



9th REPORT OF THE

JOINT SELECT COMMITTEE ON

SOCIAL SERVICES

AND

PUBLIC ADMINISTRATION

ON AN

**INQUIRY INTO THE STATE OF CONTRACT EMPLOYMENT IN THE
PUBLIC SERVICE**

FOURTH SESSION (2017/2018) 11TH PARLIAMENT
OF THE REPUBLIC OF TRINIDAD AND TOBAGO

NINTH REPORT

OF THE

**JOINT SELECT COMMITTEE ON SOCIAL SERVICES AND PUBLIC
ADMINISTRATION**

ON AN

**INQUIRY INTO THE STATE OF CONTRACT EMPLOYMENT IN THE
PUBLIC SERVICE**

Date Laid in the HoR:

Date Laid in the Senate:

An electronic copy of this report can be found on the Parliament website:

The Joint Select Committee on Social Services and Public Administration

Contact the Committee's Secretariat

Telephone: 624-7275 Extensions 2277/2232/2283, **Fax:** 625-4672

Email: jscspa@ttparliament.org

THE COMMITTEE



Mr. Paul Richards
CHAIRMAN



Mr. Esmond Forde, MP
VICE-CHAIRMAN



Mrs. Glenda Jennings-Smith, MP
MEMBER



Brig. Gen. (Ret.) Ancil Antoine, MP
MEMBER



Mrs. Christine Newallo-Hosein, MP
MEMBER



Mr. Rohan Sinanan
MEMBER



Ms. Khadijah Ameen
MEMBER



Ms. Allyson West

MEMBER

Committee Mandate and Establishment

- 1.1.1 Section 66 of the Constitution of Trinidad and Tobago declares, that not later than three months after the first meeting of the House of Representatives, the Parliament shall appoint Joint Select Committees to inquire into and report to both Houses in respect of Government Ministries, Municipal Corporations, Statutory Authorities, State Enterprises and Service Commissions, in relation to their administration, the manner of exercise of their powers, their methods of functioning and any criteria adopted by them in the exercise of their powers and functions.
- 1.1.2 Motions related to this purpose were passed in the House of Representatives and Senate on November 13 and 17, 2015, respectively and thereby established, *inter alia*, the ***Joint Select Committee on Social Services and Public Administration***.
- 1.1.3 Standing Order 91 of the Senate and 101 of the House of Representatives outline the general functions of a Committee of this nature. They are as follows:
- a) “To examine Bills and review all legislation relating to the relevant Ministries, departments or bodies or as may be referred to it by the House;
 - b) To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration and operations of the assigned Ministries, departments or bodies;
 - c) To study the programme and policy objectives of Ministries, departments or bodies and the effectiveness of the implementation of such programmes and policy objectives;
 - d) To assess and monitor the performance of Ministries, Departments and bodies and the manner of the exercise of their powers;
 - e) To investigate and inquire into all matters relating to the assigned Ministries, Departments and bodies as they may deem necessary, or as may be referred to them by the House or a Minister; and
 - f) To make reports and recommendations to the House as often as possible, including recommendations for proposed legislation.”

Powers of the Joint Select Committee

1.1.4 Standing Orders 101 of the Senate and 111 of the House of Representatives outline the core powers of the Committee which include *inter alia*:

- to send for persons, papers and records;
- to sit notwithstanding any adjournment of the Senate;
- to adjourn from place to place;
- to report from time to time;
- to appoint specialist advisers either to supply information which is not otherwise readily available or to elucidate matters of complexity within the Committee's or Sub-Committee's order of reference;
- to communicate with any Committee of Parliament on matters of common interest; and
- to meet concurrently with any other Committee for the purpose of deliberating, taking evidence or considering draft reports.

Membership

1.1.5 The Committee comprises the following members:

- | | |
|--|---------------|
| 1. Mr. Paul Richards ¹ | Chairman |
| 2. Mr. Esmond Forde, MP | Vice-Chairman |
| 3. Mrs. Glenda Jennings-Smith, MP | Member |
| 4. Brig. Gen. (Ret.) Ancil Antoine, MP | Member |
| 5. Mrs. Christine Newallo-Hosein, MP | Member |
| 6. Mr. Rohan Sinanan | Member |
| 7. Ms. Khadijah Ameen | Member |
| 8. Ms. Allyson West | Member |

¹ Former Senator Dr. Dhanayshar Mahabir served as chairman of the Committee from December 2015 to September 2018.

Secretariat Support

1.1.6 The following officers were assigned to assist the Committee:

1. Mr. Julien Ogilvie - Secretary
2. Mr. Johnson Greenidge - Assistant Secretary
3. Ms. Ashaki Alexis - Graduate Research Assistant
4. Ms. Janelle Mills - Parliamentary Intern

TABLE OF CONTENTS

Committee Mandate and Establishment.....	4
ABBREVIATIONS.....	9
LIST OF TABLES.....	10
TABLE OF APPENDICES	10
EXECUTIVE SUMMARY	11
SUMMARY OF RECOMMENDATIONS.....	14
INTRODUCTION	18
Background.....	18
Conduct of the Inquiry.....	26
Limitations.....	27
KEY ISSUES, FINDINGS AND RECOMMENDATIONS	28
OBJECTIVE 1: To gather information on the prevalence of Contract Employment in Ministries and Statutory bodies	28
FINDINGS AND RECOMMENDATIONS	33
Findings	33
Recommendations.....	34
OBJECTIVE 2: To examine the terms and conditions of employment of contract workers	36
FINDINGS AND RECOMMENDATIONS	41
Findings	41
Recommendations.....	43
OBJECTIVE 3: To assess the adequacy of existing arrangements in place to manage and/or regulate contract employment.....	45
FINDINGS AND RECOMMENDATIONS	50
Findings	50
Recommendations.....	52

OBJECTIVE 4: To attempt to evaluate the impact contract employment has had on the efficiency of the Public Service 54

FINDINGS AND RECOMMENDATIONS 56

Findings 56

Recommendations..... 57

APPENDICES 59

Appendix I..... 60

Appendix II 62

Appendix III 74

Appendix IV 83

Appendix V..... 132

Appendix VI 188

Appendix VII..... 190

Appendix VIII 191

Appendix IV 194

Appendix X 196

ABBREVIATIONS

ILO	International Labour Organization
IRA	Industrial Relations Act
MCDCA	Ministry of Community Development, Culture and the Arts
MoE	Ministry of Education
MoF	Ministry of Finance
MoH	Ministry of Health
MoLSED	Ministry of Labour and Small Enterprise Development
MoT	Ministry of Tourism
MPAC	Ministry of Public Administration and Communication
MSDFS	Ministry of Social Development and Family Services
MSYA	Ministry of Sport and Youth Affairs
MTEST	Ministry of Tertiary Education and Skills Training
OJT	On-the-Job Training Programme
PMCD	Public Management Consulting Division
PSC	Public Service Commission
SDGs	United Nations Sustainable Development Goals

LIST OF TABLES

Table 1: The total number of contract employees in the public service for the period 2007-201730

Table 2: The number of trainees employed under each qualification range as of January 2018.....31

Table 3: Initiatives of the MoLSED for recruitment and job creation.....49

Table 4: Vacancies within the Ministry of Public Administration and Communication..... 196

TABLE OF APPENDICES

APPENDICES	PAGE NUMBER
Appendix I: Persons who appeared and provided oral evidence	62-63
Appendix II: minutes of the twenty-first meeting of the committee	64- 75
Appendix III: minutes of the twenty-second meeting of the committee	76-84
Appendix IV: Verbatim Notes of the twenty-first meeting of the committee	85-134
Appendix V: Verbatim Notes of the twenty-second meeting of the committee	135-189
Appendix VI: PMCD Requirements – Creation of Contract/Established positions	190-191
Appendix VII: PMCD Requirements – Renewal of Contract positions	191
Appendix VIII: Summary of responses received from Ministries that fall under the purview of the Committee	192- 195

EXECUTIVE SUMMARY

2.1.1 At its twentieth (20th) meeting held on January 31, 2018, the Committee resolved to inquire into the state of contract employment in the public service. The Committee agreed on the following inquiry objectives:

1. **To gather information on the prevalence of Contract Employment in Ministries and Statutory bodies;**
2. **To examine the terms and conditions of employment of contract workers;**
3. **To assess the adequacy of existing arrangements in place to manage and/or regulate contract employment; and**
4. **To attempt to evaluate the impact contract employment has had on the efficiency of the Public Service.**

2.1.2 The Committee acquired both oral and written evidence based on the objectives listed above. Oral evidence was received during two (2) public hearings held with various stakeholders (*See Appendix I*) on February 21 and April 18, 2018. Some of the significant issues highlighted during the public hearings were:

- i. The need for proper manpower planning and management across the Public Service;
- ii. The need to enhance the services provided by the MPAC and other Ministries, Agencies, and Department;
- iii. The need for an overall review of the management systems and processes within all Ministries, Agencies, and Departments;
- iv. The need for collaboration between MPAC², MoE³ and MOLSED⁴ to decide on programmes and areas of study. Furthermore, the need to ensure that scholarships provided are “guiding and leading students to areas where there are needs;

² Ministry of Public Administration and Communication

³ Ministry of Education

⁴ Ministry of Labour and Small Enterprise Development

- v. The need to review the regulations governing the process of recruitment in the Public Service taking into consideration the growth of contract employment in the public service;
- vi. The need to ensure that there is no duplication or redundancy of resources within the Public Service due to the creation of contract positions;
- vii. The strategic role of the Ministry of Labour and Small Enterprise Development in fulfilling the government's employment and entrepreneurship commitments;
- viii. The challenges faced by returning graduates to find jobs in the public service/ public sector;
- ix. Poor remuneration packages hindering the public service from attracting the best talent available;
- x. The substantial expenses associated with contract employment;
- xi. The need to prioritize expenditure with reference to contract employment;
- xii. The need for timely payments of gratuity to contract workers;
- xiii. The need to review the standard terms and conditions of contract employment applied in the public service;
- xiv. The prolonged period taken by the CPO to determine terms and conditions for public officers;
- xv. As at February 2018, the percentage of vacancies at the CPO's office is at 41 percent for the core technical officers;
- xvi. Concerns with regard to a parallel public service operating in the country manifested in the expansion in the number of contract workers in the public service. There is a significant percentage of contract workers working alongside permanent public service employees due to vacancies in establishment positions throughout the public service;
- xvii. The absence of a policy that governs short-term employment. Currently, a note is before Cabinet to develop a short-term employment policy.

- 2.1.3. Based on these findings and other matters which arose during the inquiry, the Committee has proffered recommendations which it believes will address the issues highlighted. A summary of these recommendations follows this Executive Summary.
- 2.1.4. The Committee looks forward to reviewing the Minister's response to this Report, which becomes due, sixty (60) days after it is presented to the Houses of Parliament.

SUMMARY OF RECOMMENDATIONS

RECOMMENDATIONS FOR IMPLEMENTATION IN THE SHORT-TERM

(To be implemented within 3 to 6 months of the presentation of the report)

- I. A formal arrangement to facilitate inter-agency collaboration on matters concerning contract employees in the public service is urgently needed. To this end, we recommend that a steering committee or standing Committee comprising representatives of the main stakeholder Ministries and public bodies be established;
- II. In the Ministerial Response to this Report, the Ministry of Public Administration must provide the Parliament with an update on its plans and initiatives to undertake a review of the organizational structure of all Ministries and Departments to evaluate their technical and functional capacity in order to forecast the needs for contract and established positions;
- III. The Ministerial Response to this report must contain a proposal by the Ministry of Finance in collaboration with Personnel Department to address the delay in evaluating and determining the terms and conditions of contract positions;
- IV. That as a matter of urgency, a Committee comprised of the central HRM agencies such as the MPAC, Service Commissions Department, Personnel Department, OPM and MOLSED should be established to address the key staffing deficiencies in the agencies responsible for contract employment and filling of vacant permanent positions in the Public Service;
- V. That the MPAC ensure that the Human Resources Units within all Ministries and Departments are in receipt of guidelines for the preparation of documents for the processing of gratuity papers;
- VI. In the Ministerial Response of the MPA, the Ministry should advise the parliament as follows:
 1. Given that IHRIS has been in existence since 2000, on how many occasions was the IHRIS programme or software updated since its commencement and what were the extent/features of each update?

- VII. That subsequent to the review of the guidelines governing contract employment in the public service by the Personnel Department with a view to providing greater protection and equality of treatment to contract workers, that the Department put in place accountability and monitoring mechanisms by the mid-fiscal year 2019 to ensure that all Ministries and Departments adhere to these guidelines;
- VIII. That the MoLSED in collaboration with the International Labour Organization (ILO) submit an appropriate structure and training for members of this Unit within three months of the presentation of this report to the Parliament;
- IX. That the MoLSED provide the Parliament with the following information in its Ministerial Response:

With respect to the National Unemployment Register (NUR):

- i. How many persons have been employed to date since its inception?
 - ii. What is the ratio of male to female and ages for successful job re-entry?
- X. That a draft policy to govern short-term employment be created and circulated for the purpose of soliciting feedback on the document within six months of the Ministry's receipt of this Report; and
- XI. That in its response to the Committee, the MPAC include an update on the internal review of the staff complement that was scheduled for completion by June 30, 2018.

RECOMMENDATIONS FOR IMPLEMENTATION IN THE MEDIUM-TERM

(To be implemented within 7 months to 12 months of the presentation of the report)

- I. That the MPAC, within the short to medium-term, identify additional longstanding contract positions within key Public Service streams that can be replaced by permanent positions. Recommendations should then be forwarded to Cabinet;
- II. The MPA should present the Parliament with government's policy position on affording returning national scholars priority status in the recruitment of contract labour in the public service;
- III. The Ministry of Public Administration is asked to collaborate with the Public Service Commission to present the Parliament with possible options, including the legislative amendments for facilitating the filling of vacant establishment positions by employee on contract who have been executing the duties and responsibilities associated with the establishment positions for a minimum period to be prescribed;
- IV. That the vacancies in critical positions within the MPAC and CPO be identified with a view to placing priority on filling such vacancies in the short to medium-term. As these bodies serve the wider public service filling these vacancies must be treated as special project and the necessary funding assigned to ensure the implementation of same;
- V. That the MOF give consideration to facilitating the interim or partial payment of gratuity to contract employees in the following scenarios:
 1. When the delay in issuing such payment is as a results of delays at the Personnel Department in the determining the terms and conditions of a job position;
 2. Where an administrative query was initiated on the part of the Auditor General. Such payments can be pegged to the last salary received by the employee immediately before the expiration of his contract;
- VI. That the Ministry of Public Administration collaborate and consult with the Public Service Commission, Office of the Attorney General, relevant Trade Unions and other stakeholders with a view to drafting legislative amendments to facilitate greater security of tenure and equal opportunities for contract employees in the public service;

- VII. That the MoLSED recruit and hire the necessary staff in the Labour Market Information Unit of the MoLSED in order to effectively and efficiently generate information on the labour market needs of Trinidad and Tobago; and
- VIII. That the MPAC give consideration to the realignment of all manpower plans and HR forecasts with the Strategic Plan of the MPAC (2017-2020) and the National Development Strategy (Vision 2030). Extensive collaboration should be sought with the relevant stakeholders in order to produce a draft policy by December 2019.

RECOMMENDATIONS FOR IMPLEMENTATION IN THE LONG-TERM

(To be implemented within 2 years of the presentation of the report)

- I. That consideration be given to absorbing contract workers employed in otherwise permanent and pensionable positions into the Public Service through enacting the necessary legislative amendments;
- II. That a comprehensive study of the impact of Contract Labour on the efficiency of the Public Service be undertaken. It is expected that outcomes of the study would inform improved regulations for its use; and
- III. That as part of the aforementioned study, contract employees in the Public Service are directly engaged to gain an understanding of their attitudes toward the system, perceptions of its weaknesses, and areas for improvement.

INTRODUCTION

Background

Contract employment

- 3.1.1. The term “contract labour” has no internationally accepted definition.⁵ However, contract labour normally refers to workers who are hired for a specific task and a finite period. In developing countries the term sometimes refers to a system whereby workers are hired by an intermediary (the labour contractor) on behalf of the employer for a fee. Such workers are often bound to the contractor by a variety of mechanisms.⁶
- 3.1.2. Furthermore, a contract employee is usually hired for a specific job at a specific rate of pay. In this regard, a contract employee does not become an addition to the staff complement and is not considered a permanent employee.⁷
- 3.1.3. The ILO, in its **World Employment and Social Outlook Report 2015**⁸, noted that there has been a global shift from traditional employment relationships to more non-standard forms of employment since the financial crisis of 2008/2009, which fueled growing inequality and higher rates of poverty.
- 3.1.4. Furthermore, the Report revealed that it is estimated that only a quarter of the world's workers (i.e. one in four workers) are employed on a permanent contract. The remaining three-quarters of the global workforce are employed on temporary or short-term contracts; working informally and often without any contract, are self-employed or are in unpaid family jobs.

⁵Dr. Moonilal, Roodal. “Workers’ Protection: The Case of Trinidad and Tobago”. Accessed on July 7, 2017.

http://www.oit.org/wcmssp5/groups/public/---ed_dialogue/--dialogue/documents/genericdocument/wcms_205385.pdf

⁶“Contract labor”. Accessed on July 7, 2017. <http://www.encyclopedia.com/social-sciences/dictionaries-thesauruses-pictures-and-press-releases/contract-labour>

⁷“Contract employee”. Accessed on July 7, 2017. <http://www.businessdictionary.com/definition/contract-employee.html>

⁸“World employment and social outlook” International Labour Organization 2015. Accessed on July 7, 2017. http://www.ilo.org/wcmssp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_337069.pdf

Contact employment in the Public Service of Trinidad and Tobago

- 3.1.5. Trinidad and Tobago’s public service comprises several classifications of workers. During a public hearing of the JSC on Local Authorities, Service Commissions and Statutory Authorities on Wednesday, April 26, 2017, the Chairman of the Public Service Commission, Ms. Maureen Manchouck indicated that there are approximately 9,000 vacancies in T&T’s public service which is staffed by 27,000 to 30,000 public servants—including 13,800 contract officers.⁹
- 3.1.6. The system of contract employment was introduced in an effort to deal with the issue of vacancies in the Public Service, which became more apparent at the start of the new millennium. The concerns with regard to this method of employment and the conditions for workers engaged on contract, have persisted over the past three to four decades.¹⁰ Therefore, as the number of persons engaged on contract in the public service continues to increase, it seems that this system has had a negative impact on the Service. In this regard, these concerns are mentioned in some depth at item 3.1.7.
- 3.1.7. At a Workshop themed, “*Contract Employment – Reducing the Dependency*”¹¹, held on April 13, 2016, the Minister of Labour and Small Enterprise Development highlighted a number of factors that continue to fuel the thrust towards contract work globally, including *inter alia*:
- (i) Policy-induced structural change in the economy and organizations;
 - (ii) Economic and technological changes;

⁹ Alexander, Gail. “9,000 vacancies in public service” Trinidad and Tobago Guardian, April 26, 2017. (Accessed on July 7, 2017). <http://www.guardian.co.tt/news/2017-04-26/9000-vacancies-public-service>

¹⁰ CONTRACT EMPLOYMENT – REDUCING THE DEPENDENCY”. Ministry of Labour and Small Enterprise Development address by The Honourable Jennifer Baptiste Primus, Minister of Labour and Small Enterprise Development. APRIL 13, 2016. Accessed on July 10, 2017. <http://www.molsmed.gov.tt/Portals/0/Speeches/Feature%20Address%20by%20the%20Hon.%20Minister%20-%20Contract%20Employment%20Consultation.pdf>

¹¹ CONTRACT EMPLOYMENT – REDUCING THE DEPENDENCY”. Ministry of Labour and Small Enterprise Development address by The Honourable Jennifer Baptiste Primus, Minister of Labour and Small Enterprise Development. APRIL 13, 2016. Accessed on July 10, 2017. <http://www.molsmed.gov.tt/Portals/0/Speeches/Feature%20Address%20by%20the%20Hon.%20Minister%20-%20Contract%20Employment%20Consultation.pdf>

- (iii) Changes in production methods and systems especially with the growth of transnational corporations and labour market challenges such as rising unemployment; and
- (iv) Increasing youth unemployment and the growing number of women and older workers in the labour market who may prefer non-standard patterns of employment to allow better reconciliation between work and family responsibilities.

Industrial Relations Act¹²

3.1.8. In accordance with the Industrial Relations Act a “worker” is defined as:

- any person who has entered into or works under a contract with an employer to do any skilled, unskilled, manual, technical, clerical or other work for hire or reward, whether the contract is expressed or implied, oral or in writing, or partly oral and partly in writing, and whether it is a contract of service or apprenticeship or a contract personally to execute any work or labour;
- any person who by any trade usage or custom or as a result of any established pattern of employment or recruitment of labour in any business or industry is usually employed or usually offers himself for and accepts employment accordingly; or
- any person who provides services or performs duties for an employer under a labour only contract, within the meaning of subsection (4)(b); and includes
- any such person who -
- has been dismissed, discharged, retrenched, refused employment, or not employed, whether or not in connection with, or in consequence of, a dispute; or
- whose dismissal, discharge, retrenchment or refusal of employment has led to a dispute; or
- any such person who has ceased to work as a result of a lockout or of a strike, whether or not in contravention of Part 5.

¹² Industrial Relations Act 1972 Chapter 88:01. Accessed on July 12, 2017. <http://laws.gov.tt/ttdll-web2/revision/download/63851?type=amendment>

3.1.9. However, the following categories of workers are excluded from the scope of the IRA:

- a public officer, as defined by section 3 of the Constitution;
- a member of the Defense Force or any ancillary force or service thereof, or of the Police, Fire or Prison Service or of the Police Service of any Municipality, or a person who is employed as a rural constable or estate constable;
- a member of the Teaching Service as defined in the Education Act, or is employed in a teaching capacity by a university or other institution of higher learning;
- a member of staff and an employee of the Central Bank established under the Central Bank Act;
- a person who, in the opinion of the Board -
 - is responsible for the formulation of policy in any undertaking or business or the effective control of the whole or any department of any undertaking or business; or
 - has an effective voice in the formulation of policy in any undertaking or business;
 - employed in any capacity of a domestic nature, including that of a chauffeur, gardener or handyman in or about a private dwelling house and paid by the householder; and
 - an apprentice within the meaning of the Industrial Training Act.

Guidelines for Contract Employment in Government Ministries, Departments and Statutory Authorities¹³

3.1.10. A Circular Memorandum issued by the Personnel Department on the **Guidelines for Contract Employment in Government Ministries, Departments and Statutory Authorities**¹⁴ subject to the **Statutory Authorities Act, Chapter 24:01**¹⁵, came into effect on August 01, 2004 and applies to persons on contract with a date of assumption on or after that date only.

International Labour Standards

3.1.11. In addressing the issue of contract employment in Trinidad and Tobago, members of the ILO are guided by international labour standards, particularly the core **Conventions of the ILO and Recommendation No. 198 on Employment Relationship**. Recommendation No. 198 provides guidance to ILO Member States in determining the existence of an employment relationship and in combating disguised employment relationships and setting standards applicable to all forms of contractual arrangements.

Issues Associated with Contract Employment in Trinidad and Tobago

3.1.12. Contract employment has been a growing phenomenon in the public service of Trinidad and Tobago but little action has been taken to facilitate genuine dialogue and serious examination of this issue.¹⁶

3.1.13. The less favorable dimensions of contract employment include:

1. Job insecurity; the lack of security of tenure as a component of contract employment;
2. Variability in earnings;

¹³ "Guidelines for Contract Employment in Government Ministries, Departments and Statutory Authorities". Trinidad and Tobago Gazette (Extraordinary). Volume 39 No. 134, July 11, 2000. Accessed on July 12, 2017. <http://www.news.gov.tt/archive//E-Gazette/Gazette%202000/G%20134.pdf>

¹⁴ "Guidelines for Contract Employment in Government Ministries, Departments and Statutory Authorities". Trinidad and Tobago Gazette (Extraordinary). Volume 39 No. 134, July 11, 2000. Accessed on July 12, 2017. <http://www.news.gov.tt/archive//E-Gazette/Gazette%202000/G%20134.pdf>

¹⁵ STATUTORY AUTHORITIES ACT 1966 CHAPTER 24:01. Accessed on July 12, 2017. http://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/24.01.pdf

3. Reduced or no on-the-job training;
4. Less opportunity for mobility;
5. The lack of union representation for contract employees in the Public Service;
6. The prolonged length of time elapsed, on average, for contract employees to receive a renewal of contract upon expiration of a prior contract;
7. The proliferation of contracts for long term positions which are awarded for very short periods of time, such as six (6) and twelve (12) months; in comparison to the lack of longer-term contracts for between three (3), five (5) and (10) years;
8. The prolonged period of time elapsed, on average, for contract employees to receive the requisite gratuity payment upon expiration of a contract;
9. Increased instability; The negative psychological effects faced by contract employees owing to the expendable nature of employment; and
10. The contract process being considered as disruptive owing to the fact that new contracts must be initiated in lieu of those that have ended.¹⁷

Entities involved in Contract Employment in the Trinidad and Tobago Public Service¹⁸

The Personnel Department

3.1.14. The Personnel Department, which is headed by the Chief Personnel Officer (CPO) is responsible for:

- determining and advising on the terms and conditions of employment on a wide range of persons in the Public Service. These include persons in the Police Service, the Civil Service, the Teaching Service, the Fire Service, the Prison Service and Statutory Authorities governed by the Statutory Authorities Act;
- determining the terms and conditions of daily-rated workers, contract employees;
- advising the SRC on terms and conditions of officers within its purview;

¹⁷ Information gathered from Public Administration and Appropriation Committee in 2015

¹⁸ Information gathered from Public Administration and Appropriation Committee in 2015.

- providing technical advice to the Human Resource Advisory Committee which determines the terms and conditions, including remuneration packages, for positions within public sector entities e.g. State Enterprises; and
- providing provide leadership and advice on a wide range of HR Management and Industrial Relations issues within the Public Service;

3.1.15. In an appearance before the Public Administration and Appropriation Committee on February 21, 2018, it was indicated that the Personnel Department approached the Cabinet in 2015 with a proposal for the establishment of a committee on contract employment in the Public Service owing to its concerns with many issues surrounding contract employment. Furthermore, the Department is currently focusing on organizational strengthening toward improving service quality, as part of its Strategic Plan 2018 – 2020 which is currently before Cabinet.

3.1.16. Additionally, the **Department determines the terms and conditions of the persons employed on contract in the Public Service and in Statutory Authorities**. In recent times, the role of the Department has expanded to that of a Central Human Resource Management Agency with responsibility for:

- Policy formulation in areas of Human Resource Management which are not within the purview of the Service Commissions;
- Establishing and/or reviewing the legal and regulatory framework for Human Resource Management in the Public Service; and
- Monitoring and auditing the practice of Human Resource Management within Ministries and Departments.

Ministry of Public Administration

3.1.17. The MPAC, through the Public Management Consulting Division (PMCD):

- reviews systems/processes regarding contract employment;
- maintains contract establishment in respect of positions of contract in the Public Service;
- reviews processes within public service organizations with a view to strengthening same; and
- assists in the design and structure of Ministries, Departments, and agencies, to assist them in fulfilling their respective mandates.

The Ministry of Finance and the Economy

3.1.18. According to the Civil Service Act, Chapter 23:01, "the Personnel Department shall be subject to the direction of the Minister of Finance". The Minister of Finance may from time to time make recommendations with regard to remuneration to be paid to civil servants.

On-the-Job Training Programme (OJT)¹⁹

3.1.19. The On-the-Job Training (OJT) programme provides opportunities for nationals between the ages of 16-35 to gain practical experience and work-based training within companies in the Republic of Trinidad and Tobago. The programme envisions the certification of all trainees under the National Occupational Standards through the Trinidad and Tobago Vocational Qualifications (TTNVQ)/ Caribbean Vocational Qualification (CVQ) Framework. This new national accreditation system for vocational education allows certified persons to pursue further education and training.

¹⁹ On-the-Job Training (OJT) Programme website. Accessed on July 14, 2017. <http://oitonline.org/aboutus.aspx>

Conduct of the Inquiry

3.1.20. Prior to the commencement of the public hearings, the Committee issued invitations to key stakeholders and to the public to present written submissions based on the subject of the inquiry and following objectives:

1. **To gather information on the prevalence of Contract Employment in Ministries and Statutory bodies;**
2. **To examine the terms and conditions of employment of contract workers;**
3. **To assess the adequacy of existing arrangements in place to manage and/or regulate contract employment; and**
4. **To attempt to evaluate the impact contract employment has had on the efficiency of the Public Service.**

3.1.21. The Committee convened public hearings with the following Officials of the following Ministries and Departments:

Wednesday, February 21, 2018

- Ministry of Public Administration and Communications;
- Ministry of Labour and Small Enterprise Development;
- Ministry of Finance;

Wednesday, April 18, 2018

- The Chief Personnel Department; and
- Public Service Commission and Service Commissions Department.

(See Appendix I for details)

3.1.22. Subsequent to the above-mentioned public hearings, additional information requested was provided.

3.1.23. Oral and written submissions received from the entities appearing before the Committee provided a frame of reference for the Committee's deliberations on the subject inquiry.

Limitations

- 3.1.24. Notwithstanding the use of the term “public service” in the title of the inquiry, it must be stated that the scope of the Committee’s inquiry did not include an examination of all public service bodies. For the purposes of this inquiry, the “public service” refers to the civil service established under Section 3, and the several public offices in the Public Service, set out in the First Schedule of the Civil Service Act Chapter 23:03. However, the evidence solicited by the Committee was mainly derived from Government Ministries. Aggregate statistical data was derived on the number of contract employees in the “public service” and limited data was requested from individual Ministries (see Appendix VIII). However, data from statutory authorities, municipal corporations and services Commissions was not solicited.
- 3.1.25. The **Minutes of the Meetings** during which the public hearings were held are attached as **Appendix II and III** and the **Verbatim Notes** as **Appendix IV and V**.

KEY ISSUES, FINDINGS AND RECOMMENDATIONS

OBJECTIVE 1: To gather information on the prevalence of Contract Employment in Ministries and Statutory bodies

The State of Contract Labour in the Public Service in Trinidad and Tobago

- 4.1.1. The Service Commissions Department and the Public Service Commission received powers of administration and a mandate to fill the manpower needs of the Public Service from Section 92 of the 1962 Constitution and Section 121 of the 1976 Constitution.²⁰ Employees, initially employed within the Public Service, were not considered ‘workers’ as defined in the IRA Chapter 88:01. However, they were hired based on the established structure of the Public Service and would have been employed in positions that were permanent and pensionable.
- 4.1.2. Due to subsequent societal demands on the Public Service, an alternative strategy for recruiting manpower was established. The use of contract labour resulted from this alternative strategy and was managed under the Civil Service Regulations of 1967. Subsequently, the alternative strategy was ultimately adjusted and the administration of contract labour was transferred from the Public Service Commission to be administrated presently by the Chief Personnel Officer.
- 4.1.3. The Trinidad and Tobago Gazette, Vol. 39 of 2000, provides the guidelines for the engagement of contract labour by the Government. In addition, the following also provide guidance on regulating and ending such an employment relationship:
- (i) *ILO Convention No. 158 of 1982 - Termination of Employment Convention;*
 - (ii) *ILO Recommendation No. 166 of 1982 - Termination of Employment Recommendation; and*
 - (iii) *ILO Recommendation No. 198 of 2006 - Employment Relationship Recommendation.*
- 4.1.4. In a submission dated March 20, 2018, the Cipriani College of Labour and Co-operative Studies indicated that as of March 2018, the prevalence of contract labour has increased. However, its use has been strained by numerous problems which persist and increase the precariousness of the employment relationship. Workers are being stripped of their rights to

²⁰ Written submission received from the Cipriani College of Labour and Co-operative Studies dd. March 20, 2018

representation and collective bargaining and its effect becomes more significant as it impacts the ability of workers to meet their basic needs in society.

The Number of contract Employees serving in the Public Service

4.1.5. In a submission by the MPAC dated February 20, 2018, it was indicated that the number of contract positions in the Public Service (excluding the Tobago House of Assembly) totalled approximately twelve thousand eight hundred and forty (12,840). This amounts to approximately twenty-six percent (26%) of the positions within the Public Service (excluding daily paid employees). Additionally:

- Percentage of Contract Positions in the Public Service (excluding Daily Paid) is 26%;
- Percentage of employees serving on contract: - Employees on Contract / Total number of filled offices and positions (excluding daily paid) is: 34%.
- Ratio of Contract Positions to Established Offices is 0.55:1.

