

SENATE

Tuesday, January 26, 2021

The Senate met at 1.30 p.m.

PRAYERS

[MADAM PRESIDENT *in the Chair*]

PAPER LAID

Trinidad and Tobago Housing Development Corporation (Vesting) (Amendment to the First Schedule) Order, 2021. [*The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan)*].

URGENT QUESTIONS**Shipment of Vaccines****(Details of)**

Sen. David Nakhid: Given the recent arrival to Trinidad and Tobago of the new variant COVID-19, which reportedly spreads much faster, does the Minister expect to receive this country's pre-ordered shipment of vaccines any sooner than previously anticipated?

The Minister of Health (Hon. Terrence Deyalsingh): Thank you very much. Thank you very much, Madam President. The Ministry of Health and the Government of Trinidad and Tobago has always been proactively exploring all options to expedite the delivery of an approved vaccine by the World Health Organization. To this end, the Ministry has been aggressively pursuing three options and these include, one, since July 2019 the use of the COVID-19 vaccines global access facility COVAX, where an agreement was signed on September 18, 2020, and a down payment of US \$1.4 million was made on September 29, 2020. The officials of COVAX have indicated that the allocation of vaccines to each

country should be completed by January 31, 2021, which is a few days away and, thereafter, the purchasing and distribution of vaccines would then be finalized.

Secondly, Trinidad and Tobago has been having bilateral discussions since September 2019, with vaccine manufacturers, including Pfizer, Oxford, AstraZeneca, Sinopharm, Moderna and Sanofi. And thirdly, quite recently since January 2020, Caricom recently came up with a Caricom initiative where Trinidad and Tobago is a registered purchaser of vaccines. Between these three measures, we have been working since July 2019, to expedite the delivery of approved vaccines into Trinidad and Tobago. Thank you very much, Madam President.

Madam President: Sen. Nakhid.

Sen. Nakhid: Hon. Minister, can you tell us the make of vaccine of that first pre-order made by the Prime Minister alluded to?

Hon. T. Deyalsingh: Okay, so under the COVAX agreement like any other agreement, COVAX has not yet approved a vaccine for the Caricom region. As I said, by January 31st which is a few days away, hon. Senator, you will get more information as COVAX makes that determination as to which vaccine hopefully and the quantities for the Caricom region by territory.

Madam President: Sen. Nakhid.

Sen. Nakhid: Given the information in newspapers, we paid a down payment of 1.4 million. So by your assertion is it that we paid 1.4 million and we do not know what type of vaccine that we are getting?

Hon. T. Deyalsingh: The 1.4 million paid into COVAX was to help with research and development across a platform or a portfolio of 12 vaccines. It is because of that reason, vaccine manufacturers were able to expedite the clinical trials. In the past, companies had to raise their own financing. If COVAX was not around, and countries did not pay into research and development, we would not be in a position

now to even talk about vaccines. So that was the purpose. That 1.4 million, as I said on many occasions, was an initial down payment to go into research and development across a portfolio of about 12 vaccines under COVAX.

Madam President: Next question, Sen. Richards.

Reported Suicides of Two Teenagers

(Strategy to Address Emotional Challenges)

Sen. Paul Richards: Thank you, Madam President. Good afternoon colleagues. To the Minister of Education: What is the Ministry's intervention strategy to address the increase in emotional challenges being faced by school aged children, in light of the reported suicides of two teenagers over the past few days?

Madam President: Minister of Agriculture, Land and Fisheries.

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Thank you very much, Madam President, and I thank Sen. Richards for this question. Madam President, on behalf of the Government, the Minister of Education in particular, I offer condolences to the family of young Jaden Joseph and the community at ASJA Boys' College, as well as the family of Emanuel Cotiyor, the community at Caroni Hindu Primary School. Madam President, both deaths occurred under very tragic circumstances.

Madam President, as COVID-19 developed, particularly in Trinidad and Tobago in March 2020, around the world it became very clear that COVID-19 brought with it significant mental health challenges to families, particularly parents of school age children and children themselves. The Ministry of Education took four steps, Madam President, which I will identify in relation to dealing with this particular challenge.

The first is that the guidance counsellors and social workers of the students support division of the Ministry of Education have been trained to deliver

counselling services in an online environment and have been doing so throughout the time of physical school closure. Madam President, of course with the closure of the school, the Ministry of Education had to make the appropriate changes to deal with supporting—providing the support through the online environment.

Secondly, students who were observed to display behaviours which caused concern may have been referred to the division through teachers or the principal, however the support services division records do not indicate that either student was receiving individual attention at the time of their demise. Madam President, thirdly—

Madam President: Minister, your time has expired.

Sen. The Hon. C. Rambharat: Thank you very much, Madam President.

Madam President: Sen. Richards.

Sen. Richards: Thank you. Minister, can you indicate, given the fact that the student support services is on record as indicating that they are overwhelmed by reports and calls about students' behaviour and emotional issues, if the Ministry plans to increase resources, funding, for more staff to more effectively deal with this increase in cost calls and issues.

Madam President: Minister.

Sen. The Hon. C. Rambharat: Madam President, beyond the existing staff a third measure instituted by the Ministry was that students support groups were instituted to assist students in making the transition to being away from school and also dealing with their support for mental health. And this involves increase in adult supervision, increase in social media literacy, training in understanding the nature of the relationship between parents and children, some of the challenges of COVID, training and support in dealing with social absence, the fact that people were physically away from the classroom and dealing with a completely different

environment and other steps, Madam President, beyond the existing resources in the Ministry to provide the support via parents support groups and communities across the country.

Madam President: Sen. Richards.

Sen. Richards: Thank you very much, Madam President. Minister, can the Minister indicate if the interventions outlined are specifically strategized to reach rural areas, given the disconnect currently faced by these rural areas, even in terms of the education services digitally?

1.40 p.m.

Sen. The Hon. C. Rambharat: Madam President, in addition to the online support and recognizing the challenges in the rural communities with a reliability and consistency of online access, the Ministry has also, through community outreach sessions and sensitization workshops, support to the teachers, additional training to the teachers, training to the parents, have had a specific focus on the rural communities recognizing the potential weaknesses of the online environment.

ORAL ANSWERS TO QUESTIONS

The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan): Thank you very much, Madam President. Madam President, the Government is pleased to announce once again that it would be answering all questions on notice.

Acquisition of CL Marine

(Details of)

32. Sen. Wade Mark asked the hon. Minister of Finance:

In light of the recent acquisition of CL Marine by the State, can the Minister advise:

- (i) whether the acquisition of CL Marine was sanctioned by the Court;

- (ii) how was the acquisition of CL Marine financed;
- (iii) what was the procurement process used in said acquisition;
- (iv) what was the value of CL Marine and its assets as determined by the liquidator;
- (v) was the asset acquired at the value estimated by the liquidator; and
- (vi) if the value estimated at (v) was not paid, what was the final sum paid for said asset?

The Minister of Finance (Hon. Colm Imbert): Thank you, Madam President. Reply to part (i): The Government of the Republic of Trinidad and Tobago acquired CL Marine and its subsidiaries from the CL Financial Limited Group joint liquidators in accordance with the powers and duties of the liquidator as set out in the High Court Order dated September 15, 2017. Part (ii): The acquisition was financed through the Colonial Life Insurance Trinidad Limited, or Clico, debt repayment plan to the Government.

Part (iii): As a result of the said High Court Order the Government acquired CL Marine and its subsidiaries from the joint liquidators. Given that the Government is the purchaser, it did not have the responsibility for the liquidator's procurement process. That is a matter between the liquidators and the court and any other interested party. Part (iv): The fair market value of CL Marine and its assets as determined by the liquidator's independent valuation was \$119,811,000 at the midpoint. Answer to part (v) is, yes, the asset was acquired at the valuation done by the liquidators. And part (vi) is thus, not applicable.

Madam President: Sen. Mark.

Sen. Mark: Can I ask the hon. Minister if he can share with us the names of the subsidiaries of CL Marine?

Hon. C. Imbert: I can do that if you put the question in the prescribed manner.

Madam President: Sen. Mark.

Sen. Mark: Can I ask the hon. Minister whether he is aware that this company, which came under a previous name, has losses on their books amounting to \$521 million?

Madam President: Sen. Mark, I will not allow that question.

Hon. C. Imbert: That is not true anyway.

Madam President: Next—do you have any more?

Sen. Mark: I do not know, I am trying to get from the hon. Minister whether this particular company—whether he is aware that this company had been under the name, the previous name, Portfolio Credit Management Limited? Is the Minister aware of the name of that company?

Madam President: Sen. Mark, that question does not arise.

Hon. C. Imbert: Irrelevant.

Sen. Mark: Can I go on to Question 37?

Madam President: Sure.

Deputy Governor of the Central Bank

(Details of Vacancies)

37. Sen. Wade Mark asked the hon. Minister of Finance:

Given that the two positions of Deputy Governor at the Central Bank are vacant, can the Minister advise as to the following:

- (i) how long have these positions been vacant;
- (ii) why have these positions remained vacant for the period stated at (i);
and
- (iii) when will said positions be filled?

The Minister of Finance (Hon. Colm Imbert): Thank you, Madam President. The information in the question is outdated. The two positions of Deputy Governor

of the Central Bank of Trinidad and Tobago are not vacant. Dr. Dorian Noel, an experienced economist and former lecturer in finance at the University of the West Indies was appointed as a Deputy Governor of the bank on December 22, 2020. I am advised by the bank that he will assist the Governor with respect to fiscal and monetary policy and oversight of financial institutions among other things.

In discussions with the Central Bank they have requested that, if feasible and practical, the second Deputy Governor have administrative and managerial experience in addition to the required financial experience. This request of the bank is currently under review by the Ministry of Finance to locate a suitable individual for submission to Cabinet for its approval.

Madam President: Sen. Mark.

Sen. Mark: I am going on to the next question.

Madam President: Next question.

**Deputy Governor of the Central Bank
(Contract Renewal)**

38. Sen. Wade Mark asked the hon. Minister of Finance:

Can the Minister give reason(s) for the non-renewal of the contract of Dr. Sandra Sookram, as Deputy Governor of the Central Bank?

The Minister of Finance (Hon. Colm Imbert): Thank you, Madam President. Consistent with section 7 of the Central Bank Act, Chap. 79:02, the appointment of the Deputy Governors of the Central Bank is the responsibility of the Cabinet and as such is subject to the general policy considerations of the Government. Further, there is nothing unusual or extraordinary about any Government making a decision to renew or to not renew such appointments when their term expires. And in fact, this has been the practice of most Governments, if not all, in Trinidad and Tobago since Independence in 1962.

**Christopher Columbus Monuments
(Update on Removal)**

63. Sen. Paul Richards asked the hon. Minister of Tourism, Culture and the Arts:

In light of the Petition to remove the Christopher Columbus Monuments in Trinidad and Tobago which was presented and approved in the House of Representatives on July 01, 2020, and the response of the Ministry of Community Development, Culture and the Arts tabled in the House on October 05, 2020, can the Minister provide the following:

- (i) an update on the action(s) taken as regard said petition; and
- (ii) when will a report on the Ministry's considered action, if any, be laid in the House?

The Minister of Tourism, Culture and the Arts (Sen. The Hon. Randall Mitchell): Thank you, Madam President. Thank you, hon. Senator. The Minister of Tourism, Culture and the Arts is presently reviewing and seeking advice and views on the petition that was referred to the former Minister of Community Development, Culture and the Arts in the last Parliament. However, it should be noted that contrary to the wording of the question the petition was not approved by the House of Representatives since that is not the established procedure in the Standing Orders. Instead, in accordance with Standing Order 21(6) of the House of Representatives, leave was granted by the House that the petition be referred to the Minister responsible for administration of the matter raised in the petition. Having examined the petition however, the Government is of the view that this matter is of significant public interest and requires wide public consultation on determining the way forward.

Barring unforeseen circumstances therefore, a suitable response to the

petition will be sent to the House within the next month, which, subject to the approval of Cabinet, may include a recommendation that the matter of the removal of statues and monuments be referred to an appropriate joint select committee of Parliament so that the matter can be thoroughly investigated and the views of all stakeholders ventilated.

Madam President: Sen. Richards.

Sen. Richards: Thank you, Madam President. To the hon. Minister, is there a particular timeline for the establishment of this body to peruse this issue from the Government?

Madam President: Minister.

Sen. The Hon. R. Mitchell: Yes. Within the next month the Ministry will submit to the House of Representatives its response with its recommendations on the way forward.

SEED Grant

(Details on Applications)

64. Sen. Paul Richards asked the hon. Minister of Social Development and Family Services:

As regard the SEED Grant, can the Minister indicate the following:

- (i) how many businesses in the music, film or fashion sectors, if any, have applied for and received this grant as at October 31, 2020; and
- (ii) for those unsuccessful applications, can the Minister provide the reasons for same?

The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon): Thank you, Madam President. [*Desk thumping*] The Ministry of Social Development and Family Services advises that whilst the SEED programme commenced in 2014, data was compiled for these specific categories for the period,

October 01, 2017, to October 21, 2020, and it showed that a total of 138 SEED applications were received from applicants from within the fashion, music and film sectors, and a breakdown of these applications by sector, together with the status is as follows: So that in the sector of fashion, 64 persons applied, 28 received grants, four are awaiting funding, 25 are pending and seven have been rejected. In the area of music, four applied; no one seems to have received the grant. There are no pending—nobody is awaiting funding. There are three pending applicants and there is one that had been rejected. In the area of film, one application was received and it has not been approved. In fact, it is pending.

So the total figure, 69 applied, 28 have been approved and they have received the grant, four are awaiting funding, and there are 29 pending applications; eight of them have been rejected. It is unfortunate but the NSDP is unable to provide data for previous years due to the non-existence of a database at that time. And to the next part of the question, the Ministry of Social Development and Family Services however indicates that eight applications were unsuccessful due to the following reasons: six applications were unsuccessful as they did not meet the financial eligibility criteria as the applicants failed the standards means test; one application was unsuccessful due to the non-submission of documents by the applicant; and one application was unsuccessful as the applicant withdrew. Thank you.

Madam President: Sen. Richards.

Sen. Richards: Thank you very much, Madam President. Can the Minister advise if the line Ministry has been able to obtain data in terms of the success of those who received the grant, grants in different categories, in terms of its original mandate to improve their business acumen?

Sen. The Hon. P. Gopee-Scoon: Thank you, Member, for that question, and it is a

good question because you want to know, have they done any follow up with regard to those persons who are in receipt of the grants and whether—what is the success factor. I could not tell you that but it is certainly information which you can get from the line Ministry. And I would hope that there is follow up so that these persons can be assisted so that they can really develop their skills or develop their small businesses in line with the intent of the programme.

NIPDEC Tender for Cloth Face Masks

(Details of)

68. Sen. Jearlean John asked the hon. Minister of Finance:

With regard to the NIPDEC tender for the manufacture and delivery of cloth face masks, can the Minister advise of the names of the individuals, sole traders and firms who submitted tenders and were not successful?

The Minister of Finance (Hon. Colm Imbert): Thank you, Madam President. The names of the individuals, sole traders and firms who were not successful in the NIPDEC tender for the manufacture and delivery of cloth face masks will be circulated to hon. Senators this afternoon. These tender submissions were deemed unsuccessful for several reasons, including if the tender form was not completed correctly or a sample of a mask was not provided, or where such a sample was provided, it did not meet the identified requirements or failed the Trinidad and Tobago Bureau of Standards test.

Madam President: Sen. John.

Sen. John: All right. Madam President, I will wait until I get the response circulated in writing and then I will probably follow up with some questions in writing. Thank you.

