of good industrial relations. The Industrial Court has been in the context of some reformation. It has certainly been focused upon its plant machinery, its manpower, its personnel and also some of its governing legislation. It has come into sharp focus and there is intended to be further consultative discussions in particular on the Industrial Court as a whole.”

- Attorney General and Minister of Legal Affairs

### The Court’s Total Allocation as a Percentage of the National Budget for the Period 2014 to 2020

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Allocation</th>
<th>National Budget</th>
<th>Percentage of National Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014</td>
<td>$48,412,554.00</td>
<td>$65,020,886,424.00</td>
<td>0.07%</td>
</tr>
<tr>
<td>2015</td>
<td>$49,966,734.00</td>
<td>$61,966,922,675.00</td>
<td>0.08%</td>
</tr>
<tr>
<td>2016</td>
<td>$44,046,622.00</td>
<td>$56,573,913,053.00</td>
<td>0.08%</td>
</tr>
<tr>
<td>2017</td>
<td>$37,738,020.00</td>
<td>$54,883,153,410.00</td>
<td>0.07%</td>
</tr>
<tr>
<td>2018</td>
<td>$39,793,991.00</td>
<td>$54,211,726,813.00</td>
<td>0.07%</td>
</tr>
<tr>
<td>2019</td>
<td>$39,484,550.00</td>
<td>$54,149,378,860.00</td>
<td>0.07%</td>
</tr>
<tr>
<td>2020</td>
<td>$41,779,280.00</td>
<td>$58,058,338,392.00</td>
<td>0.07%</td>
</tr>
</tbody>
</table>

- Total allocation for the Court as a percentage of the National Budget remained constant at **0.07%** between the period 2018/2019 and 2019/2020.

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5 For the Fiscal Years 2014-2018, actual figures were used to calculate the Department’s total allocation. However, estimates were used to determine the Department’s total allocation for the Fiscal Years 2019 and 2020.

6 Total Allocation for the Industrial Court= Recurrent Expenditure + Consolidated Fund

7 The National Budget= Total Recurrent Expenditure + Total Development Programme Consolidated Fund
Where the Court spends its money

2019 – 2020 Estimates of Expenditure

The budget allocation of $41,779,280 for the Industrial Court is comprised of:

- The Draft Estimates of Recurrent Expenditure in the sum of $41,779,280.

The Estimates of Recurrent Expenditure include:

- 01 Personnel expenditure- $24,555,000;
- 02 Goods and services - $16,764,280;
- 03 Minor equipment purchases - $190,000; and
- 04 Current Transfers and Subsidies – $270,000.

The Industrial Court’s

- Recurrent Expenditure as a percentage of the total Recurrent Expenditure budget is 0.075%; and

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### Summary of Recurrent Expenditure for the period 2014 – 2020

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>01 Personnel Expenditure</strong></td>
<td>20,280,290</td>
<td>27,632,823</td>
<td>28,638,077</td>
<td>23,660,061</td>
<td>23,084,092</td>
<td>22,506,500</td>
<td>24,555,000</td>
</tr>
<tr>
<td><strong>02 Goods and Services</strong></td>
<td>17,126,346</td>
<td>19,610,573</td>
<td>20,015,162</td>
<td>14,022,214</td>
<td>16,354,750</td>
<td>16,727,050</td>
<td>16,764,280</td>
</tr>
<tr>
<td><strong>03 Minor Equipment Purchases</strong></td>
<td>601,075</td>
<td>716,555</td>
<td>530,008</td>
<td>1,336</td>
<td>104,274</td>
<td>68,000</td>
<td>190,000</td>
</tr>
<tr>
<td><strong>04 Current Transfers and Subsidies</strong></td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>270,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>38,007,711</td>
<td>47,959,951</td>
<td>49,183,247</td>
<td>37,683,611</td>
<td>39,543,116</td>
<td>39,301,550</td>
<td>41,779,280</td>
</tr>
</tbody>
</table>

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Analysis of Summary of Expenditure\(^\text{10}\)

Recurrent Expenditure refers to the payments for expenses which are incurred during the day-to-day operations of the Department for Personnel Expenditure, Goods and Services and Minor Equipment Purchases.

- Recurrent Expenditure for Fiscal Year 2019/2020 is $41,779,280.

- Recurrent Expenditure (revised) for Fiscal Year 2018/2019 was $39,301,550. Comparing this figure with Fiscal Year 2019/2020, there has been an increase of $2,477,730 or 6.3%.