4.1.6. The total number of contract employees in the Public Service, for the period January 2007 – 2017 is provided below²¹. These figures include short-term employment and excludes those persons paid manually as well as those contracts expired during the particular year. These figures were sourced from the Integrated Global Payroll/Integrated Human Resource Management System (IGP/IHRIS). Moreover, the Minister of Public Administration indicated that during the period September 30, 2015 – September 30, 2017, a total of 6,047 persons from 67 Ministries, Departments and Agencies were re-employed or hired for the first time on contract. However, during that same period, 2,176 existing contracts were not renewed and 125 contracts had been terminated.²²

²¹ Written submission received from the Ministry of Public Administration and Communications dd. May 23, 2018.

²² Written response to Senate Question No. 49 of the Fourth Session (2018/2019) Eleventh Parliament dd. February 19, 2019.

TABLE 1: THE TOTAL NUMBER OF CONTRACT EMPLOYEES IN THE PUBLIC SERVICE FOR THE PERIOD 2007-2017

Year	Number of Contract employees
2007	5034
2008	5614
2009	6657
2010	6531
2011	5893
2012	6946
2013	7168
2014	7920
2015	7828
2016	7819
2017	7293

Vacancies within Ministries (selected Ministries)

- 4.1.7 In a submission dated February 19, 2018, the Personal Department indicated that as at January 2018 there were 117 vacancies within the Department with 54 vacancies without bodies. Furthermore, there was a total of 31 vacancies as it relates to contract positions.
- 4.1.8 With regard to the Ministry of Public Administration, the table in Appendix X illustrates the number of vacancies within the Ministry.
- 4.1.9 As at February 2018 within Ministries such as the Ministry of Community Development, Culture and the Arts, Ministry of Tourism, Ministry of Education, Ministry of Sport and Youth Affairs, Ministry of Social Development and Family Services and Ministry of Health there were a total of 1946 vacancies (without bodies) on the permanent establishment of these Ministries and a total of 1799 vacancies (with bodies) **(Please see Appendix VIII for details).**

Regimes of contract employment within Ministries

4.1.10 During an appearance on April 18, 2018, officials of the Public Service Commission indicated that currently two (2) regimes of contract employment exist within the Ministries:

- Contract employees engaged to support the operations of Departments, Units, and Divisions of a Ministry; and
- 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.

On-the-Job Training Programme (OJT)

4.1.11 In a submission dated March 14, 2018, the MoLSED indicated that as at January 2018, there were three thousand one and ninety-seven (3,197) trainees in the On-the-Job Training Programme. The number of trainees employed under each qualified range as at January 2018 is shown in the table below.

TABLE 2: THE NUMBER OF TRAINEES EMPLOYED UNDER EACH QUALIFICATION RANGE AS OF JANUARY 2018

Level	Qualifications	Number of Trainees as at January 2018
I	CXC Craft Level Training	1,187
II	CAPE Advanced Level, Diploma	518
III	Associates Degree	137
IV	Undergraduate Degree	1,242
V	Postgraduate Degree	113
Total		3,197

4.1.12 However, as at of March 2018, there were two thousand nine hundred and seventy-eight (2,978) trainees employed under the On-the-Job Training Programme who were currently assigned to Public Service organizations.

4.1.13 Furthermore, as of March 2018, one hundred and ninety-nine (199) trainees under the On-the-Job Training Programme were assigned to Private Sector organizations.

The policy that governs the recruitment process for contract workers

4.1.14 In a submission dated February 19, 2018, by the Personnel Department, it was indicated that the recruitment of persons on contract is outlined in the **Guidelines for Contract Employment in Government Ministries, Departments and Statutory Authorities** subject to the Statutory Authorities Act, Chapter 24:01, and issued by the Personnel Department under the cover of Circular Memorandum PD (bm): 12/2/21 Vol. IV dated May 18, 2006 (**See Appendix VI**). Furthermore, according to a MPAC submission dated February 19, 2018, this Policy stipulates that the average period of engagement on contract is three (3) years.

Plans to convert some contract positions to permanent positions

4.1.15 According to the MPAC²³, to ensure stability and the existence of more relevant jobs, in 2014 Cabinet agreed to the creation of permanent and pensionable offices in the undermentioned streams in the Public Service. These streams were primarily staffed by persons employed on contract:

- Information and Communications Technology (22 positions)
- Facilities Management (4 positions)
- Programme Management (4 positions)
- Monitoring and Evaluation (3 positions)
- Communications (5 positions)

²³ Written submission from the MPAC dated 20.02.18

4.1.16 The Ministry's submission also indicated that in 2017 the Cabinet agreed to:

- the creation of permanent and pensionable offices in the Procurement Stream in the Public Service
- the review by the Chief Personnel Officer (CPO) of the classification of the existing office of the Procurement Officer in the Public Service
- the establishment of Procurement Units under each Accounting Head in Ministries, Departments, and State Agencies
- the employment, on contract, of staff in the Procurement Unit of Ministries, Departments and State Agencies for a period of two (2) years pending finalization of the classification/re-classification exercise and the subsequent filling of the permanent and pensionable offices.

4.1.17 The submission further stated that,

*“Ministries have been mandated by Cabinet to submit, inter alia, adequate justification, evidenced by process maps, achievement reports and work plans to support requests. **It is to be noted that wherever possible PMCD recommends the utilization of established offices rather than contract positions for staffing Ministries, Departments, and Agencies (MDAs)**”.*

FINDINGS AND RECOMMENDATIONS

Findings

4.1.18 Based on the preceding evidence, the Committee has made the following observations:

- i. As at February 20, 2018, approximately twenty-six percent (26%) of the positions in the Public Service are contract positions;

- ii. There has been a consistent growth in the number of contract employees recruited into the public service over the last decade due mainly to:
 - a. the need to fill human resource gaps created by the significant number of vacancies in establishment positions;
 - b. the need to introduce additional skills and competencies into public service organisations;

The Committee did not receive sufficient evidence to determine whether the increase in contract employment in the public service was connected to expansion in education opportunities and the need to generate employment opportunities.

- iii. A need exists to review all Ministries and Departments with respect to their organizational structure as it relates to their technical and functional capacity in order to facilitate forecasting needs for contract and established positions;
- iv. there are contract workers employed in permanent and pensionable positions within the Public Service; and
- v. In 2014 and 2017, Cabinet agreed to create a limited number of permanent positions to reduce the number of contract positions in certain employment streams. However, the Committee did not receive information about any future plans to increase the number of permanent positions in the same or different streams.

Recommendations

In light of the foregoing, the Committee recommends the following:

- A. A formal arrangement to facilitate inter-agency collaboration on matters concerning contract employees in the public service is urgently needed. To this end, we recommend that a steering committee or standing Committee comprising representatives of the main stakeholder Ministries and public bodies be established.**
- B. In the Ministerial Response to this Report, the Ministry of Public Administration must provide the Parliament with an update on its plans and initiatives to undertake a**

review of the organizational structure of all Ministries and Departments to evaluate their technical and functional capacity in order to forecast the needs for contract and established positions.

- C. That the MPAC, within the short to medium-term, identify additional longstanding contract positions within key Public Service streams that can be replaced by permanent positions. Recommendations should then be forwarded to Cabinet.
- D. That consideration be given to absorbing contract workers employed in otherwise permanent and pensionable positions into the Public Service through enacting the necessary legislative amendments.
- E. The MPA should present the Parliament with government's policy position on affording returning national scholars priority status in the recruitment of contract labour in the public service.

OBJECTIVE 2: To examine the terms and conditions of employment of contract workers

Terms and conditions of Contract Employment including allowances

- 4.2.1. During an oral submission to the Committee on Wednesday, February 21, 2018, the CPO indicated that in determining the terms and conditions of various contract positions, the Personnel Department (PD) attempts to develop a competitive remuneration package which takes into account the Government's ability to sustain the rising wage bill of the Public Service.
- 4.2.2. Furthermore, with respect to the granting of a Travelling Allowance to certain classes of officers, an internal assessment is performed within the relevant Ministry or Department to determine the basis/justification for a particular employee or category of employees receiving the allowance. Upon such an assessment a request is made to the Personnel Department, which then decides whether or not it is in agreement with said assessment.

Delay in evaluating and determining the terms and conditions of contract positions

- 4.2.3. In a submission dated February 20, 2018, the MPAC identified the following deficiencies and challenges within the Personnel Department as reasons for delays in determining the terms and conditions for contract positions:
- i. the PD is drastically understaffed in the critical positions connected with the evaluation and determination of terms and conditions:
 - 41% of vacancies in core technical officers²⁴;
 - the number of Human Resource advisors and officers is inadequate to supplement the activities of the Office;
 - the technical staff and support staff complements are inadequate and awaiting the attention of the SCD;

²⁴ Information received in a public hearing with the Chief Personnel Department, February 21, 2018.

- ii. the Department is responsible for the evaluation of thousands of contract and established positions. In this regard, a back log in terms and conditions of employment would tend to exist; and
- iii. the sanctioned staff, which was established in 1997, is inadequate and since has not been updated in accordance with modern needs.

4.2.4. Moreover, the CPO (Ag.) indicated²⁵ that contract employees are allowed to negotiate the terms and conditions of their individual contracts. However, due to the burgeoning number of contract workers in the public service and the PD's inadequate staff complement, it became unfeasible to sustain this practice. As a result, no face-to-face negotiations were conducted within recent years.

Requests from Ministries and Departments for the creation of contract and established positions

4.2.5. During an appearance before the Committee on February 21, 2018, the MPAC indicated that according to an approved Cabinet Minute, Ministries/Departments are required to submit ten (10) standard requirements for the creation of positions (whether contract or establishment positions) and five (5) requirements for the renewal of contract positions. The PMCD collaborates with Ministries and Departments to ensure that the draft notes to Cabinet include these requirements. **(Please see appendix VI and VII for the Tables detailing PMCD's requirements, as well as the benefits of their use by PMCD/Cabinet.)**

4.2.6. The requirements for the creation of positions include: the projected workload statistics; a work plan; a process map that outlines the use of the position; and the current and proposed organizational structures.

4.2.7. Requirements for the renewal of contract positions include *inter alia* an achievement report, work plan, and workload statistics. It was also indicated that PMCD conducts investigations and analyses with a view to drafting recommendations for staffing requirements within Ministries and Departments.

²⁵ Information received in a public hearing with the Chief Personnel Department on April 18, 2018.

Criteria used by Ministries and Departments to justify the need for a permanent/contract position

4.2.8. The MPAC provided that when justifying the need for any permanent/contract positions, Ministries are to be guided by policy outlined in both the “**Guidelines for the administration of devolved functions - Contract Employment, October 1988**” and “**Guidelines for Contract Employment in Government Ministries, Departments and Statutory Authorities**” which stipulate that contract positions can be utilized under the following three (3) circumstances:

- i. where there is a dearth of suitable candidates for permanent appointment to pensionable offices in the Public Service and there is an urgent need for the services attached to such offices;
- ii. where special projects or programmes of specified duration are undertaken by Ministries, Departments, and Statutory Authorities and need to be executed and monitored by personnel additional to those on the permanent establishment; and
- iii. where a need has been identified for the specialized services of an individual in a particular area of expertise (E.g. a consultant or advisor) and such need cannot be met by the filling of any existing position on the establishment.

The circumstances under which an employee’s contract may not be renewed

4.2.9. In a submission dated February 19, 2018 by the Personnel Department, it was indicated that the policy governing contract employment envisaged that the need for such employment would arise under certain limited circumstances, such as, a dearth of expertise in the Public Service or the undertaking of a project for a specific period. In this regard, circumstances in which an employee’s contract may not be renewed include those where there is an increase in the pool of previously scarce resources or where a project comes to an end. They also include instances of unsatisfactory employee performances.

4.2.10. At the MPAC an employee’s contract may not be renewed in the following instances:

- Non-performance;
- Disciplinary matters;
- Lack of funding;
- Redundancy;
- Change in the Ministry's strategic direction; and
- Change in the human resource needs of the organization.

Gratuity Payments and Pension Payments

4.2.11. During an appearance before the Committee on April 18, 2018, the MOF indicated that as at April 2018 there were over 3000 applications for payment of gratuity submitted to the Ministry annually; 1000 were new contracts, while 2000 were renewals.

4.2.12. Furthermore, during an appearance before the Committee on February 21, 2018, **officials of the MOF acknowledged that in practice the processing of a contract employee's gratuity may last between 6 months to 2 years.**

Factors which contribute to delays in the processing of gratuity payments for contract employees

4.2.13. In a submission dated February 20, 2018, MPAC indicated that the delays in the processing of gratuity payments for contract employees in the Ministry are due to:-

- Access to information due to the realignment of Ministries;
- Classification of leave (unauthorized absences);
- Missing documentation e.g. (Performance Appraisals; resumptions and leave approvals);
- Lengthy time in receiving queries from Comptroller of Accounts;
- Delay in treating with Auditor General's Department queries to COA;
- Interpretation of policies and guidelines; and
- Receipt of terms and conditions received from the CPO.

Measures to improve the existing arrangements for the processing of gratuity payments

4.2.14. However, the MPAC's submission also outlined several measures that have been taken to improve the arrangements for payments of gratuity. These included the reorganization of the Pension and Leave Unit to include:

- A senior, trained officer to head the unit;
- Submitting urgent responses to queries;
- Addressing all outstanding matters;
- Updating all information on file; and
- Training and re-training of staff.

4.2.15. However, the submission from the MPAC did not indicate the extent to which the abovementioned measures have effectively reduced the delay in processing gratuity payments.

4.2.16. During a public hearing on April 18, 2018, the MOF indicated that a Cabinet Note has been drafted and is scheduled to be submitted to Cabinet with a view to acquiring approval to recruit twenty (20) staff members to be employed within the Pensions Unit (Comptroller of Accounts Department) of the Ministry of Finance.

Avenue of redress that is available to contract employees to file/lodge complaints and grievances

4.2.17. In a submission dated February 19, 2018, the MPAC indicated that contract employees can file/lodge complaints and grievances regarding the failure of the Ministry to honour the terms and conditions of a contract at the Industrial Court, High Court or Equal Opportunity Commission, in keeping with the processes for such action at the respective Tribunals. It was noted that all three (i.e. Industrial Court, High Court, and Equal Opportunity Commission) are Courts of Superior Record. The right to file/lodge complaints or grievances before the Industrial Court and Equal Opportunity Commission is set out in the Industrial Relations Act, Chap. 88:01 and the Equal Opportunity Act, Chap. 22:03 respectively. Complaints/grievances can be filed/lodged at the High Court under the Consolidated Civil Proceedings Rules 2016.

4.2.18. Furthermore, in a submission dated February 20, 2018, the MoLSED indicated that any complaint/grievance filed against the Ministry in the Industrial Court for failure to honour terms and conditions of employees' contracts is also brought against the Chief Personnel Officer (CPO) pursuant to Section 2(4) of the Industrial Relations Act, Chap. 88:01, where the CPO is deemed to be the employer of any worker employed by the Government.

4.2.19. As it relates to the avenue of redress that is available to contract employees to file/lodge complaints or grievances regarding their promotion or the promotion process of the Ministry, the MPAC indicated that it should be noted that the very nature of contract employment does not allow for the promotion of contract employees. An employee is engaged on contract to perform the duties of a specific position.

Greater job security for Contract Workers

4.2.20. In a submission dated February 20, 2018, the MoLSED indicated that any steps to be taken to ensure that contract employees employed within the Public Service in positions requiring long-term engagement have greater job security is ultimately determined by the Public Service Commission. The Director of Personnel Administration has been approached by the MoLSED to consider filling establishment positions, when advertised, with contract employees, in situations where these employees meet the requirements for the position.

FINDINGS AND RECOMMENDATIONS

Findings

4.2.21 Based on the preceding evidence, the findings of the Committee are as follows:

- i. There are persistent delays in the evaluating and determining the terms and conditions of contract positions. The CPO reported that this was mainly due to human resource shortages;
- ii. Ideally, the terms and conditions of contract ought to be negotiated individually. However, due to the consistent growth in the size of the cohort of contract employees, adopting such an approach is impractical.

- iii. There exists an urgent need to process the payments of gratuity to contract workers in a more timely manner. The Committee noted that the lag time in the payment of gratuity is attributed to a number of procedures and processes involved various public bodies. We noted the efforts of the Comptroller of Accounts, Treasury Division to augment its staff with a view to expediting the processing of applications for gratuities and pensions. Notwithstanding these effort, the Committee endorses the proposal to have gratuity payment processed by individual ministries and departments and expect that the MoF will collaborate the necessary stakeholders with a view of introducing this new arrangement within a reasonable timeframe.
- iv. The Committee noted that the timely and accurate submission of relevant documents by Ministries and Departments should result in the payment of gratuity within four (4) months. However, errors in the relevant documents and late submissions contribute to the delays in the payment of gratuity;
- v. Furthermore, there is an urgent need to incorporate an ICT system in the processing of pensions and gratuity payments. The integration of ICT into this arrangement has the potential of *inter alia* providing clients with real time updates/feedback.
- vi. The Committee further noted that supervisors within Ministries or Departments are delinquent in the submission of performance appraisal reports on contract workers;
- vii. The Committee noted that the IHRIS has been in existence since 2000. However, in several Ministries and Departments a manual filing system for personnel records is also maintained;
- viii. Returning scholars are often required to compete with other persons for scarce contract positions in the public service. The Committee was informed that discussions are ongoing between the MPAC, MoE, and MOLSED to conduct a needs assessment with a view to determining the desired programmes and areas of study; and
- ix. Notwithstanding the fact that Government must sustain the rising wage bill of the Public Service, it was also noted that a need exists to ensure that the terms and conditions of contracts contain competitive remuneration packages in order to attract the best candidates to fill these positions.

Recommendations

In light of the foregoing, the Committee recommends the following:

- A. The Ministerial Response to this report must contain a proposal by the Ministry of Finance in collaboration with Personnel Department to address the delay in evaluating and determining the terms and conditions of contract positions;
- B. That as a matter of urgency, a Committee comprised of the central HRM agencies such as the MPAC, Service Commissions Department, Personnel Department, OPM and MOLSED should be established to address the key staffing deficiencies in the agencies responsible for contract employment and filling of vacant permanent positions in the Public Service;
- C. That the MPAC ensure that the Human Resources Units within all Ministries and Departments are in receipt of guidelines for the preparation of documents for the processing of gratuity papers;
- D. That the MOF give consideration to facilitating the interim or partial payment of gratuity to contract employees in the following scenarios:
 - i. When the delay in issuing such payment is as a result of delays at the Personnel Department in determining the terms and conditions of a job position;
 - ii. Where an administrative query was initiated on the part of the Auditor General. Such payments can be pegged to the last salary received by the employee immediately before the expiration of his contract.
- E. The Ministry of Public Administration is asked to collaborate with the Public Service Commission to present the Parliament with possible options, including the legislative amendments for facilitating the filling of vacant establishment positions by employee

on contract who have been executing the duties and responsibilities associated with the establishment positions for a minimum period to be prescribed.

F. In the Ministerial Response of the MPA, the Ministry should advise the parliament as follows:

- i. Given that IHRIS has been in existence since 2000, on how many occasions was the IHRIS programme or software updated since its commencement and what were the extent/features of each update?

OBJECTIVE 3: To assess the adequacy of existing arrangements in place to manage and/or regulate contract employment

The relationship between central agencies responsible for Public Service Employment

- 4.3.1. During the public hearing on February 21, 2018, the Committee was informed by the MPAC that a committee was established between central HRM agencies such as the MPAC, Service Commissions Department, Personnel Department, OPM and MOLSED with a view to the development of an HR Strategy for the Public Service.
- 4.3.2. Furthermore, a Strategic Human Resource Management Committee which is chaired by the Minister of MPAC was established to develop solutions related to HR issues within Ministries, departments, and agencies.

Labour Market Information Unit

- 4.3.3. The MPAC also indicated that the Labour Market Information Unit is charged with the responsibility of generating information on the labour market needs of Trinidad and Tobago. Currently, the unit is understaffed and the Ministry is seeking assistance from the International Labour Organization (ILO) to determine the appropriate structure and training that would be necessary for the effective functioning of the unit.

Policy initiatives and strategic Human Resource Management plans regarding the use of contract labour in the Public Service

- 4.3.4. In a submission dated February 19, 2018, MPAC indicated that Cabinet had agreed to the establishment of a Committee to review the existing policy arrangements for the management of contract employment in the Public Service. This Minute also mandated the PMCD to conduct a state assessment exercise of contract employment in the Public Service. The report of the Committee, together with PMCD's report, made several recommendations to manage the use of contract positions across Ministries, Departments, and Agencies. Some of these recommendations included:

- i. Develop an HR strategy for the Public Service;
- ii. Conduct HR needs assessment and develop an HR Plan;
- iii. Review and revise organizational structures;
- iv. Devise strategies for undertaking the evaluation of jobs pending the completion of the Job Evaluation exercise in the Civil Service;
- v. Develop a Performance Management and Accountability System for Heads of Public Service Organizations;
- vi. Create permanent jobs to replace those jobs, on contract, which have been standardized;
- vii. Revised Guidelines on Contract Employment; and
- viii. Develop options to treat with persons on short-term contracts and 'service provider contracts'

4.3.5. It was further indicated that the Report was receiving the attention of the Cabinet.

The role of central Human Resource management agencies in managing contract employment in the public service

Evaluating the need for contract positions within Ministries and Statutory Bodies

4.3.6. In a submission dated February 19, 2018, MPAC indicated that the role of the Ministry, in relation to contract employment is mainly executed through the PMCD. This Division evaluates the need for contract positions within Ministries and Statutory Bodies which includes:

- The review of structures, staffing, and systems of Government Ministries/Departments/Agencies (MDAs) in accordance with their gazetted responsibilities and their alignment to the National Development Strategy (Vision 2030);
- The review and streamlining of processes;
- The maintenance of a database of contract positions created and rescinded; and
- Working with MDAs to design new organizational units.

4.3.7. In the course of performing these functions, PMCD assesses the need for the creation of contract positions in accordance with the policies and procedures governing contract employment outlined at 4.2.8.

4.3.8. It is to be noted that PMCD's role in the creation of contract positions has been determined by Cabinet Minute No. 163 of January 19, 2012 mentioned at 4.2.9.

The suppression of public offices which often precedes the creation of contract position

4.3.9. PMCD's role is primarily to assess the need for and make recommendations to Cabinet on the suppression of a position in the Public Service.

Preventing the duplication of labour in the Public Service

4.3.10. Prior to making recommendations for the creation of a new office or position, PMCD conducts a comprehensive examination of the following areas to ensure that duplication is eliminated:

- Functional areas of the organization as well as other Public Service Agencies to determine whether the need is already being met elsewhere;
- Existing public offices and contract positions with similar duties and responsibilities;
- The proposed job (duties and responsibilities);
- Process maps; and
- Strategic Plan.

Recommending job designs and job specifications for contract positions

4.3.11. In determining the need for the proposed position, PMCD seeks to ensure that the duties, responsibilities and qualification requirements of the job are in sync with the needs of the organization.

Restrictions which are placed on Ministries and Statutory Authorities as it pertains to the recruitment and hiring of persons on short-term

4.3.12. In a submission dated February 19, 2018, the MPAC highlighted that each government ministry or department received a specified financial allocation under its recurrent needs. Personnel expenditure inclusive of funds for contract employee is included under the recurrent expenditure allocation. As such the recruitment of additional contract employees is moderated by the availability of funds to treat with associated expenses.

4.3.13. In a submission dated February 19, 2018, the Personnel Department indicated that funding is provided for in the Estimates of Expenditure for short term employment, that is, under Sub-Head: 02- Goods and Service, Line Item:22- Short Term Employment. In describing the type of expenditure to be accommodated under the Short Term Employment Vote, the Budget Division, Ministry of Finance has stated that Short-Term Employment refers to “Short term or revolving employment in specific Government Department and Agencies where each employee’s term does not exceed six (6) months.

4.3.14. However, a Draft Policy on the use of Short Term Contract Employment in the Public Service was developed by the Committee appointed by Cabinet to review the policy arrangements governing contract employment in the Public Service. The Committee's report is under consideration by Cabinet. Pending approval, the Personnel Department has prepared a Note for Cabinet seeking approval of a policy to govern the engagement of persons on short term contracts.

Labor Market Council

4.3.15. It was revealed to the Committee that the MoLSED is in the process of establishing a Labour Market Council comprising employers, workers’ representative organizations and Government representatives. One PSIP project for this fiscal year is the development and roll-out of a Vacancy Survey Report in both the public and private sectors. The intent of that survey is to gather information on the critical HR needs of Trinidad and Tobago.

Contract workers enrolled onto the Merit List of the Public Service Commission and serve in a public office

4.3.16. In a submission dated February 19, 2018, Public Service Commission (PSC) indicated that once an office is advertised within and outside the Public Service anyone under the age of fifty years (50) is free to apply and will therefore be subjected to any competitive process the Commission utilizes to arrive at the establishment of an Order of Merit list for the office. Candidates are selected for appointment from the Order of Merit list based on the availability of vacancies. If however, the Commission chooses to advertise an office within the Public Service only, applications from persons who are not Public Officers will not be accepted.

Support systems instituted to assist contract employees in the wider Public Service

4.3.17. In a submission dated February 20, 2018, it was indicated by the MoLSED that the Ministry has a range of initiatives geared towards assisting persons in finding jobs as well as creating employment. This includes contract employees in the Public Service whose services may have been terminated (see Table below).

TABLE 3: INITIATIVES OF THE MOLSED FOR RECRUITMENT AND JOB CREATION

Initiatives for Recruitment/Job Creation	Description
National Employment Services (NES)	<ul style="list-style-type: none"> • This service provides an opportunity for skill matching services to registered candidates to a database of over four (400) companies throughout Trinidad and Tobago.
National Unemployment Register (NUR)	<ul style="list-style-type: none"> • This service operates as part of the NES, • Persons who have lost their jobs, have been retrenched or are unemployed can register and be provided with a range of services including job placement, counseling, business advisory services and training/re-training support. • The NUR is an important component of the Ten Point Plan on Unemployment which was approved by Cabinet

	<p>in 2016 and is currently being implemented through the Adversity to Opportunity (A2O) Programme. This Programme leverages on partnerships with stakeholders to allow displaced employees to receive access to a range of developmental and employment opportunities. Services include: job matching; health support; financial and family support; mediation; and training, retraining, and up-skilling support.</p>
<p>National Entrepreneurship Development Company Limited (NEDCO)</p>	<ul style="list-style-type: none"> • Entrepreneurial services are provided to employees whose employment has been terminated under the NEDCO's small enterprise portfolio. • These services provide individuals with the opportunity to establish and develop sustainable business enterprises by providing expert advice, mentoring and funding.

FINDINGS AND RECOMMENDATIONS

Findings

4.3.18. Based on the preceding evidence, the Committee's findings are as follows:

- x. There appears to be an attempt at inter-agency collaboration among central HRM agencies of the public service via Strategic Human Resource Management Committee. The Committee will be seeking an update on the tangible outputs of this SHRM Committee as it concerns proposals and recommended action for treating with the HRM issues of the public service including the development of a more modern framework for the management of contract employment;
- xi. That there are staffing deficiencies within central agencies with responsibility for contract employment including the Personnel Department. The CPO suggested that strengthening the institutional capacity of the central HRM agencies of the public service was logical solution to addressing the various HR issues within the Public;

- xii. 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 MPAC is reviewing the policy and guidelines;
- xiii. The absence of a policy that governs short-term employment. Currently, a note is before Cabinet to develop a short-term employment policy;
- xiv. The Committee noted that the existing structures, regulations and guidelines are insufficient to deal with the evolving issues being created by Contract Labour;
- xv. The need to undertake the necessary legislative amendments to provide greater security of tenure and equal opportunities for contract employees in the public service.; and
- xvi. The Committee further noted that the efforts of the MoLSED to generate information on the labour market needs of Trinidad and Tobago through the establishment of a Labour Market Information Unit.
- xvii. The Committee further noted the need for HRM reform throughout the Public Service to address various deficiencies in the efficiency. The proposed strategy to be adopted would entail the realignment of all manpower plans and HR forecasts with the Strategic Plan of the MPAC (2017-2020) and the National Development Strategy (Vision 2030).

Recommendations

In light of the foregoing, the Committee recommends the following:

- ii. That the vacancies in critical positions within the MPAC and CPO be identified with a view to placing priority on filling such vacancies in the short to medium-term. As these bodies serve the wider public service filling these vacancies must be treated as special project and the necessary funding assigned to ensure the implementation of same;
- iii. That subsequent to the review of the guidelines governing contract employment in the public service by the Personnel Department with a view to providing greater protection and equality of treatment to contract workers, that the Department put in place accountability and monitoring mechanisms by the mid-fiscal year 2019 to ensure that all Ministries and Departments adhere to these guidelines;
- iv. That the Ministry of Public Administration collaborate and consult with the Public Service Commission, Office of the Attorney General, relevant Trade Unions and other stakeholders with a view to drafting legislative amendments to facilitate greater security of tenure and equal opportunities for contract employees in the public service;
- v. That the MoLSED recruit and hire the necessary staff in the Labour Market Information Unit of the MoLSED in order to effectively and efficiently generate information on the labour market needs of Trinidad and Tobago;
- vi. That the MoLSED in collaboration with the International Labour Organization (ILO) submit an appropriate structure and training for members of this Unit within three months of the presentation of this report to the Parliament.
- vii. That the MoLSED provide the Parliament with the following information in its Ministerial Response:
With respect to the National Unemployment Register (NUR):

- iii. How many persons have been employed to date since its inception?
- iv. What is the ratio of male to female and ages for successful job re-entry?

- viii. That the MPAC give consideration to the realignment of all manpower plans and HR forecasts with the Strategic Plan of the MPAC (2017-2020) and the National Development Strategy (Vision 2030). Extensive collaboration should be sought with the relevant stakeholders in order to produce a draft policy by December 2019.

- ix. That a draft policy to govern short-term employment be created and circulated for the purpose of soliciting feedback on the document within six months of the Ministry's receipt of this Report.

OBJECTIVE 4: To attempt to evaluate the impact contract employment has had on the efficiency of the Public Service

The increased need for contract workers in the Public Service

4.4.1. In a submission dated February 20, 2018, the MPAC indicated that there has been an increased need for contract workers due to:

- Delays in filling vacancies;
- Delays in classifying offices;
- Delay in completion of job evaluation exercise; and
- Unattractive compensation packages in the public service.

4.4.2. It was further indicated that there are instances when a contract position is created where there are challenges in filling an established position.

The importance of contract workers in select Government Ministries

4.4.3. Moreover, the Committee asked eight (8) Ministries to indicate the extent to which contract employees are “critical to the efficiency and effectiveness” of their operations. In their written submissions, all eight (8) of the Ministries agreed that contract employees were “necessary” (MoE, MoF, MoLSED), “critical” (MoH, MSYA, MoT) or “extremely critical” (MSDFS, MCDCA) to internal operations²⁶.

4.4.4. The most common explanation, which was provided by six (6) Ministries, regarded the fact that positions on their permanent establishments did not facilitate the recruitment of workers with specialized skills that became increasingly relevant to the Ministries. Consequently, contract employment is used to recruit workers in the relevant specializations. The MCDCA appeared to place particular emphasis on the significance of contract workers by noting that eight (8) internal units were staffed entirely with contracted employees. This Ministry also

²⁶ MoLSED- Ministry of Labour and Small Enterprise Development; MoH- Ministry of Health; MSYA- Ministry of Sport and Youth Affairs; MoT- Ministry of Tourism; MSDFS- Ministry of Social Development and Family Services; MCDCA- Ministry of Community Development, Culture and the Arts.

noted that, “Public Offices are no longer being created to meet the changing needs of the Public Service and instead, contract positions are being created.”²⁷ Additionally, at least three (3) Ministries noted that even when there are appropriate positions on the permanent establishment, it is difficult to fill these positions in a timely manner through the Service Commissions Department.