Vide end of sitting for written part of the answer.

SERVICE COMMISSIONS REFORM

[*Second Day*]

Order read for resuming adjourned debate on question [November 17, 2020]:

Be it resolved that this Senate call on the Government to review the Trinidad and Tobago Constitution and the enshrined Service Commissions and to table in Parliament, within a reasonable time, a clear plan for the update of the Constitution and reform of the Commissions. [*Sen. A. Vieira*]

Question again proposed.

Madam President: Those Members who spoke on this Motion are as follows: Sen. Vieira who moved the Motion, Sen. The Hon. Allyson West, Sen. Wade Mark, Sen. Hazel Thompson-Ahye, Sen. The Hon. Franklin Khan, Sen. Anil Roberts, Sen. The Hon. Clarence Rambharat, Sen. Paul Richards, Sen. The Hon. Renuka Sagramsingh-Sooklal. Sen. Lutchmedial. [*Desk thumping*]

Sen. Jayanti Lutchmedial: Thank you, Madam President, for the opportunity to contribute on this Motion. Madam President, the issue of service commissions and the inefficiencies that have been plaguing service commissions has been around for a long time so I commend my colleague, Sen. Vieira, for bringing it to the fore and for allowing us the opportunity to ventilate some of the issues that have been affecting service commissions. As anyone who has worked in the public service would know, when you have to deal with the Service Commissions Department it is oftentimes very challenging. You have delays, you have difficulties with receiving and sending communication, and this is not something unique to service commissions but it is something that plagues almost the entire public service and it has for quite some time. But, Madam President, we spent a long time on the last Private Members' Day discussing the issues of service commissions and the Motion talks about the problems that are encountered specifically with filling of

vacancies, promotions, appointments, discipline, but, Madam President, I have yet to hear anyone in the entire debate identify a constitutional issue.

The problems plaguing service commissions are not constitutional in nature. They are resourcing problems. They are management problems. They are all sorts of different types of problems, human resource problems. Maybe, and I am not casting aspersions on anyone, or maybe the persons who are there may not be the most suitable. Maybe the conditions under which the Secretariat operates, and if you look at some of the reports that have been generated by this Parliament you would see sometimes that they talk about the Secretariat and the conditions under which they have to function and you recognize that there is no constitutional issue. So that is my first point, that I think whilst it is important for us to recognize that there is a problem, we have to put the problem in context.

Calling upon the Senate to pass a Motion and to resolve that submitting a plan for a constitutional reform of the commissions will not—the Constitution only deals with the appointment of persons who sit on the service commissions and that is a very important thing. And as early as 1962 with our first Independence Constitution it was recognized that the way persons are appointed and the manner in which they are appointed, it is set up in such a way to insulate the service commissions and insulate the public service from political interference, from discrimination and things like that. So the systems that are created under the Constitution to give effect to run the public service, whether it is the teaching service or the police service or the public service itself and the JLSC, I have had a long and colourful history with the JLSC, dealing with them, and I can tell you, yes, it is frustrating as a member of the public to deal with them and to get a response and to make applications, but these are problems that could be solved with proper budgeting.

These are problems that could be solved with the implementation of information technology. These are problems that can be solved with, you know, proper performance management systems, none of which requires constitutional reform. So I am a bit surprised that this Motion calls for any type of constitutional reform. And, Madam President, in the contributions themselves on the last occasion I noticed that when Sen. Vieira began leading off the debate on the Motion, he talked about those issues of budgeting and, you know, that we needed to—that the Motion was about seeking to improve the processes so that we would have the desired outcome. The desired outcome being that persons are disciplined more efficiently in the public service that, you know, the vacancies would be filled and you would not have everybody acting for long periods of time, and so on, but, you know, with some of the things that he talked about, the stifling bureaucratic environment, how is that a constitutional issue? How is changing the manner in which the service commissions are appointed going to solve the bureaucracy in the system?

We might have bureaucracy in terms of the appointments being made and filling vacancies at the level of the commission itself. So from time to time you would have a situation where one particular commission may be functioning with three members when the Constitution calls for five members, but that is a political problem as well because it is on the advice of the Prime Minister in consultation sometimes with the Leader of the Opposition that the President would make those appointments. So we do not really have a constitutional issue here with the service commissions. And why I am so adamant that constitutional reform and interfering and tinkering with the constitutional framework that governs service commissions is because, if you do not know the names Feroza Ramjohn and Ganga-Persad Kisson and Ashford Sankar, and all of these cases, these are persons who over the

years have had to go to the courts to have their rights, you know, preserved when they have faced instances of discrimination. And it is because of the way the Constitution was set up and the regulations that are passed under the Constitution to govern the Public Service Commission that these people were able to get redress from the court.

We have had a history sometimes of attempts to politically interfere in the public service and we must ensure that that does not happen, and keeping our constitutional framework as it relates to service commissions is very important to preserve that independence of the public service. I have nothing but the greatest amount of respect for public servants who go to work every single day, today under one government, tomorrow under another one, and they do their jobs without fear or favour, or any sort of malice or ill will. The public service has always been, you know, most public servants, I would say, they demonstrate that level of independence and they demonstrate that level of independence because they know they are insulated. They know that they are not going to be victimized. Can we say the same thing about the huge amount of contract officers that we see now holding positions within Ministries?

Can we say the same thing about the special purpose companies where everybody is hired on contract? And when your contract is coming up for renewal and there is an election around the corner you sometimes see decisions being made and things being done. When you are involved in litigation, for example, involving special purpose companies and you see persons who come forward and give witness statements and then you have an election and the Government changes and then things start changing, you understand that contract employment and employment—anything that does not insulate the employee within a public service setting creates room for undue influence and that cannot be right. And it would be

a serious blow to our democracy to interfere with that level of independence that we have lived with since 1962 for our public servants.

Now, another term and another phrase that featured extensively in the debate on the last day was “under-resourcing” and “underfunding”. I have had the experience, both as the interviewee and the interviewer where, for example, you want to fill a position in the public service. There is a position that needs to be filled, you go through the entire gamut of HR processes; you advertise and you—no, it starts before that. You do the job description and you advertise and you shortlist and you conduct interviews, and you come back again and you go again, and when that entire process is done the answer that you get is, “Well, we have no releases to fill the post.” So budgeting, budgeting within the public service is part of the reason and it is one of the things and one of the areas to focus on if we want to improve efficiency within the public service. If you want positions to be filled, if you want people to be promoted, you have to have the money. You simply need to have the money to hire people, and on many, many occasions you simply do not have funds available to fill positions after you go through the entire process of identifying the most suitable candidate for the position.

Now, again, none of this is in any way linked to the constitutional composition of these service commissions. Now, Madam President, some of the things that we have seen over the years—of course, a lot of people made mention of the Endell Thomas case and the—you know, there are also the cases of like Cooper and Balbosa and some of the others where we deal with the Public Service Commission, I was involved in that matter where the Government via an order tried to tinker with the process of appointing the Commissioner and Deputy Commissioner of Police and it was held that it was an unlawful fetter on the independence of the service commission, and in that judgment it was then Justice

Rajkumar who dealt with that matter. It is the case of *Maharaj, Harridath v The Attorney General of Trinidad and Tobago and the Police Service Commission*, and he went through the position of constitutional autonomy of the Police Service Commission all the way back to 1962. And he talked extensively and he quoted extensively from the Lord Diplock's judgment in *Endell Thomas*, and he talked about that it is the party system of Government that exists in our country and this Westminster model, dismissal at pleasure would make it possible to operate in what has been known as in the United States as the "spoils of the system". So every time you have a change in Government you could have a change in the people who are holding very important positions.

So *Endell Thomas* was really the starting point of where we looked at the independence of service commissions and how important they are. What I would say is that—and, Madam President, I think it is important if I can quote, with your leave, a portion of the *Endell Thomas* judgment when he talked about—when Lord Diplock talked about the whole purpose of Chapter 8 of the Constitution, and this is the 1962 Constitution he is referring to:

It is to insulate members of the civil service, teaching service, police service commission from political influence exercised directly upon them by the Government of the day.

The means adopted for doing this was to vest in autonomous commissions to the exclusion of any other person or authority, power to make appointments to the relevant service, promotions and transfers and the power to remove and exercise disciplinary control over members of the service.

So as far back as *Endell Thomas* we have recognized, and the 1962 Constitution, how important this is and we cannot afford to go beyond where we need to be.

Now, in terms of the other contributions, I understand again, we talk so

much about resourcing problems, the hon. Minister in the Ministry of the Attorney General, in her contribution again spoke about—she said there were two categories of deficiencies and she talked about structural issues and then she went on to say there was—the hon. Minister was going to go through the constitutional and the non-constitutional issues, and again identified some serious, maybe resourcing issues and non-constitutional issues, the Minister spoke extensively about what the Government had done to try to cure structural problems. The Minister spoke about iGovTT, all of these things are fine; it is good, but how does calling upon the Government to bring constitutional reform cure any of that? It is does not. It simply does not.

What I would say is I would call upon the Government to make better resources available to the Service Commissions Department and that is it. That is the first step that is needed if you want more efficiency in the public service. There are other things as well, you know, I could say that the public service is treated with—sometimes it is looked at as a—it is where you go when, you know, you do not make the cut for the private sector. So things like motivation, all of these human resource issues and motivating your employees and all those things come later on, but if you do not have the money, if you do not have the finances, if you do not have a proper budgeting process to make sure that people can do their jobs efficiently, none of that matters. None of it matters and you are not going to get efficiency in the form of a Government Department unless you have the resources dedicated to it.

Now, the hon. Minister then went on to talk about the constitutional issues and I do not know if the Minister ran out of time, but the focus was really on only the need for Opposition support to amend certain sections of the Constitution. Now, I do not know that that has any bearing on anything because lack of

Opposition support is not the reason why service commissions are inefficient. Again, no one has identified how amending or how sections—Chapter 8 and sections 122, 123 and all of those sections of the Constitution will make the service commission more independent. So if it is that you have a proposal of how amending these sections with the requisite Opposition support would improve the delivery of service by any of the service commissions, I am all ears and I would love to hear it, but I have not heard a single, not one single suggestion as to how any amendment to any of those sections would cure the issue of service delivery within the service commissions.

And, you know, Madam President, another case that I was involved in, and again it goes to show that the Constitution was not drafted with “vaps”, it was a very intricate and detailed exercise, and I dare say we have never seen such powerful—

Madam President: Sen. Lutchmedial, you have five more minutes.

Sen. J. Lutchmedial: Thank you. We have never seen such powerful legal minds in this time as we have seen in what went into the drafting of this Constitution. And that is the case of *Maharaj v The Attorney General*. I remember being at the Hall of Justice at 2.00 a.m. waiting on an injunction in this matter, the next morning in the Court of Appeal being laughed out of court, but we won at the Privy Council on a very narrow interpretation point of the composition of the JLSC.

2.10 p.m.

And in that matter the Privy Council held the Legislature went into the trouble of separating candidates for the appointment of the JLSC into distinct and separate described pools.

You see, when they were looking at the pool of people and the different

people who could make the composition of the JLSC, they were so concerned with ensuring adequate representation of different pools of persons, and it turned out in that case that for several years, for several years, the JLSC had been wrongly constituted because we did not interpret—"we" meaning everybody—the various governments did not interpret the provisions of the Constitution correctly and, of course, the doctrine of necessity and so on, nobody's appointment was reversed. But the point of the matter is there is an entire judgment on the intricacies of that position and how important it was and how the framers of our Constitution went into the trouble of ensuring that the right sets of persons were employed.

Madam President, there is one matter that I find—that I came across that I really do find troubling. And when we have Motions like these and I hear the contributions of the Members on the Government side talking about, yes, they are all in favour of constitutional reform and looking at it, I must raise the issue of political interference, particularly one that is, you know, at the forefront of my mind is the Police Service Commission.

In 2015, you had someone by the name of Bliss Seepersad appointed to a state board in this country within three or four months after the general election. Two years later and political—I do not—this concept that we try to peddle that, well, you know, persons who serve on state boards are independent. Somehow when they are serving under the Government, they are independent—this Government—but when they are under anybody else, they are political and party people. But the fact of the matter is, it has been long recognized that persons appointed to state boards are political appointees. Bliss Seepersad is currently the Chairman of the Police Service Commission and that in my mind—

Madam President: Sen. Lutchmedial, I have to stop you there because I have to remind you as to how members of the Police Service Commission are appointed,

and the Standing Orders do not allow for that to be brought in. Okay?

Sen. J. Lutchmedial: Madam President, yes, I am guided. Now it is—we have had cases such as the e TecK case that went when they were looking at the political appointments and so on, where Justice of Appeal Bereaux—and he said that, you know, that it was a matter of public notoriety that directorships in state enterprises in Trinidad and Tobago are a question of political patronage and cronyism and not so much competence. So, Madam President, what I am saying is that when you have persons who are politically affiliated then, and appearing to be sitting on service commissions, it really does call into question whether or not—

Madam President: Sen. Lutchmedial, I really will ask you to move on from that point.

Sen. J. Lutchmedial: Madam President, I am saying that we have to be mind—

Madam President: I know what you are saying.

Sen. J. Lutchmedial: I am guided. We must guard the political independence in the insulation of our service commissions. We have to take all steps necessary to ensure that there is not political interference in the service commissions [*Desk thumping*] and if we do not do so, what we are going to have. And if we allow constitutional reform to take place and we allow interference with those sections of the Constitution that deal with the appointment of our service commissions, we run the risk of having politically affiliated persons appointing, disciplining and so on, within our service commissions, and you can have rampant discrimination, you can have severe dilution of the independence of our public service. Madam President, that is my contribution. Thank you. [*Desk thumping*]

Madam President: Sen. Seepersad.

Sen. Charrise Seepersad: [*Desk thumping*] Thank you, Madam President, for the opportunity to contribute to the debate on the Motion:

“Be it resolved that this Senate call on the Government to review the Trinidad and Tobago Constitution and the enshrined Service Commissions and to table in Parliament, within a reasonable time, a clear plan for the update of the Constitution and reform of the Commissions.”

Madam President, my contribution will be brief and for transparency, I will like to put on the record the Chairman of the Police Service Commission is my sibling. The primary role of the service commissions, as I understand it, is to facilitate the human resources engagement of the commissions as defined in the Constitution. In so doing and without political bias, the objective is that mandatory services to be provided to the public will be delivered efficiently and cost effectively. However, in all practicality, this is not the case.

Madam President, change in these bodies is inherently evolutionary. In a modern society there must be urgency and alacrity in devising and implementing measures for the well-being of all. Undoubtedly, an ineffective and inefficient public service hampers economic development and growth. This has an adverse impact on the private sector, causes misallocation or non-allocation of resources, inaction, inertia, low employee productivity and morale, to highlight just a few issues.

The Judicial and Legal Service Commission was, in 2018, reviewed by the Law Association Bernard committee and comprehensive recommendations were made. Therefore, Madam President, I will confine my remarks to the Public Service Commission, the Police Service Commission and the Teaching Service Commission.

The Constitution of the Republic of Trinidad and Tobago defines the mandates of these commissions. They are largely responsible for the inefficiency of the public service, the police service and the teaching service. The service

commissions have also become quite dysfunctional. The service commissions are not the employers of public servants and do not set compensation for these employees. However, the commissions are responsible for appointing, transferring, promoting and disciplining public servants.