- The largest portion of the allocation has on average gone to Sub-Head 01 Personnel Expenditure. This figure has been fluctuating over the period 2014-2020, accounting for approximately 59% of total funding for the Department for fiscal year 2019/2020.

- Goods and Services received the second largest portion of the allocation and has been fluctuating over the period 2014 – 2020. Comparing 2018/2019 to 2019/2020, there has been an increase in the allocation by 0.2% ($37,230).

- Minor Equipment Purchases received the lowest portion of the total recurrent allocation for the Department over the period 2014 to 2020 receiving an average of 0.7%.

- The actual/estimated expenditure has been fluctuating over the seven (7) year period from a low $37,683,611 in the fiscal year 2017 to a high of $49,183,247 in fiscal year 2016.

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2018 Actual

- 01 Personnel Expenditure: 41%
- 02 Goods and Services: 59%

2019 Revised Estimates

- 01 Personnel Expenditure: 43%
- 02 Goods and Services: 57%
2020 Estimates

- Personnel Expenditure: 40%
- Goods and Services: 0%
- Minor Equipment Purchases: 0%
- Current Transfers and Subsidies: 59%
Staff and Pay\textsuperscript{11}

The allocation of staff expenditure for the fiscal year 2020 is $29,310,605.00 which represents an increase of approximately 8.6\% from the last fiscal year 2018/2019. The diagram presented below provides a breakdown of all staff related expenditure from the years 2018-2020.

\begin{table}
\centering
\begin{tabular}{|c|c|c|c|c|c|c|c|c|}
\hline
\textbf{} & \textbf{Personnel Expenditure} & \textbf{Uniforms} & \textbf{Travelling and Subsistence} & \textbf{Travelling Direct Charges} & \textbf{Contract Employment} & \textbf{Training} & \textbf{Short-Term Employment} & \textbf{Employees Assistance Programme} & \textbf{Totals} \\
\hline
\textbf{2018 Actual} & $23,084,092.00 & $30,071.00 & $628,769.00 & $1,253,691.00 & $1,717,402.00 & $14,253.00 & $672,352.00 & $0.00 & $27,400,630.00 \\
\textbf{2019 Revised Estimate} & $22,506,500.00 & $27,600.00 & $675,000.00 & $1,140,000.00 & $1,955,000.00 & $2,350.00 & $680,000.00 & $5,000.00 & $26,991,450.00 \\
\textbf{2020 Estimate} & $24,555,000.00 & $35,000.00 & $800,000.00 & $1,300,000.00 & $2,000,000.00 & $50,000.00 & $565,605.00 & $5,000.00 & $29,310,605.00 \\
\hline
\end{tabular}
\end{table}

Development Programme is a capital expenditure programme aimed at improving and enhancing development in different areas of Trinidad and Tobago which includes; human resources, economic and social development. There is no allocation to the Industrial Court for development programmes and projects for fiscal year 2019/2020.

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**Summary of Development Programme Expenditure for the period 2014 - 2020**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>005 Multi-Sectoral and Other Services - Consolidated Fund</td>
<td>452,608.00</td>
<td>783,487.00</td>
<td>1,038,690.00</td>
<td>54,409.00</td>
<td>250,875.00</td>
<td>183,000.00</td>
<td>-</td>
</tr>
<tr>
<td>Total</td>
<td>452,608.00</td>
<td>783,487.00</td>
<td>1,038,690.00</td>
<td>54,409.00</td>
<td>250,875.00</td>
<td>183,000.00</td>
<td>-</td>
</tr>
</tbody>
</table>

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## Noteworthy Development Programme Estimates in 2018-2020

The table below lists the projects that have experienced irregular variances in estimates for funding received under the Ministry of Finance:

<table>
<thead>
<tr>
<th>PROJECTS</th>
<th>2018 Actual</th>
<th>2019 Revised Estimate</th>
<th>2020 Estimate</th>
</tr>
</thead>
<tbody>
<tr>
<td>005-06-F-004 Accommodation for Tobago Office of the Industrial Court</td>
<td>$250,875</td>
<td>$183,000</td>
<td>-</td>
</tr>
</tbody>
</table>

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General Useful Information

- Industrial Tribunal, The Bahamas: [http://industrialtribunal.org/home/about](http://industrialtribunal.org/home/about)