Identification of redundancy in the Public Service

4.4.5. In a submission dated February 19, 2018, the MPAC indicated that Ministries and other state bodies are now mandated to review their staff complement to identify contract positions which are redundant. Generally, PMCD’s process for making recommendations on staffing matters allows for the identification of redundancies and duplication. Furthermore, PMCD has embarked on an exercise to streamline the functional and organizational structures and staffing of Ministries with a view to eliminating redundancies. During this exercise the PMCD will also examine the duplication or redundancy of positions within the Public Service due to the creation of contract positions. In a written submission dated April 20, 2018, the MPAC indicated that an internal review of the staff establishment is expected to be completed by June 30, 2018.

The Emergence of a Parallel Public Service

4.4.6. During an appearance before the Committee on Wednesday February 21, 2018, the CPO indicated that the determination of compensation packages for contract positions is directly linked to what obtains in the permanent Public Service establishment. He suggested that the contract workforce has developed over time into what may be referred to as a “*parallel public service*” whereby contract employees and public servants on the establishment work side-by-side within Ministries and Departments.

4.4.7. In this environment, the Personnel Department must consider that various HR challenges may arise if the gap is too wide between the terms and conditions of the two workforces (i.e.

²⁷ Information received in a written submission from the MCDCA, dd. February 19, 2018.

Permanent employees and Contract employees). The CPO indicated that the best strategy is to ensure that contract compensation as close as possible to permanent establishment pay.

Public Service transformation

4.4.8. During an appearance before the Committee on April 18, 2018, the MPAC indicated that the Ministry 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).

FINDINGS AND RECOMMENDATIONS

Findings

4.4.9. Based on the preceding evidence, the Committee's findings are as follows:

- x. The Committee noted that the MPAC and Personnel Department have not performed, nor are aware, of any evaluation of the impact of contract employment on the ability of Ministries/Departments to discharge their various functions. Any reviews that are undertaken by the MPAC regarding the staffing of Ministries, Agencies, and Departments are dependent on specific requests made by these entities;
- xi. Eight (8) Ministries reported that contract employees are essential to the effective execution of their operations since they enable crucial positions to be filled. The importance of contract employees was related to inadequacies in the job specifications of permanent positions, and due to the challenges in recruiting suitable permanent employees through the Service Commissions Department;
- xii. There is a significant percentage of contract workers working alongside permanent public service employees due to vacancies in various ministries not being filled. Although the evidence presented cited some possible friction between the two cohorts, no data derived

from empirical research appears to be available to assist with making a definitive pronouncement on this matter.

- xiii. The PMCD and Ministries are required to review their staff complement to minimize redundancies in the numbers of contract workers. It was noted that the MPAC is expected to complete its review of the staff complement by June 30, 2018.

Recommendations

In light of the foregoing, the Committee recommends the following:

- A. That a comprehensive study of the impact of Contract Labour on the efficiency of the Public Service be undertaken. It is expected that outcomes of the study would inform improved regulations for its use;**
- B. That as part of the aforementioned study, contract employees in the Public Service are directly engaged to gain an understanding of their attitudes toward the system, perceptions of its weaknesses, and areas for improvement;**
- C. That in its response to the Committee, the MPAC include an update on the internal review of the staff complement that was scheduled for completion by June 30, 2018.**

Your Committee respectfully submits this Report for the consideration of the Parliament.

Mr. Paul Richards
Chairman

Mr. Esmond Forde, MP
Vice-Chairman

Mrs. Glenda Jennings-Smith, MP
Member

Brig. Gen. (Ret.) Ancil Antoine, MP
Member

Mrs. Christine Newallo-Hosein, MP
Member

Ms. Khadijah Ameen
Member

Mr. Rohan Sinanan
Member

Ms. Allyson West
Member

April 05, 2019

APPENDICES

Appendix I

Persons who appeared and provided oral evidence

Name of Official	Portfolio	Organization
Public Hearing Held on February 21, 2018		
Ms. Joan Mendez	Permanent Secretary	Ministry of Public Administration and Communications (MPAC)
Mr. Claudelle Mc Kellar	Deputy Permanent Secretary	
Ms. Savitri Balkaran	Director, Public Management Consulting Division (Ag.)	
Ms. Natalie Willis	Permanent Secretary (Ag.)	Ministry of Labour and Small Enterprise Development (MOLSED)
Ms. Shanmatee Singh-Ng Sang	Deputy Permanent Secretary	
Ms. Sangeeta Boondoo	Senior Legal Officer	
Ms. Michelle Durham-Kissoon	Permanent Secretary (Ag.)	Ministry of Finance (MOF)
Ms. Lesann Bagoos-Seebaran	Director, Human Resources (Ag.)	
Ms. Jacqueline Gomez	Senior Human Resource Officer (Ag.)	
Mr. Beresford Riley	Chief Personnel Officer (CPO)	Personnel Department
Ms. Wendy Barton	Deputy Chief Personnel Officer (Ag.)	
Ms. Juliette Gonzales	Director, Human Resource Management (Ag.)	
Ms. Mala Boodoosingh	Senior Human Resource Advisor (Ag.)	
Public Hearing Held on April 18, 2018		
Ms. Joan Mendez	Permanent Secretary	Ministry of Public Administration and Communications (MPAC)
Mr. Claudelle Mc Kellar	Deputy Permanent Secretary	
Ms. Savitri Balkaran		

	Director, Public Management Consulting Division (Ag.)	
Ms. Michelle Durham-Kissoon	Permanent Secretary (Ag.)	Ministry of Finance (MOF)
Ms. Lesann Bagooseebaran	Director, Human Resources (Ag.)	
Ms. Catherine Laban	Comptroller of Accounts (Ag.)	
Mrs. Joycelyn Thomas-Vialmosa	Deputy Comptroller of Accounts (Ag.)	
Ms. Maureen Manchouck	Chairman	Public Service Commission (PSC)
Ms. Parvatee Anmolsingh-Mahabir	Deputy Chairman	
Mr. Clive Pegus	Commissioner	
Ms. Prabhawatie Maraj	Director of Personnel Administration (Ag.)	Service Commissions Department (SCD)
Ms. Margaret Morales	Deputy Director of Personnel Administration (Ag.)	
Ms. Natasha Seecharan	Legal Adviser	
Ms. Angela Sinaswee-Gervais	Chief Personnel Officer (Ag.)	Personnel Department
Ms. Wendy Barton	Deputy Chief Personnel Officer (Ag.)	
Ms. Juliette Gonzales	Director Benefits Management Division -Human Resources Management (Ag.)	
Ms. Fereda John	Senior Human Resource Advisor (Ag.)	

Appendix II

MINUTES OF THE TWENTY-FIRST MEETING OF THE JOINT SELECT COMMITTEE OF PARLIAMENT APPOINTED TO INQUIRE INTO AND REPORT ON SOCIAL SERVICES AND PUBLIC ADMINISTRATION, HELD IN THE ARNOLD THOMASOS MEETING ROOM (EAST), LEVEL 6 AND THE J. HAMILTON MAURICE MEETING ROOM, MEZZANINE FLOOR, OFFICE OF THE PARLIAMENT, TOWER D, #1A WRIGHTSON ROAD, PORT OF SPAIN, ON WEDNESDAY, FEBRUARY 21, 2018

PRESENT

Members

Dr. Dhanayshar Mahabir	Chairman
Mr. Esmond Forde, MP	Vice-Chairman
Brig. Gen. Ancil Antoine, MP	Member
Mrs. Christine Newallo-Hosein, MP	Member
Mrs. Glenda Jennings-Smith, MP	Member
Mr. Rohan Sinanan	Member
Ms. Allyson West	Member
Ms. Khadijah Ameen	Member

Secretariat

Mr. Julien Ogilvie	Secretary
Mr. Johnson Greenidge	Assistant Secretary
Ms. Vahini Jainarine	Legal Officer I
Ms. Ashaki Alexis	Research Assistant

ABSENT

CALL TO ORDER AND ANNOUNCEMENTS

1.1 The Chairman called the meeting to order at 9:46 a.m. and welcomed those present.

CONFIRMATION OF MINUTES OF THE TWENTIETH MEETING HELD ON JANUARY 31, 2018

2.1 The Chairman invited Members to examine page-by-page, the Minutes of the Meeting held on December 15, 2017.

2.2 The Committee approved the following amendments:

- i. Page 2, Item 3.1(c)(iii) - replace the words “**with regard to ensuring**” with “**to ensure**”;
- ii. Page 3, Item (c) - remove the word “**Fireworks**”;
- iii. Item 6.5 – include an item highlighting the issue of the appropriate dress code for Teachers as discussed in the public hearing (*See Page 79 of Verbatim Notes dated 31/01/2018*).
- iv. Adjust bullets and numbering of paragraphs wherever necessary.

2.3 The Committee agreed that the Minutes would be confirmed with proposed amendments subject to further comments/amendments by Members via round-robin email.

2.4 The Minutes were confirmed, per agreement, on a motion moved by Mrs. Christine Newallo-Hosein, MP and seconded by Ms. Allyson West.

MATTERS ARISING FROM THE MINUTES

3.1 With reference to:

The follow-up inquiry into the 1st Report on the current level of school violence:

- a. The Secretariat was instructed to:
 - i. request from the MoE:
 - the number of vacant posts within the Ministry;
 - clarification on the different administrative oversight bodies which may exist in a school; and
 - a copy of the policy/guidelines which govern Teachers’ Attire;
 - confirmation of the membership of both School-based disciplinary committees and District disciplinary committees. Take note of the Committee’s recommendation that disciplinary committees must comprise all stakeholders including Parents, Teachers/Deans etc.
 - statistics on absenteeism of teachers in a school district for the term and the estimated teaching time that is lost due to absenteeism; and
 - statistics on the number of teachers that live outside the teaching district in which they work;
 - ii. review the Education Act to confirm whether it contains provisions that empowers a Principal to compel/require a parent to allow his or her child to participate in any school activity;

- iii. review the judgement by Justice Seepersad Burrell and the Cybercrime Bill to compare the issues of slander and cyberbullying;
- iv. conduct comparative research on the terms and conditions for Teachers, particularly in relation to their leave entitlements.

PRE-HEARING DISCUSSIONS

4.1 The Chairman informed Members that representatives of the following entities are expected to participate in the day's hearing:

- i. Ministry of Public Administration and Communications;
- ii. Ministry of Labour and Small Enterprise Development;
- iii. Ministry of Finance; and
- iv. Personnel Department.

4.2 The Chairman informed Members that the day's hearing is pursuant to the Committee's *inquiry into the state of Contract Employment in the Public Service*. Members were advised that pre-hearing submissions were received from the entities appearing before the Committee listed at 4.1 above and the following ***Ministries falling under the purview of the Committee***:

- i. Ministry of Tourism
- ii. Ministry of Community Development, Culture and the Arts
- iii. Ministry of Sport and Youth Affairs
- iv. Ministry of Education
- v. Ministry of Social Development and Family Services
- vi. Service Commissions Department

4.3 The Chairman advised members that the Secretariat prepared and circulated the following documents to assist Members during the public hearing:

- *An Issues Paper* on the submission received from the three organisations appearing before the Committee today; and
- *A Summary of Responses* provided by all Ministries falling under the purview of the Committee re: Contract Employment.

4.4 Members briefly discussed and agreed on the approach to questioning to be adopted during the hearing.

OTHER BUSINESS

Proposed Date and Agenda for Next Meeting

5.1 The Committee agreed that its next meeting will be held on March 21, 2018. Members will decide subsequently whether at this meeting the Committee will conduct a public hearing with stakeholders on either:

- i. the Committee's Second Report on an *inquiry into the Effectiveness of the State's interventions directed at Socially Displaced Persons*; or
- ii. the 2nd public hearing on the *inquiry into the state of Contract Employment in the Public Service*.

SUSPENSION

5.2 The Chairman suspended the meeting at 10:30 a.m.

Public Hearing on the inquiry into the state of Contract Employment in the Public Service

6.1 The meeting resumed in public at 10:40 a.m. in the J. Hamilton Maurice Meeting Room, Mezzanine Floor.

6.2 The following persons joined the meeting:

Ministry of Public Administration and Communications (MPAC)

Ms. Joan Mendez	Permanent Secretary
Mr. Claudelle Mc Kellar	Deputy Permanent Secretary
Ms. Savitri Balkaran	Director, Public Management Consulting Division (Ag.)

Ministry of Labour and Small Enterprise Development (MOLSED)

Ms. Natalie Willis	Permanent Secretary (Ag.)
Ms. Shanmatee Singh-Ng Sang	Deputy Permanent Secretary
Ms. Sangeeta Boondoo	Senior Legal Officer

Ministry of Finance (MOF)

Ms. Michelle Durham-Kissoon	Permanent Secretary (Ag.)
Ms. Lesann Badoo-Seebaran	Director, Human Resources (Ag.)
Ms. Jacqueline Gomez	Senior Human Resource Officer (Ag.)

Personnel Department

Mr. Beresford Riley	Chief Personnel Officer (CPO)
Ms. Wendy Barton	Deputy Chief Personnel Officer (Ag.)
Ms. Juliette Gonzales	Director, Human Resource Management (Ag.)
Ms. Mala Boodoosingh	Senior Human Resource Advisor (Ag.)

6.3 The Chairman welcomed the officials and introductions were exchanged.

6.4 Detailed below are the issues/concerns raised and the responses which were proffered during the hearing:

Role of agencies regarding contract employment within the Public Service

- a. The MPAC, through the Public Management Consulting Division (PMCD):
 - i. reviews systems/processes regarding contract employment;
 - ii. maintains contract establishment in respect of positions of contract in the Public Service;
 - iii. reviews processes within public service organizations with a view to strengthening same; and
 - iv. assists in the design and structure of Ministries, Departments and agencies, to assist them in fulfilling their respective mandates;
- b. The Personnel Department is responsible for:
 - i. determining and advising on the terms and conditions of employment on a wide range of persons in the Public Service. These include persons in the Police Service, the Civil Service, the Teaching Service, the Fire Service, the Prison Service and Statutory Authorities governed by the Statutory Authorities Act;
 - ii. determining the terms and conditions of daily-rated workers, contract employees;
 - iii. advising the SRC on terms and conditions of officers within its purview;
 - iv. providing technical advice to the Human Resource Advisory Committee which determines the terms and conditions, including remuneration packages, for positions within public sector entities e.g. State Enterprises; and
 - v. providing provide leadership and advice on a wide range of HR Management and Industrial Relations issues within the Public Service;

- c. The Department approached the Cabinet in 2015 with a proposal for the establishment of a committee on contract employment in the Public Service owing to its concerns with many issues surrounding contract employment;
- d. The Department's currently focusing on organizational strengthening toward improving service quality, as part of its Strategic Plan 2018 - 2020, currently before Cabinet.

Requests from Ministries and Departments for creation of contract and established positions

- a. According to an approved Cabinet Minute, Ministries are required to submit 10 standard requirements for the creation of positions (whether contract positions or establishment positions) and 5 requirements for the renewal of contract positions. PMCD and the Ministries collaborate to ensure that the draft notes to Cabinet includes these requirements;
- b. Requirements for the creation of positions include: a projected workload statistics; a work plan; a process map that outlines the use of the position; and the current and proposed organizational structures;
- c. Requirements for the renewal of contract positions include: an achievement report, work plan and workload statistics etc.;
- d. PMCD committed to provide the Committee with an outline of all requirements for the creation and renewal of positions;
- e. PMCD utilises its methodology to conduct investigations and analysis with a view to drafting recommendations for staffing requirements within Ministries and Departments.

Manpower Planning and the Impact of contract employment on the ability of the Ministries to discharge various functions

- a. The MPAC and Personnel Department have not performed, nor is aware, of any evaluation of the impact of contract employment on the ability of Ministries/Departments to discharge its various functions. Any reviews that are undertaken by the MPAC regarding the staff of Ministries, Agencies, and Departments are dependent on the requests made by these entities;
- b. The MPAC emphasized the need for HRM reform throughout the Public Service to address various deficiencies in the efficiency. The proposed strategy to be

adopted would entail the realignment of all manpower plans and HR forecasts with the Strategic Plan of the MPAC (2017-2020) and the National Development Strategy (Vision 2030);

- c. As a pilot project, the MPAC has recruited consultants to begin an internal manpower planning review of its staff establishment. Upon completion of this pilot project the MPAC will seek to collaborate with other Ministries to execute similar reviews. The Ministry suggested that the Service Commissions Department (SCD) should consider utilises these consultants to perform other research which would be of particular interest to the SCD.
- d. Currently, MPAC is engaged in collaboration with all Ministries, Agencies, and Departments to promote HR forecasting and planning. The Ministry noted that some positions within the staff establishment of the Public Service are outdated and inadequate;
- e. The MoLSED indicated that its Labour Market Information Unit was established to generate information on the labour market needs of Trinidad and Tobago. The unit is currently understaffed and lacks necessary expertise. MoLSED is seeking the assistance of the International Labour Organization (ILO) to determine an appropriate structure and training plan for the Unit to function optimally.
- f. MoLSED is in the process of establishing a Labour Market Council comprising employers, workers' representative organisations and Government representatives. One PSIP project for this fiscal year is the development and roll-out of a Vacancy Survey Report in both the public and private sectors. The intent of that survey is to gather information on the critical HR needs of Trinidad and Tobago.

Criteria used by Ministries and Departments to justify the need for a permanent/contract position

- a. PMCD advised that the policy adhered to is the "*Guidelines for the administration of devolved functions - Contract Employment, October 1988*" which stipulates that contract positions can be utilized under the following three (3) circumstances:
 - i. where there is a death of suitable candidates for permanent appointment to pensionable offices in the Public Service and there is an urgent need for the services attached to such offices;
 - ii. where special projects or programmes of specified duration are undertaken by Ministries, Departments and Statutory Authorities and need to be executed and monitored by personnel additional to those on the permanent establishment; and

- iii. where a need has been identified for the specialized services of an individual in a particular area of expertise (E.g. a consultant or advisor) and such need cannot be met by the filling of any existing position on the establishment;

The extent to which the economic environment has increased the use of contract employment in place of permanent employment

It was indicated that the economic environment is currently not a criteria for determining the need for contract employment;

Determination of the terms and conditions of contract employment including allowances

- a. The Personnel Department determines the terms and conditions of employment for contract employees;
- b. With respect to the granting of a Travel Allowance to certain class of officers, an internal assessment is performed within the Ministry or Department to determine the basis/justification for a particular employee or category of employees receiving this allowance and a request is made to the Personnel Department. The Personnel Department then decides on whether or not it is in agreement with that assessment.

Reasons for the general delay in evaluating and determining the terms and conditions of contract positions

- a. The following deficiencies and challenges within the Personnel Department were indicated as reasons for the delay:
 - i. drastically understaffed in the critical positions that evaluate and determine terms and conditions:
 - 41% of vacancies in core technical officers;
 - the number of HR advisors and officers are inadequate to supplement the activities of the Office;
 - Technical staff and support staff is inadequate and awaiting the attention of the SCD²⁸
 - ii. responsible for the evaluation of thousands of contract and established positions;
 - iii. the sanctioned staff establishment is inadequate which was established in the 1997 and since has not been updated for modern needs.

²⁸ Service Commissions Department

Provisions made for the graduates of national scholarship programmes

- a. A need exists to ensure that scholars are to areas where there are Human Resource shortfalls. Discussions are ongoing between the MPAC, MoE²⁹ and MOLSED to conduct a needs assessment with a view to determining the desired programmes and areas of study. A survey that will address the needs of the Scholarship Division will be conducted in future;
- b. MPAC has employed some scholars on contract in the areas of Management, Accounting, IT and Business Process Management in the position of Public Management Analysts. Recommendations have been forwarded to the Public Service Commission to engage these persons on the permanent establishment.

Rising Personnel Expenditure, Filling of Vacancies and attracting the best candidates to Contract Employment

- a. It was noted that notwithstanding the numerous vacancies within the permanent establishment of the Public Service, the largest portion of the national budget is allocated to Personnel Expenditure which is steadily rising;
- b. It was also noted that a need exists to ensure that the terms and conditions of contracts contain competitive remuneration packages in order to attract the best candidates to fill these positions;
- c. The CPO indicated that in determining the terms and conditions of various contract positions, the Personnel Department attempts to achieve a competitive remuneration package which takes into account the Government's ability to sustain the rising wage bill of the Public Service;
- d. MoF indicated that difficult decisions must be made toward streamlining government expenditure to achieve greater efficiency within Ministries, Departments, and the wider Public Service. It was noted that the filling of vacancies within the departments involved in revenue collection and tax administration is essential for improving the level of the Government's revenue;
- e. Challenges are faced by the MoF in filling the positions of Field Officer and Tax Officer. This has resulted in the recruitment of contract officers to supplement these critical vacancies.

²⁹ Ministry of Education

The Emergence of a Parallel Public Service

5. CPO indicated that the determination of compensation packages for contract positions is directly linked to what obtains in the permanent Public Service establishment. He suggested that the contract workforce has developed over time into what may be referred to as a “*parallel public service*” whereby contract employees and public servants on the establishment work side by side within Ministries and Departments;
6. In this environment, the Personnel Department must consider that various HR challenges may arise if the gap is too wide between the terms and conditions of the two workforces (i.e. Permanent employees and Contract employees). The CPO indicated that the best strategy peg contract compensation as close as possible to permanent establishment pay.

Applications to the Public Service Commission to fill vacancies

- a. It was noted that the responsibility to fill vacancies in permanent positions in the Public Service falls squarely within the remit of the Public Service Commission (PSC). Ministries would forward requests for positions to filled to the Director of Personnel Administration, who is the Secretary to the Commission;
- b. Numerous applications to fill permanent positions have been lodged and are stalled at the PSC. The reason for this failure to fill vacancies is mainly a deficiency of staff at the Service Commissions Department which is the Secretariat to the PSC;
- c. In 2017, the PSC had given permission to certain Ministries to advertise posts that were peculiar to their Ministries. In this regard, the Public Service Association has taken legal action against the Ministry of Energy and Energy Affairs. As a result, the advertisement of positions has been stymied and, in particular, unique positions within certain Ministries cannot be filled.
- d. MPAC has undertaken two critical projects toward institutional strengthening of the key central Human Resource Management agencies responsible for filling permanent and contract positions:
 1. The Service Commissions Department (report has been generated and is before the Cabinet); and
 2. The Personnel Department – awaiting commencement of the review of internal structure;

These projects were approved by Cabinet and provided for under the PSIP through the Ministry of Planning and Development.

The issue of redundant positions in the Public Service

It was noted that given the economic environment, efforts must be made to prevent the duplication or redundancy of positions within the Public Service due to the creation of contract positions. MPAC indicated that it proposes to address this issue through the review exercise being undertaken by the PMCD. The functional and operational processes of contract and permanent positions will be reviewed.

Relationship between central agencies responsible for Public Service Employment

- a. A committee has been established between central HRM agencies such as the MPAC, Service Commissions Department, Personnel Department, OPM³⁰ and MOLSED with a view to the development of an HR Strategy for the Public Service;
- b. A Strategic Human Resource Management Committee which is chaired by the Minister of MPAC, was established to develop solutions related to HR issues within Ministries, departments, and agencies.

Staffing deficiencies within central agencies with responsibility for contract employment

The CPO indicated that the logical solution to addressing the various HR issues within the Public Service is to identify critical offices and to give priority to the filling of such vacancies within central HRM agencies.

Gratuity Payments to Contract Employees

- i. The PS, MoF advised that in practice, the processing of a contract employee's gratuity may last between 6 months to 2 years. There exists an urgent need for timely payments of gratuity to contract workers;
- ii. It was indicated that the lag time in the payment of gratuity is mostly owing to staffing deficiencies in the office of the Comptroller of Accounts.

Recommendations proffered during the Public Hearing

6.5 The following recommendations emanated from the discussions:

- i. That the MPAC and CPO identify critical offices and priority be given to the filling of such vacancies within central agencies with responsibility for contract employment;

Requested information

6.6 The Committee requested the following information in writing:

³⁰ Office of the Prime Minister

- i. that PMCD provide the Committee with an outline of all requirements for the creation and renewal of contract/established positions;
- ii. an overview of the change in contract employment in the Public Service over the period 2007-2017;
- iii. the timeline for the completion of the internal review of the staff establishment of the MPAC;

ADJOURNMENT

7.1 Closing remarks were made by the chief officials present.

7.2 The Chairman thanked Members and gave closing statements. The Chairman indicated that officials may be invited to a second public hearing to continue discussions on matters related to the state of contract employment in the Public Service.

7.3 The meeting was adjourned at 12:38 p.m.

I certify that these Minutes are true and correct.

Chairman

Secretary

April 13, 2018

Appendix III

MINUTES OF THE TWENTY-SECOND MEETING OF THE JOINT SELECT COMMITTEE OF PARLIAMENT APPOINTED TO INQUIRE INTO AND REPORT ON SOCIAL SERVICES AND PUBLIC ADMINISTRATION, HELD IN THE ARNOLD THOMASOS MEETING ROOM (EAST), LEVEL 6 AND THE J. HAMILTON MAURICE MEETING ROOM, MEZZANINE FLOOR, OFFICE OF THE PARLIAMENT, TOWER D, #1A WRIGHTSON ROAD, PORT OF SPAIN, ON WEDNESDAY, APRIL 18, 2018

PRESENT

Members

Dr. Dhanayshar Mahabir	Chairman
Mr. Esmond Forde, MP	Vice-Chairman
Brig. Gen. Ancil Antoine, MP	Member
Mrs. Christine Newallo-Hosein, MP	Member
Mr. Rohan Sinanan	Member
Ms. Khadijah Ameen	Member

Secretariat

Mr. Julien Ogilvie	Secretary
Ms. Chantal La Roche	Assistant Secretary
Ms. Ashaki Alexis	Graduate Research Assistant

ABSENT

Mrs. Glenda Jennings-Smith, MP	Member
Ms. Allyson West	Member

CALL TO ORDER AND ANNOUNCEMENTS

1.2 The Chairman called the meeting to order at 9:43 a.m. and welcomed those present.

CONFIRMATION OF MINUTES OF THE TWENTY-FIRST MEETING HELD ON FEBRUARY 21, 2018

2.5 The Chairman invited Members to examine page-by-page, the Minutes of the Meeting held on February 21, 2018.

2.6 The Committee approved the following amendments:

- v. Page 2, Item 3.1(a)(i) - replace the word **“that”** with **“who”**;
- vi. Page 2, Item 3.1(a)(iii) - replace the words **“Seepersad Burrell”** with **“Frank Seepersad”**; and
- vii. Page 8, Item (viii)(a) - after the words **“scholars are”** the word **“assigned”**.

2.7 The Minutes were confirmed with amendments on a motion moved by Mrs. Christine Newallo-Hosein, MP and seconded by Brig. Gen. Ancil Antoine.

MATTERS ARISING FROM THE MINUTES

3.2 With reference to:

The inquiry into the state of Contract Employment in the Public Service:

- b. The Secretariat was instructed to request:
 - that PMCD provide the Committee with an outline of all requirements for the creation and renewal of contract/established positions;
 - an overview of the change in contract employment in the Public Service over the period 2007-2017;
 - the timeline for the completion of the internal review of the staff establishment of the MPAC;

CONSIDERATION OF DRAFT REPORT ON AN INQUIRY INTO THE ADVERSE HEALTH EFFECTS OF FIREWORKS IN TRINIDAD AND TOBAGO

7.4 The Chairman reminded Members that the Draft 5th Report was circulated for the consideration and comment of Members. Proposed amendments were submitted by Mrs. Newallo-Hosein. It was agreed that Members will be given additional time to provide feedback on the draft. As such Members were asked to submit feedback by Wednesday April 25, 2018.

7.5 The Chairman advised that Mr. Esmond Forde, MP and Ms. Khadijah Ameen will present the Report in the House of Representatives and in the Senate respectively as agreed.

PRE-HEARING DISCUSSIONS

8.1 The Chairman informed Members that representatives of the following entities are expected to participate in the day's hearing:

- v. Ministry of Public Administration and Communications;

- vi. Ministry of Finance;
- vii. Public Service Commission and Service Commissions Department; and
- viii. Personnel Department.

8.2 The Chairman informed Members that the day's hearing is pursuant to the Committee's *inquiry into the state of Contract Employment in the Public Service*. Members were advised that the Secretariat prepared and circulated an *Issues Paper* on the public submissions received.

8.3 Members briefly discussed and agreed on the approach to questioning to be adopted during the hearing.

OTHER BUSINESS

Proposed Date and Agenda for Next Meeting

9.1 The Chairman proposed the following inquiry topic for the consideration of Members:
“An inquiry into the potential benefits of non-traditional medications in the treatment of diseases affecting the Trinidad and Tobago population.”

9.2 The Committee agreed that the Secretariat should commence preliminary research on the matter and request written submissions from the relevant research bodies and stakeholders, such as:

- i. Ministry of Health;
- ii. Trinidad and Tobago Medical Association;
- iii. University of the West Indies; and
- iv. The Pharmaceutical Society of Trinidad and Tobago.

The Secretariat will then produce an *Inquiry Proposal* with the information received after which the Committee will decide whether a public inquiry is required.

9.3 The Committee agreed that its next meeting will be held on May 16, 2018. At this meeting the Committee will conduct a public hearing with stakeholders *on the Committee's Second Report on an inquiry into the Effectiveness of the State's interventions directed at Socially Displaced Persons*.

9.4 The Committee also agreed to meet subsequently on June 20, 2018 to conduct a public hearing with stakeholders *on the responses provided to the Committee's Third Report on an examination of existing arrangements and possible options for regulating Geriatric Care Facilities/Old Age Homes*.

SUSPENSION

9.5 The Chairman suspended the meeting at 10:32 a.m.

Public Hearing with Stakeholders re: Contract Employment in the Public Service

10.1 The meeting resumed in public at 10:45 a.m. in the J. Hamilton Maurice Meeting Room, Mezzanine Floor.

10.2 The following persons joined the meeting:

Ministry of Public Administration and Communications (MPAC)

Ms. Joan Mendez	Permanent Secretary
Mr. Claudelle Mc Kellar	Deputy Permanent Secretary
Ms. Savitri Balkaran	Director, Public Management Consulting Division (Ag.)

Ministry of Finance (MOF)

Ms. Michelle Durham-Kissoon	Permanent Secretary (Ag.)
Ms. Lesann Badoo-Seebaran	Director, Human Resources (Ag.)
Ms. Catherine Laban	Comptroller of Accounts (Ag.)
Mrs. Joycelyn Thomas-Vialmosa	Deputy Comptroller of Accounts (Ag.)

Public Service Commission (PSC)

Ms. Maureen Manchouck	Chairman
Ms. Parvatee Anmolsingh-Mahabir	Deputy Chairman
Mr. Clive Pegus	Commissioner

Service Commissions Department (SCD)

Ms. Prabhawatie Maraj	Director of Personnel Administration (Ag.)
Ms. Margaret Morales	Deputy Director of Personnel Administration (Ag.)
Ms. Natasha Seecharan	Legal Adviser

Personnel Department

Ms. Angela Sinaswee-Gervais	Chief Personnel Officer (Ag.)
Ms. Wendy Barton	Deputy Chief Personnel Officer (Ag.)
Ms. Juliette Gonzales	Director Benefits Management Division - Human Resources Management (Ag.)
Ms. Fereda John	Senior Human Resource Advisor (Ag.)

10.3 The Chairman welcomed the officials and introductions were exchanged.

Key Issues Discussed

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

(a) *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. Delinquency in the 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 was identified 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;

(b) 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. There are instances where over 8000 applications were received by the PSC for a positions;
- viii. Service Commission being financially constrained;

- ix. The criteria and processes involved in effecting promotions from an acting position to a permanent position within a Ministry or Department;
- x. The obligation of managers within Ministries and Departments as it relates to the pursuing the filling of vacant positions;
- xi. 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;
- xii. The need for greater collaboration between the CPO and PSC; and
- xiii. Approximately, 13800 persons are employed on contract within Ministries and Department;

(c) *Issues discussed with the Ministry of Finance (MoF)*

- iii. 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;
- iv. 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;
- v. 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;
- vi. 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;
- vii. Decentralization of gratuity payments to Ministries and Department as a means expediting the payment of gratuity to contract employees;
- viii. Over 3000 applications for payment of gratuity is submitted to the Ministry annually. 1000 are new contracts, while 2000 are renewals;
- ix. 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;
- x. Funds being release from the Budgetary Division of the Ministry on a timely basis to facilitate payments of gratuity and pension;
- xi. Pension and gratuity files are also sent to the Auditor General Department for examination, which takes approximately 2 months to process;

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

(d) *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. Persons in the public service who are employed in a contract position should be guided that there should be no legitimate expectation for receiving a renewal of their contract;
- ix. Permanent Secretaries of Ministries having the ability to hire persons on 3 to 6 months Contract;
- x. There are 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;
- xi. 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;

- xii. Overpayment of interim salary to contract workers; and
- xiii. 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

10.5 The following recommendations emanated from the discussions:

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

Requested information

10.6 The Committee requested that the MPAC indicate in writing the reasons/justification for undertaking a review of the establishment of the MPAC.