The commissioners who serve on these commissions work part-time, have no control over the allocation of resources including financial and human resources required to carry on their mandates, and their processes are archaic and require serious reengineering. Public servants are employed by the Executive of the Government of Trinidad and Tobago who determines compensation. They are managed by Permanent Secretaries or their equivalences in the various Ministries and Departments of Government. Government Ministers are accountable for the performance or non-performance of public servants. The paradox is that the people who manage and are held accountable for the performance of public servants, police officers and teachers do not appoint, promote, transfer or discipline them; the service commissions do that. The construct of these arrangements result in delay, inactivity, abuse and manipulation of the system. Performance management and discipline systems are governed by regulations which are tightly guarded by the trade unions.

Madam President, further, some attorneys have specialized in litigating these regulations. Performance management in the public service is useless. It is almost impossible to fire a teacher or a public servant. Too often we see officers on extended suspension, with pay, awaiting resolution of their matters. Between 2000 and 2015, there were 54 legal matters which were before the courts. Of this, 89 per cent related to disciplinary matters and promotions.

The litigation of these matters often involve senior counsel. Madam President, the cost in money and time is astronomical. Government Ministers,

Permanent Secretaries and other managers in the public service have just given up trying to manage and discipline public servants. As the efficiency and effectiveness of the public service has declined, successive governments have introduced workaround options such as contract staff, ministerial advisors and state enterprises. These workarounds have caused more problems and even worsened the situation. Delegation as in the Police Service Commission and human resource management interventions have all failed. This is because the colonial, constitutionally entrenched, archaic and management without responsibility have not been addressed in any serious manner.

Madam President, in keeping with the proposed resolution, I urge that a committee or committees be commissioned to conduct a comprehensive investigation with a mandate to revamp and replace the status quo with a more suitable and sustainable alternative. Periodic reviews of these bodies with the goal of continuous improvement must also be factored into the mix.

Madam President, public service reform starts with reforming the service commissions. This requires a special majority approval in the Parliament. This means support from a majority of legislators to do what is in the best interest of Trinidad and Tobago. Madam President, I thank you. [*Desk thumping*]

Madam President: Minister of Tourism, Culture and the Arts.

The Minister of Tourism, Culture and the Arts (Sen. The Hon. Randall Mitchell): Thank you, Madam President. Thank you for allowing me to join in debating this Motion and immediately I must indicate my support for this Motion. And I join with hon. Senators and commenters in society in commending Sen. Vieira for introducing this Motion, with noble intention no doubt, for the purpose of initiating a process of reforming and improving extremely important sets of state institutions.

Madam President, I also wish to commend those contributors in the Government and Independent Benches for their support in response to this Motion. In particular, I wish to commend Sen. West, the Minister of Public Administration and Digital Transformation for explaining pellucidly the structure and role of service commissions, the Service Commissions Department and as well the State civil service resource arm.

And Sen. Lutchmedial made some good points, but I think Sen. Lutchmedial was misguided as to the law and that is what caused Sen. Lutchmedial to run afoul of Standing Order 46(8). Because in her contribution, and I listened carefully, Sen. Lutchmedial felt that section 120(2), the President appointed members of the service commissions on advice of the Prime Minister. But that is not so and allow me to read the section 120(2) and put it on the record.

“The members of the Public Service Commission shall be appointed by the President, after consultation with the Prime Minister and the Leader of the Opposition.”

So that was a misapprehension on Sen. Lutchmedial's part. Madam President, on the last occasion when we met, Opposition Senators also did not really distinguish themselves when the Motion was moved, and I expected a lot more from Sen. Mark, a former Minister of Public Administration. And instead of debating the issues, Sen. Mark's main point was that the PNM was in struggle to get rid of service commissions. He said the main objective of getting rid of the service commissions is to give the PNM the power to hire and to fire, to discipline and to promote, et cetera.

Madam President, the only way that I can describe that in a term that is not unparliamentary is truly absurd. The first point that Sen. Mark obviously missed is that this Motion was brought by an Independent Senator, not the PNM.

And the second point is that the PNM as a party for the last 65 years, Madam President, has a distinguished record in building this country and its institutions and in engaging in the [*Desk thumping*] necessary reforms where improvements are needed to strengthen those institutions and improve the efficiency of the distribution of public services.

And, Madam President, this is not the first time that such a Motion has been raised, and I had recently been able to trace it back to 1984. On November the 20th, in a letter to the editor titled, “Of MPs, perks and humility” Trevor Sudama in that letter sought to extol the virtue of humility by citing the example of a former PNM Prime Minister George Chambers. But listen to what he further said:

On the occasion in 1984, I was making some remarks in Parliament on the role and performance of the service commissions. I raised issues about the concentration of the mechanism for decision-making, the snail pace of disciplinary procedures, the apparent emphasis on the judicial rather than the management function in the deployment, oversight, accountability and discipline of public servants, the over-reliance on seniority over competence in assessment and the woefully inadequate resources available to the commissions. There was in my view an overwhelming necessity for reform in the interest of a more functional and efficient public service.

And that was Trevor Sudama, a founding member of the United National Congress in support of exactly what we are debating today. But you see, Madam President, that is just it with today’s United National Congress and this Opposition, because their position on public policy varies depending on who you talk to, when you talk to them and where you talk to them.

Sen. Robert’s contribution was also largely unfortunate, completely missed the mark. He spoke about a former Prime Minister going into a police station. He

spent a large amount of time blowing a dog whistle, calling on persons in east Port of Spain to reject Government's policy and programme of urban regeneration. But like Sen. Rambharat on the occasion, Madam President, I felt too that it was the perfect opportunity for Sen. Roberts to speak on the national disgrace that was the LifeSport Programme. He ought to have used his position as now an Opposition Senator to explain his role, the role of his Permanent Secretary and other public officers and the failure of the Public Service Commission Department to bring public officers to discipline.

You see, Madam President, to the Permanent Secretary of the Ministry of Sport was at the centre of the LifeSport scandal. The Permanent Secretary is an accounting officer and he was the equivalent of a CEO of multi—a \$100 million entity. And under the financial regulations of the Exchequer and Audit Act, accounting officers are personally responsible for the financial management of their Ministries.

And, Madam President, apart from waste, corruption and squandermania, the auditors for that programme found that there was poor control and monitoring by the Ministry for which the accounting officer is responsible. Minister Roberts, as he then was, shamefully resigned as Minister of Sport and as—

Sen. Mark: Standing Order 46(1), Standing Order 46(6), Standing Order 46(8). He is in violation of all three.

Madam President: Minister, continue.

Sen. The Hon. R. Mitchell: Thank you very much, Madam President. Minister Roberts shamefully then resigned from the Government as Minister of Sport and from the Legislature as the MP for the constituency that he had responsibility for. But the Permanent Secretary, the accounting officer, the person responsible for the financial management of that Ministry was allowed to go on holiday, and then that

holiday was extended and he was allowed to resign from the public service unblemished, leaving taxpayers to foot the bill with nobody held to account. And this is where I thought Sen. Roberts would have taken his contribution, to educate, elucidate because he was at the centre of that particular scandal that called for discipline.

But, Madam President, in understanding the deficiencies in the performance of service commissions, it is easy to pick out organizational design flaws where human resource function is concerned. And Terrence Farrell as well, in adding his voice, he noted in his letter to the editor on December 05, 2020, he noted that the Public Service Commission, the Police Service Commission and the Teaching Service Commission, which are all entrenched in the Constitution, are primarily and directly responsible for the inefficiency of the public service, and over time have become dysfunctional institutions.

He noted further that while Ministers are held accountable for the performance or lack of performance in the public service, Ministers could not hold public servants to account and therefore, the service commissions—this creates a managerial absurdity.

So, Madam President, I do not want to go down the road of discussing the many deficiencies and challenges faced by service commissions. For me when examining an organization and how it behaves, the best place to start is with how discipline is maintained in that organization. A civil service organization is defined in the theory, organizational behaviour, as a bureaucratic organization and its authority comes from law, rules and regulations. The rules and regulations are in place to ensure the satisfactory performance by individuals and the organization as a whole. The rules, regulations prescribe the systems of reward as well as the systems of discipline and sanction. And it is important to consider the rules,

structures that are in place to enforce compliance, and who enforces the rules and regulations and how they are enforced.

So as I indicated, it is under section 120 of the Constitution, service commissions are appointed by the President and there is a maximum of six in number are appointed for a period of five years, and the appointment is supposed to provide for insulation from political influence and, of course, Members traversed this area already. And this is where I depart from the reasoning provided by Sen. Lutchmedial, because the question now, if there is no constitutional issue, the question for me now is, what is there in place for the members of the service commissions as they are appointed to comply and discharge their duties and responsibilities in the way they are supposed to? And what is the sanction in place to enforce that compliance? So we need to go to section 126 to look at how they are compelled to comply.

And section 126 prescribes the only and ultimate sanction, that is, members of the service commissions may be removed from office upon the expiration of the term or for an inability of the member to discharge his functions due to infirmity of mind or body or any other cause or for misbehaviour.

And, Madam President, the threshold is incredibly high. So what this tells me is that, where is no infirmity of body or mind or there is no misbehaviour you are stuck with the members for the service commissions for five years. And what this tells me as well is that members of the service commissions, suppose they are lethargic, suppose they are tired, suppose they are uninterested. I am not saying that they are, but suppose they are, what happens then? How do you enforce compliance? How do you enforce the efficiency? And Member Lutchmedial spoke about it. Maybe there are no resources. Maybe the people are not fit for purpose. But what if the members of the service commissions as a group do not jell well and

work together to ensure efficiency, what happens then? How are they disciplined? And how are they made to comply? What can be done in these situations? Who holds them to account?

Madam President, we know that they account to Parliament by way of annual reporting. But even in the annual reporting, the reports do not paint the entire picture. I have looked at the 2019 report. The report boasts about how many appointments, how many promotions, disciplinary procedures were done. But what the report—so the reports says, the public— for example, the Public Service Commission approved 756 permanent appointments in 2019, and 441 of those permanent appointments were done by the Chief Fire Officer but it does not tell you the whole. How many does 756 represent out of the whole? How many are actually before the commission? It does not tell you that. It does not tell you how many disciplinary matters are before the commission. It simply tells you how many they were able to accomplish in that particular year and compares with previous years. So the full picture is not given.

And, Madam President, we know that the service commissions are assisted by a secretariat, the Service Commissions Department which is solely responsible for supporting the commissions to carry out their responsibilities. So these six members of the service commissions must depend on a service commissions department headed by a director of public administration for the efficiency and conduct.

And, Madam President, looking at it, it tells you that the work of the service commissions can only go as far and as fast and the Service Commissions Department. And in this entire structure, it could very well be that the Service Commissions Department—

Madam President: Minister, you have five more minutes.

Sen. The Hon. R. Mitchell: Thank you very much. And the DPA, they hold all the power and influence in this scenario. And the service commissions blame the inefficiency on Permanent Secretaries and their failure to submit timely reports. But how are we to know what is the truth? What is the truth, Sen. Lutchmedial, when you say that you are told that the Service Commissions Department tells you or tells applicants that there is no money to hire them? When, in fact, we know during the budgetary process that every year, save and except this year, provisions were made for the filling of vacant posts. How are we to know what is the truth? But if Permanent Secretaries are to be blamed for their tardiness, for example, then why not hold them to account? Why not discipline them? But then again, Madam President, if the Public Service Commission did not discipline the Permanent Secretary Ashwin Creed in that LifeSport scandal, can we expect the service commissions to hold the Permanent Secretaries and public officers for their tardiness?

And, Madam President, I do not think I am the only one to really consider that if the entire work of the service commissions depend on the Service Commissions Department, it is the Service Commissions Department who actually dictates the pace of who gets appointed, who gets promoted and who gets disciplined. The Service Commissions Department is the one who holds the cards in this whole thing.

So, Madam President, in conclusion, to ensure autonomy and insulation from political interference, we have created institutions which in practice are accountable to no one, there is not accountability, no discipline and no consequence in our system. It seems as though only the government of the day is held accountable by the people, and it will take something significant to change the way our human resources are managed in the civil service. And until we accept

that it is the strategic, agile and modern management of the human resources in the civil service that will take us to developed-nation status, we will continue upon this difficult path, avoiding the difficult answers to these questions. I thank you, Madam President. [*Desk thumping*]

2.40 p.m.

Sen. David Nakhid: Madam President, I thank you for the opportunity to join this debate on the reform of the Public Service Commission. Madam President, I intended to be brief, as I thought my hon. colleague Sen. Lutchmedial was quite thorough and I did not want to be repetitive. But when I heard the political trite offered by my colleague across the aisle just now, I think I will have to be a bit more extensive. I really would like to applaud the noble intentions of the hon. Sen. Vieira in offering this Motion before us. But you see, we need to bring things down to the ground, Madam President. So we hear talk by the Minister of Tourism, Culture and the Arts about the PNM, 65 years and building up institutions and everything is hunky-dory, so I feel that when I come out of my house, I am in Singapore, when it is the contrary, and we all know that.

So, I think if we were to look at the reality of the situation, rather than in typical PNM fashion, using a sledge hammer to swat a mosquito, there are other ways than messing with the Constitution, Madam President, that we all hold so dear, and it is our safeguards in the interest of the citizens of Trinidad and Tobago. For example, he talked about compliance. Very easy, Madam President, for anybody with half a brain, they would think an independent evaluation committee might be on better offering than messing with the Constitution. A system of merit and demerits in order to have a more apt evaluation of people in the public service. But that is just in two minutes what I could deduce, Madam President. So, if I was to give it a more studied analysis, I am sure I would be able to come up with

something better than going straight to the jugular of the Constitution.

So, Madam President, our services commissions, historically, were set up to insulate public service from political pressures and political interference. These service commissions ensured that the best candidates were selected for the job, and that selections for employment were not based on political patronage. It protected the public servant from being prejudiced if he drew the ire of a politician. It provided a security of tenure which saw public servants as a block becoming members of unions to advocate on their behalf, and there were benefits for persons appointed by these commissions. Around 2007/2008, the Parliament, both Opposition and then Government, got together for a number of stated reasons, to emasculate and severely restrict the power and jurisdiction of one of the commissions, and that was the Police Service Commission. That to my mind was the beginning of a very dangerous trend, which is now able to take us over the precipice.

Madam President, now we have a trend where service commissions are largely sidestepped and completely ignored in some cases. And when I talk about getting down to the ground I would like to give you some relevant information. Nine out of every 10 workers in the Family Court are now employed on contract, and not through the Public Service Commission. That is extremely dangerous and prejudicial, Madam President. That I understand is the position across other divisions in the Judiciary and other parts of the public service. Who decided who should be hired and fired, and whose contract should be renewed? The persons responsible for hiring these contract workers. Who hired them, and who are they loyal to? Now we have complaints across the board that many state enterprises and other parts of the public service are on contract.

So, in effect, Madam President, we have built vote banks. Persons in party

groups are given preference in terms of getting jobs, not just WASA, not just TSTT, not just the RHAs. And to that point I would like to talk about the North/Central RHA, and we look at the chief CEO, Davlin Thomas, and when we had the issue of the length of appointments, in between appointments by patients and their abject situation in terms of being able to have follow up surgeries, follow up procedures, you realized his reaction when he was told about it. He expressed shock. He said he was shocked. So then I have to ask, what is that disconnect between somebody in that position and the actual situation on the ground? And then you know then that it is not about anything other than the quality of people that have been appointed. Are they vetted properly? That is the danger of ignoring the service commissions.

Now, we find every reason to avoid these self-same service commissions: One, we say they are too slow in hiring; we have heard that before. We say the process for dismissing errant workers is too long-winded. And, at this juncture I would just like to speak to Sen. Vieira, especially about dismissing errant workers and so. Because in my research, and I think it needs to be studied, and I would suggest to him that I found that there was a conflict between the CPO, the Chief Personnel Officer and the commission, the service commission; that there could be some kind of overlap or nuances that are not being met. I think that needs to be looked at. Sometimes—I heard of one case, somebody would say well, in being disciplined that is the job of the CPO, and the CPO would say no, that is the job of the commission. So I think that is something that we can look at. I digressed.

