ONE HUNDRED AND FOURTH REPORT

OF THE

SALARIES REVIEW COMMISSION

OF THE

REPUBLIC OF TRINIDAD AND TOBAGO

April 14 , 2015

ONE HUNDRED AND FOURTH REPORT OF THE SALARIES REVIEW COMMISSION

Review of the salary and other conditions of service for the offices of Coroner and Coroner (appointed on Contract), Judiciary

By letter dated January 22, 2008, His Excellency the President conveyed his approval for the Salaries Review Commission (SRC) to determine the salary and other conditions of service for the offices of Coroner and Coroner (appointed on Contract) in the Judiciary. These offices were placed within the purview of the SRC by virtue of Legal Notice No. 274 dated December 21, 2007.

2. We received the remit to determine the remuneration packages for the offices of Coroner and Coroner (appointed on Contract) in the midst of our 2008 general review of remuneration arrangements for all offices within our purview. We were advised that at that time, it was not possible for a Job Evaluation Committee, comprising, inter alia, members of the Judicial and Legal Service (JLS) to be constituted to evaluate the offices in order to place them appropriately within the JLS classification structure. Accordingly, in our 89th Report of June 2009, we recommended, as an interim measure, that the permanent office of Coroner be placed in Group J6 of the JLS Grouping pending evaluation and that the position of Coroner (appointed on Contract) be aligned to the minimum point in the salary scale of Group J6.

3. Because the evaluation report treating with the office of Coroner was not completed during the 2012 general review, we recommended, in our Ninety-eighth Report dated November 29, 2013, that the offices should continue to be remunerated in the salary groups in which they had been placed and upon completion of the evaluation exercise, appropriate recommendations would be formulated.

Background

4. We were advised that in order to treat with the backlog of inquests that existed, Cabinet agreed to the creation of four (4) permanent offices of Coroner on the staff establishment of the Judiciary in addition to three (3) positions of Coroner (appointed on Contract). The employment of persons, on contract, was intended to address the backlog of inquests initially and the creation of the permanent offices was to deal with new inquests as they arose.

Functions and Powers

5. By virtue of section 3A(1) of the Coroners Act, Chapter 6:04 of the Laws of Trinidad and Tobago (the Act), the JLS Commission may appoint persons other than Magistrates as Coroners. Under section 3A(3) of the Act, a Coroner "appointed under this section shall have all

the powers, privileges, rights and jurisdiction of a Magistrate and Justice as are necessary for the performance of his duties."

6. We note that while the Act increased the group of persons who could be appointed as Coroner, no differentiation was made between the permanent office of Coroner and that of Coroner (appointed on Contract).

Duties and Responsibilities of the office of Coroner

7. The holder of the office of Coroner is required to conduct inquests into violent, sudden or suspicious deaths and to determine whether an indictable offence has been committed. In this regard, the incumbent is authorized to:

- investigate the cause and circumstances of the unnatural/unexplained death of persons;

- review and approve applications for :

  - exhuming bodies;

  - removing tissues from the body of a dead person for the purpose of transplantation in accordance with section 20 of the Human Tissue Transplant Act, Chap. 28:07;

- re-open an inquest on the request of the Director of Public Prosecutions and take further evidence;

- issue warrants for the apprehension of a person against whom sufficient grounds are disclosed for making a charge on indictment;

- issue summonses and warrants to persons from whom evidence pertaining to the inquest is required;

- take the deposition of a person, who due to illness is unable to attend at the place where the Coroner usually sits, at the place where such person is;

- issue directives for the conduct of autopsies by a pathologist, as necessary;

- appoint any member of the Medical Board as a substitute for the District Medical Officer within the limits of the district for which the Coroner is acting.

8. Though ultimately accountable to the Chief Magistrate, the incumbent in the office of Coroner is directly accountable to the Senior Magistrate for work assignments.

Qualifications, Training and Experience for the office of Coroner

9. We were advised that the holder of the office of Coroner is required to have a Bachelor of Laws Degree, a Legal Education Certificate and must have been admitted to the Bar of Trinidad and Tobago. In addition to five (5) years' experience as an Attorney-at-Law, the incumbent must possess knowledge and understanding of the practices and rules of procedure in the Magistrates' Court and some knowledge of forensic science.

10. In considering appropriate remuneration for the office of Coroner, we held discussions with the acting Chief Magistrate, the Deputy Court Executive Administrator and the Project Coordinator, Judiciary who assisted us in understanding the purpose of the offices and the intent of the creation of the office of Coroner (appointed on Contract). We took note of the results of the job evaluation exercise which placed the permanent office in Group J5 of the JLS Grouping. As is customary, we re-examined the duties and responsibilities of the office as well as the scope of the job and its relativities in relation to those of the office of Magistrate and found that while some similarities exist in terms of educational qualifications, training requirement and minimum experience, the scope of the office of Coroner is not as wide as that of a Magistrate who is responsible for presiding as a Judge of the Petty Civil Court and Magistrate in an assigned Court. Additionally, whereas a Magistrate is the arbiter of facts and law, a Coroner is responsible for finding evidence to determine whether a person should be charged in cases of unnatural deaths. Also, we noted that by virtue of section 3(1) of the Act, as one of his/her duties, a Magistrate is a Coroner in the district to which he/she is assigned. As a consequence, we hold the view that the permanent office of Coroner should be remunerated at a level lower than that of Magistrate which is assigned to Group J4 in the JLS compensation structure.

11. We were advised that the office of Coroner (appointed on Contract) was not included in the evaluation exercise. That, notwithstanding, it is our understanding that although there is no incumbent in the office of Coroner (appointed on Contract), the duties and responsibilities, the scope of the job and the relationships would be the same as those of the permanent office. As a consequence, we are satisfied that the alignment of the office of Coroner (appointed on Contract) with the minimum point in salary scale of the permanent office of Coroner is appropriate.