ADJOURNMENT

11.1 Closing remarks were made by the chief officials present.

11.2 The Chairman thanked Members and gave closing statements.

11.3 The meeting was adjourned at 12:49 p.m.

I certify that these Minutes are true and correct.

Chairman

Secretary

May 11, 2018

Appendix IV

EXCERPT VERBATIM NOTES OF THE TWENTY-FIRST MEETING OF THE JOINT SELECT COMMITTEE ON SOCIAL SERVICES AND PUBLIC ADMINISTRATION, HELD IN THE ARNOLD THOMASOS MEETING ROOM (EAST), LEVEL 6, (IN CAMERA), AND THE J. HAMILTON MAURICE ROOM (MEZZANINE FLOOR) (IN PUBLIC), OFFICE OF THE PARLIAMENT, TOWER D, THE PORT OF SPAIN INTERNATIONAL WATERFRONT CENTRE, #1A WRIGHTSON ROAD, PORT OF SPAIN, ON WEDNESDAY, FEBRUARY 21, 2018 AT 9.46 A.M.

PRESENT

Dr. Dhanayshar Mahabir	Chairman
Mr. Esmond Forde	Vice-Chairman
Mrs. Christine Newallo-Hosein	Member
Miss Khadijah Ameen	Member
Mrs. Glenda Jennings-Smith	Member
Miss Allyson West	Member
Brig. Gen. Ancil Antoine	Member
Mr. Julien Ogilvie	Secretary
Mr. Johnson Greenidge	Assistant Secretary
Miss Vahini Jainarine	Legal Officer

ABSENT

Mr. Rohan Sinanan	Member
-------------------	--------

10.30 a.m.: *Meeting suspended.*

10.40 a.m.: *Meeting resumed.*

**OFFICIALS OF THE MINISTRY OF PUBLIC ADMINISTRATION AND
COMMUNICATIONS**

Ms. Joan Mendez	Permanent Secretary
Mr. Claudelle Mc Kellar	Deputy Permanent Secretary
Ms. Savitri Balkaran	Director, Public Management Consulting Division (Ag.)

OFFICIALS OF MINISTRY OF LABOUR AND SMALL ENTERPRISE DEVELOPMENT

Ms. Natalie Willis	Permanent Secretary (Ag.)
Ms. Shanmatee Singh-Ng Sang	Deputy Permanent Secretary
Ms. Sangeeta Boondoo	Senior Legal Officer

OFFICIAL OF THE MINISTRY OF FINANCE

Ms. Michelle Durham-Kissoon	Permanent Secretary (Ag.)
Ms. Lesann Bago-Seebaran	Director, Human Resources (Ag.)
Ms. Jacqueline Gomez	Senior Human Resource Officer (Ag.)

OFFICIALS OF THE CHIEF PERSONNEL DEPARTMENT

Mr. Beresford Riley	Chief Personnel Officer
Ms. Wendy Barton	Ag. Deputy Chief Personnel Officer
Ms. Juliette Gonzales	Ag. Director, Human Resource Management
Ms. Mala Boodoosingh	Ag. Senior Human Resource Advisor
Ms. Dawn De Silva	Senior Human Resource Officer

Mr. Chairman: Good morning and welcome to this the 21st Meeting of the Joint Select Committee on Social Services and Public Administration. I want to welcome this morning, officials from the Ministry of Public Administration and Communications, officials from the Ministry of Labour and Small Enterprise Development, and officials from the Ministry of Finance. Welcome as usual to all

our viewers on the Parliament Channel and our listeners on Parliament Radio and our viewers on the Parliament *ParlView* Channel.

This is our Committee's first public hearing pursuant to its enquiry into the state of contract employment in the public service. Before I ask our guests this morning to address us, I would like to invite members of the public who have issues that they would like to raise with the Committee and/or suggestions and comments and recommendations, please forward those. We do take them seriously and we encourage, as a democratic Parliament, the widest possible participation by every citizen of Trinidad and Tobago on a matter as important as the terms and conditions of employment in the public service of our Republic.

At this point, I would like to invite representatives from the three Ministries to introduce themselves and then I would ask members of the Committee to introduce themselves followed by brief opening remarks from the Committee members. So our guests, could you please introduce yourselves? We start with the Ministry of Public Administration and Communications.

Introductions made.

I understand we have other officials present. Please introduce yourselves, other officials, so that we may want to direct questions to you. Any other officials from the CPO's department?

Introductions made.

And I think that now completes the full slate of introductions. So we are very fortunate this morning to have the individuals from the Ministries in Trinidad and Tobago with the expertise to guide the Committee on this particular subject of contract employment. At this point I will ask my colleagues on the Committee to introduce themselves. And may I start with my colleague on the right?

Introductions made.

And good morning. I, who have been prattling on and on and on, am Sen. Mahabir, Independent Senator, Chairman of the Committee. Before I ask the officials to make their brief opening remarks, may I remind all about the objectives of our enquiry? The first objective is to gather information on the prevalence of contract employment in Ministries and statutory bodies. Second, to examine the terms and conditions of employment of contract workers. Third, to assess the adequacy of existing arrangements in place to manage and/or regulate contract employment. Four, to attempt to evaluate the impact that contract employment has had on the overall efficiency of the public service.

At this point, I will invite brief opening remarks from the following in that order. First, Miss Joan Mendez, Permanent Secretary, Ministry of Public Administration and Communications; second, Miss Natalie Willis, Acting Permanent Secretary, Ministry of Labour and Small Enterprise Development; third, Ms. Michelle Durham-Kissoon, Acting Permanent Secretary in the Ministry of Finance; and fourth, Mr. Beresford Riley, Chief Personnel Officer. So I will start with Ms. Joan Mendez, Permanent Secretary.

Ms. Mendez: Good morning again, Chairman, Vice-Chairman and members. We are happy to be here this morning to assist the Committee in gaining understanding with respect to our role in contract employment in the public service. Amongst our portfolio under the Ministry of Public Administration and Communications, we, through the Public Management Consulting Division, undertake review systems/processes regarding contract employment, maintain contract establishment in respect of positions of contract in the public service. We also review and strengthen processes within public service organizations and assist in the design and structure of Ministries and Departments and agencies, to assist them in fulfilling the mandate of their respective portfolios. Thank you.

Mr. Chairman: Thank you very much. Ms. Natalie Willis, Acting Permanent

Secretary, Ministry of Labour and Small Enterprise Development.

Ms. Willis: Thank you, Chairman. We at the Ministry of Labour and Small Enterprise Development are very grateful for the opportunity to share with the Joint Select Committee on Social Services and Public Administration on the state of contract employment in the Ministry as part of the enquiry into the state of contract employment in the public service. The Ministry of Labour and Small Enterprise Development plays a strategic role in creating growth, promoting diversity and restoring confidence through its critical work in fulfilling Government's labour employment and entrepreneurship commitments which impact all sectors of the economy and all Ministries and agencies. The work of the Ministry has been given greater prominence in national development, especially with the adoption of the sustainable development goals in 2015, especially Goal 8, which speaks to promotion, inclusive and sustainable economic growth employment and decent work for all.

In keeping with its mandate, the Ministry of Labour and Small Enterprise Development had made every effort, with the assistance of the Chief Personnel Officer, to ensure that proper terms and conditions of employment are extended to all contract staff. Decent work is our top priority and it has to be properly instituted at home before we can promote it elsewhere. Our portfolio at the Ministry of Labour and Small Enterprise Development is unique and contract officers bring unique skill sets to the table. As such, our Ministry encourages in-house development so as to maintain institutional knowledge even after key persons leave the establishment. This is critical in order to ensure continuity of policies and programmes that are necessary to adequately meet the needs of our stakeholders.

Again I want, in closing, I want to thank the Committee for the opportunity to be part of this enquiry and I look forward to fruitful discussions.

Mr. Chairman: Thank you very much. Ms. Michelle Durham-Kissoon.

Ms. Durham-Kissoon: Thank you, Chair, Vice-Chair, members. The Ministry of Finance is pleased to have been invited to this enquiry to share our perspective in contract employment in the Trinidad and Tobago Public Service. You will see from the numbers that we have presented to you and will discuss in our conversation this morning, that the expenses are significant. Despite the significance of the numbers, particularly in the financial constraints that we face, we recognize that apart from our energy resources in this economy, a key resource is our human resource and we have demonstrated that we are working with Ministries, Departments and the wider public service in attracting and retaining high quality talent for the realization of strategic priorities and objectives. But we also are mindful that they should make the hard decisions in streamlining their total expenditure and achieve greater efficiency. Thank you, Chair.

Mr. Chairman: Thank you very much, and now Mr. Beresford Riley, CPO, Chief Personnel Officer.

Mr. Riley: Thank you, Chairman. The Personnel Department welcomes the opportunity to assist the Joint Select Committee in these very important deliberations on the issue of contract employment in the public service. The Personnel Department is responsible for determining and advising on a wide range of—sorry—on the terms and conditions of employment on a wide range of persons in the public service. These include persons in the police service, the civil service itself, the teaching service, the fire service, the prison service and statutory authorities governed by the Statutory Authorities Act. We are also responsible for determining the terms and conditions of daily-rated workers, contract employees and for advising the SRC on terms and conditions of officers within its purview.

Given its role and function, the Department touches the lives of a large number of persons in the public service. Additionally, the Department is also asked to

provide thought leadership and advice on a wide range of issues affecting HR management in the public service as well as industrial relations. It was on that basis that the Department approached the Cabinet in 2015 to set up a committee to look at contract employment in the public service because of its concern with the issues surrounding contract employment. The focus of the Department's leadership at this point in time is to strengthen the organization so that it can improve the quality of service it provides to its clients and stakeholders, a focus which is present in the Department's strategic plan, 2018 to 2020, before Cabinet currently.

10.55 a.m.

Again, the Department welcomes the opportunity to provide support to the Committee in its deliberations.

Mr. Chairman: Thank you very much. As Chairman, my Committee members have invited me to open the questioning and I am grateful to them for that. And I would like to just raise the enquiry objective number four and to place that in a particular context: To attempt to evaluate the impact of contract employment on the efficiency of the public service. Our Committee has, in the past, examined the issue of school violence and bullying in some detail. We have looked at homelessness, mental health and we have also examined the Conditional Cash Transfer Programme for the needy in society.

And during our hearings, it was revealed, in the Ministry of Education, for example, that the social workers and school guidance officers who are so necessary and critical for reducing the incidence of school violence in our community, in our society, to a large extent, are operating under contracts. Not only that there is an inadequate amount of staff but the staff which exist, largely, are not full-time staff but they are contract employees. Similarly, in the Conditional Cash Transfer Programme, it was revealed that a number of contract employees did not have their contracts renewed

and therefore, the Ministry of Social Services may be challenged in discharging some of its critical responsibilities, again, for the poor and the vulnerable in society. So I would like to ask from any of the representatives here with us this morning, whether an evaluation was done either at the Ministry of Public Administration or in any of the line Ministries on the overall impact of contract employment on the ability of the Ministry to discharge its various functions? Have we done any evaluation so far on whether contract employment is having an adverse effect, a positive effect or a neutral effect on public sector efficiency? Any response?

Ms. Mendez: Good morning, again, Chair. I will ask my Director of Public Management Consulting Division to give details in terms of the operational aspects with respect to requests that come in from various Ministries, which include Ministry of Education, Ministry of Social Development. When these requests come, there is a rigorous system in terms of requirements that are looked at by the technical officers at that Division in respect of their strategic direction, the mandate, the overall staffing at the particular Ministries and the critical role that the Ministry may be playing or has to play in terms of the National Development Strategy and of course, in achieving our sustainable development goals. So I will pass over to Ms. Balkaran who will give the actual details in respect of evaluating and coming up with the definite structure and staffing. Thank you.

Mr. Chairman: Thank you, Permanent Secretary.

Ms. Balkaran: Good morning, Mr. Chair, Vice Chair, members and colleagues. With respect to the requests that come in from Ministries and Departments and agencies, PMCD has, according to an approved Cabinet Minute where Cabinet would have decided and agreed that Ministries submit 10 requirements for the creation of positions, whether it is contract or established and five requirements for the renewal of contract positions, PMCD and the Ministries would work together on those submissions. So that the Ministry, in their draft note to Cabinet, must include

these requirements.

I want to give some examples. So for the creation of an established position or contract position, a Ministry needs to include things like the projected workload statistics, the work plan, the process map that would show the use of the position and the current organizational structure, the proposed organizational structure. We can submit further to the Committee these lists of requirements so that you can have a full view of it. In terms of renewal of contract positions, there are five or six requirements that the Ministry must submit, which includes, again, their achievement report and work plan and workload statistics and others.

So that PMCD would use our methodology and look at the current information and that information in terms of what I just referred to and we would do our investigations and analysis and come up with our recommendations in terms of staffing.

Mr. Chairman: Okay. Just a point of clarification. Ministries need labour in order to discharge their functions. They need officers, they need manpower. How does a Ministry go about deciding that it needs permanent employees as opposed to contract employees? Is there a basis, a set of criteria used so that they can justify we need this position as a permanent position and we would like these positions as contract temporary positions? Yes, it is the criteria, I am asking about that—the guidelines, criteria used by Ministries to determine the type of worker that they require to discharge their functions. Yes, you can continue.

Ms. Balkaran: So that there is a policy which PMCD tries to adhere to and Ministries are supposed to be guided by. The policy is on the guidelines for the administration of devolved functions October 1988 Contract Employment which stipulates that contract positions can be utilized under certain circumstances. So if I may, the three circumstances would be: where there is a dearth of suitable candidates

for permanent appointment to pensionable offices in the public service and there is an urgent need for the services attached to such offices. The second criteria would be where special projects or programmes of specified duration are undertaken by Ministries, Departments and statutory authorities and need to be executed and monitored by personnel additional to those on the permanent establishment. And the third one would be where a need has been identified for the specialized services of an individual, for example, an advisor and so on, in a particular area of expertise and such need cannot be met by the filling of any existing position on the establishment.

Mr. Chairman: I note that the economics of the situation has not played a role; that is the economic environment in which we operate which would make it more feasible to employ contract as opposed to permanent has not been mentioned in your list of criteria. That has not been mentioned. Am I correct in that assertion, that you have other criteria except the economic environment in which we operate?

Ms. Balkaran: So the economic environment is not—

Mr. Chairman: Not there?

Ms. Balkaran: In this, no.

Mr. Chairman: Okay. Could you, just for my edification, and I know MP Newallo-Hosein wants to come in, but could you indicate from the statistics that you have, what percentage of employees in the state sector is now contract employees and how has that percentage changed over the last few years? So the question is: How has the percentage of workers who are contract employees in the state sector changed over the last, say, three years? Do you have that statistic? You see, I would like to see whether there is a correlation between the parlous state of the public finances and the rise in contract employment. We need to get to the truth in the Committee and that will then assist us in making the necessary determinations. So do you have the statistics, say, on the percentage of contract employment over the last, say—the

changes?

Okay, we have a submission that it is now—percentage of contract positions in the public service is 26 per cent but I would like to see how that has changed. We know what the level is but how has it changed over the—you do not have that information. Could we request that information in writing? Yes. It would be very valuable for the Committee to see over, to say the last decade how, in fact, the percentage of contract employees in the state sector has changed, so from 2007 to 2017, that would certainly provide the necessary statistics for us. MP Newallo-Hosein has a follow up on that question.

Mrs. Newallo-Hosein: Yes, thank you, Chair. In terms of the criteria that is used, I noticed that you gave a guideline as to the Ministries as to what they are to propose to get approvals. What I would like to know is what criteria does one use in assessing the basis for contract workers to be entitled to travel allowance? Because I have found that there are a number of contract workers who require travelling as a part of their daily work routine, and they are not entitled to travel, and I want to know what is the criteria that your Ministry utilizes in determining whether travel allowances are approved or not.

Mr. Chairman: Is that a question to CPO, to the Chief Personnel Officer? Yes, CPO, yes, you can respond. Because I have follow-ups as well and I think other Committee members now have follow-ups on that, yes.

Mr. Riley: With respect to the criteria that would be used for determining whether or not a contract employee receives a transport allowance, which is what it is called when it is a contract employee, those criteria actually begin with an assessment within the Ministry or Department concerned as to the need for travel of the particular employee or the particular category of employee. So that it starts at the—the Ministry determines that and they make a request for travelling. At the Personnel

Department, we then decide on whether or not we agree with that assessment and on that basis, we administer, as part of the terms and conditions, a transport allowance. We place that within the terms and conditions of the contract.

Mr. Chairman: Okay, thank you. Sen. Ameen.

Miss Ameen: Coming out of that, wherever a Ministry or a Government agency, a state agency, has the authority to determine that they need contract workers, many times, their terms and conditions would have to be verified with the CPO. Correct?

Mr. Riley: By Cabinet decision, the Personnel Department determines terms and conditions of employment for contract employees, so you are correct.

Miss Ameen: The reason many state agencies decide to—in fact, I should not say—it is not the only reason. But one of the reasons they decide to hire contract employment is because positions on their establishment are vacant, waiting to be filled and in the meanwhile, they must function, and I say this out of personal experience being in a regional corporation for more than 10 years with the position of chief officers established in legislation since 1990, never appointed and to date, it is perhaps still being waited to be evaluated by the CPO, and in the meanwhile, the Ministry of Local Government and the regional corporations hire persons on contract to do the work, but to date, you still have those positions vacant. I want to get to the root of the problem in terms of why it takes so long to evaluate those positions which have been in legislation since 1990 to determine the terms and conditions that those persons should be hired on and allow those positions to be filled?

Mr. Riley: To answer your question, I would need to get some specifics with respect to the particular positions. Because there may be a number of factors that would have led to what you call the evaluation—the length of time it took.

Miss Ameen: Well, specifically, in every regional corporation, there are chief officers—there is the chief medical officer, the chief financial officer, the chief legal officer which is like their corporate secretary and there are two others, but for every

department, you have chief officers. Those positions have never been filled and from my understanding, they are waiting for the CPO to make some determination. If you can shed some light on that specifically which affects every regional corporation in Trinidad.

Mr. Chairman: Of interest to the Chair is why is it taking the CPO's office so long to make a determination on a chief officer at a regional corporation? There must be some reason for the length and the delay.

Mr. Riley: I do not know if that particular case falls within the ambit of the CPO in that—I am not sure if you are speaking about the classification of the office. I am not sure so that is something which we will have to check and get back to the Committee. We will have to provide that information to the Committee subsequently but I do not have that specific information at hand.

Miss Ameen: Thanks. I will appreciate that.

Mr. Chairman: Okay, we would like to get that at some subsequent time and I will ask MP Newallo-Hosein to come in, then Deputy Speaker will come in. We are getting in fast and furious, now.

Mrs. Newallo-Hosein: Mr. Riley, just to ask, not in any particular position, why does it take so long for any position, whether it is in any Ministry, for the CPO to act upon? What is the problem? Is it that the CPO is understaffed? What is the problem in the lengthy delays in having positions filled at all and getting contracts out?

Mr. Riley: Member, you have asked a range of questions within that one question. You have asked how long it takes for positions to be filled, vacancies to be filled—

Mr. Chairman: And you can answer them one at that time and in particular, why does it take the CPO's office so long to make a determination on a position? And you can identify a position and give us an example of what are the constraints that

you face.

Mr. Riley: Okay, sure. I will do my best, Chair. Why does it take the CPO so long to treat with certain matters? I will be very general at the start. The CPO's office is drastically understaffed. It is understaffed particularly with respect to, one, its core technical offices. By that, I mean, the offices that determine terms and conditions of positions, both on the establishment and on the contract portfolio. Because I did not read, at the start, all of the list of offices for which we have to have an input but it is a long list and the numbers go into the thousands.

Having said that though, to come back to the issue of understaffing, in terms of the core technical staff, those positions are called human resource advisors. The percentage of vacancies there and I am going to check with my Senior HR Officer to confirm but I believe it is 41 per cent filled. Is that correct? There are 41 per cent vacancies. Is that what you said? Forty-one per cent vacancies for the core technical offices. So, in other words, just over half of the positions are filled.

Mr. Chairman: And these are permanent positions?

Mr. Riley: Permanent positions.

Mr. Chairman: Do you have contract workers in the CPO's office?

Mr. Riley: Yes, we do. With respect to the core technical—I am making a distinction between the core technical work and the support work. The core technical officers, we have positions there. I think most of them are filled but they are not enough. Right? They are not enough because when I speak of what have been filled, we are speaking about an establishment that was established sometime, I think, it was 1997. So that apart from the positions being under-filled, the actual staff establishment is considered to be inadequate.

Mr. Chairman: Okay, clarification on inadequacy, your job is being constrained because of inadequate staff. Clearly, you would have tried to have these vacancies filled. What were the constraints that you experienced as CPO in getting your full

complement of staff?

Mr. Riley: The constraints which the CPO has experienced and still continues to experience essentially would lie with the Service Commissions Department. In other words, we would approach the Service Commissions Department to fill those positions. Now, I need to let you know though, in terms of the constraints on the Service Commissions Department, within the public service—I am not sure if I should speak for them, but I just need you to know—to some extent, they may have some challenges because the HR practitioners we tend to be looking for are experienced HR practitioners and in the public service, the actual—there has been a high rate of upward mobility in that particular stream of HR officers.

So that you find that both for the technical staff, in my department, HR advisors and for HR officers who support my—because I had not reached there as yet in my discussion. I had not reached to the point that my own support to help me with my staffing is woefully inadequate. So that it is both the technical staff to do the work of analysing the terms and conditions and the support staff to get more technical staff, both groups are inadequate. Inadequate in terms of numbers, all right, the numbers are inadequate.

So to come back, the Service Commissions though may have their own constraints which I probably should not speak to but the answer lies though in obtaining the technical staff from the Service Commissions Department.

Mr. Chairman: Very well. Again, I know that there are follow-ups and with the leave of my Committee members, I want to pose a question to the Ministry of Public Administration and the question is: According to the submission of the CPO, there seems to be a need for manpower planning in Trinidad and Tobago because the CPO has indicated that there are certain cadres of officers who are simply not available. Is the Ministry of Public Administration engaged in a process of manpower planning

so we can know five years from today, 2023, what the needs would be in the various Ministries and we can start to plan for them because it usually takes about five years to produce a professional? Are you engaged in that kind of activity and if so, what has been the outcome of that planning process?

Miss Ameen: Chairman, if I could just add to your question because I think it will be along the same lines. I also want to ask how often is a review of the establishment of any state agency/organization or Ministry—how often is an establishment re-evaluated? So you can tie it in with the answer to the Chairman.

Ms. Mendez: Chair, at this time, the Ministry of Public Administration and Communications has developed its strategic plan and part of the role in terms of foreseeing or forging or developing a 21st Century public service organization, we were engaging in HR forecasting, HR planning. This will have to be in collaboration with all the Ministries and Departments as PMCD is also mandated and is undertaking a review of the functions and operations of all Ministries. Actually, we started at home. So we have undertaken a review of our Ministry, our mandate, because our strategic plan spans 2017 to 2020 and looking at what are the certain responsibilities and the quality and quantity of human resources we will require. Our organizational structure is still in draft because the strategic plan is receiving the attention of Cabinet at this time, but overall, we must engage in a human resource forecasting and human resource planning, manpower planning for the country. This will align to our National Development Strategy, also align to the sustainable development goals and the critical pillars that each Ministry will be aligned to in respect to their strategic plan in their work programmes. In our Ministry, we align to good governance and of course, enhancing the delivery of services throughout the public service, including at the Ministry of Public Administration.

So to answer you, yes, we are actively engaged in doing our forecasting and as I said, we are also going to be collaborating with the Ministries and in particular, with

the Ministry of Labour. My colleague at the Ministry of Labour will add in terms of how they are going to be approaching this exercise.

Miss Ameen: How often do you re-evaluate the establishments in the various state agencies, regional corporations, Ministries?

Ms. Mendez: It really stems from the request that may come from the Ministry but being proactive, we are now engaging actively in all Ministries so it is where we are going to prioritize, and the priority will be aligned to what is the strategic intent of Government policy. In terms of the regional corporations, that will be aligned in terms of the local government reform and as we know, the legislation is still to be debated. So it will happen but I guess it will not be a first priority at this time.

Mr. Chairman: Okay and just a follow-up to that and afterwards, Minister West will come in. Another follow-up here and that is, I really would have liked to see some past plans where a plan say started in 2005 for 2010 with respect to the manpower needs being met and then you evaluate in 2010, you evaluate in 2015 as per Sen. Ameen's question. I do not know if that is done. But you see, there is a 2030 vision document. That has to be, in my mind, the overarching document which will guide the Ministries as to where Trinidad and Tobago is going to be 10 years down the road, 20 years down the road. That will require an input with respect to human resources in the state sector.

What I would like to determine or to know at this time is whether the various line Ministries, the Permanent Secretaries or the planning officers, the forecasting economists there, have been engaged over the last couple of years to provide forecasts as to what they would need to ensure that *Vision 2030* becomes a fruition. I say this in the context say about the ageing of our population; our population is ageing. Have we planned, in the Ministry of Health, for example, to have more specialist geriatricians employed by the year 2030? And if so, are we putting things

in place so that we could recruit the geriatricians and have them in place so that when the ageing population descends upon Trinidad and Tobago, we have the staff available? Is that kind of planning process on the ground now in the progress?

Ms. Mendez: Chair, from where I sit, I would say it is quite piecemeal.

Mr. Chairman: Okay.

Ms. Mendez: Because you have Ministries will approach the Public Management Consulting Division indicating this is their plan which is aligned to the NDS, the National Development Strategy, but as I said, we have been mandated to undertake a functioning and operational review of all Ministries and the approach that we are going to adopt is realigning and ensuring that all our manpower plans, HR forecasts, are aligned to our National Development Strategy, strategic plans and work programmes. We initiated that activity just for the pilot at our Ministry. So we have our process, how we will approach and collaborate with the other Ministries. But I would like to ask my colleague at the Ministry of Labour who also is going to treat with manpower planning from her portfolio.

Mr. Chairman: Very well. Thank you. Ministry of Labour.

Ms. Willis: Thank you, Chair. On the organizational structure of the Ministry of Labour and Small Enterprise Development, there is a unit called the Labour Market Information Unit and that unit was set up to generate information on the labour market needs of Trinidad and Tobago. Currently, that unit is understaffed as we do not have certain expertise to treat with it and in this regard, we are seeking to ask assistance from one of our major stakeholders, the International Labour Organization, to assist us in determining an appropriate structure as well as the training that would be necessary for that unit to function fully. We are also in the process of establishing a labour market council comprising—it will be a tripartite mechanism comprising employers, workers' representative organisations as well as Government, which will look at the needs of Trinidad and Tobago and determine

how we move forward.

One of our projects on our PSIP, our Public Sector Investment Programme, for this fiscal, is the development as well as roll-out of a vacancy survey report in both the public sector as well as the private sector. The intent of that survey is to gather information on what are the critical HR needs of Trinidad and Tobago.

11.25 a.m.

Mr. Chairman: Okay, very well, thank you. Sen. West.

Miss West: Thank you, Chair. I think that this point brings me to the issue that was concerning me. We get a sense that there—Trinidad and Tobago issues hundreds of scholarships every year, and we get the sense that there are people who are graduating, bright Trinidadians and Tobagonians and cannot find a job, and they are committed to serve the State. And on the other hand, we have hundreds of vacancies that do not mesh. So, do we now, or in the plan that you currently have, do you intend to try to merge the education of our young with the needs of the public service, so that not only can we provide guidance to them when they are determining what direction they want to take, in terms of their career, but we have a plan for them when they emerge from their studies?

Ms. Ng Sang: Just to reassure the Committee that we have been having these discussions with the Ministry of Education. The need by the Scholarship Division has been identified to the Ministry of Labour and Small Enterprise Development. The Ministry of Education would also be part of the labour market council as a part to express their needs in developing and finalizing the survey my Permanent Secretary would have referred to. So, yes, it is being taken into consideration and the results naturally would be going back to the Ministry of Education to be able to advise on what the needs are and ultimately the areas of scholarships should be awarded. Thank you.

Mr. Chairman: Okay, could I ask for a follow-up from MP Smith.

Mrs. Jennings-Smith: Chairman, I want to follow-up question. I have some notes here. I noted that reference was made to a 2017 to 2020 strategic plan. But I know from my own experiences that before you engage another new strategic plan, you would have had a strategic plan prior to that plan. And what I note too is that the public service is not like a government of a day. And it is said government comes and government goes, but the public service is a continuous element in our society, which is good, to ensure that we have continuity. But you know most of the answers I am hearing this morning, it is almost as if we got up today. What has been happening before today? Because, for instance, if we are saying we are talking about a 2017 to 2020 strategic plan, we would have done a review of the last strategic plan to show us what were the weaknesses, what we did not accomplish and what we have to accomplish going forward.

Could someone enlighten us as to what happened prior and not really, because you are putting 2017, which was last year. Okay? And in my own Ministry we have those situations where you have persons going away on scholarships and they cannot get a job. We have young people studying and they do not even know what areas to specialize in. And you all are the guiders of this country and the country deserves better. Could you tell us what has been happening continuously? Because you all did not come into offices in 2015. You all have been there prior to 2015. Tell us, in a continuous fashion, what you all really have planned for this country that deserves better? Our young people deserve better.

Mr. Chairman: The question is just asking that the public service is permanent. Members of Parliament are temporary. The public service has been around for quite a while. There would have been systems in place that you have inherited and that you are building upon, and what are some of those systems to ensure that all Ministries are adequately staffed? Is that a question that ought to be directed more

to the service commissions or to the Ministry of Public Administration? Please tell us who has to answer that question.

Ms. Mendez: I would believe the whole of government has to answer. Basically, as the Ministry of Public Administration treats with policy and systems, we know that there needs to be an overhaul of our human resource management system. Because we can have all the great plans, all the great forecast but are we able to fulfil the needs at home? We have vacancies, Personnel Department, Service Commissions Department. So we need to review our systems. We need to review our processes, and as I said, move towards a 21st Century public service.

The jobs that existed and still exist on the public service establishment may not be the jobs that we need in the next five, 10, 20 years. So we need to put a system that would be able to evaluate within two or three years what are the job designs. It must be flexible enough that we can quickly design the job, have the jobs evaluated and be able to quickly attract the type of quality talent in the public service. And I do agree, in terms of any HR strategy and plan, we need to take in those persons who have been on scholarships.

Education, I know with the Ministry of Labour and Small Enterprise Development, we will really have to decide what are the programmes, what are the areas of study that we need to have our young people accept and get scholarships. Do we need people to take up scholarships that will take them to the moon? Because sometimes you see people go into areas that probably are not a need in Trinidad and Tobago, aeronautics, aeronautical engineer. You know you are going to be losing that person to the United States or some sort of programme because we may not have those programmes or jobs open to that.

So, in terms of our manpower needs, we have to be very clear what are the manpower needs of the country, aligned to our national development strategy. In terms of our

scholarships, we have to ensure the scholarships that are being provided are guiding and really leading our students to areas that there are needs. Because many times scholars do return and they get frustrated. They leave because they cannot be placed, because they do not have the areas of study, in terms of what they would have pursued.

Also, we have a situation in that you cannot just place persons in vacancies. Through the Public Service Commission, their specific regulations would have how and the process, in terms of recruitment so that persons get into that whole exasperation in that they have to apply for the jobs once there are vacancies and go through the process of interviews. They are not placed in vacancies.

What we are attempting to do at the Ministry of Public Administration, which was a strategy following from the previous strategic plan, we have persons, some of our scholars, in various areas: management, accounting, IT, business process management. They are on contract as public management analysts.