So, every possible excuse so that party loyalists can be rewarded for their loyalty. So in my opinion, what we need to reform is not necessarily the service commission. We need possibly to reform our attitudes towards the service commissions. If they are moving too slow, it is not their fault. It is the fault of the

politicians. If the service commission, as Sen. Lutchmedial has said, is starved of resources, they cannot give it to themselves. Their resources are provided by the political directorate. So if they are starved of resources, again, to do their jobs effectively, then we must provide them with the necessary, in order for them to carry out their jobs effectively. And we cannot do that in lieu of hiring contract workers in order to serve the political purpose. It is the rest of the citizens who are not benefiting from political patronage, who suffer. In other words, we get sub-standard workers. We get workers, as I said before, not properly vetted, and the workers themselves they cannot be unionized so they have very little protection if they are not dancing to the beat of a political party. So, if no left foot/right foot, “crapaud smoke your pipe”.

So, Madam President, the problem upon review lies not with the concept structuring of the service commission. Who can disagree that their idea, their philosophy, the framework of these service commissions can be instrumental to the operational, organizational efficacy of essential services in the interest of our citizens? But then again, historically, the nemesis of proper transparent and accountable development processes has always been this Government. It has become apparent to me, Madam President, throughout my research, and increasingly so, as evidenced by yesterday's results, that our citizens are beginning to realize that this Government cannot manage or operate anything in order to transform their lives. [*Desk thumping*]

So, Madam President, when I acknowledge Sen. Vieira's Motion and the noble intention, I posit that the goodly Senator, he could have been a bit braver, a bit more courageous in laying the emphasis of the historical context of where we have reached as far as these service commissions are at the moment. I think it is not so much—the blame lies not at all in the structure and the intent of the service

commissions, but it lies precisely with the human resources that we have allocated to them. And I think that can only change with a more holistic view of how we approach these service commissions. Again, Madam President, when I went back and looked at the presentation of the Sen. The Hon. Franklin Khan, and some of the other colleagues across the aisle, one might easily conclude that they are distinct and apart from the party that held the reins of government for 52 of 66 years. But I believe, for any positive thrust towards success to take place in this area of reform of the Public Service Commission system, there must be significant bipartisan consultation in order to ensure that the constitutional safeguards are upheld, which would redound to the interest of all Trinbagonians. The contractual arrangements facilitated by the Government at this present time, especially this present version of a government, has rendered the Public Service Commission not only dysfunctional but antithetical to its stated functions and its statutory objectives.

Madam President, the reality, there is no distinct separation of power between the government's political interest and those of the public service, to the extent that our citizens continue to mockingly refer to the civil service as PNM party groups. And this is why I believe, in order for us to better understand from our historical perspective where we went wrong with such a noble institution, I would let the hon. Minister of Agriculture, Land and Fisheries, Clarence Rambharat, as quoted in the newspaper today, put things in perspective, and I quote:

“I am not satisfied with the level and quality of service...”—

Madam President: Sen. Nakhid, which newspaper, please? You have to just, for the *Hansard* you have to identify the newspaper.

Sen. D. Nakhid: I believe it was the *Newsday*, Madam President.

“I am not satisfied with the level and quality of service we provide as a ministry. Too many critical public-service jobs are vacant for too long. Too many of our processes are paper-driven, bureaucratic and unhelpful to our stakeholders.

He also viewed the service commissions as ancient.”

Now, Madam President, that is precisely the problem with this Government. It is throw the baby out with the bath water. This is exactly a case where we can tweak, we can have some reform, but we must maintain our constitutional safeguards in the interest of our citizens of Trinidad and Tobago. I thank you, Madam President. [*Desk thumping*]

Madam President: Sen. Teemal. [*Desk thumping*]

Sen. Deeroop Teemal: Madam President, thank you for the opportunity to contribute to this debate on the private Motion brought before us by Sen. Vieira. Madam President, in piloting this Motion, Sen. Vieira was very clear that the bases of the Motion is to ascertain whether the Public Service Commissions, that is the four of them, are fulfilling their objectives, and to identify where their deficiencies are, and to look at possible solutions to solving these deficiencies. I am therefore not sure why the issue of the dismantling of the service commissions has arisen in this debate, and I will put that down to political gymnastics, and really should not cloud the intent of the mover of the Motion that is before us.

We have heard that the service commissions are constitutional bodies established under the Trinidad and Tobago Constitution, Chap. 1:01. And the genesis of these commissions lies in our colonial inheritance, as they were appointed initially to advise the Governor of the then colony of Trinidad and Tobago on the appointment, promotion, transfer and exercise of disciplinary control of members of the civil service, the police service and persons who possess

legal qualifications. The purely advisory status of these commissions was enhanced on the attainment of Independence in 1962. And today these four service commissions have full executive power to exercise their functions, to appoint, promote, transfer, confirm and exercise disciplinary control as enshrined in our Constitution. In *Thomas v the Attorney General of Trinidad and Tobago*, 1982, the Privy Council confirmed that the service commissions are entrusted with the following powers: The appointment, discipline and removal of public officers, and the enactment of rules to govern their procedure in respect of the exercise of the powers named above.

In turn, it is the constitutional responsibility of the State of the Executive to lay down terms of service for public officers which include the determination of duration of employment, remunerations, pensions and qualifications for recruitment, and also the enactment of a code of conduct to indicate inter alia the offences which render public officers liable for disciplinary action of a service commission. So in effect, as others have clearly identified, the service commissions are not employers of public officers but are responsible for their recruitment, promotion and discipline. Madam President, with this system for the public service, what it has done, it has led to over the many years what can be termed as a managerial conundrum and a managerial nightmare.

Public servants fall under the management of the Permanent Secretaries, or equivalent in the various Ministries and Departments, whilst Ministers are held accountable for the performance of the public service. Thus, the untenable and non-productive situation arises in which persons who are responsible for managing public servants and who are held accountable for their performance do not appoint them, transfer them, promote them, or discipline them. And as we have heard from some Senators during this debate, Madam President, the service commissions are

not structured and resourced accordingly to fulfil their mandate for effecting these appointments, transfers, promotions and discipline.

The intent of the provisions of the Constitution that guarantees the powers of the service commission is indeed a noble one in that it is seen in one way to ensure the neutrality of civil servants by establishing mechanisms that deny politicians a role in recruitment, promotion and discipline of staff. However, Madam President, it is ironical that a system that seeks to insulate the public servant from political interference has become a safe haven for the same public servant for unaccountability, non-production and indiscipline, and has led to unfavourable behavioural norms in the public service. So we hear, “yuh cyah do me anything”. “Yuh just here for five years and I will be here longer than you.” Are some of the behavioural attitudes arising out of the safety of our faults, but real security of tenure, Madam President. If the service commissions are not performing, it puts the entire public service at risk, and the State’s ability to function effectively and efficiently is affected. It should be noted that all governments, current and past, have been literally forced to solve some of the challenges posed by this dilemma by working around issues such as expanding contract positions beyond the reach of the Public Service Commission, so much so that it ranks as a parallel system in the public service, and of course the creation of certain state enterprises as well.

Madam President, in piloting his Motion, Sen. Vieira and some of the hon. Senators contributing to this debate, have clearly identified the inordinately long time it takes for the service commissions to fulfil each aspect of its mandate. One glaring deficiency is that vacancies in the various Ministries are not being filled in a timely and holistic manner, and of course this must present serious problems and challenges for efficient delivery of services, since urgent and critical work cannot get done. It is no secret that the Secretariat of the Public Service Commission is not

adequately equipped with the manpower, management systems and technology to efficiently meet the demands of the public service. And there is still a significant presence of manual paper-based processes that cannot address the current workloads and demands, and which stymies the commissioners' ability to perform. Promotions based on seniority rather than merit are the order of the day, and there is a huge backlog of performance appraisals. Transfers are done contrary to the regulations and disciplinary procedures, could take as long as 10 years in some cases, and even more to be resolved. The service commissions are also operating with regulations that go back decades, and which are not up to the demands of current human resource management requirements.

Madam President, currently the public sector constitutes a diverse labour force of roughly 60,000 monthly paid employees, and however, it is increasingly also made up of a large number of daily-rated and contract employees. This makes Trinidad and Tobago Government one of the largest employers in the economy, and it has been estimated by some to represent as much as 20 per cent of the national workforce. It is mandatory that the public sector needs to be constantly upgrading the levels of its service to the public. If this was the private sector, one could well imagine the human resource systems, the manpower and technology systems that would be put in place to manage such a large workforce to ensure delivery of intended service. By contrast, what do we have in the public sector? Service commissions that are operating with regulations that go back decades, and are not up to date with modern human resource management practices. There is a Director of Personnel Administration who functions as a technical advisor, responsible for the policies and directions of the commissions. This Director of Personnel Administration is the Head of Service Commissions Department that serves as a Secretariat to all four service commissions.

It is worth noting that the Service Commissions Department has grown out of the personnel branch of the former colonial Secretariat, which went out of existence in 1961 following our Independence. The colonial Secretariat was a premier administrative department in a highly centralized bureaucratic system, which commenced with the introduction of a Crown Colony Government in 1833. And the present Service Commissions Department, I must say, still remains essentially a highly centralized bureaucratic system. The service commissions relied solely on the Service Commissions Department for provision of administrative support and advice. They have no staff of their own and have to depend on the reports of the Director of Personnel Administration in order to perform their work. In addition, some of the commissioners of the Public Service Commission are part-time, and they meet just once a week. It is no wonder that several have expressed the view that the service commissions are anachronistic and dysfunctional institutions, and they are no longer relevant, and they are disconnected for the process they are intended to serve, and they are the root cause and the primary contributors to the inefficiency in the public service. These inherent issues and other systemic deficiencies have ensured that the public service has never performed as it should, and public service reform has been on the agenda since the time of Independence.

Since Independence in 1962, Madam President, there has been a number of committees and task forces established with mandates to make recommendations on various aspects of administrative reform in the public service. These have led to many reports such as the Lewis Report of 1964, the Dolly Report of 1970, the United Nations Improvement Programme Report of 1975, the Committee of Permanent Secretaries Report of 1981, the Dumas Task Force 1984 to '86, the Administrative Reform Programme of 1989, and the Draper Report of 1992. These

reports were the precursors to the establishment of the Ministry of the Public Service in 1982, 1992, sorry. The change in government and a concomitant shift in the national policy, the agenda culminated in the appointment of a Minister of Public Administration in the Office of the Prime Minister, for the first time in Trinidad and Tobago. It represented a move away from simply making recommendations for reform, to the implementation of a concerted Public Service Reform Programme which the Ministry of the public service was mandated to effectively manage and implement.

Madam President, the subsequent change in government in 1995 witnessed the reaffirmation of the commitment to public sector reform as a new vision for the public sector was outlined in the great paper of 1996, "Towards a New Public Administration: A Policy Agenda for the Public Service for Trinidad and Tobago", from the Ministry of Public Administration and Information. The then Ministry of Public Administration and Information was mandated to play a leading role in providing strategic direction for the public sector reform effort, and every public sector agency was to share responsibility by engaging in a process of dialogue. Madam President, with the many proposed reforms, it is important to note policy objectives were identified with regard to management and quality programmes, operational efficiency audits, human resource management, the structure of the public service, the size and scope of the public service, administrative arrangements, legal and regulatory framework, human systems and customer orientation, financial management, property management, and information technology. Very wide scope of proposed reforms.

Madam President, despite these many laudable efforts, public sector reform has always fallen short of its policy objectives, and certain questions need to be asked and also answered. To what extent have the intended reforms been stymied

by the present structure of the service commissions and the constraints that they have to contend with—

Madam President: Sen. Teemal, you have five more minutes.

Sen. D. Teemal: Thank you, Madam President. —with the proposed reforms based on working around the restrictions imposed by the service commission? And if so, why has the proposal for public service reform not tackled head on, the issue of the inability of the service commissions to function effectively, and make clear recommendations for definitive and comprehensive reform of these institutions?

Madam President, in my humble view, you cannot effect meaningful public sector reform without necessary and corresponding reform of the service commissions. I am saying this despite the fact that the Constitution gives the service commissions the power to delegate some of its authority. The Minister of Public Administration and Digitization, the hon. Sen. West, in her contribution, indicated the limited extent of delegation done thus far by the service commissions, and she identified the challenges of such delegation and the limited success of such delegation.

3.10 p.m.

Delegation of authority does not seem to be the panacea for all the challenges at hand. There is no doubt that the task of public sector reform remains problematic because it is political and as a consequence it is difficult and complex in Trinidad and Tobago. Reform is therefore not a simple matter of assigning people new responsibilities and providing them with the required resources. The major elements of a comprehensive process of public sector reform must begin with the identification of the needed roles of the State, the public sector and as a must the role of the service commissions in a reformed public sector. The latter just cannot be left out of the matrix within the context of effective public sector reform.

There is a need to reexamine their focus and functions in light of proposed public sector reform and identify the reforms needed to deliver swift and efficient decisions in recruitment, training, deployment and discipline of human resources in the public sector.

Madam President, although there is provision for parliamentary oversight the relevant joint select committee of the Parliament has no power to influence how the service commissions perform. And they remain essentially autonomous institutions, independent of both the Executive and the Legislature, thus the commitment of the political leadership of both Government and Opposition will be absolutely essential to any constitutional reform effort or any reform effort since a crucial step in the reform process is the legislative framework needed for rationalization of existing policies and regulations and most likely implementation of new legislation to support the introduction of the reform programmes.

Madam President, judging from the contribution thus far from the Opposition Senators, it does not appear that the Opposition is in favour of this Motion even though when they were in government they would have experienced the same frustrations [*Desk thumping*] regarding the respective service commissions and would have clearly articulated measures for public sector reform. We could say at this time that this an exercise in futility since the present alleged position of our Opposition is not to support legislation that requires a three-fifths majority. Madam President, this is too important an issue for the political leadership of both parties not to explore appropriate mechanisms to facilitate a three-fifth majority of the Parliament in order to facilitate the noble intent of this Motion.

Madam President, if we look at the jurisdictions in the Commonwealth, the United Kingdom, New Zealand and Canada, they have reformed their service

commissions and they have moved away from the inherited service commissions since the period of independence. Madam President, an efficient and effective public sector remains a vital cog in the economy—

Madam President: Sen. Teemal, your time has expired. [*Desk thumping*]

The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon): Thank you very much and I think Sen. Teemal probably required more time. It was an excellent contribution. I want to really join with him on acknowledging the very noble intent of this particular Motion. Firstly, I must thank Sen. Vieira for bringing this Motion at this time when institutional reflection and reforms are rampant across the world, just not Trinidad and Tobago is attending to this, countries within the region, countries external to us and there are a lot of lessons to learn in recent reforms in New Zealand and in Australia and we also understand what is being done in Jamaica as well, a little while ago.

So, again, not necessarily bringing COVID into the debate but I will tell you one thing, COVID-19 has forced many organizations, businesses like government to really bring them to their knees. You have less resources now, you have to perform efficiently and of course it just reminds you once again that these are matters that you just cannot leave behind. So COVID has brought us to our knees in many regards and this is one as well. So it comes in an opportune time. And I mean, let us be real, everyone in here, the Opposition, Independent, all of us, all of us have felt the deficiencies of the service commissions, whether it is an understaffed police station, somebody goes in there and they have to wait before they are attended to, even though you are all emotional, whether it is a cashier at a government office, you go at three o'clock and realize, "oh no, the office close two o'clock today", whether or not it is a school that seems to be understaffed and on the other hand you know of someone who is eminently qualified and yet still they

are waiting a long time to get their placement. We all have to acknowledge and we are in Government, we acknowledge that those problems in fact do exist.