Recommendation

12. Based on the foregoing, we recommend that the permanent office of Coroner be placed in Group J5 of the JLS Grouping with remuneration as detailed in Appendix I. In the case of the office of Coroner (appointed on Contract), the recommended revised remuneration package is detailed in Appendix II.

Effective Date

13. We also recommend that except for loan facilities under the Transport Facilities provision and Subsistence Allowance, the revised remuneration arrangements for the offices of Coroner and Coroner (appointed on Contract) be effective from April 01, 2011. The loan facilities and Subsistence Allowance should take effect from the date of the relevant memorandum/letter conveying the revised remuneration arrangements to be applicable to the offices.

Dated this 14th day of April, 2015.

Edward Collier
(Chairman)

Haseena Ali

Gerard Pinard

Kenneth Dalip

Monica Clement

APPENDIX I

Recommended Remuneration Arrangements for the permanent office of Coroner, Judiciary

Salary	**$ per month**
Coroner	23,750 – 24,190 – 24,620

Professional Allowance

$2,900 per month.

Transport Facilities

(i) A maximum loan of $180,000 at a rate of interest of 6% per annum repayable over a period of six (6) years to facilitate the purchase of either:-

(a) a new motor vehicle with exemption from Motor Vehicle Tax limited to the amount payable on a vehicle with an engine capacity of 1799cc and exemption from Value Added Tax limited to the amount payable on a vehicle costing $180,000; or

(b) a used motor vehicle with exemption from Special Motor Vehicles Tax limited to the maximum amount payable in respect of Motor Vehicle Tax on a vehicle at (a) above and exemption from Value Added Tax limited to the amount payable on a vehicle costing $180,000.

(ii) A loan to cover the cost of Motor Vehicle Insurance premium at a rate of interest of 6% per annum.

(iii) A maximum loan of $20,000 at a rate of interest of 6% per annum to effect repairs to a motor vehicle.

(iv) A Transportation Allowance of $3,480 per month.

Subsistence Allowance

(i) $200 per day when travelling on official business beyond a radius of sixteen (16) kilometres from official headquarters, and where it is necessary to purchase a meal(s).

(ii) In the case of an office holder serving in Tobago, $200 per day when travelling on official business beyond a radius of ten (10) kilometres from official headquarters, and where it is necessary to purchase a meal(s).

(iii) When assigned/transferred to Tobago (or to Trinidad where the office holder is stationed in Tobago), the following to be applicable:-

(a) **Official duty or assignment of one (1) month or less**

The office holder to be eligible for hotel accommodation and meals, as necessary. In the absence of the provision of any meal(s), to be paid $200 per day. (The provisions at (i) and (ii) above shall not apply.)

(b) **Temporary assignments in excess of one (1) month and not exceeding six (6) months**

The office holder to be responsible for his/her accommodation and meals. The State may, at its option, provide accommodation only for the office holder.

(i) Where accommodation only is provided by the State, to be paid a Tobago/Trinidad Duty Allowance of $2,775 per month.

(ii) Where accommodation is not provided by the State, to be paid a Tobago/Trinidad Duty Allowance of $6,750 per month.

(c) **Permanent transfer to Tobago/Trinidad (periods in excess of six (6) months)**

The office holder to be responsible for his/her accommodation and meals and to be paid a Tobago/Trinidad Duty Allowance of $6,750 per month for a period not exceeding two (2) years.

(iv) For travel abroad on official business, the provisions of Minister of Finance Circular No. 2 dated April 7, 2006 or other relevant Circular to apply.

Vacation Leave

Thirty (30) calendar days per annum.

Telecommunication Facilities

$300 per month.

Medical Benefits

Membership in and entitlement to medical benefits as provided under the UNIMED Group Health Plan.

Pension/Gratuity

Entitlement to superannuation benefits in accordance with the provisions of the Pensions Act, Chap. 23:52.

Recommended Remuneration Arrangements for the office of Coroner (appointed on Contract), Judiciary

Salary	**$ per month**
Coroner (appointed on Contract)	23,750

Professional Allowance

$2,900 per month.

Transport Facilities

(i) A maximum loan of $180,000 at a rate of interest of 6% per annum repayable over a period of six (6) years to facilitate the purchase of either:-

  (a) a new motor vehicle with exemption from Motor Vehicle Tax limited to the amount payable on a vehicle with an engine capacity of 1799cc and exemption from Value Added Tax limited to the amount payable on a vehicle costing $180,000; or

  (b) a used motor vehicle with exemption from Special Motor Vehicles Tax limited to the maximum amount payable in respect of Motor Vehicle Tax on a vehicle at (a) above and exemption from Value Added Tax limited to the amount payable on a vehicle costing $180,000.

(ii) A loan to cover the cost of Motor Vehicle Insurance premium at a rate of interest of 6% per annum.

(iii) A maximum loan of $20,000 at a rate of interest of 6% per annum to effect repairs to a motor vehicle.

(iv) A Transportation Allowance of $3,480 per month.

Subsistence Allowance

(i) $200 per day when travelling on official business beyond a radius of sixteen (16) kilometres from official headquarters, and where it is necessary to purchase a meal(s).

(ii) For official duty in Tobago, hotel accommodation and meals, as necessary. In the absence of the provision of any meal(s), to be paid $200 per day.

Vacation Leave

Twenty (20) working days per annum.

Twenty-five (25) working days per annum after six (6) consecutive years of service.

Pension/Gratuity

Entitlement to a gratuity equivalent to 20% of gross salary earned over the period of the contract.