We do have vacancies in our Public Management Consulting Division, Public Service Academy, and we are hoping but we would have to wait on the commission, that we can get these people move seamlessly into vacancies that exist in these divisions.

Mrs. Jennings-Smith: Sir, one last question.

Mr. Chairman: Is it a follow-up on that?

Mrs. Jennings-Smith: Yes, yes.

Mr. Chairman: We have the follow-up and then Sen. Sinanan would come in.

Mrs. Jennings-Smith: Madam, could you tell us where is that process? I hear you and I am happy to hear you. But could you tell us? Because you talk about a consultant analyst, so I believe you all have been tracking and you all would now do some predictions as to the future. Could you tell me, at what stage of the process are we in at this point in time?

Ms. Mendez: The process I am talking about is at the Ministry of Public Administration. So we have persons who are public management analysts, and recommendations have been forwarded to the Commission to engage in terms of how we can get these persons on the establishment.

Mr. Chairman: Sen. Sinanan.

Mr. Sinanan: Thank you, Chair. I just want to get some clarification. We are hearing a lot about the vacancies and in the CPO Department we talk about 41 per cent and I am sure if you check most Ministries, you would probably be close to that same figure. Yet still the personnel expenditure in the budget is not in proportion to government spending. The largest chunk of the national budget goes to personnel expenditure and it is climbing, but yet we have all these vacancies. That still needs to be explained to me because if we were to fill all these vacancies, how are we going to fund it?

The second question I want to ask to the CPO is basically, there are some Departments that have to go to the CPO to get terms and conditions, salaries and so, under statutory employment. Why are we not in a position to attract some of the best, the brightest in the public sector? I am saying that because there are a lot of jobs that you see would go out for, being advertised and when you look at the applicants, you basically have to start the process all over again. We are not attracting the best and the brightest and I think a significant part of that has to do with the remunerations that we are offering in certain fields.

If we have to get efficient in this country, it just cannot be that we are settling for anybody who would accept the salary. What are we looking for and how are we going to address that from the CPO? How do you base the salaries for specific positions that you know you have to get, probably at least try to get somebody in that position who understands what is required, has the experience, and so on?

Because you are competing with the private sector for those types of jobs. Explain to me how you come up with that because I can give you certain instances, but I would not want to go into that to prejudice the cases that may be coming before you or may be before you. But there is a challenge in how does the CPO or the different Ministries attract some of the scholars that we might be trying to get to work within the Government/the public service.

Mr. Riley: Thank you, member. With respect to attracting, the question has to do with: How do you attract the best and brightest? In compensation terms, if I were to answer that and I were not in the public sector, I would say I would pay above the market in compensation terms.

You spoke earlier about expenditure, Senator. There is in fact, within the Personnel Department, an understanding that—we understand the need to attract and retain, but we also understand the need or the importance of the Government's ability to pay. So we are always trying to ensure that we can strike a balance, an appropriate balance, between the two, so that Ministries and Departments can obtain the services they require from individuals, as well as ensure that government can meet its wage bill, which, as mentioned earlier Senator, is very high, both in absolute terms and as a percentage of the overall expenditure.

So that, what we try to do, and I am not believing that we do such a poor job of it, I do believe that the Personnel Department does a fairly decent job of balancing those two, sometimes opposing objectives, attracting the best, as well as allowing government to be able to pay.

Now, with respect to answering you in more specific terms though, as to the process, a lot of what we do, in terms of the actual compensation package, is pegged to the public service itself. And the reason we do that is because in the public service at present, there is something of a parallel public service that has been developed over time with the contract workforce. So you have within Ministries and Departments

persons who are on contract working side by side with persons on the establishment. If it is that the terms and conditions, if the gap between those two, is very wide, you can create other HR issues within the workforce. In our way, the best strategy is to try to peg it as close as we can to the public service pay. I hope that answers your question.

Mr. Sinanan: Well, it tells me what you are doing. But it “ain tell me that it working”. I can give you an instance where there is a general manager who gets less than regular managers in the same establishment, because the departmental managers are working on contract and his position is a permanent position in the fixture. But because of the, as you said, what you use to peg, he is working for less than managers who are working under him. I am just making the point that we need to find a way rather than just keep using the public service that you use to measure and to come up with the figures. There are certain specific jobs, and this does not go across the board, that you may have to look for another method if we really want to attract. Because the Government, we said personnel expenditure is a significant part of the Government’s total expenditure. Another significant part is transfers and subsidies. And the reason why transfers and subsidies are so high is because there is a lot of inefficiencies in some of the state enterprises. And if we are able to attract—
[*Interruption*]

Mr. Chairman: Could you pose the question, because I do need to get MP Forde to come in.

Mr. Sinanan: If you are able to attract the best and the brightest in some of these state enterprises, the increase in the salary or the remunerations may be well worth it in the long run. The question that I want to pose to you is: Are you looking at another formula to come up with the terms and conditions for specific jobs?

Mr. Riley: Thank you, member. Chair, I am glad the question is posed in that way

because it allows me to clarify something that I have wanted to from the start of the session. Various terms are being used during the course of our deliberations. We have been referring to the state sector. We referred to the public service, and so on, but it is very important for us to make distinctions between those groups. The question posed by the member has to do with, it appears to me, some terms and conditions within a state enterprise entity or within a public sector entity, not necessarily a state enterprise. When I was referring to a pegging, using the salaries in the public service as a means to peg contract terms and conditions, I was not referring to public sector entities at all. I was referring to only those entities within the public service proper, that is the civil service, the police service, the teaching service, et cetera.

When it comes to the state sector, we provide guidance or we provide technical advice to the committee called the Human Resource Advisory Committee who makes a determination as to the remuneration packages and the limits to be set for public sector entities. In providing that advice, we do not look at the public service per se only. We look at comparators across the board, and in fact we use other public sector entities as often as the comparators in trying to do so.

If I may go further, even in the public service, I understand what you are saying, member, and we do not think it is necessarily the ideal situation because what Government is faced with, as you alluded to, is the need to ensure that people are well paid, but also manage its budget. Now, to my mind, there are some situations where you would wish to pay a little bit more for high skills, for expert skills. Right? Currently, and we do that with respect to a number of positions, even in the public service, where you would find advisors, and so on, are paid at fairly high levels, in terms of our overall package. Right? So we do not just—it is not just a matter of just pegging it. Public sector job gets X, this looks like X, so we give it X. That is not what we do. We try to make a proper assessment.

Mr. Chairman: Okay, thank you very much. MP Forde has been silent for all of the proceedings and he now has the floor.

Mr. Forde: Thanks, Mr. Chairman. In terms of listening to you all, there was a trend of thought that I had gathered in order to present. But after listening to you all, I want to be clear, in terms of the underemployment, the vacancies in the public service squarely lie with the Public Service Commission. The CPO: have all the various Ministries, through the Public Administration Department, submitted the necessary documentation, applications, documentation in order to fill these necessary vacancies? Have those things taken place? Who can answer?

Mr. Chairman: I think public administration.

Mr. Forde: Public Administration? Because we do not want to leave with the notion that the Public Service Commission has the necessary information in order to fill. But have they been provided with the necessary information in order to create the fill? So we clearly know this morning where the bottleneck lies.

Ms. Mendez: As you clearly indicated, in terms of filling of vacancies, that falls under the purview of the Public Service Commission. So if a vacancy needs to be filled, let us say from the Ministry of Public Administration, a recommendation will be sent, a request will be sent to the Director of Personnel Administration, indicating: "We would like to have an Accountant I. This is the vacancy." And then the Public Service Commission will take its role.

Mr. Forde: Presently, you have applications at the Public Service Commission to fill vacancies?

Ms. Mendez: Yes.

Mr. Forde: Average of how many?

Ms. Mendez: Well, we have for various different divisions: Public Management Consultant Division, PSA. So I would say about 10 to 15.

Mr. Forde: And from where you sit, the reason why the public—can you give a reason why the Public Service Commission has not responded? Are you in a position to—*[Interruption]*

Ms. Mendez: One of the reasons, because I do keep in touch with the Director of Personnel Administration, it would lie on the staffing. And I think at this time I probably should indicate that under the Ministry of Public Administration we are undertaking two critical projects which are called the institutional strengthening and this is also hinged on the review of our whole HR management system. So there are two projects: institutional strengthening for the Service Commissions Department. We have a report which has been prepared and submitted for Cabinet to review and a determination to take place; and another institutional strengthening project, which is about to commence is with the Personnel Department and again that will treat with their review of their structure in line with their strategic plan. So there are projects in train, in terms of re-organizing and strengthening the two key agencies.

Mr. Forde: And in terms of budgetary allocations, what role would it play in terms of the Public Service Commission giving you the authority now to hire? Will any budgetary constraints come into effect there?

Ms. Mendez: Well, the projects would have been approved by Cabinet and would have been provided under the Public Sector Investment Programme through the Ministry of Planning and Development.

Mr. Forde: One last question. As a result of the delay of the Public Service Commission in filling these positions, the easiest option is to go with contract employment.

Ms. Mendez: Yes.

Mr. Forde: Right. And the contract employment does not have to go to the Public Service Commission for approval?

Ms. Mendez: The contract employment, following our guidelines, falls under the

purview of the Ministry. So, once we have contract positions approved, the Ministry has the authority to advertise the position and do the necessary recruitment and selection. The line Minister, once we have the process, in terms of the recruitment process in line with the guidelines, the line Minister, through the recommendations of the HR and the Permanent Secretary, approves the employment and following that the terms and conditions are determined by the Chief Personnel Officer.

Mr. Forde: Right, and in terms of a document provided by your division enquiring into the state of the contract employment, the statistical sheet, you have a total of 2,793 contract employment within the list of Ministries. This particular document came out from your communication unit?

Mr. Ogilvie: The Secretariat provided that.

Mr. Forde: Our Secretariat. But we would have totalled based on the statistics given. So according to the statistics, it is 2,793, subject to correction.

Miss Ameen: That is only five Ministries.

Mr. Forde: Right, within five particular Ministries. In terms of budgetary allocations for those, versus now what the Public Service Commission is not doing, we are still spending the money, because we are doing it under contracts, running a parallel individual in some Ministries where we would have certain public service positions, versus the contractual employment. And again, following up to what Sen. Sinanan is saying, we need to ensure that the Public Service Commission plays its role in order to ensure that we move away. Because we are hearing on a daily basis what is happening with the public service, who are pleased, who are not pleased, contractual persons working for more than them, they doing less work, you know? We need to regularize those scenarios, Madam PS.

Ms. Mendez: Yes, certainly, Vice-Chair. And this is the exercise that we are undertaking through the Public Management Consulting Division, looking at the

various functional and operational areas, in order to ensure there is no duplication, no redundancies and these are the areas that we will be looking: contracts positions, permanent established positions and the necessary processes and systems that need to be put in place in order to ensure we get it right.

Mr. Chairman: Thank you very much, PS, and a follow-up from MP Newallo-Hosein, followed by Sen. West.

Mrs. Newallo-Hosein: Thank you, Chair. PS, I heard earlier you made a statement saying enhancing delivery; that is the whole purpose of the Ministry. And you could only enhance delivery if you utilize and understand that your greatest asset would be your human resource. And yet I hear the word, you know, and you bypass the service commission because of the fact there is this delay, and so you have side-lined a great important entity. And so, really and truly, is there a relationship between Public Admin, Ministry of Labour and Small Enterprise Development, CPO, Service Commission, and not just a superficial relationship, a relationship that deals, you know, with how do you enhance delivery by managing your greatest asset, which is your human resource?

It comes to my question. In your submission, Ministry of Labour and Small Enterprise Development, you indicated that the Director of Personnel Administration has been approached by your Ministry for consideration to be given to contract employees to fill established positions when advertised, and I would like to know how long ago did the Ministry of Labour and Small Enterprise Development engage the Service Commissions Department on this issue, and has the Public Service Commission and the Service Commissions Department responded? Because, I mean, as MP said, you all are there permanently; we come and we go. And therefore, whatever policy that you have in place must ensure that there is continuity and smooth transitions because of the fact that you recognize that your greatest asset needs to be treated with the respect that they deserve. And so my

question is: Has the Ministry responded? What is the engagement process? Where has it reached?

Ms. Willis: Thank you, member. The example we would have been referring to is in terms of our conciliation division where we would have approached the DPA in 2016, to fill the positions with those persons we would have engaged on contract. We are still awaiting a response to our request.

Mrs. Newallo-Hosein: But what is the relationship, Madam PSs, between the both of you all, in terms of going forward with a plan, a workforce assessment plan that says: “You know, we need to consolidate how we think”, as opposed to working in silos? I mean, what is the relationship?

Ms. Mendez: At this time we are engaging, through a committee that has been established, the key central agencies, which include the Ministry of Public Administration, Service Commissions Department, Personnel Department, Office of the Prime Minister, Ministry of Labour and Small Enterprise Development, and we will be meeting to design an HR strategy.

Actually, I should say, under the Ministry of Public Administration we have the Strategic Human Resource Management Committee, which is chaired by the line Minister. So monthly we would meet and indicate and come up with and discuss these similar issues on how we can derive solutions, how we can work better.

One of the areas last year you would recall the Public Service Commission had given permission to certain Ministries to go ahead and advertise posts that were peculiar to their Ministries. However, at this time the Public Service Association has taken legal action against the Ministry of Energy and Energy Affairs. So we have not proceeded fully in all the Ministries in advertising. So that has put a difficulty, in terms of the unique positions that some Ministries would have been given the authority to recruit.

11.55 a.m.

Mr. Chairman: Thank you very much, Madam PS, we will follow up, but I do need to have Sen. West come in at this point.

Miss West: Thank you, Chair. I have two questions, Chair. The first one is, one gets the sense that there is a general perception that public servants are regarded as untouchable and therefore regardless of whether they perform or do not perform they remain in their position. How many of our contract employees have been engaged to do the work that a proper functioning public servant should be doing? So are we duplicating costs and not getting double rewards for that?

And secondly, the sense I get from listening to the CPO is that the two main agencies responsible for filling the vacancies and fixing the problems in the various ministries are significantly understaffed themselves. Can we solve this problem in the context of the existing structure?

Mr. Chairman: Double questions, responses requested. Basically, it is who are to guard the guards? If the CPO's office and the Service Commissions themselves are understaffed, do we not have a problem at the very top? And hence the problem we are seeing at the bottom can very well be solved by fixing the problems at the top. Okay, there seems to be consensus that that is an issue that warrants some—
[*Interruption*] At the very top. Okay.

Mr. Riley: Chair and members, I would agree that we are in a catch-22 situation with respect to HR management in the public service. The central agencies which are supposed to assist and provide services to the line ministries and agencies are understaffed. My own view—so that Service Commissions Department is understaffed, Personnel Department is understaffed and I know that some aspects of the Ministry of Public Administration and Communications are understaffed.

How do you break the deadlock? To my mind—now, because of the importance of these agencies on the rest of the public service, it seems to me that the logical thing

to do is to focus on staffing these central agencies. Because, if we are to provide support to the others and we are understaffed and we cannot help—one hand is tied behind our backs, then the rest of the service itself will go limping along, right.

So, clearly there is need to fix the central agencies. Now, PS Mendez mentioned institutional strengthening of the services at the Personnel Department and the Service Commissions Department. My own view is that it goes way beyond that though, because those projects—we have a project that will start soon, but to me I am crying out for staff now. I do not want to wait six months, or two, or a year to get the staff that I need. To me if I were to try to solve the problem, I would say treat me specially because of my importance to the rest of the public service, all right. That argument not being advanced in a sort of—it is not a personal issue, it is not a self-serving issue either. It is just a logical conclusion. If we impact the rest of the service so drastically, because when persons complain about length of time to get contracts, length of time to get posts classified, et cetera, and of course, they will point fingers at us, and rightly so. But the fact is, if we are understaffed and we cannot help you, to me it means that, what is logical to fix—help us as a first priority, as a top priority.

Mr. Chairman: Thank you. Now, you have raised a critical point here and I think we are now getting some traction in the Committee in that there is a problem at the very top. Let me propose a solution and I would want to get your response to it. And the solution is that the agencies at the very top, the CPO's office, the Service Commissions which are not here, but the Service Commissions are responsible for the permanent employment, recruitment and when they are unable to do that you have a large gap to be filled by contract employees. Hence the parallel public service of which you, CPO, speak about. Would a potential solution be that the critical offices first be identified: the CPO's office, the Service Commissions Department

and we identify within those critical offices, core positions which absolutely must be filled and optional positions which we fill, funds notwithstanding?.

Do we have such a system, where we have core positions, mandatory positions, positions that if you do not have the organization will be malfunctioning? Is that a way forward to start to prepare the core positions which absolutely must be filled in those top agencies of which you speak?

Mr. Riley: Chair, I would say, absolutely that is a solution. I would just want to add something to that. We are clear on what the core positions are in our Department that need to be filled. What I would like to add, is a sort of a top priority clause and a time frame that says to the responsible agency, treat with the Personnel Department's staffing whether it is creation of positions or filling of positions as a top priority because of the impact of the Department on the rest of the public service. So I would like to add a clause that says "within a certain time frame as a top priority, treat with these particular positions".

Mr. Chairman: And therefore, to reiterate, is it that you can identify the core positions and you can justify them?

Mr. Riley: Definitely, Chairman, definitely.

Mr. Chairman: Because, let us take a case of a hospital. A hospital has an emergency department where you get on a daily basis accident victims. As a core position you do need medical doctors trained in orthopedics, trained in trauma; without that you would not be able to run an emergency department very well. So that, I am looking at similarities in the top agencies in the recruitment of personnel. Is it that you are saying that you can identify these core positions, justify them and then mandate the authorities to have them filled? Because if they are not filled, the performance of the overall public service will be compromised. Can you do that?

Mr. Riley: Chair, we can do two out of three. We can identify, we can justify but we cannot mandate. And that is where the crux of the matter lies. So therefore, to

my mind, the answer lies in a deeper level of collaboration between the top central agencies. We have to fix ourselves so that we can fix the rest of the public service.

Mr. Chairman: How can you fix yourselves though? You see, is it closer collaboration? And again, I come back to the problem of financing because core positions need to be financed, contract positions need to be financed and the question I want to pose is—and this is a question to all Ministries who are here with us, all the agencies: Are there core positions, critical positions which are now not manned by permanent employees, but which are either left unmanned or manned by contract employees? A response from any agency.

Are there things which are so critical your organization that if the employee is not present for a month, the organization is going to be malfunctioning in discharging its duties? And we know the core functions, do you have those positions unfilled and hence that will explain the lack of performance, or is it that you have a lot of contract workers performing those core functions? That is the crux of the matter now. Is it that you have core positions—any response—that are unmanned and or conducted by contract, temporary employees? You identified core positions.

Mrs. Durham-Kissoon: Chair, maybe I can enter the conversation from the Ministry of Finance's perspective. So the Ministry of Finance and you mentioned in your opening remarks the economic context: for us to be able as a public sector to deliver, we incur expenditure, but we need to ramp up our revenue. The Ministry of Finance is currently engaged in that said activity, ramping up revenue. If you look at our figures, there is significant contract employment concentrated in our Inland Revenue Division and we have identified positions in that division that are core, that are essential for us to ramp up the revenue. But, the vacancies are—two reasons, the vacancies are not filled at this point in time and also, the establishment is not wide enough.

So to be specific, we have positions such as Field Auditor, the Field Auditor stream where there are significant vacancies and the Tax Officer stream and to supplement, we have engaged contract officers to achieve our objective of ramping up revenue so we can finance the development of the economy.

Mr. Chairman: Very interesting because you are saying in the Ministry of Finance, there are core critical officers who are absent and if you were to get them as permanent employees, you will be able to raise the revenue intake of Government on an annual basis. Is that what you are submitting?

Mrs. Durham-Kissoon: Correct.

Mr. Chairman: Very well, thank you very much.

Miss Ameen: Mr. Chairman, the Permanent Secretary spoke of revenue generation and revenue collection. But in the submissions you also indicated that the Ministry of Finance has engaged the World Bank on a public expenditure review that will look specifically at expenditure in the social sectors to reveal any areas of overlap. What is the established time frame for that review? And the social sector is targeted for that review, is personnel expenditure in the social sector higher in comparison with other areas of public expenditure? But particularly, what is your time frame for completing that review?

Mrs. Durham-Kissoon: Thank you, Member, for the question. Through you, Chair, the time frame for completion of that review is at the end of March this year. The concern when we engaged the World Bank to conduct this review was in the area of transfers and subsidies and looking at any possible areas of overlap. So, but the end result is expected at the end of March.

Miss Ameen: Is that a report that you will be able to forward to this Committee when it is completed?

Mrs. Durham-Kissoon: I believe so, yes.

Miss West: Chair, I did not get an answer to one of my question, so if I can repeat

it. Yes, and perhaps I can direct it to PS Mendez. The issue is, I believe, that we are paying contract workers to do the work that is not being done by public servants who are not being disciplined. In your plan, is there an element of it that seeks to address that issue, so that we can avoid the duplication of those costs?

Ms. Mendez: The issue of discipline, to me, is management. I do not know if we can plan for that. There are management systems, we have our particular procedures regarding initiating disciplinary matters against officers which is the day-to-day operation of the supervisor or manager. So, if we have persons who are not carrying out their duties or for other areas of misconduct, there are processes that the supervisor and manager can undertake.

Miss West: But the general sense is that it is not done and there does not seem to be any monitoring, anybody being called to account, to ensure that we are properly assessing, reviewing and dealing with the officers, generally.

Ms. Mendez: And that really lies within the remit of the Permanent Secretary, the Deputy and all the managers when you meet in terms of managing your human resources, how you treat with indiscipline in the Public Service. As I said, there are procedures and you have to be resilient and courageous enough to take the action when you ought to take action.

Mrs. Jennings-Smith: Thank you, Chair. I want to follow-up on the response of the Permanent Secretary, Ministry of Finance and clearly she outlined a process which will bring in additional income. To me, I did not get a final answer, could you tell me why it has not happened? Who determines when that happens? Because employment of persons to fill positions which will bring in income to our economy is something that we all desire now. And you recognize that situation within your own Ministry in the Inland Revenue department. Can you tell me what is holding back that particular activity from happening? What section, or who is holding back

that particular activity from happening?

Mrs. Durham-Kissoon: Through you Chair. Member, may I ask for some clarification. When you say activity, you mean filling of the vacancies?

Mrs. Jennings-Smith: Yes, yes.

Mr. Chairman: Filling of the vacancies.

Mrs. Durham-Kissoon: In the case of the Field Auditors, there is an issue with the entry level position, whereby the job description is inadequate to fill the need, the skill, and there is an ongoing conversation within the Ministry and I believe with the Personnel Department and the Service Commissions Department as to how we can include additional skills in that job description. There is also a matter of a court issue with respect to filling of vacancies, and the conclusion of that court matter, I believe, is pending. So filling of vacancies in one of those streams is being kept back.

Mrs. Jennings-Smith: Mr. Chair, I would not want to go deeper into that because if you are talking about court matters, we cannot determine what will be the time factor with respect to court matters. But is there any other area which you had recognized or submitted a while ago, which is not held back by any court decision? And only has to go to Service Commissions with respect to JDs.

Mrs. Durham-Kissoon: Member, the two areas that I mentioned, those are the main areas and that is in the Inland Revenue department.

Mrs. Jennings-Smith: I have one more question. I have a question, because and I want to quote, you know, it is a famous quotation: “While the horse gazing the cow is starving” and I want to refer to some earlier statements made about the central agencies understaffed, Personnel Department understaffed, and I want to take us to the point where there are many persons who were employed on short contracts, who are not being paid their gratuitous payment, who do not know who to go to pay their gratuitous payment and I want to know if any guidelines were issued to Permanent

Secretaries to help or minimize the delays in persons' gratuitous payment being processed.

Mr. Chairman: Yes, very important question. Because at the end of a contract, an individual is entitled to a gratuity. He will leave with that. What kind of issues arise with respect to a timely disbursement of that particular gratuity. Is it normally paid with the last salary? I would imagine that would be best practice.

Mr. Forde: But, Mr. Chairman. Added to that—yes, I know reference was made to the contractual arrangements, but there are individuals who have passed through the Public Service that are also experiencing problems with regard to their payments, and it would be good that we can shed light on that, even though we are dealing with the contract, if it is that the PS from the Ministries of Finance or Public Administration and Communications could shed some light as to the delays.

It is a question that has come up a number of times in Parliament, right, where persons have been waiting for years, so persons have even passed on, and it has been said that on a number of occasions the person may have worked at various Ministries and they are waiting on information from the Ministry of Health, from wherever—

Mr. Chairman: Let the Chair intervene. I want a response with respect to contract employees and the reason is—before we move on to the permanent employees who retire at 60. The contract employee may be 25 years old, his contract comes to an end; he has no prospect for a job over the next number of months. Is it that there is a policy that the gratuity payment, as indicated by my colleague, Ms. Jennings-Smith, MP, is paid on a timely basis within, say, 30 days of his contract being terminated?

We will address that first and then we will look at the broader issue of the payments for people who retire at age 60. So is there a policy for a timely payment and what is that policy? Is there no policy? Who sets the policy and should we not

now set a policy? I think within 30 days the person should get his ex gratia payment; that is my view. *[Laughter]* Yes, yes. CPO.

Mr. Riley: Chair, with your permission, I would like to deal first with the question posed by the member which was focused on short-term contracts, so called. And I would like to alert the Committee that really and truly there is no policy governing short-term contracts in the Public Service at this point in time. In fact, those—

Mr. Chairman: Okay, let me intervene, policy concerning the ex gratia payments or policy in general?

Mr. Riley: Well, okay. Policy in general, in other words, the short-term contracts, and you can correct me if I am wrong, please member.

Short-term contracts being referred to are not the fixed-term contracts for which guidelines exist and which were developed by the Personnel Department and approved by Cabinet some years ago which were referred to earlier. These short-term contracts are really arrangements that have been arrived at between Permanent Secretaries and Heads of Department and certain individuals in an attempt to treat with their short-term HR needs, right. And currently there exists, I should say a facility, under the existing financial arrangements for PSs and Heads of Department to so do. But, up to six months, all right, according to those guidelines, that facility. What has happened is that over time, because of the issues around contract employment in general and issues around permanent employment in general also, PSs have tried to also use this as a facility and some persons have been kept on for continuous periods of, sometimes going on over three years, four years, et cetera.

Now, those arrangements do not entail gratuity when they are arrived at. Right. So that just to say that at this point in time the committee which I referred to earlier, the Cabinet-appointed committee, looked at that issue also and felt that something needed to be done about it. And currently there is a Note that is in its final stages of preparation to go to Cabinet seeking to treat with the issue of short-term contract, so

called, short-term contract employment. That is being done by the Personnel Department and within a very short space of time that Note will be before Cabinet, seeking to develop a policy arrangement around short-term, because we recognize that there is, in fact, value in having some flexibility in being able to employ persons on short-term.

But what has happened is that the existing arrangements are contrary to good industrial relations practices.

Mr. Chairman: Very well, but we need an answer to MP Jennings-Smith's question, with respect to the gratuity payment which is an entitlement to a contract employee and I would like to know what is the policy in the State sector? A contract—a three-year contract has being issued, at the end of the contract there is no renewal, a gratuity payment is due. How long does it normally take for that payment to be processed? Because when we are dealing with the situation expressed by MP Esmond Forde, people take a few years sometimes to get their gratuity payments. We are talking about a contract worker, does it take a month, two months, 30 days, or is it paid on the same day that he leaves? What is the practice in the Public Service for the contract employees, with respect to gratuity payments and also are these gratuity payments taxed? In the Public Service, I mean, you must have that information to reveal to us?

Miss West: It is taxable?

Mr. Chairman: Yes.

Mr. Riley: I can answer the second part of the question, Chair: Payment is taxable. With respect to the first part about the policy around the payment, I would defer to my colleague at my extreme left, PS, Ministry of Finance.

Mrs. Durham-Kissoon: Thank you, Chair. My Comptroller of Accounts is not here, she is responsible for the Pensions Management Branch, but she has furnished

me with some data here. In practice, payments could be processed from between six months and two years. With respect to the question of—

Mr. Chairman: Okay, I need clarification because someone has a one-year contract and at the end of the year he or she has no more employment with the unit. He collects his last salary on the last month at which he works. You are saying it can take up to 18 months subsequent to that, two years, for him or her to obtain his gratuity payment? Is that correct, that you can take up to two years for a contract employee?

Mrs. Durham-Kissoon: According to the information before me, Chair, yes.

Mr. Chairman: Okay. But, there is a further question, I mean, there must be a reason for this delay because this is not someone who has to go through the normal Comptroller of Accounts procedure to get his final payment at age 60. Is this person going through the normal procedure?

Mrs. Durham-Kissoon: The Pensions Management Branch of the Treasury Division also handles gratuity for contract officers and—

Mr. Chairman: Okay, so it is the same unit, now we are getting a situation where in the parallel Public Service, you have permanent employees, contract employees but you have one Comptroller of Accounts, who will have to process all of it. What is the hierarchy? Is it that contract employees because they are short-term and so—the Comptroller of Accounts is also short-staffed. [*Laughter*]

Mrs. Jennings-Smith: Mr. Chairman, that was the main issue, when I spoke about the horse grazing and the cow starving because everybody is short-staffed.

Mr. Chairman: It would mean therefore that—it comes back to the point that was raised earlier—it is 12.22 and the conversation is now getting very interesting, it means that we will have to continue it at a subsequent occasion.

But it appears, that there are certain critical agencies at the very top of the hierarchy of the public service, the CPO's office is one of those; the Comptroller of

Accounts is another which simply cannot afford to be operating without the optimum complement of staff. Because if we are taking up to two years to process a simple gratuity for a contract employee, it is not surprising then to me, that we will take more years to process the files of a permanent employee, where you have to go through a much more detailed process with respect to his years and places where he worked and so on to get the file together.

So that it is emerging to me as Chair, and I could imagine to other members that we need to be looking at the hierarchy and looking at the very top to see how we are going to fix the very top to ensure that the bottom can at least run.

Mr. Sinanan: I just have one question, just to get some clarity to my position. Who has to full all these vacancies, is it the Service Commissions? Who has to full—there are vacancies in the CPO's office that is affecting everything. There are vacancies in the Ministry of Finance that is affecting—who has to fill?—and there are vacancies in the Service Commissions. Who is responsible for first filling the vacancies in the Service Commissions, so that the Service Commissions could fill the vacancies in the CPO—Ministry of Finance could fill their vacancies, so we can get money to pay people. Who is responsible at the top?

Because when we use the term hierarchy there is a perception in Trinidad and Tobago that the term hierarchy refers only to politicians, and from what I am hearing, here, clearly this is way out of the hands of politicians. Who is responsible for filling the vacancies at the Service Commissions because that is where the problem seems to be coming out from.

Mr. Chairman: Member, we do not have the Service Commissions here. It may very well be that we would need to engage them as well, because when we look at contract employees, we relate it to permanent employees. When we look at permanent employees, we need to engage the Service Commissions, so we do need

to look at this problem holistically. I am running out of time, my Secretary has given me a sharp cut-off time of 12.30.

12.25 p.m.

I would at this time ask—do you have a question?

Mr. Forde: Yeah, one question.

Mr. Chairman: MP—because you are the Vice-Chairman—[*Crosstalk*] last short question, Vice-Chairman.

Mr. Forde: I just want to go back to a statement that was made by Mr. Riley and then also Sen. Sinanan was sort of piggybacking on it just now, but the Chairman seemed to be looking at time.

Mr. Chairman: Well, I am looking at time.

Mr. Forde: You said, recommend, justify, but you cannot mandate. From my knowledge, your role of responsibility falls under the Ministry of Finance with oversight with regard to the public administration. Correct me if I am wrong.

Mr. Riley: Just to clarify, Vice-Chair, the CPO reports to two Ministers for different areas of responsibility.

Mr. Forde: And those two Ministers are or Ministries are?

Mr. Riley: The Minister of Finance, you are correct, for matters put under the Acts. So that when it comes to dealing with the PSA, for example, a negotiation with the PSA, I report to the Minister of Finance. When it comes to ordinary matters pertaining to the Personnel Department itself, I report to the Minister of Public Administration and Communications.

Mr. Forde: Right. Good. And that is exactly where we are at. So I am correct. Which is to say that on the mandate side that you ask for, you cannot mandate, but the two bodies that you report to are in this room at this time with regard to ensuring what Minister Sinanan is saying, who is responsible for filling these vacancies. We need these vacancies filled in order to ensure that the public service is efficiently

run.