As parliamentarians, PNM, UNC, PDP, PEP, whatever, we have recognized that this is a problem that needs fixing because at the end of the day all the work that we do is to benefit the citizens of this country, right. So it is a national issue and therefore it cannot be politicized. And Sen. Richards mentioned on the last occasion, we require the input of all, he said that and acknowledged as well, we require the input of all to reform what is a critical part of our public service delivery. And therefore a call to be apolitical as we give this service to the people. I am disappointed, you know, I am disappointed in some of the comments coming from the Opposition because this requires us to put politics behind. But I have listened and in some cases I thought it was a political debate, but it cannot and we must not allow that kind of language when we are speaking to something that really is in the interest of the public and requires all of our support.

I would know, under the last administration they introduced and I do not remember too much of the details, it was a diamond service standard in the public service. I think it was Carolyn Seepersad-Bachan who introduced it and it would have been her attempt as a parliamentarian to do something. I found that it did not go to the core. In my criticism I thought it did not go to the core and it really could not attack the problem. But at the end of the day we all have to recognize that we all have to do our part and again I would like us to have a very holistic and apolitical approach towards solving the issue that is there.

So, as I said, globally many jurisdictions are examining and reforming their public service. We have to look to the solutions. We talked about the problems and what are the solutions. And one of the big issues is the—and some of us have talked about it, perhaps not under the nomenclature of public service culture. So

we talk, we know what the culture is, when you have a government job it equates to longevity, to security, to stability and as it should, as it should, you are working for the government. But the problem exists where when persons within the system produce really mediocre and subpar work and therefore at the end of the day they are not—they get the benefits, they are assured of their salaries but there are no consequences and there is no disciplinary action, it is not dealt with so the problem festers and it shifts from one Ministry to the other. And so these—and it is not all of the public service. Those that are a problem and choose to do as they please and chose to treat citizens as they please, come to work when they want, that kind of behaviour continues and it is really detrimental to what is the intent, and the intent is service delivery and it must not be condoned and we have to find a way to fix this.

So the current—within the current system a lot of this is left unchecked, because human resource departments within the Ministries can only do so much to limit that kind of behaviour. And mind you I still find sometimes we are not acting as we should, we are almost afraid to, the human resource departments, because of the consequences. We are here to make sure people stay in their jobs. So you see some very standard job evaluations, they are very, very, standard and I am saying to myself, where is the depth, I really want to know about the performance and that is not there. So they tick, tick, tick, and the thing goes unchecked and, of course, the person remains there or they are transferred or something, and that is how it is dealt with. That is because the service commissions really is the one who is supposed to deal with disciplinary action. And disciplinary proceedings really take long before any action is taken. And I am making the point here that it is very few, it is the few in the public service that behaves like that and it is not really representative of the majority of the public service professionals.

And I can tell you that, in the Ministry of Trade and Industry where I am, I am so very pleased with the public service professionals in the Ministry and there are technical people who come to the Ministry and they are well educated, masters degrees, doctorates and so on, and they perform for very small salaries, they really do very, very, very good work. I cannot act without them and I understand as a politician that I have to listen to them and be informed from them and to make decisions based on their representations. Of course sometimes I do not always agree, but, and I see that also in the Ministry of Energy and Energy Industries where there are very highly disciplined employees, persons with very specialized credentials and so on, and they really perform well.

So I am saying when I speak it is not all of the service, it is some of the service and therefore we really have to look to the reform of the service commissions. We want a change in this kind of culture because we really must engender greater responsibility and pride in all public servants and we really must reiterate the mandate and the responsibilities of those who decide to join the public service through practice in legislation enforcement, those are the things that matter now. We have to ensure that there is legislation and enforcement to cure some of these nuances.

And I will tell you why I jumped to legislation, because I looked at the example of New Zealand and they have actually used the legislation to foster and to engender excellence in service at the core of their public service delivery. And I am asking any one of you to go to the website and look—go to the New Zealand Public Service Commission website, it is amazing, and I cannot show here but in one page, one caption you can see what the overview of their reforms looked like. And the message in that is in there. It is only in July 2020 that New Zealand would have replaced their previous state sector legislation with this new Public Services

Act. But this Act provides a very modern legislative framework for achieving this very adaptive and collaborative public service. And among other things the Act aims to clearly establish the purpose, the principles, the values of an apolitical public service. It is legislated as well as its role in government formation, also to provide more flexible sets of options for organizational arrangements to support the public service in better responding to priorities. It speaks to improving the interoperability across the public service workforce. In other words, working together, Ministry to Ministry, preserve the future public service as a very attractive and inclusive place to work and it serves to—the legislation serves to strengthen leadership across the public service, providing for system and future focus leadership. We all have to look at it.

So if you research anything about this Act the pillars which govern the Act remain the same, a people centric piece of legislation which is aimed at ensuring public service excellence for all. And another pillar of the Act rests in a very unified approach. And this is something that I have always believed in, change and reform must be holistic and requires a whole of government approach. It is mandatory, it requires support from the Opposition. Therefore, any call to examine and reform the commissions will require all parties, all parties to be on board, Opposition and Government. Right.

Somebody talked a little bit—well I am certain my colleague Minister of Public Administration and Digital Transformation who has the responsibility for digital transformation also spoke about that particular aspect. So that is key as well, right. When these commissions came into place things were different and since then the public service has quadrupled in size and its work processes have become very complex and so on. So the system is still archaic and I think Sen. Rambharat would have made the case of someone who is retired and has to go from Ministry

to Ministry to attempt to get your documentation of all his employment to ensure that he could get his hard earned retirement benefits, he talked about that, that exists and it is wrong. Some persons are so dependent upon this, right. And then, of course, I could tell you, I know somebody in the Ministry of Trade and Industry who would have written to the CPO in 2018 and got a response two years later in 2020. These are the realities of it and it is not acceptable at any level. And I think I read this somewhere that you got to fix the engine—I think it was the head of the civil service of Singapore, you got to fix the engine while the plane is in full flight. So you really have to—whilst we are in full flight as it is you got to attend to certain segments of it. You got to do your part as a government to empower, to fix along the way.

So the digital transformation is one of the aspects of it and I will tell you of a particular approach we are taking in the Ministry to deal with our trade licensing unit. There are ways and means that you can fix parts of it while you were in full flight. So our government as I said moves towards a digitized economy and it is absolutely imperative that the commission, all of the commissions adopt this digital approach. I think Sen. West would have indicated that service commission has begun to move in that direction. All of us, all of us have to move in that direction, but you know what? We have to move faster. We have to move faster if it is that we really are going to make any gains in favour of the public. So a possible solution just thinking along the lines of all of the solutions as well, a possible solution on looking at the Jamaica scenario again is the devolution of power to the Ministries, more power to the Ministries. I mean, in some sense we do it in that you are able to hire contract officers. I can tell you in Belize, I think, since I was the Minister of Foreign Affairs, one of the PSs that I had met was on contract. And I think in Jamaica that is the case now as well.

So in Jamaica and I think Sen. Khan would have spoken about Jamaica, in keeping with their government's public sector reform agenda, Ministries, Departments and agencies under the Public Service Commission have been granted delegated authority for their appointment, their separation, their discipline and their training of staff. And this ongoing delegation is expected to facilitate increased accountability of the senior executives and of your human resource management departments. But ultimately it is towards improving the public service delivery. So, I mean, there will always be the argument that the reason for the establishment of the service commission is to insulate persons holding or acting in public office from political influence and patronage and discrimination but at the end of it all we have to look on the other side. What we really must target is more productive and efficient Ministries and agencies and if in doing so in the meantime in full flight we have to take some action that I think that is the kind of approach that has to be taken and make sure again we get our public service—we get our Departments and Ministries filled faster and with more qualified persons.

Again go back and look at the New Zealand legislation, I mean, I am quite fascinated with it. It affirms and it clarifies the purpose and foundational principles and values, it speaks to values of all public servants and it highlights acting with a spirit of service. Those are the words, that is the legislation to the community, right, as being the spirit of service, as being a fundamental characteristic of the public service and requiring public service leaders and boards to nurture that spirit of service that should be an offer. And the Act captures why the public service exists and how it fits into New Zealand system of government, as well as enshrining the five foundational public service principles and expect the behaviours—

Madam President: Minister, you have five more minutes.

Sen. The Hon. P. Gopee-Scoon:—that support the integrity of their public service, the five principles are: Politically neutral, I repeat, politically neutral; free and frank advice to Ministers; merit-based appointments; open government and stewardship. And these are the fundamental features of the way in which the public service there operates. The five values are: impartial; accountable; trustworthy; respectful; responsive, and that describes the necessary behaviours of the public servants to maintain the integrity of the public service.

I want to skip a little bit, I have a little bit of time left and I just want to tell you, just to say that we in the Ministry have had, have to look and you have to do your part as a Minister. So in the Trade License Unit of the Ministry of Trade and Industry which is so very important, it does a very good service in terms of, with regard to imports and exports. And we certainly have digitized all of their records, that was a start, but sometime ago we engaged a consultant to look at the new institutional structure and the governance framework and so on. We have gotten results of this—of the consultant and he said what the challenges are, the skills and qualifications for the entry level positions at the TLU are basic and what happens is when within the administration stream these persons with very basic skills are given acting appointments based on seniority. They are there long, they get the appointment and they then are required—they are then put into a technical position which they cannot cope with. And these are some of the problems that they have identified and so on.

So with very segregated work streams and so on, their vacancies again which we all know of and so on, that remain unfilled. So we have taken on board the report of the consultant. We are looking at changing the structure of the TLU, we have gone ahead and we have submitted to PMCD which is under the Ministry of Public Administration and Digital Transformation what we propose to do about

the Trade Licensing Unit, we have to transform it, we have to put in new institutional arrangements to strengthen and to enhance their capability and their capacity and operations. As I said, it is an important arm of business, it has to do with imports and exports, and we in the Ministry of Trade and Industry are doing what we can do to fix while the plane is in full flight as I said.

So again, Sen. Vieira I want to thank you for bringing this Motion and so on, along with my colleagues and as a citizen I am in agreement with this call to examine the current workings of the Constitution and service commissions with a aim to update and reform and to ensure a more efficient public service, but again as I close, Madam President, there is a requirement that we have to work together, right. If you have any real legislative changes, it is going to have to be passed in both Houses, we need everybody on board. Thank you once again, Madam President. [*Desk thumping*]

Sen. Amrita Deonarine: Thank you, Madam President, for the opportunity to contribute to this very important debate. I would like to first take the opportunity to thank Sen. Vieira for bringing this Motion, allowing us an opportunity to ventilate the deficiencies in the service commissions, their need for comprehensive reviews and the urgency for a clear plan to reform these commissions. Now, these issues have been far too long on the back burner and it is one of the main issues silently jeopardizing the efficiency of public expenditure and the country's ability to effectively achieve its development objectives. Because you see, Madam President, the State is the single largest employer of labour in this country. It employs over 20 per cent of the total labour force. It accounts for 19 per cent of the total recurrent expenditure that is wages and salaries. This averages at approximately \$9 billion every fiscal year over the past decade.

So on the first day of the debate and today when I sat here diligently

listening to the speakers, especially to the Ministers who are victims to the direct engagement with this process, I thought the following, Madam President: How much of this hefty wage bill translates to productivity given these loopholes in the system. Is this the reason for declining productivity in Trinidad and Tobago?

The second thing I thought was once the capacity of the public service is suboptimal the capability of the State to implement its policies will continue to be a key constraint in achieving our development objectives and therefore achieving our diversification objective. And the third thing I thought, Madam President, why have administrations after administrations done very little to make any significant change or dent in the way in which the system operates? It appears to me that there are some interventions that can be made without consequence on the Constitution.

Now, I know a lot of—we cited a lot of problems, challenges with these various service commissions, but I want to go a little bit further without repeating myself, repeating what was already mentioned, I want to draw reference to an empirical piece by the Inter-American Development Bank that is titled” “Building State Capacity in the Caribbean: The State of Civil Service in Trinidad and Tobago”, published in November 2018.

Now, Madam President, this is a baseline report where a diagnostic assessment was done on civil service development in Trinidad and Tobago for 2017. What this study attempted to do, what the study did was, it developed an aggregate index for civil service development in Trinidad and Tobago. It is an index which is caught from zero to 100. Your civil service is considered low development if your score is between zero to 39, considered medium development if your score is between 40 to 59 and considered at a level of professional development if it is above 60. Trinidad and Tobago scored 42 in this civil service development index.

But you, Madam President, this index is broken down into seven sub-indices, quality indices. And when you look at those sub-indices you see that there are five indices that we performed or score very poorly in. One, efficiency, 28 and when it looked at efficiency it linked the results obtained by the civil service system with the resources invested in its operation as well as other consideration such as expenditure efficiency in the decision process. The other areas are as follows: Structural consistency, 28, poor; functional capacity, 33, poor; integrated capacity, 30, poor; diversity management, 40, barely medium development.

Now, Madam President, I am mentioning these indices to draw the attention of the hon. Members in this House that even though we scored 42 in this index there was one index that skewed the aggregate index towards us being medium development and that was the protection that is enshrined in the Constitution; the protection from arbitrariness, politicization and rent seeking. That was the one index that we scored above 60 in, the score was actually 80. So continuing looking at this report, the report highlighted that these problems could be significantly improved through a number of targeted interventions. And I want to draw to the attention these interventions. It did mention, “Legal and Regulatory Framework” to be amended. It mentioned that:

“The amendment of the Civil Service Act and the Public Service Commission Regulations require urgent attention to replace the personal administration focus with the”—human resource management—“approach.”

But there were some none legal interventions that we could very well be working on all now without having to bring constitutional reform into this Parliament or table constitutional reform.

“Workforce Plan - All ministries should prepare workforce plans aligned with Vision 2030.”

Some Ministries through the diagnostic assessment, some Ministries are actually not even aware of their provisions under *Vision 2030*. And optimal staff complement for each Ministry and Department really still needs to be ascertained.

Strategic Human Resource Management Council: Now, I understand a council was convened sometime around 2012 to oversee the implementation of a 2011 Green Paper on transforming the civil service renewal and modernization. This committee actually was recommended in the report that it should be revitalized. The:

“Integrated Human Resource Information System – It has been “pending upgrade of hardware and software”—and it—“should be completed...”

3.40 p.m.

I understand that over a decade after what it was first introduced, most HR modules in this system are still not operational. Now I know iGovTT, under the Ministry of Public Administration and Digital Transformation, is working on doing some procurement for the design and implementation of a system. I am not too sure if this has to do with the Integrated Human Resource Information System or if the Electronic Document Management System is something separate because I know work is very well ongoing on that.

The report also recommended job grading and pay policies to be amended. The planned job evaluation and classification exercise should be completed, and salary scales should be reviewed and reclassified. Now I know during the debate on the first day, the hon. Minister of Agriculture, Land and Fisheries spoke of his frustrations of not having technocrats and not being able to access IT managers, engineers, project managers and all those different types of expertise in the various Ministries because of the frustrations under the current process. But what this report found, Madam President, was that there is significant disparity between the

wage compensations, between the private sector and the public sector. So accountants, IT managers, engineers, there is a wage differential ranging from at least 12 per cent to 44 per cent existing currently.

Training: the training policy should be fully implemented. Now I know many speakers already alluded to the problems with respect to the performance appraisals and the delays of the performance appraisals but, Madam President, a lot of time these performance appraisals are inputs to recommendation for training and when these performance appraisals are not being completed on time and sometimes seven to 10 years delayed, then how do we expect our public servants to be recommended and achieve the much needed training to upgrade their skills during their service?

Now I know the Minister of Public Administration and Digital Transformation alluded to a lot of workarounds, a lot of actions they try to take to sort of rectify the situation, and one thing she alluded to was the appointment of contract officers. And what is happening right now, Madam President, is that contract workers are mostly technical staff and now what we have is a situation where we have a freeze in hiring. Technical staff is being contracted out because that is where the public service has this shortage of expertise—it is in technical staff. However, the overall staff in the public service is more than optimal because there is excess clerical staff. What is the result? The result is a wage bill that is higher than optimal.

Technocrats are technically short-changed because the best and the brightest are on contracts and these contracts are being renewed every three months, every six months, and therefore, they do not have that protection of tenure. When I looked at the Joint Select Committee, the Seventh Report, which looked at the effectiveness of the Public Service Commission, they gave a number as of March

2017. The number of contractors employed in the public service stands at around 13,800. I do not know if this figure is more right now, but that is a lot of contractors.

So, Madam President, we have to remember that our fellow public servants are the people who are turning the good ideas to development reality. The public service is the apparatus through which national development goals could be best pursued. Unless they are on board, you are not going to achieve development outcomes. If we do not treat nurturing capable civil servants as a priority, how do we expect to succeed at major structural shifts needed in an economy especially during this time? We have fantastic impact projects to diversify the economy, increase non-energy exports. How do we intend to achieve the benefits when the nuts and bolts of your machinery to achieve this is defective? And the machinery I refer to is the Government, the nuts and bolts is the civil service.

So my recommendation, Madam President, is that we seek expert guidance. I know from the debate today and on the first day, there seems to be some sort of consensus that we already know what the problem is and there is no need for—it does not seem as if there is an agreement that there is additional need for expert guidance, but we need to have a wide-scale assessment of the effectiveness of the public administration needs and what needs to be done in order to come up with a comprehensive plan to justify the constitutional reform that may be required to conduct public service reform.

Madam President, I am recommending a detailed micro-econometric assessment that is required which will establish dashboard indicators to ensure continuous measurement using standard measurement techniques. Only then you can assess administrative capability on an ongoing basis and determine where you need to intervene to improve the civil service. Only when you look at details at the

micro level, how each public servant is meeting their targets, why they cannot meet their targets, what are the problems that they are encountering, only then you will be able to identify where in the productivity chain things are failing. There is a technique that is commonly used to do these sort of assessments, it is called randomized control trials.

Madam President: Sen. Deonarine, you have five more minutes.

Sen. A. Deonarine: Thank you, Madam President. And with randomized control trials you are allowed to randomize multiple ways of improving the existing problem that you have. So who can assist with this? We can go beyond a committee, as a lot of persons have recommended and, of course, seek expert guidance. We can partner with the CSO, we can partner with academic institutions and if these are not enough, then I could recommend the World Bank's Bureaucracy Lab to come here and conduct a civil service reform assessment and provide the expert guidance for the policy reform that may be required.

Now, I know the Minister in the Ministry of Legal Affairs alluded to the NSITT and that it is critical in solving this problem, but you know, yes, it helps in the long term but right now, I do not think so. Because introducing a whole new piece of legislation which needs three-fifths or two-thirds majority, some special majority, then it needs to go to a special select committee. It has not even been laid in this Twelfth Parliament. I mean, Madam President, we have to sometimes get away from thinking that we need all these seismic shifts in legal frameworks and legal setups to translate or to get the meaningful change.

So, in conclusion, Madam President, I want to reinforce the need for the review of the service commissions and a clear plan to be tabled with sound empirical evidence using convincing research methodologies which provide sound empirical evidence of course. In this way, any gravity towards inertia in the public

service or resistance to change that obviously will happen once you go to interfere with the Constitution or you even entertain the thought of interfering with the Constitution. So it is only then we would be able to rid this worry that Minister Khan, the Minister of Energy and Energy Industries, is worried about in terms of inertia in the public service. With those few words, Madam President, I thank you.

[Desk thumping]

Madam President: Sen. de Freitas

Sen. Nigel de Freitas: Thank you, Madam President, for the opportunity to contribute to this Motion that is currently engaging this honourable Chamber, which is put forward by Sen. Vieira on a question which he has raised that I think for everyone who has had a say thus far, we are in pretty much agreement in relation to the fact that service commissions in a nutshell are not operating as efficiently as they should. And this is not something that is new, because for as long as Trinidad and Tobago, an independent nation, has been in existence, we have been hearing commentary in relation to the effectiveness and the efficiency of service commissions. And although we understand the purpose as to why these service commissions were set up in relation to the protection of the civil service and public servants from political interference, we now have at this point in time, in this year of our Lord 2021, the ability through this Private Members' Motion to properly assess the effectiveness of the service commissions in relation to that mandate that was given to them for the protection of civil servants.

But so far, out of all the contributions that have gone before, what I have come to realize is that there are three general areas that I am hearing coming through, whether it be from the Opposition, the Government side or the Independent side, and those general areas tend to fall into three categories. One is that we are accustomed to doing it like this, and therefore, we should not trouble it;

the other is that we are afraid of change and if we touch it, it will make it worse and that is what you were hearing mostly coming from the Opposition side and more specifically in Sen. Mark's contribution; and last is there is some sort of sentimentality in relation to this is something that is in the Constitution and when you are talking about the Constitution, you should not really touch it and you should not really change it because it is enshrined in the Constitution, and therefore, has inherent value.

So, Madam President, on the other hand, there is a common understanding that in spite of all of that, we cannot continue along this line. Why? Because it does not matter in the end. No matter who is speaking, whether it be the Opposition or on Government side, I think we have come to understand that whoever is in power, it is the very same civil service that we are complaining about, or the public service, that we have to use in order to enact the policies and Sen. Deonarine spoke to that just now. And that is why you would see some degree of commonality in relation to something needs to be done, because whosoever is in power has to use that very same system. That system is insulated as mandated by the service commissions being enshrined in the Constitution, and you have to think of it like this. If the country is the car and the Executive is the driver, then the civil service is the engine and the service commissions is the mechanic. And if the engine is not working and the mechanic is no good, then it does not matter who is in that driver's seat, [*Desk thumping*] the car is not going to go anywhere. And that is the best analogy that I could have come up with to describe the problem that we are facing right now with service commissions.

So how do we move forward? How do we fix it? I remember in the Eleventh Parliament on a Joint Select Committee of National Security when we were looking at the TTPS, and if you remember correctly there was a big thing about a

manpower audit, a committee that was set up to look at the TTPS. And yes, the Police Service Commission falls under the rubric of service commissions and it is a little different in the way it operates, but the issue was relatively the same, how do you manage the TTPS properly? And so, one of the things that I did in that Joint Select Committee and the questions that I asked after I listened to what the problems were, after I looked through the manpower audit committee and I looked at some of the issues—and to me I had to break it down into a simple format as possible, and the question I asked of the individuals, which was the Commissioner of Police at the time, Deputy Commissioners of Police and several other managerial positions in the police service, and I looked at them and I said, “Understanding what the issues are and what has come out in the manpower audit committee, tell me something: Is it that it used to work before? Whatever system you had for promotions and what not in the TTPS, is it that it used to work?” And the answer was yes. I said, “Okay. Do you agree that it is not working now?” And the answer was also yes. I said, “So the problem that you need to figure out is what changed between then and now. And if you could figure what changed, then it is either you fix it by way of reversing what changed or if it is that what change is not fixable, you come up with a different methodology so that you can maintain what was happening before.”

And it is that same principle that we need to use now in relation to the service commissions because I am hearing everyone saying that it is not really working but no one has even said, “Did it work in the past?” And I think we would all agree that to some extent from 1962 to whenever, we can all agree that it stopped working, that it was working originally. And you have to think about it in this perspective because I learnt a lot in this particular debate and that is why I like Private Members’ Motions of this nature. I learnt a lot from the Minister of Public

Administration and Digital Transformation because in her contribution she went through the full gambit of the structure of the service commissions, the DPA, the secretariat and the various Ministries, and I did not know that that was the actual structure. Because I have been hearing about service commissions and the problems and the public service and the problems for a long while, but I really did not have that overview of the structure. So when she laid out the structure, I got to fully understand what is taking place.

How many of us realize that the structure of the service commissions and the relationship between the entities is in the shape of an hourglass? If I read what the Minister was saying correctly, it is in the shape of an hourglass. I have never seen that before in any institution. What you normally get is a pyramid. There is a top, it spreads out into a bottom where you have the majority of workers and you have the middle managers in between. What does that naturally lead to? Something called “chain of command” because every single person in the institution has an area of responsibility. So the person at the top does not have to go to the person at the bottom. They only need to speak to the next person right below them because the area of responsibility trickles all the way down, and the structure to which the Minister spoke of is an hourglass.

The service commissions has responsibility for hiring, firing, promotions and disciplinary action. The DPA has responsibility to bridge between the public service and the service commissions. The Permanent Secretary, who is the accounting officer in the Ministries, has the responsibility for enacting policies and whatnot, but they do not have the responsibility for hiring, firing and disciplinary action. So your chain of command is broken up throughout various entities. And if you listened carefully to Sen. Vieira’s contribution when he piloted this Motion, and to the Minister of Public Administration and Digital Transformation, you saw

those contributions replete with that broken down chain of command.

If you talk to the service commissions, they do not have any administrative ability, they do not have a secretariat. You talk to the DPA who is responsible for the bridge, well, they do not have enough staff. You talk to the Ministries, well, the Ministries are complaining because they do not have vacancies and whatnot—they have too many vacancies, sorry. Then when you talk back to the DPA, the DPA is going to tell you that you are not getting the kind of information you require from the Ministries, it is taking too long. So the whole chain of command system is broken and I am hearing a lot of solutions coming out from several Senators speaking today and all of that is fine and dandy, and I could understand that, and let us look at one, for example, in relation to digitization or digitalization. The use of technology to have that communication between the various arms responsible for managing the entire entity operates properly.

Now one of the problems I have with that, because it sounds very good, is that you are still utilizing the same individuals in the same institution to be able to make that work, and it really brings me to the point that I want to make. Because when Sen. Vieira piloted this Motion, he spoke to the three main areas that this entity, this big engine is responsible for, and that is appointments, promotions, but there was one that I think everybody missed and that is discipline and ironically that last one is the one that makes all of the others work. So you could bring in as many computers as you want, you could set up as many technological systems as you want, but if the individuals who have to input the information are not disciplined enough to do so, then we are not going to fix anything, and that was the problem I identified in the Eleventh Parliament in the Joint Select Commission of National Security in relation to the problems that the TTPS was having.

That was what changed between the past and moving forward into the

future, the discipline started to break down. And for those who would have sat with their grandparents and whatnot, you would have noticed that back then, 1962 coming forward, discipline was something that was strong in their character. They took pride in the work that they wanted to do. They did their work with excellence. We would not be hearing things like performance appraisals have not been done, or reports have not been done, or it takes 10 years to get documents from a Ministry to the secretariat before it even reaches the service commissions. That has nothing really to do with technology. Technology makes it easier to shorten the time to get between one to the other but the input must be put in by somebody, and if that person is not disciplined enough to do in a timely fashion then you are going to encounter the same problem over and over again.

So, Madam President, in my opinion and in response to Sen. Lutchmedial who said that she did not hear of any changes being put forward to the Constitution specifically in relation to this issue with service commissions, I would say to her that when I properly looked at what the Minister of Public Administration and Digital Transformation outlined in terms of structure, that hourglass structure is what needs to be fixed, and therefore, we probably would have to make changes to the Constitution in regards to that. Now mind you, that has nothing to do with the mandate that is being put on the service commissions. The protection of public servants would still be there. It is just that in 1972 come forward, when the public service was much smaller, when you probably had much less disciplinary actions taking place, when you had individuals staying in a post in terms of longevity—and remember, in the public service and the civil service it was a matter of seniority. So you had a reason to stay because the longer you stayed it is greater the changes that you would be moving up in the civil service. All of that has changed.

So that that hourglass structure that you are seeing is no longer feasible. That

structure needed to be changed probably 20, 25 years ago in order to properly manage the change that would have been happening in the civil service, the public service. So I can stand here today and make the suggestion that you probably need to move towards what is prevalent now in major companies which is that pyramid structure, meaning that each service commission would need to have its own DPA, its own secretariat in order to manage the system properly along with what you want to upgrade in terms of the technology and whatnot, and that should allow for the efficiency to take place, the proper checks and balances to take place so that you can get everything moving the way it is supposed to move.

It means that the Teaching Service Commission would now be separate from the Public Service Commission. And if the Teaching Service Commission has less individuals that is under their purview, it means that they can operate better in terms of promotions and appointments, it means that you can now manage the Public Service Commission because you know you have to build out that entire structure to size. If you have responsibility for 40,000 people then you need to build out the departments and the line from one to the other in terms of a chain of command to manage the 40,000 people and you would not hear those complaints coming up again. You should not because we know that system works for much larger companies. Fortune 500 companies that have offices all over the world and their checks and balances run very efficiently.

Madam President: Sen. de Freitas, you have five more minutes.

Sen. N. de Freitas: Thank you, Madam President. The only other thing I would suggest is one issue that was raised again by Sen. Vieira and reiterated by the Minister of Public Administration and Digital Transformation, and that is the hindrance that is effected when an accounting officer does not do their job effectively. The DPA and the secretariat, either through by law, or whatever

pathway needs to be taken, should be given the ability to command and demand documentation, whether it be for disciplinary action, or whether it be for promotion, or whether it be just to make appointments. That should be set in law that when they say I need this document, they set forward the time they need it by and if it is not done, well then action can be taken in law.

And I assure you if it is done that way, no more problems, no more 10 years, no more years for appointments, because now you give the secretariat and the DPA the authority to get that document in the same way, a judicial officer could summon a document, and if you do not give the document in a timely fashion then you are in contempt of court. That is what needs to be done there and you will see how fast things move along in the service commissions. That would be my suggestion. It has nothing to do with interference by politicians. That was always mandated and nobody in this Chamber, on no side, was considering the removal of that. It is just about the efficiency of getting things done in the service commissions through maintaining the kind of discipline that was morally done in 1962 that now needs to be made mandatory.

So, Madam President, in conclusion, I do not think that we are too far gone. I do think that we may not be able to go much further if it is not addressed properly. It all ends where we began. And as so eloquently put when the service commissions came into being, our salvation, our future lies within our ability to be tolerant, disciplined and productive. Thank you, Madam President. [*Desk thumping*]

Madam President: Sen. Deyalsingh.

Sen. Dr. Varma Deyalsingh: Thank you, Madam President. Madam President, first I may say that I must welcome this discussion that Sen. Vieira has initiated and I might say I have heard talks about the public service, about the lackadaisical

attitudes of workers there, how it is a place where, you know, when you cannot make it in the private enterprise you may go there, but you see, this could demoralize public servants. And I must say I worked in three Ministries in my young years when I was a student. I was fortunate to get jobs at various Ministries. I worked at the army base as an accounts clerk, I worked as stores clerk in the hospital and also in Inland Revenue as clerk there, and our former Prime Minister, Eric Williams' niece actually was my boss.

At all areas I worked I saw professionalism. I saw young persons coming out there and were given the idea that we had to perform. But something, you know, in the service left a lot to be desired especially in terms of higher up in the service when it came to promoting persons and sometimes the lackadaisical attitude that some people may say were there. And even the fact that it has not kept up with private enterprise, how the private enterprise works, how the institution out there works, we have not kept up.