So I am saying to public administration, Permanent Secretary, Minister of Finance, Permanent Secretary, where do we lie, with couple of seconds to go, in terms of ensuring that the CPO, based on his justification and his recommendation, to get these positions filled in order to ensure that the same public service that you all are running, that he can deal with filling these vacancies. Can you all take up his mandate and give him the tools that he needs?

Mr. Chairman: Who has the bulldozer to clear the log that is preventing the river from flowing? Right. Who has the bulldozer? Or is it that no bulldozer exists? That would have to be a consideration of the Committee. Who has it? Is it the Minister of Finance? Is it the Minister of Public Administration and Communications? Is it the Permanent Secretary? Who? I think Sen. Sinanan has raised—Who? From your expertise you are on the ground, who can solve that problem?

Mr. Riley: Chair, in speaking just a while ago, the Vice-Chair left out a key member of the triumvirate. That is, the Public Service Commission who will help me fill my permanent positions and I would love—they were supposed to have been here. I understand they were excused.

Mr. Chairman: We will have to engage them separately. They do not fall within our remit, but we will have to include them because of the direct bearing to the enquiry.

Mr. Riley: But in terms of the, just to go back to my earlier statement about not dealing with a mandate, it is not that I wish to mandate, I just want staff. I want someone to say to me—*[Interruption]*

Mr. Chairman: Okay, and I need to intervene. Someone has to have the responsibility to put the staff in your organization and we just wanted to find out

who.

Mr. Riley: With respect to the permanent positions, I would like the Service Commissions Department to say to the Chief Personnel Officer to the Personnel Department, listen, because of the critical impact of your vacancies on the rest of the public service, we will seek within a certain period of time, a reasonable period of time, let us say three months to treat with your matters.

Mr. Chairman: Very well, thank you very much. I have to look at the clock and it is now imperative to include the other stakeholders because we do have the Public Service Commission, we have the Police Service Commission, we have many service commissions who are responsible according to the Constitution of our Republic to employ or to recruit these permanent staff.

At this time, our investigation has not been exhausted, we are midway but I am running out of time. I will ask the representatives of the three Ministries to give some closing remarks. CPO, I will start with Public Administration, Ministry of Finance and then I will go with the CPO's office and finally the Ministry of Labour and Small Enterprise Development. So brief closing remarks, Madam Permanent Secretary, Public Administration.

Ms. Mendez: Good afternoon, Chair, Vice-Chair and members. We were happy to be part of this discussion. I know it is a start of a discussion which we do have at our various meetings, CPO, DPA, at our board of PSs. This problem I must say did not start yesterday. It is a perennial problem that we are now in the chair and facing and I want to assure you that we are looking at solutions. We are solution-oriented. We know that it is not insurmountable but it will need a definite passion, collaboration and communication in terms of moving forward and ensuring that the work of the public service is done

Mr. Chairman: Thank you very much. And a representative from—the Ministry of Labour and Small Enterprise Development, you can come in second.

Ms. Willis: Thank you, Chair. We at the Ministry of Labour and Small Enterprise Development would like to express our thanks for being part of this conversation this morning. We recognize the challenges that Ministries and Departments face in terms of achieving their mandates and as such we are aware that there needs to be further collaboration between Ministries and Departments, particularly the central agencies, together with labour in terms of addressing these problems. As I had indicated before, the Ministry is seeking to establish the labour market council which will address the labour market needs of Trinidad and Tobago, and as such identify critical areas that should be looked at.

Mr. Chairman: Thank you very much. Ministry of Finance and I will give the CPO the last word.

Ms. Durham-Kissoon: Thank you, Chair. To be brief. We want to thank the Chairman, thank you, and Vice-Chair and Committee members for engaging us in this critical conversation. Ministry of Finance is here to facilitate to meet the needs of accounting officers in financing their projects and programmes while managing our fiscal deficit.

With respect to an issue that was raised earlier, if all the vacancies were filled, we urge accounting officers to always prioritize their expenditure. But we are here to work with Ministries and Departments and we look forward to further conversations in this area. Thank you very much.

Mr. Chairman: Thank you very much, Ministry of Finance. And the CPO.

Mr. Riley: Thank you, Mr. Chair, Vice-Chair and members. This has been a very, very invigorating discussion from an intellectual perspective. I personally feel that this signals the start of something that can in fact hopefully make a difference to delivery of the Personnel Department, to the rest of the public service. We appreciate the candour and the light that has been shed on the matters that are of

importance to the public service. We wish to continue to be part of the conversation and to work with our stakeholders, our fellow Ministries and Departments, in solving the problems which have been presented. Thank you.

Mr. Chairman: Thank you very much, representatives. Let me offer some brief closing comments from the perspective of the Chair, and the comments are as follows.

We are all aware of the financial constraints under which the various Ministries are functioning and under which the Government of the Republic of Trinidad and Tobago have to administer the affairs of our Republic. But we do know and coming out of today's proceedings, that there are certain matters which need to be addressed of which I was not aware before, colleagues of mine perhaps were also not aware, one of which is that there are problems at the very top with respect to the staffing requirements of core positions at critical institutions, such as the office of the CPO.

I would imagine in many agencies there are also shortages of essential manpower at the very top and I think we do need to prioritize, as the representative from the Ministry of Finance indicated, our manpower needs. And I think it is very clear that we need to identify what are really the critical staff members that we need in each and every unit and why and what are the ones we could hopefully get in the medium term and we may have to live without. And if we do that and prioritize in that way, I think we would be able to discharge the mandate of every unit in every Ministry with some level of efficiency.

We know that there is this now parallel public service with contract employees, that contract employees may not be the most efficient form of manpower to employ in a service organization. They do have their uses, but you do not wish to have permanent employees or permanent positions manned by contract labourers. It may not be good for the efficiency of the public service and for the welfare of the

people of Trinidad and Tobago. So we would want to receive any reports that you may have on the evaluation of the efficiency of contract employees. We do need to engage the other stakeholders which are the service commissions not falling within the remit of this Committee, but because public administration is our responsibility and they are so critical to it now, I think we would need to invite you and the service commissions to come back for a subsequent hearing so that we can air matters to determine the issues raised by colleagues, Sen. Sinanan and others, on who really as the Vice-Chairman has indicated, who has the final say on making a decision? That is yet unclear.

We would like to know, having identified the problem, having required resources to fix the problem, who is to make the decision? Is it the Minister? Is it the Chief Technical Officer? Who in the state agency? And once we can identify that particular problem and identify who or which arm of the State must solve it, we would be able to proceed and make the recommendations necessary.

At this point in time I want to thank all of the stakeholders who were here with us this morning. This is a very valuable topic because we do need the public service to be efficient to discharge its responsibilities for the benefit of the people of Trinidad and Tobago and we have started our enquiry. It is only the beginning because it is becoming more and more interesting as we proceed. I want to thank you for being here. We do have some solutions coming out, not all yet, so be warned that you will be invited again and I hope you comply with our invitation to reappear before the Committee.

I want to thank all members of the media for being here, our listening and viewing audience, our Hansard reporters, our Parliament staff and most important the Secretariat without whom we cannot function based upon the research they have provided for us. I am seven minutes past my allotted time. I do crave the indulgence

of the Parliament staff in giving me the extra seven minutes, but it has been a very timely hearing and I thank you all for being here.

We will continue the dialogue so that at the very end when we issue our report we will have firm, concrete recommendations that we will make to the Parliament on how to make the public service more efficient in the interest of the people of Trinidad and Tobago and how, in fact, contract employees can co-exist with permanent employees and overall the efficiency of the State can be enhanced. I thank you all. This meeting is now adjourned. A pleasant good afternoon.

12.38 p.m.: *Meeting adjourned.*

Appendix V

EXCERPT OF VERBATIM NOTES OF THE TWENTY-SECOND MEETING OF THE JOINT SELECT COMMITTEE ON SOCIAL SERVICES AND PUBLIC ADMINISTRATION, HELD IN THE ARNOLD THOMASOS MEETING ROOM (EAST), LEVEL 6, (IN CAMERA), AND

THE J. HAMILTON MAURICE ROOM (MEZZANINE FLOOR) (IN PUBLIC), OFFICE OF THE PARLIAMENT, TOWER D, THE PORT OF SPAIN INTERNATIONAL WATERFRONT CENTRE, #1A WRIGHTSON ROAD, PORT OF SPAIN, ON WEDNESDAY, APRIL 18, 2018 AT 9.43 A.M.

PRESENT

Dr. Dhanayshar Mahabir	Chairman
Mr. Esmond Forde	Vice-Chairman
Mr. Rohan Sinanan	Member
Mrs. Christine Newallo-Hosein	Member
Ms. Khadijah Ameen	Member
Brig. Gen. Ancil Antoine	Member
Mr. Julien Ogilvie	Secretary
Ms. Chantal La Roche	Assistant Secretary
Ms. Ashaki Alexis	Graduate Research Assistant

ABSENT

Mrs. Glenda Jennings-Smith	Member [<i>Excused</i>]
Ms. Allyson West	Member [<i>Excused</i>]

10.32 a.m.: *Meeting suspended.*

10.45 a.m.: *Meeting resumed.*

MINISTRY OF PUBLIC ADMINISTRATION AND COMMUNICATIONS

Ms. Joan Mendez	Permanent Secretary
Mr. Claudelle Mc Kellar	Deputy Permanent Secretary
Ms. Savitri Balkaran	Director, Public Management

Consulting Division (Ag.)

MINISTRY OF FINANCE

Mrs. Michelle Durham-Kissoon	Permanent Secretary (Ag.)
Ms. Lesann Badoo-Seebaran	Director, Human Resources (Ag.)
Ms. Catherine Laban	Comptroller of Accounts (Ag.)
Mrs. Joycelyn Thomas-Vialmosa	Deputy Comptroller of Accounts (Ag.)

PUBLIC SERVICE COMMISSION

Ms. Maureen Manchouck	Chairman
Ms. Parvatee Anmolsingh-Mahabir	Deputy Chairman
Mr. Clive Pegus	Commissioner

SERVICE COMMISSIONS DEPARTMENT

Ms. Prabhawatie Maraj	Director of Personnel Administration (Ag.)
Ms. Margaret Morales	Deputy Director of Personnel Administration (Ag.)
Ms. Natasha Seecharan	Legal Adviser

CHIEF PERSONNEL DEPARTMENT

Ms. Angela Sinaswee-Gervais	Chief Personnel Officer (Ag.)
Ms. Wendy Barton	Deputy Chief Personnel Officer (Ag.)
Ms. Juliette Gonzales	Director Benefits Management Division Human Resources Management (Ag.)
Ms. Fereda John	Senior Human Resource Officer (Ag.)

Mr. Chairman: Good morning. Good morning all. Welcome first to all of our

loyal viewers and listeners to the Parliament Channel. We have viewers on the Parliament Channel, we have listeners on Parliament Radio, we also have the online resources, the *ParlView*. We welcome all of the participants in the general public. We also would like to welcome all officials who are here with us today to this the Twenty-Second Meeting of the Joint Select Committee on Social Services and Public Administration. This is our Committee's second public hearing pursuant to our enquiry into the state of contract employment in the public service.

Our Committee is Social Services and Public Administration. So it is in the context of our public administration remit that the Committee held the view that we needed to look at this concept of contract employment in Trinidad and Tobago in all its ramifications. I would like to advise members of the public who are looking on at this time to send any comments that they would like the Committee to consider, or any questions that they have using the various social media platforms which are available to them so that we can obtain public participation as well, since this is a subject that has generated a tremendous amount of interest in the general population. I would at this point in time ask members on today's panel to introduce themselves. What I will do since we are fortunate today to have a large number of representatives so we shall be well informed, the population of Trinidad and Tobago, hopefully, at the end of this morning's hearing, should understand the nature of contract employment in Trinidad and Tobago in a greater level of detail. We have officials from the Ministry of Public Administration and Communications; officials from the Ministry of Finance; officials from the Service Commissions Department and the Public Service Commission; and the Personnel Department, the Chief Personnel Officer.

I would ask first the officials from the Ministry of Public Administration and Communications to introduce themselves by name for now. Before I will then ask

the representatives from each organizations to give us brief opening remarks, but we just need the introductions now by way of name and title designation. Ministry of Public Administration and Communications.

[Introductions made]

Mr. Chairman: Thank you. Are there any other officials from your Ministry, Madam Permanent Secretary?

Ms. Mendez: No. No other officials. Thank you.

Mr. Chairman: Thank you very much. Ministry of Finance.

[Introductions made]

Mr. Chairman: Thank you. And that concludes the representation from the Ministry of Finance. Public Service Commission.

[Introductions made]

Mr. Chairman: Service Commissions Department.

[Introductions made]

Mr. Chairman: Okay, thank you. Thank you very much. We now move to the Personnel Department Office, Chief Personnel Officer.

[Introductions made]

Mr. Chairman: And let me thank all of the officials here with us today for appearing before the Committee. I think with the cadre that we have and with the range of representatives, we should get the answers today for our queries on contract employment in the Republic of Trinidad and Tobago. Before I ask representatives to make brief opening remarks to us, I will invite my colleagues on the JSC to briefly introduce themselves and I will start on my right.

[Introductions made]

Mr. Chairman: I will at this time ask a representative from each of the organizations to give us some brief opening remarks, and before I do that I would like to remind all of our viewers and listeners on the objectives of today's enquiry.

The four objectives are as follows:

1. To gather information on the prevalence of contract employment in Ministries and statutory bodies in the Republic of Trinidad and Tobago;
2. To examine the terms and conditions of employment of contract workers;
3. To assess, very important, the adequacies of existing arrangements in place to manage and/or regulate contract employment; and
4. To evaluate the impact of contract employment on the overall efficiency of the public service.

At this time, I will ask the following representatives to make some brief opening remarks. By brief I mean, maybe a minute and a half to two minutes maximum, and that will then start the enquiry from members of the Committee. May I ask Ms. Joan Mendez, Permanent Secretary, Ministry of Public Administration and Communications to offer her brief opening remarks to the Committee.

Ms. Mendez: Good morning, Mr. Chairman, and members of the Committee. I thank you for being here this morning. It is an honour that the Ministry of Public Administration and Communications can appear before Parliament to provide information regarding the operations, and also to gain recommendations arising from these meetings to help us shape public policy. Amongst the key initiatives that the Ministry of Public Administration engage in relate to public service transformation, ICT policy planning, public communications and information and, of course, through our Public Management Consulting Division we treat with issues regarding contract employment.

The Public Management Consulting Division provides organizational design services to Ministries and Departments. They help the Ministries and Departments determine new or revised structures as well as jobs in Ministries and Departments. Most times these jobs can be established offices and at specialized areas contract. I

thank you.

Mr. Chairman: Thank you very much, Ms Mendez. May I ask Mrs. Michelle Durham-Kissoon, acting Permanent Secretary in the Ministry of Finance?

Mrs. Durham-Kissoon: Thank you, Chair. Good morning, Chair, members, ladies and gentlemen. The Ministry of Finance is pleased to be a part of this discussion to look into the impact of contract employment. We continue to work with Ministries and Departments in helping them realize their goals and managing their talents in the Ministries, and we continue to advise Ministries and Departments to manage their expenditure and to prioritize. We look forward to contributing to the recommendations that would come out of these deliberations and we look forward to the discussions this morning. Thank you.

Mr. Chairman: Thank you very much, Mrs. Michelle Durham-Kissoon. Ms. Maureen Manchouck, Chairman of the Public Service Commission.

Ms. Manchouck: Thank you, Chair. I thank you for inviting members of the Commission to be here this morning. The mandate of the Commission 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 contract appointments, and I can deal with more of what we think about contracts and how we see it later on. Thank you.

Mr. Chairman: Thank you very much, Ms. Manchouck. Ms. Gervais, acting Chief Personnel Officer.

Ms. Sinaswee-Gervais: Good morning again. The Personnel Department welcomes the opportunity to assist this Committee in these very important deliberations on the issue of contract employment in the public service. As you may be aware, the Personnel Department is responsible for determining and advising on pay and terms and conditions of employment of a wide range of persons in the public service. Through consultation and negotiation with the appropriate recognized

organizations and unions, the Department determines terms and conditions of service for monthly paid officers in the civil, teaching, police, fire, prison services and statutory authorities subject to the Act.

We are also responsible for the determination of terms and conditions of employment for daily-rated workers and contract employees. We advise on a wide range of HR issues in the public service, and it is in this regard that there is a committee headed by the Permanent Secretary to the Prime Minister. The committee was set up to review the state of contract employment in the public service. The Department played a major role in this review in collaboration with the Ministry of Public Administration and Communications, as well as the Ministry of Labour and Small Enterprise Development, and the report of that committee is currently before Cabinet for consideration. We welcome the opportunity to provide any assistance that we can to this Committee in its deliberations on this very important issue to the public service. Thank you very much.

Mr. Chairman: Thank you very much for your opening remarks. You have set the stage for a discussion which hopefully will clarify a number of issues. There was agreement that MP Newallo-Hosein would start the questioning on our behalf, but she has decided to allow the Chair to exercise his prerogative. And so, on the last occasion that we met with the representatives, a number of issues emerged. When the PS, Ministry of Finance indicated to the Committee that contract employees—that is Mrs. Durham-Kissoon from what I recall—may have to wait perhaps a year and a half, sometimes two years to obtain their final payments, I wondered why was it taking so long. And second, a number of issues arose when the Chief Personnel Officer, the representative of the CPO's Office appeared before us, we wanted to find out, what can be done to enable the Office of the CPO to discharge its functions more efficiently?

So the first question I want to pose arising out of last occasion's hearing is to the Comptroller of Accounts. The Comptroller of Accounts ultimately must prepare these pension cheques. Her office, not she. Her office must prepare the pension cheques. I would like to get from you—and have gotten from you before in another capacity—the reason for the delay when we are dealing with workers who are not contract employees. Workers who are 60 years old and they are leaving the public service as per the regulations, and so on; the reasons for the delay in making those payments, the gratuity payments for that category.

I would ask of you, what are the reasons for the delay with respect to a contract employee who has a three-year contract with the State, the contract has come to an end and he or she is still waiting may be nine months later to obtain his final gratuity payment. What is the reason for the delay in general for that final cheque to be produced? Comptroller of Accounts.

Ms. Laban: Chair, first let me say, if all the documents are submitted on time and they are accurate, it would usually take four to six months for a contract payment to be made. However, if there are errors in the document submitted, if Ministries submit the documentation late and there are also errors in the computation, it could take from six months to one to two years. It also all depends on the promptness of the response from the Ministries when we ask them for queries and we ask for the amendments or changes, the time taken for the Ministries to respond to the Treasury Division.

Mr. Chairman: Thank you very much, Comptroller. Comptroller, we are solutions based in this Committee. We like to fix the problem. You are overall in charge of the Comptroller's Office. I understand you too would like to obtain additional staff and maybe facilities. I want to put forward to you for following recommendation: suppose you were to receive from whoever is supposed to supply 10 additional contract workers with knowledge in reviewing these retirement files, if you get 10

additional contract employees on a two-year or a three-year contract working in your office, will that have a significant effect on reducing the time for processing these final payments? And if 10 would not do, how much additional workers, contract workers, with basic accounting training that you require in order to ensure that a contract worker can receive his payment 90 days after he has demitted office?

Ms. Laban: Yes, it would help significantly. However, the problem is also with the Ministries in the errors that we find, and at times the Ministries take up to a few weeks, six to nine months to respond to this Division with the amendments.

Mr. Chairman: Okay. So there are two problems, one is a staffing problem in your Department and one is a response problem from the Ministry. We will pose the response problem to the Ministry, I would imagine, of Public Administration. We do need to remove that particular impediment. But from your experience, if the Ministries reply within a reasonable period—and a reasonable period I take it to mean a request is sent out from your Department to any Ministry for information on a worker's file—what is the reasonable length of time you think ought to elapse before you get the information that you require? I am looking at normal, reasonable period. Is it two weeks? Is it four weeks? How much time do you think should elapse before the Ministry supplies the information; and how much time normally elapses with respect to their tardiness?

Ms. Laban: At least a month for the most.

Mr. Chairman: Very well. So we have immediately solutions coming out. First the Comptroller of Accounts will require some more staff. Comptroller, how much staff would you like to get to process these payments, contract employees? Someone with basic accounting training should not be hard to obtain. You ought to know the qualifications. You are in charge of that Ministry. Would you say 15 additional officers will certainly expedite the work of your Department?

Ms. Laban: No. With respect to contract employment, right now, currently, we have two persons on short-term employment in the Ministry assisting us. A further three persons would do.

Mr. Chairman: A further three persons will do. So we will have to find out, who in the cadre before us can supply to the Comptroller of Accounts three additional persons. And, Comptroller, I want to get it clear, you are not looking for people with ACCAs. You are looking for people with accounting training who can clear the files, and you know that—would you say there is a large supply of these people in the Republic of Trinidad and Tobago? A relatively decent supply of the people that you need?

Ms. Laban: I cannot say, but the persons who we have hired are persons who worked in the pension's branch and have the experience, and they are retired treasury officers of the pensions. However, I would just like to state as well that we recently did a Draft Note to Cabinet for the extension of additional staff in the pensions branch and that Note was for 20 persons in the various areas of the Pensions Department, not just contracts, but for the monthly paid, the accounting units, all the affected areas. So in total it would be 20 persons in the relevant areas.

Mr. Chairman: Excellent, Comptroller of Accounts. I now know that you need 20 additional persons, and if you get the 20 additional persons and the Ministries are compliant within your one-month time frame, do you think in general with contract—I know the issues with full time employees, people who have switched Ministries, and so on, I know there may be some problems with their files, but in general, if Ministries are compliant in responding to your requests within a one-month time frame, can you say with your full complement of staff you will be able to provide the contract employees in Trinidad and Tobago in general within a three-month period of demitting office their final payments?

Ms. Laban: Yes, we should. However, can I state that we also have another

solution for the payment of contracts?

Mr. Chairman: Sure. Please provide a solution to us.

Ms. Laban: The other initiative we are looking at right now is decentralizing the contract payments back to two Ministries and Departments. We did the necessary research and there was no legal impediment towards letting—the Ministries are the ones that compute the contract gratuities. It is a simple calculation. It is 20 per cent of the gross amount paid over the one to three years, and it is a simple calculation. Now, if we decentralize to the Ministries, give the accounting officers the responsibilities, that should greatly help in the payment of the contract gratuities on time. That is an initiative that we started recently, and we are speaking to the relevant stakeholders right now with the objective of getting this started in the new financial year. Let me also say that the Pensions branch gets approximately 3,000 contract payments to process every year. Out of that 1,000 are new contracts every year. The other 2,000 are renewals.

Mr. Chairman: Before there is a follow-up, Madam Comptroller, who has to give the accounting officers in the various Ministries that authority and power of which you speak?

Ms. Laban: Well, I will need approval from the Permanent Secretary, Ministry of Finance.

Mr. Chairman: So basically this is an administrative matter?

Ms. Laban: Yes.

Mr. Chairman: While we are working on the administrative matters, suppose you get your 20 additional employees in short shrift, you are saying that you, with 20 additional employees in the short term, will be able to shorten the time period that Mrs. Durham-Kissoon told us normally takes for individuals to receive their payment from a year and a half, to two years, to basically 90 days, which to my mind

is a target I will be looking at as reasonable. You are saying with your full complement of staff there is no good reason why you should not be able to make these payment within a 90-day period, and once you decentralize it should even be less.

Ms. Laban: Yes.

Mr. Chairman: Very well. Yeah, follow-up.

Mrs. Newallo-Hosein: Just a follow-up, Comptroller, and that is, you are indicating this is for contract workers that you are going to decentralize, but for public officers who have their pensions and so forth, I do not know the process and perhaps if you take me through the process, barring the lack of staffing. If a file comes to you indicating that someone has completed their duties and they are ready for pension, and so forth, and there are errors, you would normally write the relevant Ministry and indicate—there are persons who have been waiting sometimes 10 years that I am aware of—what happens when this file, an outstanding file is on your desk? Is it that the process is that you have written and whenever the response returns to you that is when it is actually dealt with; or is there any follow-up? Is there any member of staff who can actively go through the process of calling the Ministry, calling the Permanent Secretary and ensuring that something is done, or is it just left up to whenever a response is returned to you?

Ms. Laban: No, it is not left to when we get the responses. We BU the file for between three weeks to a month to take follow-up action, but also when the letters are sent out we call the persons in the relevant Ministries to let them know these are outstanding. Additionally, we have established liaison officers in most of the Ministries. So they are the points of contact that we would call to ensure that, you know, we get back these documentations on time.

Mrs. Newallo-Hosein: So we have someone with 10 years who has been waiting—because I do know of persons who have been waiting quite some time, 10 years—

how many letters would leave your Department and go to the Ministry, or to the Permanent Secretary, asking for this request to be forthcoming?

Ms. Laban: I cannot say—we are speaking about public officers?

Mrs. Newallo-Hosein: Public officers.

Ms. Laban: Now there are usually—with the pension and leave records, normally there are periods of service that are missing from Ministries and these cause delays in the Ministries sending us the responses. Sometimes you have realignments of Ministries and that also causes problems in the processing of their pensions and leave.

Mrs. Newallo-Hosein: Excellent. So as such, we have the PSC indicating that your position, your mandate according to your opening statement, your mandate according to the Constitution, is to appoint, promote, transfer of public officers and discipline. Not so? You have discipline as well?

Ms. Manchouck: Yes.

Mrs. Newallo-Hosein: Right. So if it is that for years, and years, and years, we have this common mistake, what is being done to actually discipline the necessary persons who have these HR issues outstanding because it is a common practice?

Ms. Manchouck: Well, first of all, it is a management issue from what you are speaking about and, therefore, it has to originate from the Ministry, or the Permanent Secretary. The Director of HR in the Ministry has to recognize it as a discipline issue if it is in fact a discipline issue, or perhaps it is a management issue and that needs to be rectified within the Ministry.

Mr. Chairman: Very well. We will come back to that, but there are a number of follow-ups. I will ask Brig. Antoine to come in with his follow-up, then I will ask Deputy Speaker to follow Brig. Antoine, and Sen. Ameen to come in afterwards. So we move in the order of Brig. Antoine first and his follow-up.

Brig. Gen. Antoine: Yes, good morning. I am hearing from—we have here a range of public servants from various Ministries, et cetera, and we are only hearing phone call, phone call. Tell me what prevents a messenger taking a file from one Ministry and going to a next Ministry and expediting this matter very quickly? What prevents that? Because I am not hearing anything about a messenger, or anybody, or a clerk carrying a file from Ministry to Ministry, or Ministry to statutory body. It is all about phone call. You put a phone-call, you put a BU for next month or next three months, and then you put a BU, and then you put a BU and nothing is happening. What prevents somebody walking a file from one Ministry to a next one and expediting this matter?

Mr. Chairman: Anyone? Will that solve the problem? Will that expedite the payments? That is what we want. We want the payments and the cheque in the hands of the people quickly. Remember they are contract employees, they are not earning any money next month. Any response?

Brig. Gen. Antoine: Any response?

Mr. Chairman: Any response from any Ministry? Ministry of Public Administration perhaps?

Ms. Mendez: In respect of queries, I think they come in various forms. You will get a telephone call as the Comptroller of Accounts would have indicated. Each Ministry now has a liaison officer with whom an officer from the Treasury Division would liaise. We do have correspondence being delivered through messengers to the respective HR units, but we are also looking at some IT driven processes.

We are working with the Ministry of Finance and the Comptroller of Accounts in terms of reviewing the processes. We are more IT enabled in the public service and we need to harness the use of IT and our computer applications and programmes in order to facilitate effective and timely service delivery. So this also is one of our key transformation initiatives. But we do have messengers who will bring the

necessary documentation to the Ministries.

Mr. Chairman: I have one, but I will ask the Deputy Speaker to pose his follow-up.

Mr. Forde: Morning again to the body. In terms of the delays, amidst all the lack of staffing, the administrative issues, is there a financial issue with regard to some of these payments? I do not know if it is Comptroller of Accounts?

Ms. Laban: Well, it would depend on the releases from the Budgets Division. Now usually we would get releases on time, but because of our funding constraints—currently we do have files on hand that are ready for payment, however, due to funding constraints, there is a delay in getting the releases to make these payments, but we do get them within a few weeks.

Mr. Forde: Now, I know we are dealing with contract employees, can the same be said for pensionable employees?

Ms. Laban: Yes.

Mr. Forde: Okay.

Mr. Chairman: So, Comptroller, from what I get from you, the problem is not a problem of timely releases of funds from the Ministry of Finance. The problem is an administrative one with respect to the completion of files.

Ms. Laban: Yes.

Mr. Chairman: Very well. Thank you. Sen. Ameen.

Ms. Ameen: Chair, I just want to bring a practical perspective into this. I have known for a long time that even public officers who retire, their standard waiting time to receive their pension and gratuity is usually two or three years if they are lucky. You are saying that this does not have to be so if you are operating at full capacity and if you have full cooperation of the respective Ministries. You indicated that you have sent a Note to Cabinet requesting about 20 additional staff members.

What difference do you anticipate this complement to make in the processing of both pension and gratuity for the staff, public officers, as well as contract officers?

Ms. Laban: Just to make a correction. We have not yet sent the Note to Cabinet. We have it in draft. It has to be sent to the PMCD, to Public Administration first and that should go to them next month.

Ms. Ameen: What about the difference?

Ms. Laban: With respect to the difference, well it would result in the prompt payment of pensions and gratuities on time—it would reduce the time limit. It still can take up to about four months because it is voluminous. It is a lot of files. Additionally, the files also go to the Auditor General's Department and that usually takes about two months to process. So at each stage it takes a few weeks, and that would have added up to four months.

Ms. Ameen: Well, because I was a chairman of a regional corporation I have experienced instances where persons, former employees passed away while waiting to collect their pension or gratuity. Can I ask you for the information for the public, what is the procedure when the person, the recipient dies while waiting?

Ms. Laban: Sorry. Before they—

Ms. Ameen: Before they received their pension.

Mr. Chairman: Someone dies and his pension cheque is still outstanding, what happens?

Ms. Laban: Okay. Well then we would have to receive letters of administration from their next of kin. Those are the legal documents. We would continue processing the pension, but that would go to their next of kin.

Mr. Chairman: Okay. I need to follow-up with what emanated from the submission recently of the Ministry of Public Administration. This is just one question on contract employment. We have not asked the substantive questions yet as to what we can do with respect to the CPO's office and so on. But the question I

want to pose is this: In the public's interest if I am a member of the public with payments outstanding, I would like to know what is the keep back with my files; and if I could do anything to expedite, I will on my own try to do it.

11.20 a.m.

So what I want to ask from the Ministry of Public Administration is this: Is there any impediment to placing these files on a database so that the recipient of a particular payment can know at each stage, when he goes on to the computer, my file has left Comptroller's office or the Comptroller of Accounts has listed on this particular file, documents outstanding so I keep a track of it, myself, online and I am able as a citizen then to provide whatever assistance I can provide so that I can put pressure on my employer, the Ministry, to supply the necessary document? You see, if I am owed money and I am a citizen and I need the money, I would like to know what I can do.

So if there is a sticking point with some official in the Ministry, I think I should know what it is, not only the Comptroller but I should know and I may make a visit to the Ministry myself, speak to the accounting officer and really ask him or her to expedite the information or supply the information. Is there anything preventing that from happening now, to make the information available online via a specified code number so not everybody could get access to it? I, as a potential recipient, should know where my file, should access the information and should be able to liaise with Ministries. Ministry of Public Administration, is that feasible? Unfeasible? Practical? Impractical? I know it is fair.

Ms. Mendez: Chairman, at this time, officers do walk into their various Ministries, people who are approaching retirement or those who have retired and through their HR units, they will be provided with updates. Most times, it may be, well, we are awaiting a performance appraisal from your supervisor. It may be that they are

awaiting information from a previous Ministry from which the person would have been transferred or outstanding payments, arrears of salaries, increments. These are some of the issues that may affect the individual. So the individual takes the responsibility and helps the HR Unit and go physically. They might go to the particular Ministry from which they may have been transferred and obtain records. They may assist in getting their performance appraisal prepared by the relevant supervisor and of course, if it is a matter regarding arrears of increment or salary, you treat with the relevant accounting unit.