4.10 p.m.

So Service Commissions are basically there to get us to that level of discipline, get us to that level of ensuring that there is fairness and justice in the appointments, promotion, transfer and discipline of the public service and it is really designed to be guardians of democracy in terms of the public interest. They serve as really quasi-judicial regulatory bodies and they are protected under the Constitution. And you see, the protection that they have, I think we have to guard that. Really, we have to guard that protection.

Because, you see, Madam President, I had discussions with two public servants, retired, and one of them is 87 and the other one I think is around 75 and I asked them, I said: what was the problem with the public service? Why did the public service somehow, you know, reach to this level where people could criticize

it? And they said, you know, at one stage, before election, the public service was a place where you would want to go and work, it was a place to be proud, you know, when you were there and what they said, it was systemic attacks from what they claim, politicians. They said it was probably even race involved where the persons who were employed in the public service felt that no matter how hard they worked, they were not appreciated. And the fact is our history would actually give us an idea what happened to demoralize the public service.

And Madam, if you could allow me to just speak and mention Sutton Paul's report where he actually looked at Selwyn Ryan's Biography on Williams, an assessment. In that report, Madam, what Selwyn Ryan looked at was Williams' displeasure and treatment of his senior civil servants and even in 1955, when he made his famous speech in the Woodford Square, his enemies then were probably the business class, the East Indian who he described as the recalcitrant minority, probably the Catholic Church because remember he had a wonderful debate with a priest also.

So if that had trickled down into the public service, you found that he described the public service at that speech as a corrupt service. And according to this Ryan's chapter on constitutional reform, that Williams' treatment of senior civil servants, it is a chapter that actually said that Ryan makes mention that:

“...almost every senior public servant and minister ended up as a casualty...”

That was in page 543.

“...a casualty of Williams' displeasure with only two from a very long list avoiding this fate. It extended to the very highest, including at one stage his permanent secretary, Dodderidge Alleyne...”

—who I think one of our Members did mention that he had a major fallout. So

therefore, you found that Ryan's sort of assessment of this whole issue, he said:

“...Williams had ‘a seemingly incurable weakness for believing much of what he was told and acting upon it in a paranoid way’.”

And actually he went on to say that Williams was suffering from a psychiatric condition and whatnot which I will not go through.

But the whole idea of Ryan's discourse was that if you have a leader or a Minister in charge of individuals, you would find that you can have too centralized, too personalized attacks and he even said that in page 569 of his book:

“...one telling statistic: that the number of notes to Cabinet for decision had by 1981 reached 5,159 (comparable figures for Jamaica and the UK were 676 and 59 respectively)...”—and this—“show a public service unprepared to take routine decisions for fear of getting it wrong and earning prime ministerial displeasure or worse and a political system that could...seize up...”

So therefore, we had this issue then, political displeasure on it. We also had the issue of race at the time because at the time, the public servants told me when the new party came into power, the Indian was looked on as that recalcitrant minority, probably they did not trust them. So they were made to feel unwelcome and a lot of senior civil servants left and this was unfortunate. But again, if we are going to have any changes into the civil service, we have to factor in political interference would not come in and even safeguards against the race.

Now, the thing is, we have come a long way from 1960-something from the politics of race when you had—Guyana had the racial attacks against Indians, you had a lot of activities going on there where persons felt uncomfortable but we have come a long way. We have seen Trinidad and Tobago is a tolerant society. We are living now with the Equal Opportunity Commission. We have a very good labour

court. So therefore, you find that it may change somewhat in the sense that you may have better rights for individuals who claim they are aggrieved.

But I must say even in the fact that one of the Senators did mention Trevor Sudama's report where he actually looked at wanting to have a change into the Service Commissions. But even though Sudama had that report, I would just want to read in, on May 30, 2020, *Express*, Mr Vice-President, he also said that there was a discrimination in the State policy against public operations sector and he would have loved to see a change in this.

And very significant in Sen. Deonarine's contribution, she mentioned the fact that this "Building State Capacity in the Caribbean: The State of the Civil Service in Trinidad and Tobago", November 2018 by the IDB, she mentioned this report saying that there were recommendations on how we could go about improving the public service without any major legislative changes and I would also support that suggestion too because going about the legislative way could be very time consuming and we have to get things in place to let the service run properly. But even in that report, it mentioned a lack of diversity in the public sector so we may need to see a more rainbow reality of our community expressed in the public sector.

So therefore, what I am saying, coming from 2'16: Is it fair to say that the politician might still take advantage of the public servant? Well, I heard Sen. Lutchmedial mention the famous case we had with Feroza Ramjohn and again, that case showed the Prime Minister then, the late hon. Patrick Manning was actually frowned on by the Privy Council for decisions he made for not just Ramjohn but also there was the Commissioner of State Lands whose appointment was vetoed in a vacuum.

And even then, the editorial of the *Newsday*, Friday, July 10, 2009, stated

that:

“In fact the Prime Minister’s veto of such appointments should...”—stop. So we have political interference that we have to ensure that would not occur and I am thinking that it is a good idea to still have safeguards in. Because you know, we may think people change but the idea is if you look at the situation in the United States, they had the Detroit riots and even racial riots when Martin Luther King died and who would have thought years after, 53 years after now, we would still be having these riots, still having discrimination, still having right-wing groups. So the whole idea is persons might not change their human nature. And there is a legalist statesman, Shang Yang in 350 in China even made points that:

“...checks and controls must be in place to limit the subversion of the system by its actors (such as ministers and other officials).”

So yes, we will have to keep safeguards in and we will have to keep the safeguards in to ensure that there is not any sort of advantage but then what do we do. What do we do in this system where you have the public service not delivering? I mean, recently I went to a certain Ministry, I do not want to name the Ministry but it was just a matter of the Clerk carrying the paper from one floor to the other floor, she told me I will have to come back. I said “Well, could I carry it up myself”? She said no, I am not allowed to carry the paper. And they do not appreciate the wasting of the time of the members of the public.

But you see, while I look at the fact that you have these individuals who may be not performing adequately, we had two Joint Select Committees looking into the performance of the service commissions and I am saying those Committees, their recommendations should have been worked on very quickly. So remember we had the Seventh Report of the Joint Select Committee, the Fifth Report and there were a lot of recommendations there that I am thinking that we could have

implemented and I do not know why we did not implement it. Because you see, all the contract workers and all the money spent on contract workers, those moneys should have been given to the DPA and could have been given to the service commissions and say, “Hey, part of your problem is accumulating information from other Ministries, I am going to give you contract workers where you can now go out to other Departments, get these workers and within a year fill these vacancies”. So, filling vacancies, I am thinking, we have to give them the staff.

You see, if a Minister and his Ministry and the Executive, is failing, he has to understand he is failing because the public service may be failing but the public service and their whole recommendation is highly dependent on getting funding: the DPA, the public service, the Judicial and Legal Service Commission. So therefore, when you are looking at Ministers who are at wits’ end to get their people to perform—I must say that in the time of Ramesh Lawrence Maharaj, he had his staff working, you know, they were working like soldiers. When he said jump, they would say how high. So part of the problem also is getting leadership skills in a Minister to motivate the staff, not just to get the staff to work better and take performance appraisals but the actual Ministry itself. Our present AG, I think, his staff has a love affair with him and he and all has an idea that he can get his people to work, so it is really highly dependent on that. So what I am saying is the training has to go both ways because new Ministers may come in and they may not know how to handle the mind set of their persons who work there.

So I am thinking it is a demoralized public service you had and it came not only from the days of Eric Williams attacking some of his own public servants but I want to read, Mr. Vice-President, “Key Principles of Public Sector Reforms, Case Studies and Frameworks, The Commonwealth” and this was in 2016, and they mentioned the contract workers. It is a form of corruption and they actually

targeted the PP Government at the time and they actually mentioned this and allow me to read:

“...the state bureaucracy has a tendency to become bloated, as there are demands for allocations of resources to satisfy a larger pool of constituents. In the case of Trinidad and Tobago, in 2013, there were 3,450 contract employees in the public sector; in 2014, this...had increased to 5,946. There was a significant increase in both categories of contracted workers as well as regular public service employees...”

So this report actually criticized the then Government by having party loyalists put in certain jobs and people were promoted not based on merit or performance evaluations, but they say that the:

“...interviewees presented the view that this was not different from periods in Trinidad and Tobago when a single party governed the country.”

Mr. Vice-President: Senator, you have five more minutes.

Sen. Dr. V. Deyalsingh: Thank you, Sir. So right there, you are getting the two parties, when they existed, they used the contract systems to probably hire their own persons rather than take that money and beef up the existing system. And it says:

“Under the PP, a tendency was observed to increase the public service with political appointees or ‘ministerial assistants’, who invariably acted with significant authority. This practice, according to the public servants interviewed, served to undermine the role of public service officials and led to significant levels of demotivation and mistrust among these officials.”

So how could you work as a public servant if you find that you are working hard and all of a sudden, some Mr. Tom, Dick or Harry could come on-board, be a Minister’s aide or whatever and have more authority than you who are in the

service? This has to stop and this is why I am saying if we do not stop this, we will continue having a civil service that will be demoralized, so we train them but we stop that practice of contract workers. So the frustration of the contract workers is something we have to look at. We have to see what is frustrating them, lack of services. And you know, inertia as Sen. Franklin Khan had put it also.

But I need to say something, Mr. Vice-President. I think it is insulting that when you are hiring persons to be in these Commissions, you are not giving them the power or giving them the machinery. I mean recently, Her Excellency had appointed the members of the teaching association and Elizabeth Crouch and her team are very capable people but if they do not have the means, the contract workers, we could give them instead of the Ministers, you know, you find that they would not be able to do their job properly.

So I am saying, yes, we need to have improvements, what level of need we need to go after. Will it be the full legislation? Will it be simply just the changes that we can do in the time being? I say whatever we need, we need a public service that can work for us and we need to understand why they have reached in that situation and we also need to understand that we have to put some measures in place and measures that could, as my learned Sen. Deonarine mentioned, measures that we could really use to get this thing going before we have to come back here and debate it. Short-terms measures we can use, so let us go at the low hanging fruits.

And we need better compensation for these members because you see, the whole idea of competition, the “Key Principles of Public Sector Reforms” actually mentioned there is a gap in salaries between the private sector and the public sector and we need to get these people working. Even past Chief Justice Isaac Hyatali mentioned that he could not get the quality of judges because of the salary, the

unattractive salary and he said we were heading for a situation in which the Brandy will have to be watered down considerably to fill the future vacancies on the bench. Well, I think the public service probably has water now, not Brandy but we have to try and do something to see if we can help the situation. Thank you, Mr. Vice-President. [*Desk thumping*]

The Minister of Foreign and Caricom Affairs (Sen. The Hon. Dr. Amery Browne): Thank you, Mr. Vice-President. From the onset, I wish to salute and thank Independent Senator Anthony Vieira for presenting the Motion under debate today as an item of Private Member's Business. This particular Motion, Mr. Vice-President, allows this Senate and Senators to turn our minds and our voices to what makes our public service tick or not tick. It is very easy to complain in Trinidad and Tobago and people complain all the time about various things and particularly about our public servants; all the time. And it is true that some are not living up to their labels as servants of the public but I want to state that in addition, we have some of the best public servants in this country that are found anywhere in the world. [*Desk thumping*]

We have some of the best but they all, the good, the bad and the indifferent are called upon to work within a framework that is at best described as having considerable room for improvement and can otherwise be described as archaic, deficient, outdated, slow, fossilized and requiring serious and urgent and consistent attention. Surgery is needed, Mr. Vice-President, and not cosmetic surgery but an intervention into the central nervous system: how we think, how we move, how we act. And where better to consider these matters than the Senate of Trinidad and Tobago, away from the heightened political atmosphere of other places?

And if you listen to our last several Heads of State, they have consistently called for exactly this type of treatment of key national issues with less of a

partisan approach to our consideration of these matters. And, Mr. Vice-President, you know what? Sen. Vieira did exactly that. I listened to him very carefully. In his 30 minutes, he did not mention the UNC or the PNM on any occasion. Thirty minutes of debate in a parliamentary Chamber; on not one occasion, responding to that call and I really want to salute him for that and other members followed in like vein in the noble spirit of this Motion. The Minister of Public Administration and Digital Transformation, a PNM Government Minister, stood here and again, like Sen. Vieira, on not one occasion, fell into that trap of a focus on just the partisan party politics. She did not mention the PNM or the UNC on one occasion. The first responder.

And then, Mr. Vice-President, we had Sen. Mark, my good friend and unfortunately, he chose a very different course and I think led several Members on the other side in a different direction because he really tried to change the tone of the debate into exactly what it should not be: PNM, UNC, PNM, PP, UNC. In this debate, he contributed 20 minutes. For 20 minutes, Mr. Vice-President, he bellowed those acronyms 19 times in 20 minutes, exactly counter to the spirit of this particular Motion. Nineteen times in 20 minutes.

Mr. Vice-President, I feel that that approach which was followed by a few, not all, a few of his colleagues, does not do justice to the Motion and the noble intent of this particular Motion and debate and it is really at odds with the reality that the negative experiences and deficiencies that we are considering today and discussing and debating have endured from administration to administration over the decades, notwithstanding the political directorate of the day.

And he even accused Sen. Vieira of cherry-picking in the formulation of the Motion and I really took a bit of umbrage to that because here you have in Don Quixote fashion, the Leader of the Bench on the opposite side tilting away at a

Motion, and an Opposition Senator, to some extent, in defence, in supposed defence of service commissions which are themselves asking for help. If you speak to them, they are themselves saying that the framework within which we are asked to operate and asked to serve is inadequate. So they are calling for help but their calls are being circumvented by—well, I used the description, I will not repeat it, a Senator on the opposite side who positions himself to be defending the Service Commissions but in effect might be actually inhibiting their path to progress which I hope this Motion will take us along. That is my view. Mr. Vice-President, if we do not understand and analyse the problem, our efforts to insert ourselves into these deliberations will feel contrived as one or two of the offerings have been thus far.

So let us look at the Motion itself, Mr. Vice-President. The Motion recognizes at the core of it the critical role that the Service Commissions serve to insulate our public service and our civil service workers from political influence, from discrimination and political control. That is a very important mandate and it must be clear to all of us as we formulate solutions that that aspect must not be lost. That aspect must be carried forward, preserved and even strengthened, no matter the nature or the scope of the review and what we emerge with. That insulation and protection from political influence and discrimination must never be sacrificed. That is clear to all who have engaged in this particular debate.

But the question remains: Are there deficiencies in the operations of our service commissions? And the answer must be an absolute yes. Talk to any Permanent Secretary or talk to any one of our valued retired or former Permanent Secretaries or senior public servants. I have, I know other Members of the Chamber have spoken to these individuals. Talk to the heads of divisions of our various Government Ministries. I have spoken to them, I know other Members

have as well. Talk to our hard-working public officers and civil servants, I do talk to them.

And, Mr. Vice-President, there are so many sobering examples. Right now, we have hundreds, even thousands of talented young people, technically-sound young people who are knocking at the door and feeling as if they are treating with or approaching a system that cannot accept them, that is outdated, that is not timely. They are wasting their time approaching our service commissions, responding to advertisements. There is that sense out there and that is something we have to address. Because if we are locking out that kind of talent, we are locking ourselves out of the future and no country can afford that to happen. So it is beyond dispute that there is significant work to do.