But I will invite my Deputy Permanent Secretary who is working along with me in terms of our review and upgrading of our Integrated Human Resource Information System, and we do hope, in the full implementation of that system, we will have an employee self-service. So a person can go on, see their file from the time they started in the public service. They would be able to review their performance appraisal report, if there are any grievance, issues, how they have been resolved, their terminal benefits. And we do hope, as we work with the Treasury Division in looking at the pension administration review of their processes, that in time, it will be fully computerized. People can access it from home through their mobile or their computer and see their records. But my Deputy Permanent Secretary will give further details. Thank you.

Mr. Mc Kellar: Thank you, PS. Chair, Permanent Secretary basically outlined a lot of what is desirable. Certainly, we want citizens, retired public officers, their relatives to be in a constant state of awareness as to how soon benefits would be paid, and as you indicated, where the process is at any one point in time. We would have gleaned thus far from the different comments that there are a number of agencies that are involved in the process starting with the line agency where the person was employed or is employed, following on to the Comptroller of Accounts Department and even the Auditor General's. So there are a number of agencies at

play and you know, at any point in time, a document could be at any one of those places receiving attention.

PS indicated that we do have, at present, the IHRIS, Integrated Human Resource Information System. That is our IT solution for addressing human resource issues. Ultimately, at the end of the day, the processing of terminal benefits, whether for permanent establishment officers or contract, is heavily rooted in the existing HR system. IHRIS, which is really the PeopleSoft application, seeks to modernize the human resource management processes and, of course, to integrate them. Because at the end of the day, in preparing a terminal benefit, you do have to bring to bear data information from a number of arms of the HR. Whether it was date of employment, promotional dates, approvals, periods for vacation leave and this applies to both permanent employees and contracts; whether it is terms of conditions. There is a whole slew of HR information that must be available, not only on file now but available online in the system. So that at the end of the day, when the person is about to retire or has retired, you can pull and integrate all of this information as quickly as possible.

I would just want to point to two activities that are taking place whether inside the Ministry of Public Administration and Communications or in concert with other agencies. At present—I think we raised this at the first sitting of the Committee—we are currently working with the Comptroller of Accounts Department, specifically the Pensions branch to assist that division in—how should I say it? Bringing the pensions module of IHRIS. There is a dedicated module in IHRIS that deals with pension benefits. That project is about bringing that module online, taking all the necessary steps to make sure that it can perform, it can draw all the information from the other modules and help in processing the terminal benefits in as quickly a time as possible. So Public Administration and Communications, we have been

working with the Comptroller and her team on that.

Secondly, within the Ministry of Public Administration and Communications, we have a team that is working on standardizing processes for human resource management across the public service. Again, there is sometimes divergence, different approaches across Ministries, in terms of how different procedures, practices, are administered and that in itself can lead to delays or setbacks in processing. We are trying to standardize processes starting at home.

Mr. Chairman: Very well. Thank you very much, Sir. We do have follow-up questions. Deputy Speaker, Sen. Ameen and then—*[Interruption]* A new question. Okay. Anyone with a follow-up? Yes.

Mr. Forde: Mr. Deputy PS, the Integrated Human Resource Information System, how many Ministries are using it presently?

Mr. Mc Kellar: All Ministries and Departments have been using IHRIS?

Mr. Forde: Okay. How long, please? Average time. How long it has been in use?

Mr. Mc Kellar: IHRIS has been in place since, I think, probably 2000 thereabout.

Mr. Forde: Okay. So, for instance, I can actually call names, there is a particular employee who retired from the Ministry of Health. It is the only Ministry the person ever worked with and she has been delayed in receiving her payment—now this is not contract, right, this is not contract, this is a pensionable situation. The last conversation was that a document came from one of the Departments, it was stamped but not signed and that is the last document. So when the person visited my office, I told them to contact the relevant department and see if it can be walked through the system. That conversation happened as early as last week. And now we are hearing that this system is in place, the person only worked Ministry of Health and has been delayed for quite some time in order to receive payment. I do not know if you could share any light, not just the particular individual but on the system, how it is supposed to work and how it is supposed to assist the individual in ensuring that they

get timely processes of their gratuities. Because let us be real, after you would have contributed most of your life in the public service, contract or otherwise, and you go home, you would like to get your resources.

Secondly, is there a provision for partial payment of individual's gratuity, pensionable payment as the case may be? Once we are sure that what we have in the system, the person could receive a 25 per cent, a 50 per cent accordingly. Anyone of the panel, whether the PS or Comptroller.

Mr. Mc Kellar: Deputy Chair, let me just say that the second question regarding the partial payment will fall to the remit of the Comptroller of Accounts and the Pensions Division. But with respect to the first part of your question, issue, notwithstanding the fact that IHRIS has been in place for, well 18 years, HR management, within the public service, is still relatively paper-based with a lot of recordkeeping being done on hard files.

In the case of—I think conceptually, we like to believe that public officers who have spent their entire career or the majority of their career in one agency, we like to think that they should be in an advantageous position because they would not have been moving from agency to agency and there is less challenge with recordkeeping. But even so, sometimes vaults where documents are held, vaults become packed, you need to go to another facility, there is wear and tear on documents. It is unfortunate in this particular situation and others like it, but as PS Mendez indicated earlier, officers can walk the system, visit agencies and shops and try to fast forward as best as they can.

Mr. Chairman: Okay, thank you very much, Deputy PS, because what I now have information on is on this system, this IHRIS system which you said in existence for the past 18 years, and the length of time to process a payment still remains inordinately long, so clearly there is a need to review the efficiency of this and to

make some changes.

We were told by the Comptroller of Accounts that public officers in other Ministries do not supply information on a timely basis and she would like to get the requested information within a month. Ms. Manchouck indicated that there is a management and a disciplining problem. So here we have a situation where my citizens have retired either contract—and I am focused on contract today—and there are certain inefficiencies that we need to address and find solutions towards and that is, the delay of public officers in supplying information. I will ask my two other colleagues who have raised additional questions to pose theirs but I want you to give some thought.

And we have not brought in yet the CPO's office because the CPO, on the last occasion, raised some valuable points that we want to address as well. So for you who administer the affairs of Ministries, I would like to know what will you recommend as disciplinary mechanisms for officers who are tardy in supplying information which seems to be at their disposal but they are taking their time, what could be the problem and how could we solve it, and we will have to find a solution to the relationship between the Comptroller of Accounts office and the various Ministries. While she is decentralizing, we would like to know what could be done today to ensure that once the Comptroller asks for information, the various administrative officers in the Ministries will ensure that there is compliance within a reasonable time. Because unless there is compliance, there is not going to be a solution. What the Comptroller has indicated to us is that the problem is not with the Ministry of Finance releasing funds, they release on a timely basis. It has to be with the completion of the files. We would like to know why officers do not supply the information and what can we do at this point to address that matter. So I will ask MP Newallo-Hosein and then I will ask Sen. Ameen to come in.

Mrs. Newallo-Hosein: Okay. Question: Given that contract employees are not

insulated from unwarranted influences, what policy changes are proposed to protect contract employees against constructive and unfair dismissals? And I think, perhaps, the MPAC and PSC could answer that question, please.

Ms. Manchouck: I am sorry, PSC does not handle contract employment.

Mrs. Newallo-Hosein: Okay, I understand that. In terms of the mandate that you have been given and understanding that contract workers ought to be protected constitutionally, is there any policy that would be guiding you in the near future to be able to bring in policy for contract workers so that there is equity with both public officers as well as contract?

Ms. Manchouck: I think this is a CPO matter. I do not know if CPO is in a position to answer that.

Mrs. Newallo-Hosein: CPO and MPAC.

Mrs. Sinaswee-Gervais: It is an interesting question because our contract employees, there are terms and conditions embedded in a contract and we have certain clauses. When you are speaking of—what? Protection for the employee? I am not very clear on exactly the issue.

Mrs. Newallo-Hosein: We all are aware that there would be guidelines in a contract and where also you have a mandate if you were to be dismissed. But we are referring specifically to unwarranted influences. How do you deal with it and how does it MPAC deal with it? And in light of the fact that we do have a recent case of sexual harassment. How would you approach this? Is there a policy in place? And if not, are you looking at policies being implemented to circumvent circumstances such as these and others?

Mrs. Sinaswee-Gervais: My colleague PS Mendez would like to clarify some issues there.

Ms. Mendez: During the course of operations as Permanent Secretaries in

Ministries and Departments, we treat with two regimes of contract employment which are administered very differently from each other. I will refer first as the contract employees, one regime and the second as political appointees. The first regime is one in which the Ministry employs contract officers under divisions and units with an organizational structure and job descriptions that are designed to support the mandate of the Ministry. These contract officers are engaged through a competitive recruitment and selection process. The Permanent Secretary, through a well-evolved system of performance management, is ultimately responsible for administering this regime. These contract employees, within the public service, are subject to the terms and conditions outlined in the guidelines for contract employment in Government Ministries, Departments and statutory authorities, subject to the Statutory Authorities Act, Chap. 24:01, prepared by the Chief Personnel Officer, these guidelines.

The second system in which Cabinet approves contract positions of personal staff for a Minister of Government is what we also administer in terms of the Permanent Secretary, accounting officer of a Ministry. The difference between the political appointee and a contract officer is that the political appointee is not subject to the Ministry's recruitment and selection process. The Permanent Secretary has no role in the day-to-day duties and responsibilities of the political appointee. Even though the appointee is engaged on contract, he or she is selected and reports to and works directly for the Minister. The Minister, by extension, determines whether the appointee has performed and is entitled to take steps to discontinue the engagement. It is important to understand, therefore, that Ministers of Government have the sole right to hire, manage, discipline and treat with the performance management of his or her staff. The Permanent Secretary simply administers the salary and terms and conditions according to his role or her role as accounting officer.

Mrs. Newallo-Hosein: Thank you very much and if I may have a follow-up

question. And therefore, you indicated there are two, the contract and then you have the political persons and there is a big difference in terms of the terms and conditions outlined. One, the contract is done—the job description is done by the Permanent Secretary or whoever, accounting officer and the political appointee, of course, is subject to the Minister's process. My question is, if this is the case, then in light of the fact that terms and conditions are outlined by the accounting officer for contract officers, does the Permanent Secretary or the appointing officer have the mandate to allow or to consider a payment of undisclosed sums outside of the salary? Is that the mandate of the Ministry to pay to any employee an ex gratia for any matter that may be out of the remit of the Ministry, especially if it deals with a personal matter and not a matter that is related to the Ministry?

Ms. Mendez: As you are aware, the hon. Prime Minister has appointed a committee to investigate issues surrounding the dismissal and payment of a particular employee to a Minister and out of professional integrity and ethics, I would revert to have the Committee undertake its investigation and report.

Mrs. Newallo-Hosein: But I would like to ask a question. Has the Ministry of Public Administration and Communications ever encountered any situation such as transpired ever in its life?

Ms. Mendez: As far as the record shows, there are certain areas in terms of the Minister's sole discretion, as I indicated, to hire, discipline and if need be, terminate. Since it is a very important matter of public interest, the Ministry of Public Administration, with the responsibility for HR policy is undertaking and will be undertaking a review and preparation of guidelines in consultation with the Chief Personnel Officer and other stakeholders.

Mrs. Newallo-Hosein: Is it at all possible then, if there is any breach, that the Ministry will seek to recover moneys? In the future, not just necessarily for this

matter but in terms of your policy guideline. Will you be looking to recover moneys expended that ought not to have been done so? Would that be a part of your policy guideline?

Ms. Mendez: Chair, I do not wish to pre-empt the work of the committee and I will prefer that the report is submitted when it is completed.

Mr. Chairman: Understood, PS. But really, a question that is arising from me—and then I will ask the Deputy Chair to come in—is: With respect to the political hiring of persons, the tradition has always been that hiring in the public service has been done by the Public Service Commission. You go through the Service Commissions, you do not bypass the Service Commissions. We have seen contract employment bypassing somehow the regulations of the organizations that are enshrined in the Constitution. What I would like to know is, under what power or under what law is the Minister or are the politicians operating when they recruit employees? Is there a law? Is it administrative? Is it a Cabinet Note? What gives them the power? Because, you see, they must be paid out of the public's purse, moneys must be voted for that purpose. So I need to get clarification on the powers of a Minister to hire and really what those powers are and are there limits to how much he can hire in relation to the permanent staff in his Ministry. I just need guidance on that because I simply do not know.

Ms. Mendez: Thank you, Chair. It is a Cabinet-approved authority which outlines various personal staff that Ministers of Government are entitled to.

Mr. Chairman: Therefore, all Ministries will be operating—the accounting officers in the Ministries will have that Cabinet Note which will then enable them to facilitate payments, monthly payments and so on. Except for the gratuity payments, monthly payments are going to be supported by this Cabinet Note.

Ms. Mendez: As well as the salary and terms and conditions are approved by Cabinet. These are the guidelines that, at this time, will guide Permanent Secretaries

and accounting officers.

Mr. Chairman: Very well, so we can bypass the Service Commissions by simply going Cabinet Note basis? I just want to get clarification. We can bypass the Service Commissions.

Ms. Mendez: The Service Commissions Department treats with established permanent staff in the public service; this regime deals with contract employment.

Mr. Chairman: Exactly. Thank you very much. That clears it up. I will ask the Deputy Speaker to make his intervention.

Mr. Forde: But just for some clarity, Madam PS—and this action has been going on how long?

Ms. Mendez: The Cabinet decision that—

Mr. Forde: With regard to employees being hired on the political side of things.

Ms. Mendez: This Cabinet decision was approved in 1998, we can provide documentation to the Committee.

Mr. Forde: Okay, right. I just wanted to ensure that that was on the record.

Mr. Chairman: Please do. I really would like to get the documentation and if it is that the Ministry of Public Administration can trace the growth of contract employees in the State sector, from 1998 to now, that is a 20-year period, it certainly will provide for me the vital statistics in relation to what is the role of the politician in relation to the role of the Service Commissions in hiring persons in Trinidad and Tobago's public service. Thank you. I need information on that.

Ms. Mendez: I wish to clarify that the Cabinet decision gives the authority to Ministers of Government to hire certain personal staff. We have Cabinet authority for contract positions when the Public Management Consulting Division has reviewed, based on a submission from Ministries and Departments indicating that they want specific contract positions aligned to their mandate, we have to get Cabinet

approval, so there are two separate regimes.

Mr. Chairman: Thank you very much. Information on the two regimes because when did the second regime started? It also started around 1998 with respect to specific positions?

Ms. Mendez: CPO may be able to guide in terms of when that started.

Mr. Chairman: Yeah, simply for clarification, I need to get the timeline.

Mrs. Sinaswee-Gervais: At this point in time, I am not able to say the exact year but it would have been going on prior to 1998. There was a policy approved by Cabinet indicating the instances when you can employ someone on contract and that would have been when there is a dearth of suitably qualified persons or you have a particular project that you need additional staff for, you could hire them on contract and the terms and conditions of that employment would be determined by the Chief Personnel Officer. But each Ministry would make an approach to Cabinet, make the case for the contract employment and then the CPO's office would come in to determine the terms.

Mr. Chairman: Thank you very much. You see, I am just curious as to why it is that the Service Commissions are not involved in the process in anyway but I will get that input from them at some time later in the proceedings. I will ask the Deputy Speaker.

Mr. Forde: My previous question with regard to the partial payment which is supposed to be for the Comptroller of Accounts, I need to get that out of the way before we move on, please.

Ms. Laban: Yes, there have been some initial discussions on the matter but we need to engage all the relevant stakeholders to determine the feasibility of partial payments, any legal implications and the pros and cons.

Mr. Forde: When you say in terms of getting approvals, that will be administratively among the various Ministries or you will need to go beyond

constitutionally, legal, you know, that sort of thing? Clarify.

Ms. Laban: Yes, we have to determine whether there are any legal implications to making partial payments to pensions.

Mr. Forde: Okay.

Ms. Ameen: Chair, thank you. Just to continue the issue of contract employees and the political influence. In the public domain, recently, there are a number of contract workers whose contracts have come to an end and there is a political decision not to continue that contract or those contracts and people are going home or losing their jobs in droves and we cannot say that they are being fired because their contracts have come to an end.

As it pertained—I understand the difference with the personal staff for the Minister. I am asking about the other contracts within the Ministries, the internal operations of Government Ministries and Departments. When it comes to hiring persons on contract, to what extent does the political directorate, the Ministers and others, to what extent are they involved in the recruitment, in the selection and in the termination of persons hired on contract? And perhaps, you could include in your answer: How that influences the quality of the employees you get; does it augur well in terms of industrial practices, and how do we protect those employees from what could be seen as unfair dismissal based on political or perceived political allegiances?

Mrs. Sinaswee-Gervais: I will take the opportunity to outline what is the process to employ someone on contract first. First, the Ministry or Department has to recognize that there is a need where probably there are staffing issues where they cannot get public officers to do a particular job or there might be shortages and they decide to go the way of contract. They will first have to do a Note for Cabinet to get that position on contract with a full justification for going that way. That Note first

goes to PMCD, Public Management Consulting Division, who would go through the proposed job description, see if there really is a need for someone to be employed on contract. I think they would have probably gone through the full process before. And then that Note goes to Cabinet. Cabinet approves whether a contract position will be created. The process after that, you would advertise and you will go through the selection process with interviews, et cetera, and the Minister then approves that selection of the person, but that is after we would have gone through the entire recruitment process. So the selection is really done through the process of interviews and it goes to the Minister for approval.

When it comes to termination, the only certain times we will have termination is either there is no longer a need for the position, you may have an issue of performance, if you want to and the termination clause in a contract kicks in or—basically that is it. Basically that is it. Or, and then contract naturally ends, which is not really terminating it, it naturally ends. The contract expires.

Miss Ameen: But for instance, you would have seen almost an entire department staffed by contract workers who would have one-year or three-year contracts and for instance, their contracts would come to an end and based on their performance appraisal by their supervisor, the contract would be renewed and they continue. But we have had instances, for example, in the Ministry of Social Development that I know of and I spoke in Parliament about, where, at least, a unit with about 30 workers whose contracts came to an end, I do not know if there was a decision with regard to publicly advertising and then hiring a new set, so they were effectively fired or kicked out.

Their contracts came to an end, yes, however, they had been functioning in that position. They were trained and they were operating well and then with the change of the political administration, they were terminated—well we do not say terminated because their contracts came to an end. Right? But a decision was made

not to renew their contracts. However, those persons would have been hired under a different political administration, yes, but not necessarily because of their political affiliation. How do we protect workers who gain employment, contract employment based on their qualifications, are performing well, but they lose their jobs or their contracts are not renewed when there is a change in administration and they suffer from—it is a form of victimization. How can we protect contract workers from that shift?

Mrs. Sinaswee-Gervais: I would like to clarify that contract employment is for a very specific period and when the approval is obtained for a contract position, it says exactly the period, so it is usually a three-year period. You can employ someone for a year, two years or three years. But if you employ someone for the three years and that three years, therefore, expires, there is no more position against which to employ someone on contract so the Ministry will have to go back to Cabinet to get the position renewed. So it is not an automatic renewal of a position and, therefore, there is really no automatic reemployment of anyone when a contract comes to an end.

Mr. Chairman: Mrs. Sinaswee, I need to interject here. The question is, assuming that the need for the worker remains and what the Senator is saying is that these workers are then going to be replaced by other workers to supply the same need, is there any protection for the worker who has the requisite skills but he is changed in favour of another group of workers? Is it that in Trinidad and Tobago, contract employment is therefore not only based upon need but it is based upon the intervention of the political directorate who may want to change one group with another? It is a straightforward question, I would like to get a clear answer.

Mrs. Sinaswee-Gervais: As I explained, there might be the need but there is still the process to get the contract position approved which takes some time. So you

may end up with no position against which to hire someone. Right. As I said, the selection process which is fair and transparent that we would advertise, all persons who qualify are free to apply, including persons who would have been in the positions before but it is a fair and transparent process to advertise a position. When you have the position, it is only then you can advertise it and it is open for persons who qualify to apply.

Mr. Chairman: Just one concluding comment before I ask MP Antoine to come in. Is it fair to inform the citizens of Trinidad and Tobago that if you have a contract position with the Government of the Republic of Trinidad and Tobago for a term of three years, there is no legitimate expectation or there should be no legitimate expectation on your part for any subsequent contract renewal? Subsequent contract renewal will be based on factors beyond your control. Just asking if that is a fair comment to make.

Mrs. Sinaswee-Gervais: It will be beyond your control.

Mr. Chairman: Very well, thank you very much.

Mr. Forde: Mr. Chairman, no, one second.

Mr. Chairman: But MP Antoine has been silent for quite a while.

Mr. Forde: No, I want to just be specific in this particular instance. Again, if it is that we are trying to get a specific response from the panel, all right, I am not sitting over there, Mr. Chairman, but I think it is clear. A contract position is a contract of an agreement signed between two parties—correct me if I am wrong and it is clear. If the period has come to an end, the particular date, the contract has ended and I think that is clear based on what the member said.

Mr. Chairman: Right, very well. It has gotten clear from the CPO, there should be no legitimate expectation on the part of the population who have a contract position with the Government to expect any renewal of the contract. If it comes, he is happy, if it does not come, expect a non-renewal. I will ask MP Antoine to come

in at this time to make his intervention.

Brig. Gen. Antoine: The reality in the workplace is that it is changing. We have different people offering themselves for employment. We have those who would join the public service at a young age and intend to make it a career and go through their entire life in the public service. There are those, however, who prefer to be migratory from the private sector to the public sector and that is where the contract employment comes in. Somebody may not want to spend an entire career in the public service but get experience in private sector, switch to the public service and vice versa.

In relation to the human resource planning, what arrangements are currently in place to forecast or predict the number of contract employees that will be over the next 10 years to support the efficient operation of the public service? In fact, contract employment is a reality in the public service, you cannot get away from it. It helps in the sense that it provides short range employment, it helps to fill gaps. But is there any plan from your human resource department to look over the next 10, 15 years to see how you can support the operation of contract employment in the public service?

Ms. Balkaran: Good morning, again. So the PMCD of the Ministry of Public Administration and Communications has been mandated by Cabinet, in February, this year, to conduct a review of all Ministries with respect to their organizational structure, looking at their functional; that is their technical and support areas, as well as the organizational structure. So that Ministries will be doing just what you spoke about in terms of forecasting the human resource needs, both contract and established.

Brig. Gen. Antoine: And what you are doing, would you also be providing protection, as came up earlier, for contract employees in terms of dismissal, in terms of other activities in that area?

Ms. Balkaran: That is not within the remit of PMCD. We only deal with positions, not the people or not policy with respect to how you treat with the human resources.

Brig. Gen. Antoine: Who then would be responsible for that though? What area of Government is responsible for that?

Ms. Balkaran: I believe it will be the CPO with respect to policy and contract employment.

Brig. Gen. Antoine: And any response from the CPO on that?

Mrs. Sinaswee-Gervais: The Personnel Department is, at this point in time, reviewing the policy and guidelines for contract employment. I would not be in a position to say any more than that at this point in time, Sir.

Mrs. Newallo-Hosein: And a follow-up, I do not know who will answer, but in light of the fact that we understand that a contract is a specific period between one party and another, at the end of the day, you have a large cohort of contract employees who are young and you know, tertiary level graduates, and, of course, when they go, you have also institutional memory going as well with the job. If you had to consider renewing their contract, it means that you could negate training other persons. So my question really would be: Are there any plans to amend the Public Service Regulations to more effectively include or absorb contract employees in the public sector?

And also I am asking another question because I am aware that Permanent Secretaries do have the authority to hire contract workers on a three-month or a six-month basis which is quite often utilized unknowingly to even the Minister. So my question is really, how many persons are in fact employed under this provision that is provided to Permanent Secretaries and are they eventually absorbed as well into the public service?

Mr. Chairman: Yes, very interesting question. I, too, am curious as to the ability of a PS to hire on a short-term three-month basis. After that, MP Antoine has another

follow-up on this issue. Anyone could answer. Yes, Service Commissions.

Mr. Pegus: As far as the issue concerning the amendment of the Public Service Regulations to accommodate contract workers, the Constitution of Trinidad and Tobago, in section 3(4)(c), expressly provides that contract workers are not public officers and there is also a court ruling on this particular matter. So it is not a matter of amendment of the Public Service Commission Regulations to accommodate contract workers, there has to be an amendment of the Constitution of the Republic of Trinidad and Tobago.

Mr. Chairman: Okay, I need clarification. They are not public officers with respect to what? Pensions and—okay.

Ms. Manchouk: Filling established positions.

Mr. Chairman: Okay, so they cannot legitimately expect to receive the same type of package as a full-time employee would who has come through the Service Commissions, but they are still employees of the State?

Mr. Pegus: They are employees of the State but they are not considered to be employment in the public service. It is a kind of absurdity. They are not considered to be officers in the public service even though they are working for the State.

Mr. Chairman: I understand their position. They are workers without the types of benefits that a permanent worker normally will have. Right, very well.

Mrs. Newallo-Hosein: In light of the fact that you recognize it is an absurdity and I mean, this is why I am asking the question, you know, really and truly, what meaningful efforts are being made to eliminate the short-term contracts in the public service? I mean, you understand it, you know it is a constitutional issue but have you proffered any recommendations to the Cabinet as to the way forward in terms of bringing an end to the short-term contracts. And again, I am asking the question, no one is answering the question, on the authority that the Permanent Secretary has

to hire short-term contracts and what happens then. Is it that they are filtered into a longer contract or even into the public service?

Mr. Chairman: All right, a brief response. I need to shift gears. There are other issues we need to raise so a brief response on that matter.

Mr. Pegus: Well, I will respond because I see the Member of Parliament looking in this direction here. But this is a matter that falls within the jurisdiction of other bodies, not the Public Service Commission.

Mr. Chairman: Okay, yes and so noted, Sir. I need to shift gears now and we need to bring in the CPO and the Service Commissions on this second line of questioning because what arose from our last day of questioning was that the Office of the CPO itself needs additional staffing as it was indicated by me that I thought that the Comptroller needs additional staffing to complete a lot of her files and finalize payments. The question with respect to the CPO and the Service Commissions, I understand the Deputy Speaker has a keen interest in that matter. So I will ask the Deputy Speaker to raise that issue.

Mr. Forde: Okay. Now the session really deals with contract employment. All right? According to the document provided with the statistics of how many vacancies exist with bodies and without bodies, there is a total number of 3,951 vacancies in the public service—vacancies with bodies, vacancies without bodies. And this is a document, “JSC Social Services, Public Admin, Enquiry into the State” and it is indicated February 20, 2018. Okay? With regard to contract employment, on that same document, contract employees, short-term and long-term, totals 2,793.

We have the CPO here. We have the Public Service Commission who was not here at our last session. How do we get to fill these vacancies which, I hope, if the vacancies are filled in the public service, will it minimize the idea of going towards contract employment or that will remain separate and apart? So, Mrs. Manchouck, we need to hire and fill these vacancies in the public service. Guide

this Committee as to how we can go about it, keeping in mind that we have the Ministry of Finance present, we have the Public Administration present and we also have the CPO present here today. So if we can go through a timeline of how we can appoint, promote, transfer and discipline, as you would have said in your opening statement, in order to ensure that the public service runs as it is supposed to run.

Ms. Manchouck: Okay. I will begin and then I might ask the DPA to respond. First of all, contract positions versus established positions, there is a salary differential. That is the first thing. Secondly, in terms of the vacancies, while we might have 3,951 vacancies without bodies, some of the bodies in these vacancies are on contract getting higher salaries for doing the similar job, just to indicate from my understanding of it. That figure, I do not know because it would belong to the Ministries. You might be able to get that information from the Ministries. But certainly, with respect to the filling of the vacancies and, indeed, we get recommendations from the Ministries to advertise within and outside. If we advertise within and outside of the public service, the contract officers can apply for those positions. But it must be advertised within and outside of the public service to be able to capture the contract positions. So I do not know if there is anything else.

12.05 p.m.

Mr. Chairman: Clarification, do you advertise online? Do you use any online advertisement?

Ms. Manchouck: We advertise online and we also advertise in the media.

Mr. Chairman: Okay. What online platforms do you use to advertise these contract positions? Do you use Facebook or something?

Ms. Manchouck: We do not advertise contract.

Mr. Chairman: I mean the full-time.

Ms. Manchouck: We advertise the established positions.

Mr. Chairman: Right.

Ms. Manchouck: We advertise inside, by circular and we advertise outside by advertisement in the media and so, for the positions within the public service. And contract officers, when we do that, can apply.

Mr. Chairman: Okay.

Ms. Manchouck: Is there anything you would like to add?

Mr. Forde: And to follow-up, so advertisement goes out, people apply, vacancies need to be filled.

Ms. Manchouck: Yes.

Mr. Forde: The timeline to filling those vacancies, because we are still existing in a period and in a timing where vacancies are not being filled.

Ms. Manchouck: Yes. We are still existing in a timeline where everything is manual. And this has been going on for the last 30 years or 25 years. So it is a big problem to sort through, to select. It takes time on a manual system. I would love to see us even receiving the applications online. That does not exist at the present time.

Mr. Forde: Ms. Manchouck, to hire somebody?

Ms. Manchouck: Beg pardon?

Mr. Forde: To hire somebody, you are saying?

Ms. Manchouck: To hire somebody, what?

Mr. Forde: To fill a vacancy?

Ms. Manchouck: To fill a vacancy? You get thousands of applications. It is a process that you have to follow.

Mr. Forde: So just the process to reach to the stage of getting the individual you want.

Ms. Manchouck: To get to the individual depends on the job, on the position. There are some vacancies where we get 8,000 applications, 8,000.

Mr. Chairman: Okay. As a solution to that—[*Interruption*]

Ms. Manchouck: In a manual system.

Mr. Chairman:—are you aware? Two things, what prevents an online system from being implemented? Is it financing? Is it regulations? Is it the law? And, are systems in existence, which will allow you to filter these applications in a very timely manner, for my own edification?

Ms. Maraj: Chair, currently we are exploring an online application. We have looked at several modules. Well, several firms have come and did demo their modules, for recruitment. There is a particular one under the Integrated Human Resource Information System that we would like to look at again. Now, if we are to look at that, that is a separate module and that also, you need to purchase that. So that is another financial aspect. But we are exploring the online recruitment, which will help us a lot, in terms of dealing with the applications.

Mr. Chairman: Okay, and do you have a financial constraint? Is it that when you apply for funds, the funds for a programme like this may take a while to be administered or disbursed?

Ms. Maraj: That is a loaded question, but it depends.

Mr. Chairman: No, it is a straight question. I want to know whether the Service Commissions is financially constrained. Is it yes or not?

Ms. Maraj: As all Ministries and Departments at this point in time, we are.

Mr. Chairman: You make a request. Because you see, it is the public interest that we are looking at. You make a request for a system like this, which Ms. Manchouck said is necessary, because you get 8,000 applicants for one position. You would like a software programme. You would like to get it within a three-month period. How much time, normally, will elapse before you are able to really sign a contract with a software company to say: “We have the money. Come and do the needful”?

Ms. Maraj: It could be as much as a year.

Mr. Chairman: It can take a year to do something, so that you can face a financial constraint in executing your function.

Ms. Maraj: Yes.

Mr. Chairman: Very well.

Mrs. Newallo-Hosein: Just to ask a follow-up to the system that you are looking to employ eventually. Would you be seriously considering having an auto-reply, so that when persons submit their applications online, that they will be assured that it has been in fact received? Because you know when you bring something in person, you know you have handed it to a body. But online, oftentimes, there is no response. Would you be putting that as a part of your mandate?

Ms. Maraj: Most of the systems that we have looked at, there is an auto-reply.

Mr. Forde: Mr. Chair.

Mr. Chairman: Yes.

Mr. Forde: The acting appointments, how easy is it to appoint them permanently in their positions?

Ms. Maraj: Promotions and permanent appointments, we are guided by the regulations, in terms of the criteria we look at. For example, if someone is acting in an office, the Permanent Secretary or the head of department, they need to tell us whether they recommend the incumbent for that office, if it is a specific office to that Ministry or Department. If it is a generic office we would need to advertise, or we need to look at the seniority list. It depends on the number of vacancies. It depends on the number of persons there are or how long they have been acting. But we are guided by the regulations.

It is easier if an office is specific to a Ministry or Department. That Permanent Secretary can recommend to us whether they wish to have that person appointed, and we do appoint persons in that manner. If not, they may ask us to advertise the

office. When they ask us to advertise, it may be in and out of the public service. So that process is a little longer.

Mr. Chairman: Thank you very much. On the last day we were here, it was indicated to members of the committee that the Office of the Chief Personnel Officer needs a certain number of staff members who are not currently at their stations. I would like to get from the CPO, what is the deficit in staffing at your office, and what are some of the challenges you are facing, with respect to staffing your own CPO office, and what are your recommendations, with respect to getting your full complement? Because I was made to understand, members of the committee were made to understand, that unless the CPO's office is adequately or appropriately staffed, we may have a problem at the very top, with respect to efficiency in the problem that we are addressing.

Mrs. Sinaswee-Gervais: Based on the information I have, the vacancies in the Personnel Department, we have as many as 117 positions vacant and 54 without bodies. A good portion of those 117 are our technical officers. We have Senior Human Resource Advisors, Human Resource Advisors I, II and III, where we have quite a lot of vacancies. From my information, I am seeing here we have five vacancies of Senior Human Resource Advisor, nine of Human Resource Advisor III, 14 vacancies of Human Resource Advisor II. In that though, we have 10 bodies, but they are acting. And we have 10 vacancies of Human Resource Advisor I. But we have seven bodies in them, which means at our lower level we have quite a bit. Sorry, that information, we have seven of the 10 advisor I without bodies, my correction. And out of the 14 Human Resource Advisor II, we have 10 without bodies.

Mr. Chairman: Very well.

Mrs. Sinaswee-Gervais: So, it is quite critical.

Mr. Chairman: Thank you. Now, we understand the problem from the position of the Chief Personnel Officer. Service Commissions, Ms. Manchouck, it is my understanding that it is the Service Commissions, because these are full-time positions, which must recruit the persons to administer the affairs of the Office of the CPO. What is the problem? Could you take us through the problem with filling the CPO's Office with the requisite staff members? Or what are the problems?

Ms. Manchouck: I would defer to the DPA and ask her to answer. But again, from my experience, both within the Service Commissions Department and from Ministries and Departments, it is a management issue as well, in that we may get a letter requesting the filling of the vacancies and that would be it. Because in the meantime, more than likely, other things are happening, with respect to the contract positions. So the follow-up, there is a gap. So there needs to be better follow-up.

But indeed, even when, and the DPA would speak to it, we do begin the process of advertising, we would get a call saying: "Please put these on hold." So we would ask her now to go through.

Ms. Maraj: Chair and members, specifically with the Personnel Department, which is headed by the CPO, and I look at it also in terms of turnover of staff and in terms of records. In 2015, we were asked by the then CPO to advertise certain positions in the Personnel Department. The positions were advertised and we did receive applications. When the CPO changed, the last CPO did ask us if we could fill the vacancies with the incumbents. So he did put up a justification and we tried as best as possible to see where we could fill, given the person's experience and knowledge of the job. So we did do that. But what we did, in essence, we sort of—well the application process went a bit void there. So, currently, we are looking to see how we could go back to the process.

Before the last CPO demitted office, I did ask him: "How would you like us to proceed in terms of going about filling the offices?" I do not think he gave us a clear

answer. Because when we were supposed to go to one position in terms of advertising, which we did and then we followed his recommendations, given the status of the Personnel Department at the time, in terms of assisting him with staff. So we did try to fill those vacancies at the time. What we did not know is that those persons were soon to proceed on preretirement leave. And most of these officers, they had more than six months to probably even up to a year vacation leave before they proceeded. So, it threw us off, in terms of that.

So, the new CPO, she only assumed office on Monday. So we—[*Interruption*]

Mr. Chairman: Welcome, new CPO.

Mrs. Sinaswee-Gervais: Thank you.

Ms. Maraj: So we are committed to working together to fill as many offices at the Personnel Department. We did have discussions with staff before, the last CPO and members of staff, and they did give us where they would like to have bodies. And we have since provided some bodies to the office. But, again as Ms. Manchouck is saying, it is a management issue because you need to come to the Commission to say what are the offices you need filled, and how you need to get them filled and follow up.

Mr. Chairman: Let me interject here.

Ms. Maraj: Sure.

Mr. Chairman: Now have the new CPO here, who is now in place; new CPO and now established CPO. Unless—and this was what was indicated to committee members—the CPO's office is fully functioning, so that it can discharge its responsibilities for the State, we will have the perennial problem of contract employees filling temporary positions.

What I would like to know, is there continuous dialogue between your office and the Service Commissions? Is there continuing dialogue? Once a week you relate.

Because, it appears that these two agencies are now critical to addressing the problem at hand.

Mrs. Sinaswee-Gervais: Well, as my colleague said, I assumed on Monday and we have not yet had this discussion. But prior to my assuming, we had a brief discussion and it is very high on our agenda for us to collaborate to see how best we can fill the vacancies in the Personnel Department, because it is critical to the efficient functioning of the Department.

Mr. Chairman: And from your experience—I know you are just in the position, but you are an experienced HR officer—with collaboration, with the Service Commissions, with ironing out all the difficulties, which have existed in the past, do you think that within a year you would be able to sort out some of the problems so that you would be able to negotiate an arrangement and an accord with the Service Commissions and all the problems they are telling us about will be a thing of the past, maybe 12 months from today?

Mrs. Sinaswee-Gervais: I am very optimistic that we would be able to do something within a year.

Mr. Chairman: And now we are getting the parties together so Ms. Manchouck has to come in here.

Ms. Manchouck: Because two Tuesdays ago, the CPO came to the office to get her letter of promotion and that was one of the first things we said that—not Tuesday of this week, the previous Tuesday. Indeed, we made it very clear to the CPO that the CPO and the Service Commissions, they need to work very closely together.

Mr. Chairman: Very well. So there is a new dawn on the horizon then and a year from today, when a hearing is convened, I imagine we should something more positive to report, with respect to the arrangements between your office and the CPO's office.

Okay, Deputy Speaker and then Mrs.—[*Interruption*]

Mr. Forde: She wanted to go first.

Mr. Chairman: MP Newallo, okay you can go ahead.

Mrs. Newallo-Hosein: Thank you gentleman. You all are so kind.

Mr. Chairman: And she is genuine about that.

Mrs. Newallo-Hosein: Just to ask, having heard, you know, that the former CPO had indicated they wanted to give the first preference to the existing employees, and, of course, there is a little bit of, you know, a difference of opinion as to how you go forward.

A public submission dated March 03, 2018, came into the Parliament stating that in some instances contract employees are given the opportunity to submit a proposal for remuneration to the CPO, which they are told will be negotiated with CPO. However, it was suggested that contract employees are seldom given the opportunity to negotiate terms and conditions with the CPO.

Do the views of this person accurately reflect the reality, one? Are employees engaged on contract within the public service given the opportunity to negotiate the terms and conditions of their contract? And subsequent to the submission of a proposal for remuneration, what does the process of negotiation entail? If this is so, will you change it? Will you enhance it? Will you continue with it? I am asking the CPO.

Mrs. Sinaswee-Gervais: Well, over the years, with growth of the number of persons employed on contract it was difficult to negotiate with an individual. But the individual always had the opportunity that they can indicate what they would like their terms to be, which will be taken into account. But there was no face-to-face negotiation over the years. And given the number, I do not see that that is really very practical.

Mrs. Newallo-Hosein: But one of the main concerns, which was highlighted in

almost the public submissions received by the committee, was the delay in the finalization or confirmation of terms and contracts. Usually, the terms would be sometimes agreed to after or at the end of the contract. How can this system or arrangement be improved? Can the Personnel Department explain whether pre-approved terms and conditions exist for certain categories of contracts and what factors contribute to the significant delay in the confirmation of terms and contracts and conditions of employment contracts?

Mrs. Sinaswee-Gervais: I will answer part and then I may ask one of my directors to assist. The CPO would only know that we have to fix terms and conditions when a request is made from the Ministry or Department, with a recommendation. There is certain documentation which must be provided, which would be the Cabinet approval, the job description. So we will see the qualifications. So that our job starts when we start to determine upon receipt of a request from a Ministry or Department. We have no control over how long take they take to send it. So if a Ministry takes four months to send it, and we do not have all the documentation, then there will be correspondence to get the appropriate documentation. So, it depends on when it starts in the first place.

I had, just a little while ago, indicated how many vacancies we have. And we are also aware, quite aware, I think, of how many thousands of employees we have on contract, all of whose terms have to be fixed by the Chief Personnel Officer's office. So it is a monumental task. We have been putting systems in place—I mean, based on my understanding and from my history—to try and speed up the process.

We have some positions where we have terms and conditions already established. Those are standardized terms. So, for example, I am giving an example, a Business Operations Assistant, if you take on one, a Ministry employs one now, there are terms already fixed for that position. We have some of those in the communications stream, legal, and HR. So some positions, if you take on someone on contract, you

are aware what the terms can be for those. But outside of those, you have to come to the Personnel Department with a request, with a recommendation for us to consider.

Mr. Chairman: Thank you very much CPO. We are at 12.30 p.m. The Parliament will give me a little bit of leeway to conclude today's hearing, but I will ask the Deputy Speaker to come in to pose the final query today before I conclude.

Mr. Forde: In a submission provided by a member of the public, he gave a reason for contract employment, and it reads like this.

Non-traditional positions are constrained by rigid structures. It takes too long to find persons who are suitable to fill specific positions. The public service has grown in complexity, hence the need for alternative recruitment. Trinidad and Tobago now demands highly specialized and professional services in a technology-driven world. For contract workers, due recognition must be given to the mix of knowledge and skills that is required for enhanced organizational performance that will lead to transformation.

And if we could probably get a remark from each departmental head on what they think of that remark as being a reason for contract employment.

Ms. Manchouck: May I?

Mr. Chairman: Yes.

Ms. Manchouck: Thank you, Chair. I see nothing wrong. I agree with the statement. My issue is, at the present time there are 13,800 people on contract. What needs to be determined is what is going to be the size of the public service. There is nothing wrong with contract employment, but we have to have an understanding of how many people are going to be on contract and how many people are going to be in established positions.

And as MP Antoine had said, in the UK, in Canada and so, public service is

seen like a revolving door. Nobody stays. Nobody is going to be staying as now, from cradle to grave. It is like between 10 and 15 years.

Mr. Chairman: Very well. Let me pose this question to you. The Constitution is very clear, with respect to the role of the Service Commissions in staffing the public service. The Constitution is not at all convoluted in that way. You have a role in ensuring that there is staffing in a number of areas. Do you see a role for the Service Commissions in the recruitment of contract officers?

Ms. Manchouck: Well, it is my understanding that initially, the Service Commissions Department used to handle the contract employment. And by a court judgment, we were told that we could not, because they are not public officers. Once you get that sorted out, we could look at it.

Mr. Chairman: Once we can sort that out, you see a role administratively and in the area of efficiency for the Service Commissions to be involved in the recruitment of contract officers.

Ms. Manchouck: Well, the thing about—it is a court judgment.

Mr. Chairman: Yes, very well. Understand the court judgment but I am looking at the thing technically and administratively.

Ms. Manchouck: We do not handle terms and conditions, of course. But you are speaking with respect to appointments and so within our mandate.

Mr. Chairman: Appointments. Yes.

Ms. Manchouck: It could be possible.

Mr. Chairman: Very well. Thank you very much. Although I said it was the last, I got a nudge from my colleague, MP Newallo-Hosein. And I will indulge her for a brief last question. One question, MP.

Mrs. Newallo-Hosein: Well, it is a follow-up and then a question. The first one would be very short. MPAC had indicated in our last discussion on the manpower planning and the impact of contract employment. You said that MPAC had recruited

consultants to begin an internal manpower planning review. Could you tell me who the consultants are, please? And, of course, I have a follow up question, which I will—so while MPAC is getting that answer—[*Interruption*]

Mrs. Newallo-Hosein: You have it?

Ms. Mendez: Chair, member, we did not indicate that we have hired any consultants for manpower planning. I believe it was from the Ministry of Labour, the PS would have indicated so, not the Ministry of Public Administration and Communications. However, as the Director of PMCD has indicated, at this time the PMCD is undertaking a review of the operations and functions of the various Ministries and Departments, and from the analysis of the data, certainly it will help in crafting manpower plan and HR needs of the public sector.

Mr. Chairman: Thank you very much, and the last question.

Mrs. Newallo-Hosein: No, this is a follow-up. This is not a question.

Mr. Chairman: Okay. This is follow-up is your absolute last, MP.

Mrs. Newallo-Hosein: Absolutely last.

Mr. Chairman: Yes.

Mrs. Newallo-Hosein: When we indicated about the contracts being signed on after the term of employment has ended, sometimes you found that contract employees have had to repay the government due to overpayments. I am asking, does the Ministry of Finance or the Personnel Department see this to be a fair and reasonable policy or practice? And is the Ministry aware of the Cabinet Minute dated March 28, 2013, which states that the interim terms of remuneration be made personal to the employee and then your gratuity is calculated using those terms, in the absence of a finalized remuneration package?

Mr. Chairman: A response? Is anyone going to respond? No one wishes to respond? Okay.

Mrs. Sinaswee-Gervais: I think we need to look into that. I am not sure about that 2013, you said, Minute?

Mrs. Newallo-Hosein: The 28th of March, 2013.

Mr. Chairman: MP, do you require anyone specifically to answer the question?

Mrs. Newallo-Hosein: Well, I think it would be the Comptroller of Accounts, because the Comptroller would indicate that the repayment has to come. Not so, Comptroller?

Ms. Laban: Yes, but I still do not understand your line of questioning.

Mrs. Newallo-Hosein: Oftentimes a person has received overpayment because the contract has not been finalized. So, in other words you are brought into the position. You said that this is your salary and gratuity or whatever it is; it is \$5,000 a month. But when the actual terms and conditions are actually signed, which is sometimes finalized after the contract, you are being told it is really \$2,500. And now the employee is made, or the ex-contract worker is made to repay the Government the overpayment. I am asking if the Ministry and the CPO consider this to be a fair and reasonable policy or practice and if MPAC and CPO are aware of the Cabinet Minute dated March 28, 2013, which speaks to this pattern?

Mr. Chairman: Yes, CPO.

Mrs. Sinaswee-Gervais: I am aware that recently a decision was sent out that if your interim salary is higher than what is determined by the CPO, you can approach Cabinet to get that salary personal to you, the individual who is in the position. However, someone else comes into that position, they will have to be paid the salary that has been fixed for the position. I am aware of that. But I do not think that is the 2013 decision that was—*[Interruption]*

Mr. Chairman: Right. What I would recommend now, since we are really running out of time, I will ask our Secretariat to pose a written question and we will seek to get the response after you have deliberated on the issue which has been raised.

At this point in time, I will ask the leaders or the lead representatives of the following: the Ministry of Public Administration and Communications, Ministry of Finance, Public Service Commission and the CPO's Office, to offer brief closing remarks to the committee and then I will close with my own closing remarks. So may I ask closing remarks from the Ministry of Public Administration and Communications?

Ms. Mendez: Thank you very much, Chairman and members of the Committee. I wish to express my thanks to the Committee for this enquiry into contract employment. I wish to state that in Ministries and Departments we do have systems in place where we provide orientation and induction of new employees, whether they are public officers or contract employees in the service. We apprise them of the role of the Ministry, also inform them about their role in the Ministry, with respect to their duties and responsibilities.

We have HR units who have developed guidelines, orientation booklets that help persons coming into the public service understand the environment in which the public service operates.

We also have mechanisms with respect to grievance procedures. We have in some Ministries, the Joint Consultative Committee. But we do have steps that an employee can take to bring any claims or allegations, through their first supervisors and you can escalate it right up to the Permanent Secretary.

I wish to ensure and assure the public that once grievances are listened to and heard and many times in writing, the appropriate actions and relevant interventions are made at the Permanent Secretary level or other levels in the public service.

Mr. Chairman: Thank you very much. I would ask the Permanent Secretary, Ministry of Finance. I know we did not pose any direct questions to you today. That is because in all the deliberations, the Ministry of Finance seems to be really above

the problems. It seems as though that you are complying. So just brief closing remarks from you, Madam Permanent Secretary.

Mrs. Durham-Kissoon: That is quite all right, Chair. I just want to thank you and the members of the committee for allowing my colleagues to be able to distill the issues and to give voice to the existing policies and procedures that are followed, with respect to human resource management in the public service. Thank you.

Mr. Chairman: Yes. Thank you very much. I will ask the Service Commissions Department to close.

Ms. Manchouck: Thank you, Chair. I would just like to thank you and the public for giving us the opportunity to understand the role of the Public Service Commission and we look forward to the exercise that is being carried out by PMCD, with respect to the organizational structures for the Ministries and Departments, so that we would have a proper organizational structure to be able to undertake all that is required of us, together with an IT system that will allow us to function as we should function.

Mr. Chairman: Thank you very much, Ms. Manchouck. CPO.

Mrs. Sinaswee-Gervais: Well, I thank the committee for the opportunity to come before you all to clarify the Personnel Department's role in relation to contract employment and to give some assurance that we are working as best as we can to satisfy the needs of the Ministries in getting the terms and condition of their contracts employees to them as quickly as we can. But they need to help us because if we do not have all the information we would not be in a position to consider the request. But we are trying our best and we will keep working towards it.

I refer to guidelines earlier. Those revised guidelines for contract employment are before Cabinet, as we speak. So we look forward to some changes going forward.

Mr. Chairman: Thank you very much CPO and I would like to present some points that I have been able to distill from the deliberations this morning. First off, we did

pose a number of questions to the Comptroller of Accounts on the issue of timely payments of gratuities, and it was indicated to the Committee, now on the public record, that the office of the Comptroller of Accounts was looking at the decentralization of pension payments by the various Ministries since the calculation. [Interruption] Pardon me. Contract gratuity payments, yes. Because the computation seemed to be straightforward and rudimentary; that there is a need for additional staff at her office, and with the staff complement that she has, it is likely that the time lag between the termination of one's contract and the payment of the contract gratuity can be considerably shortened.

It was advanced that there is good reason for an employee or a contract employee who is no longer employed to be able to track his file. He can do it manually. He can liaise with members of his old employment office. But he should be able to track online the progress of his file, with respect to outstanding payments. There is a need to have information, more information, on employees online as well. We were advised by the Ministry of Public Administration that there is a programme, but maybe it needs a bit of tweaking.

The issue of partial payments of these contract gratuities is something that ought to be considered. It has been raised. And if it is implementable and if there are no legal impediments, then that could alleviate some of the hardships of contract employees who are waiting for an inordinately long time for their payments to be processed.

It was determined unequivocally that contract employees in the state sector should have no legitimate expectations with respect to re-employment, because a contract is a finite document that there is a date at which you assume office and a date at which you are expected to demit office. So that the expectation for re-employment is certainly not something that should feature into the contract employee.

It was advanced to us that advertising for positions, all positions, certainly the permanent positions by the CPO office, is online and that we are looking at a lot of online formats to ensure that the ads reach as wide a section of the population as possible. A lot of individuals at varying age groups are now using the online platforms, so that they can obtain their information there.

It was advanced to us that the manual system in use by the Service Commissions office is really inefficient and that the only issue I want to raise with the Ministry of Finance is the expeditious release of funds for making various departments computer usable. So that when departments want to upgrade their systems, one expects that the funds should not take a year to be released, that we should move quickly. Because, unless we do that, the online system is going to be there as an albatross, with respect to efficiency in the discharge of our functions in the state sector.

There is now going to be continuous liaison between the CPO and the Service Commissions Department, because it is our understanding that unless there is a change at the top, at the level of the CPO, unless that office is fully complemented and unless the CPO has her complement of staff, it will have repercussions across the entire state sector. So that there is a need for that level of dialogue, so that we can have the CPO's office with a full complement of staff.

It was advanced to us that public officers can sometimes be tardy in releasing information. We would indicate to all officers of the State that their employees who are supposed to release this information should in fact be induced to so do. What the procedures for discipline for tardy officers are, I do not know but I think it would be left up to the public servants themselves, the administrative officers, to ensure that the compliance time of one month maximum requested by the Comptroller of Accounts for the release of information should be adhered to as far as is practicable. One, of course, understands when the information is not available, that the information is not in the hands of the public officer to give the Comptroller of

Accounts. But when the information resides somewhere within the Ministry, it ought to be easily retrieved. It ought to be accessed from the files of the employee and sent over to the Comptroller expeditiously.

And it is now 12.48, the Parliament has been very kind and gracious in this very important exercise in giving me three more minutes. I would like to thank all members of the panel who are here with us today. We have been edified. I am sure, not only committee members, but members of the public are now fully aware of the various issues surrounding contract employment in Trinidad and Tobago. The stakeholders have begun to interact and have started the discourse, with respect to efficiency in the public service. So I want to thank you for being here and for sharing with us your expertise and your information and your knowledge of human resource management in the state sector.

I would like to thank my colleagues on the panel who have been with us for the duration of the hearing since morning. I also want to thank our loyal listeners who have been listening on to this very important topic. And to all the citizens who sent written submissions to us for our consideration, my gratitude. This hearing is now adjourned. Thank you and good afternoon.

12.49 p.m.: *Meeting adjourned.*

Appendix VI

Requirement	Benefits of Use for Analysis by PMCD/Cabinet
A concise statement of how the proposal links to the Ministry's/Department's strategic objectives/ business plans	This information would be used to ensure that the Ministry will possess the requisite competencies to achieve its goals and strategic objectives, in keeping with the mandate of the Government of Trinidad and Tobago.
Current issues/challenges which the proposal seeks to address	Justifies the need for the proposal. This will allow PMCD to clearly identify the need for the proposal, and the ways in which this proposal will benefit the Ministry, and allow the Ministry to efficiently achieve its mandate.
Solution options, other than staffing, which the Ministry/Department considered	This ensures that other options would have been considered and found not viable, before the option of more staff was considered. If not, PMCD can recommend options that may be viable to the Ministry. In the current economic situation, it is imperative that all parties be financially creative in solving issues/challenges of Ministries.
Rationale for contract employment rather than established positions	Allows PMCD to understand/assess whether the position is needed on a permanent basis, or on a more project-type basis, and so make the appropriate recommendations. Some clients may request contract positions for a long-term need; PMCD in these cases would recommend permanent posts in lieu of contract positions.
Workload Statistics	Allows PMCD to determine the number of persons in a position needed to efficiently complete the work of that position, and so make appropriate recommendations. It is important to ensure that tax payer's money will be used effectively; that resources will be fully utilized on a daily basis.
List of projects/scope of work for which staff is required	This will show items that may not be shown in the workload statistics. Eg: Special projects. Workload Statistics explain the workload in a quantitative manner; this tends to explain the workload in a qualitative manner.
Requirement	Benefits of Use for Analysis by PMCD/Cabinet
Relevant work flow charts/process maps	This is used to understand the role played by each position in achieving the functions of the Division/Unit. This will also be used, along with Workload Statistics, to determine the number of a position that would be required to achieve the mandate of a Ministry/Department efficiently and effectively.

	<p>Process maps also show where there may be a lag, or duplication of tasks in an activity. It can be seen using Process maps whether more staff is actually needed, or if a Unit may just need to re-engineer its processes to achieve optimal efficiency.</p> <p>Process Maps can be used as desk manuals for employees, as they clearly identify the role of the employee in the delivering the Unit’s mandate.</p>
Draft job descriptions for all staff to be employed on contract	This will be used to analyze the duties/responsibilities of proposed positions, to ensure that they meet the needs of the Ministry. It is important to ensure that the duties/responsibilities of a position match the requirements of the Ministry.
The existing top-structure organization chart of the Ministry/Department	This shows the existing staff, vacancies within and structure of the Ministry. It also shows the lines of authority. PMCD will analyze this document along with the proposed organization chart to ensure that the proposed positions will not lead to any management issues.
The proposed organization chart showing the exact location according to Divisions, Units and Sections of all staffing positions to be created/employed on contract	This will be analyzed along with the existing organizational chart. This shows the placement of all proposed positions within the Ministry. It is important to ensure that lines of authority are clear to all parties involved, that middle management is not over-burdened and that the Ministry staff will be able to operate smoothly, without management issues.

Appendix VII

PMCD Requirements – Renewal of Contract positions

Requirement	Benefit of use for analysis by PMCD/Cabinet
Original rationale for creation of positions	This shows the original approval for the position(s). It allows PMCD to understand the initial reasons for the creation of the position and reason why contract position(s) were requested in lieu of established positions. It also helps to show whether the original rationale is still valid.
Justification/Reasons for request for renewal	This explains the reasons for request for renewals. This should also justify if the original rationale still holds, and should also justify the continued need for contract positions as opposed to established positions.
Achievements during contract period just concluded	This shows the utilization of the position(s) during the contract period.
Difference between expected and actual achievement and reasons for not meeting intended targets	This shows whether the reasons for achievements not being met are based on matters external to staffing (eg: insufficient technology, lack of physical resources, lack of training, unexpected workload .i.e. special urgent projects arising) or whether it is a case of inefficiency. This information would be used to justify if there is a continued need for staff.
Work Plan for new contract period	This should show how the requested staff would be fully utilized on a daily basis during the new contract period. PMCD will analyze this information to ensure that human resources will not be left idle, and that the Unit/Department will have sufficient numbers of staff to meet the projected needs.

Appendix VIII

Summary of responses received from Ministries that fall under the purview of the Committee

Questions	MoCDCA	MoT	MoE	MoSYA	MoSDFS	MoH	Total
As at January, 2018, how many persons are engaged on contract or short-term employment at your Ministry?	210 (Contract employment)	17 (Contract employment)	1351 (contract employment)	52 (contract employment)	90 (contract employment)	84 (contract employment)	1774
	24 (short-term employment)	50 (Short Term employment)	474 (short-term employment)	37 (short-term employment)	184 (short-term employment)	102 (short-term employment)	871
As at January, 2018, how many public officers or permanent staff members are employed at your Ministry?	194 (permanent posts) 101 (public officers)	53 (permanent posts) 2 (public officers)	1265 (permanent posts) 2945 (public officers)	240 (public officers and permanent staff)	197 (Permanent Appointment) 135 (Temporary Appointment) 24 (Acting Appointment)	858 (public officers)	6014
How many contract employees currently hold senior managerial positions in your Ministry? Provide a list detailing these positions and or job titles	25 persons	12 persons	10 persons	9 persons	3 persons	19 persons	78

Questions	MoCDCA	MoT	MoE	MoSYA	MoSDFS	MoH	Total
How many contract employees were recruited by your Ministry/Department during the last three (3) years?	144 persons	24 persons	1851 persons	52 persons	127 persons	83 persons	2281
How many employment contracts were terminated or not renewed during the last three (3) years in your Ministry/Department?	67 contracts were not renewed	19 contracts were not renewed	456 contracts were not renewed	52 contracts were not renewed	37 contracts were not renewed	Nil contracts were not renewed	631
	Nil contracts were terminated	Nil contracts were terminated	Nil contracts were terminated	Nil contracts were terminated	Nil contracts were terminated	Nil contracts were terminated	Nil
How many suppressed public offices are now occupied by contract employees in your Ministry?	None	3 persons	None	3 persons	1 person	3 persons	10
How many vacancies (without bodies) currently exist on the permanent establishment of your Ministry?	92 vacancies	4 vacancies	662 vacancies	138 vacancies	52 vacancies	998 vacancies	1946

Questions	MoCDCA	MoT	MoE	MoSYA	MoSDFS	MoH	Total
How many vacancies (with bodies) currently exist on the permanent establishment of your Ministry?	101 vacancies	26 vacancies	1018 vacancies	93 vacancies	132 vacancies	429 vacancies	1799

Appendix IV

Personnel Department: Guidelines for Contract Employment in Government Ministries, Departments and Statutory Authorities subject to the Statutory Authorities Act, Chapter 24:01

- a) (i) the Term of Engagement shall have a specific date on which it begins and on which it will end;
 - (ii) the period of a contract shall not normally exceed three years;
 - (iii) every contract shall constitute a separate period of employment: any period of extension granted being part of the original contract; and
 - (iv) the period of the contract shall not be extended by reason only of the grants of periods of leave of absence without pay to the person engaged;
- b) Request for a contract position shall be submitted for the consideration of Cabinet by the appropriate Minister with responsibility for the particular Ministry/Department/Statutory Authority;
- c) The Ministry/Department/Statutory Authority shall be required to:-
 - (i) justify the need for the contract appointment;
 - (ii) provide the relevant job description/specification in respect of the particular position; and
 - (iii) identify the source of funds for effecting the relevant contract appointment;
- d) Contract positions must not carry job titles of offices on the permanent pensionable establishment of the Ministry/Department/Statutory Authority;
- e) Once Cabinet has given approval for a contract positions, the appropriate Minister may approve the selection of the person to fill the position, after ensuring where applicable that a fair and transparent process was utilized in the selection. The process should include advertisement of the position and the conduct of interviews by a Committee set up for the purpose;
- f) The person selected shall be given no commitment on a compensation package prior to action being taken as at (g) through (h) below; however, Circular No. 5 of 2007 provided that the Personnel Department is committed to providing a response to request for terms and conditions no later than eight (8) weeks from date of receipt of request which is in compliance with the procedure outlined in the Circular.
- g) In requesting terms and conditions of employment to be applicable to the person being engaged, the Permanent Secretary/Head of Department/Head of Statutory Authority shall submit to the Chief Personnel Officer the following information/documents:-

- (i) the relevant Cabinet Minutes approving the creation/retention of the Contract position and Ministerial Minutes along with their respective Notes, as possible;
- (ii) whether the person being engaged is a public officer and if so, the substantive position held;
- (iii) the job description of the contract outlining the following:-
 - (a) the job title;
 - (b) the location of the position in terms of its Division/Section/Unit;
 - (c) the job summary;
 - (d) the duties and responsibilities;
 - (e) the minimum experiences and education/training requirements; and
 - (f) the reporting relationship: to whom the job incumbent reports and the position(s) supervised;
- (iv) where payments for official travel is requested the specific duties, if any, which require the person to travel and extent of traveling or projected traveling required to be undertaken;
- (v) the experiences in the field of work of the person to be engaged and his qualifications, supported by his Curriculum Vitae;
- (vi) the duration of the period of employment on contract;
- (vii) a summary of the periods of previous contract employment immediately preceding the period of engagement being negotiated/offered;
- (viii) the approved terms (specifically salary and allowances) of the previous contract agreement where applicable;
- (ix) any written proposals made by the person being engaged on contract; and
- (x) comments and recommendations of the Ministry/Department/Statutory Authority including comments on (ix)above.

Appendix X

TABLE 4: VACANCIES WITHIN THE MINISTRY OF PUBLIC ADMINISTRATION AND COMMUNICATION

Office/Rg.	Number of offices	No. Filled	Status
Director, Public Management Consulting Division (Rg 68)	1	no	1 Ag, Incumbent
Senior Public Management Consultant (Rg 65)	6	1	5 vacant
Public Management Consultant III (Rg 62)	14	11	3 vacant
Public Management Consultant II (Rg 59D)	15	0	10 Ag, Incumbents
Public Management Consultant I (Rg 53)	12	10	2 vacant
Systems Analyst II (Rg 59E)	2	2	
Systems Analyst I (Rg 55)	3	2	1 vacant, 1 acting incumbent
Human Resource Officer II (Rg 53 E)	1	1	
Administrative Officer IV (Rg 54 D)	1	1	
Administrative Officer II (Rg 46 D)	1	0	1 Ag, Incumbent
Clerk-Stenographer IV (Rg 30E)	7	0	7 posts of Clerk Stenographer IV to be abolished when vacant. Cabinet Minute No. 804 dated April 10, 2003.
Clerk IV (Rg 30 C)	1	1	
Clerk III (Rg 24 E)	1	1	
Clerk II (Rg 20 C)	1	1	
Clerk I (Rg 14)	1	0	1 Temp. Officer
Clerk-Stenographer III Rg 26 C)	2	0	1 officer ag./ 1 vacant
Clerk-Stenographer I/II (Rg 15/20)	5	4	1 vacant
Clerk Typist I (Rg 13)	5	3	2 vacant with bodies
Receptionist/Telephone Operator I (Rg 13)	1	1	
Messenger (Rg 9)	1	1	
Officer Attendant (Rg 4)	1	1	
Chauffeur/Messenger (Rg 17)	1	1	
TOTAL	<u>83</u>	<u>43</u>	<u>13</u> vacant without bodies