When you have examples like, you know, 17 years waiting for an actual appointment into a particular situation, 17 years is a lifetime for many people. When you have examples of individuals in the civil service reporting incidents of sexual harassment, reporting it to the relevant divisions and then reporting for work and realizing the accused is sitting right there at their desk, sometimes you have to report to the person. These are horrific realities, horrific realities. When you have reports against a senior staff member in a Ministry who has been absent for seven months without taking leave. Absent for seven months without taking leave and then nothing is done or nothing seems to be done because our responses are so outdated.

One of our best foreign service officers in this country, Mr. Vice-President, did an entrance exam, the foreign service exam in 2007, but the then Public Service Commission lapsed in not contacting her for a follow-up interview after she had successfully completed her exam. That lapse affects her career and remuneration to this very day and we have so many examples of that. So we cannot

hide from the fact that we are dealing with a very real challenge here and these issues affect morale, they affect the work place environment, they affect motivation over successive administrations for decades. The average time in our foreign service from application to assumption of duty is three years. Not just in 2021, over decades. That is the average time. You know what happens in three years? People get other opportunities. Sometimes even a foreign country can come calling because they know we have talent here and they sometimes capture—well, not literally capture but attract these individuals or they get jaded and they turn their attention elsewhere. We are missing out as a country, as a society and certainly as a public service. We lose so many of our most valuable people to attrition and other offers and other opportunities.

We have mentioned the issue of contract work which has been an effort to circumvent some of the challenges that we face in the public service and again, it is not just one administration that has taken that approach, this has been longstanding in Trinidad and Tobago but it presents particular challenges. Try approaching a lending institution or a bank seeking a mortgage with a short-term contract in your hand. Sometimes they would not respond positively and many of us, us, have had such experiences and that would motivate us to seek meaningful and comprehensive change. We cannot continue the way we have been operating.

And we still have some absolutely toxic workplaces within our public service. Absolutely toxic workplaces. And, Mr. Vice-President, word gets back to me. Sometimes you have senior staff members in a division who would be abusing their juniors, cursing them, demeaning them, seeking to trample upon them and when complaints are made, there is this sense that responses are too slow or they do not occur at all and then you see these persons, because of their seniority, progressing and progressing and it sends a very bad signal to the rest of the service.

I am aware of one former director in the Ministry who used to stomp around referring to junior staff as “peasants” and “morons”. You know what happened to that person? She was promoted and advanced. There is a cultural problem that we have to address and our address cannot be cosmetic, it has to be deep, it has to be consistent, it has to be meaningful.

4.40 p.m.

Imagine you are bathing and sending your family, your wife, your daughter, your son, your brother to work in that kind of environment with no sense of responsive redress—unacceptable.

Last example I want to offer. One officer in the investigation on suspicion of transporting drugs in a diplomatic pouch. Not in 2021, 17 years ago, 17 years ago, ongoing matter and guess what? The individual is still receiving three-quarter salary for every month of those 17 years including this month. Acceptable? Absolutely not.

So it pains me to hear Members opposite being shy about this topic and saying, “Well, we can address resources but let us take constitutional reform off of the table.” I cannot stand here and assume to have all of the solutions, but I am saying we should not approach this with kid gloves or with the proviso that the Constitution must not be amended in our quest for solutions. I think that is—we are really starting off with a—preventing ourselves from achieving the ultimate goal.

Mr. Vice-President, what about so many civil servants retiring with grouses, with complaints that are unresolved, with disciplinary matters sometimes that are unresolved, and then they achieve retirement, and then you are left with this negative sense? And that applies even to some of our most senior police officers as well, and we may have some recent examples to add to that. It is all at an environment that is not conducive to the kind of service and performance that

Trinidad and Tobago requires in 2021 and beyond.

And very quickly, what about our Government scholars, Mr. Vice-President? I was one of them and I think we have a notable Senator on the other side who has identified as one, and I am sure there are others here in this Chamber and certainly outside of this Chamber. The State has an average of one year, sometimes two years, sometimes more, depending on the course of study, to hire them into suitable positions when they have completed their course of study. But guess what? Due to the slow processes for recruitment, we lose many of them. Precious talent.

Mr. Vice-President: Minister, you have five more minutes.

Sen. The Hon. Dr. A. Browne: Thank you, Mr. Vice-President. Precious talent being lost and sometimes absorbed elsewhere. Better must be done. And what about the fact that promotion, as I said, is based not on merit but on seniority. That pains me so much, Mr. Vice-President, it is terrible. In my own Ministry there are dynamic, diplomatic, intelligent, technically sound, young foreign service officers who really should be advanced much more quickly. But sometimes the person over them is just senior in age. They have been around a long time and though some might be—some are great—some are poor examples. And it appears we cannot do much about that. I am not satisfied with that reality and I am sure there are others who are not satisfied with such a reality.

And yes, Sen. Lutchmedial, there are resource challenges. Everyone must acknowledge that. You speak to the Service Commissions Department, they would tell you, they have about 250 or so staff members to address matters affecting 44,000 public servants and all told over 80,000 civil servants; three officers responsible for all the Clerk I appointments in Trinidad and Tobago, three; one officer responsible for all the HR officers in the public service. It is not working.

The Service Commissions Department might require hundreds of more staff to be recruited by whom? The same service commission themselves and when—I will leave out that particular point.

So there are resource complaints and constraints but you can pour a thousand staff members into an archaic framework, guess what you will get? Poor results, inadequate results, continued deficiency. It still would not work. You can put 16 brand new tyres on an old 1962 vehicle, 16 tyres, does that make it a 2021 model? Absolutely not. So it is not just a question of numbers of staff, or money, we must dig deeper than that Senator. We must go deeper than that.

I put it to this Chamber that we need a revolution. Sen. Mark would love that word. We need a revolution in how we reform the human resource of Trinidad and Tobago. A human resource reform revolution for our civil service building on the efforts of people like “Reggie” Dumas, Gordon Draper, Lord Moyne, way back when; our valued public servants, people like Jacqueline Wilson, Sandra Marchack, Dr. Lenny Saith—he was not a public servant, he was a politician, but who have turned their minds—Carolyn Seepersad-Bachan, others who have turned their minds to this issue. And now we have in the chair, notable Allyson West who is bringing her resources— Minister West—to this particular challenge.

Essential to this revolution must be the digital transformation agenda that is currently being implemented. We must always have that in mind. And essential, as I wrap up, to this revolution, Mr. Vice-President, must be the institutional reform of our service commissions, not just window dressing, but comprehensive reform based on consultation with all stakeholders, including those who are currently commissioners. A new framework is necessary to help us create a new culture. The vision must be a modern and fair system that is responsive to our current and our future needs as a society.

And finally, Mr. Vice-President, let us never forget that the status quo always tends to protect itself. And when something is not working for some of us it might be working for someone else. We must bear that in mind. The system must work for all of us irrespective of age, race, colour, creed, political persuasion or social class.

Mr. Vice-President, I commend this Motion of Independent Sen. Vieira because it reminds us all of why we are here, to look to the future on behalf of our beautiful nation. I thank you. [*Desk thumping*]

Mr. Vice-President: Sen. Dillon-Remy. [*Desk thumping*]

Sen. Dr. Maria Dillon-Remy: Mr. Vice-President, I thank you for allowing me the opportunity to join this debate on the Motion by Sen. Anthony Vieira that said:

“Be it resolved that this Senate call on the Government to review the Trinidad and Tobago Constitution and the enshrined Service Commissions and to table in Parliament, within a reasonable time, a clear plan for the update of the Constitution and reform of the Commissions.”

Mr. Vice-President, while I sat and took in, listened, to all the contributions, I must say my emotions were going up and down. For having worked in the public sector for 32 years and having experienced many of the issues that have been raised today, having been a part of one of the experiments to get out of the public service, that is, institution of the regional health authorities, and having seen the same issues that were initially thought of as being in need of change, the same scenario is going on now in the regional health authorities.

Mr. Vice-President, I am of the view that Trinidadians and Tobagonians do not really want to serve the public in any reasonable way, for the most part, because if we were interested in the serving the public, we would have made changes before. I sit here and I listen to people talk about political interference

and—both sides—I was the victim of a PNM-appointed director of a health authority who went into the Public Service Commission to complain about me without my knowledge of anything like that, that they wanted me out of the seat at that point in time. And their recourse was to go into the Public Service Commission to get a public servant out of the office, and that is one administration.

And then, I have a very good friend working in one of the state enterprises, government changed and in this case, it was the People's Partnership. Immediately, that person was working with that state enterprise for 32 years was told to go on leave immediately and do not come back. These are some of the things that are going on within the public sector and I am not sure, Sen. Vieira, that the reform of the Constitution is going to make any difference. Because if the people within the system are not willing to change the way they operate, laws are not going to make it different, Mr. Vice-President. The laws are not going to make it different.

I heard Sen. Gopee-Scoon's contribution, she talked about some framework for operations and values for operations in one of the reform systems that she had seen. And I would like to recommend that we deal with issues related to values because, Sen. Vieira, we are going to change the Constitution, we will have a different operation of the service commission, and we will find that the loopholes are going to be found to make the things different if we do not change the way we operate. And I am not saying it is going to be easy, but when we talk about in the past people having disciplined public servants who understood their role as public servants, understood that they had to perform in a certain way, and they did in the past, but what has happened now is that unfortunately, things have been politicized— within the same public service, they have been politicized and we are getting nowhere as a result.

I would like to say two things. One, as others have said, there are excellent

public servants. People who as some people would say, “Their navel strings were cut in the public service,” and they continue to give good service in spite of the difficulties they face. There are good ones. I would like to suggest, as again I think it was one of the Senators who talked about the issue of leadership, you have some persons within the service who can and have been able to function very efficiently and very effectively because they are good leaders. They have good leadership skills and have been able to practise and work well within the sector, and we need to develop that at every level.

I have been in this Parliament now since November 2018 and I must talk about the way the public servants within this Parliament operate. And I would like—Mr. Vice-President, what is the difference between these public servants who work the same public service, who have the same issues to deal with in terms of the service commissions, why are they able to operate with such efficiency? Has it been looked at? Why are they able to deal with government, after government, after government, after government, different policies, different ways of operation? Why are they able to do it?

I would like to submit that we have issues here where people understand their roles and functions, and they understand that they must—and they are internally driven, and as a result, we are getting what we are getting. And they understand their roles and as a result, this, as far as I am concerned in terms of the management at the level of the Ministries, is what we need to be rolling out so that at the level of—whether you get performance appraisals on time, whether the people come to work on time, whether they do what needs to be done at the level of the functioning on a day-to-day basis which is managed by the Permanent Secretaries as was already mentioned, that management level needs to be done by people who understand their roles and will make sure that their roles are carried

out.

Mr. Vice-President, I would like to make another point and that is the matter that concerns—within the sector, you can have what they talked about, the different arms of the public service that manage resources within human resources. So, in some cases, you have the public, you have the Chief Personnel Officer responsible for terms and conditions. You have the Ministry of Public Administration and Digital Transformation doing some things, providing resources, providing training, among other things. You have the individual Ministries responsible for day-to-day management and performance appraisals, et cetera, starting disciplinary proceedings, and then, you have the service commission that is responsible for appointment and promotions and transfers, et cetera.

It is complex and I do not know whether the reform of the service commissions is going to help with that kind of scenario in terms of management of the resources, but that needs to be addressed. And from the reports that I have read in terms of the select committees that have gone on, people have pointed out that there are issues there and they have made efforts to probably bring things together, but it has not happened. And I am saying, we do not necessarily have the political will on either side, on any side.

So Sen. Vieira, I do commend you for bringing such a Motion here today for the Parliament to debate but I am saying it will take much more than change in the Constitution for us to get any change in terms of what we do on a day-to-day basis because of how we operate. And as we see, the debate has been politicized even though it was not intended to be. We have seen that it has been politicized and that cannot take us anywhere.

Mr. Vice-President, the reform of the public service managing system needs

to be undertaken and if necessary, there needs to be reform of the commissions. But I am saying for all that to be done, we have to take stock of what we do as a people in terms of the service that we give, and we have to make the right diagnoses before you give the medication. As I said, in one case, the diagnosis was made that in order to manage health well, we need to pull it out of the public service and put it under the RHAs, and what has happened? A bludgeoning of cost—of the cost of the health sector and the management is not necessarily as efficient as it should be.

In some cases, like I remember when I started with the—when the RHAs had just started, it was excellent. You were able to get the decisions made at a quicker level than you had—rather than having to—if you need changes in structure, you have that kind of thing. But what has happened now? I have gone through—when we were doing the start of the new hospital in Tobago, very detailed human resource policy and stuff like that and what happened? Just before the hospital was opened, everything was just thrown away and people just started coming in left, right, and centre.

You have a system now that is not operating. Why? Because again you had political interference. Pulling it out of the public sector and putting it under either state authority, or whatever, does not necessarily bring the solutions. We have to be committed to making things different and as it was already said, it has to be done across the board. Mr. Vice-President, I thank you. [*Desk thumping*]

Mr. Vice-President: Sen. Welch.

Sen. Evans Welch: Yes, Mr. Vice-President, thank you for giving me the opportunity to contribute to this Motion. And first of all, let me declare, which I think it is appropriate for me to do before I say anything further, that I do serve as Chairman of one of the disciplinary tribunals of the Public Service Commission,

and therefore, you will find that what I have to say is fairly limited and appropriately so.

Now, first of all, I would like to—in my brief remarks this afternoon, I would like to say that I fully support the Motion brought by Sen. Vieira and that there is a need for an improvement in the system. Over the years, it has not operated in the ideal way one expected that it should have, and therefore, that Motion is timely—both timely and appropriate.

However, I would also like to say that there has been some suggestion about scrapping the whole service commissions system that has been made, and although it has not come up often, it has been said by one or two of the Senators who contributed. In that regard, I would like to say that I do not think there is any need to attempt a reinvention of the wheel, so to speak. What I think we need to do, however, is as it occurs with any wheel, we need to from time to time tighten the knots as that becomes necessary to do.

And secondly, where some of the shine has come off of the tyre we need perhaps to give it another layer of Armor All but once that tyre is still good, there is no need to try and unnecessarily change it. And part of the reason I have said that is because these commissions play a very important role and they were born out of necessity to a large extent. I do not need to, fortunately, since many of the contributors have spoken as to the origins of the Commission, I do not need to go into that in any detail as to their necessity. But I would say, however, that on the point, suffice it to say that at the time we became an independent nation in 1962, the governing legal principle of public service employment was that public servants were dismissible at pleasure. That meant without reason or without sufficient cause, it was lawful for the Government, as a public employer, to dismiss a public employee.

As a result of the advent of the two-party system under the Westminster system, that principle could not be allowed to continue unabated because it would mean that when one party won an election, they can replace many public servants with their own supporters, and if the other party wins in four years, they can do the same thing. It would also mean that public servants would be under a constant pressure and might be influenced to try and favour the Government of the day rather than bringing their objective deliberations to their functions and the carrying out of their responsibilities.

So in those circumstances, the service commissions were enshrined into the Constitution and by that, they did not become, as some Senators have pointed out, they did not become the employer of public employees. The Government remained the employer but they became—the Service Commissions became that autonomous independent body that was exercising control over matters such as discipline, transfers, appointments, promotions, et cetera. So it was born out of a necessity to be fair and to insulate public servants.

However, having said that, it is very ironic that an institution that was formed for the purpose of insulation of public servants and for the purpose of ensuring their fair treatment, has become the subject of many complaints from public servants themselves. It is almost like a situation as arisen as to who is going to protect the public employee from its protector; who is going to guard the guard, so to speak. And therefore, it is ironic that we have had numerous litigation where public employees have actually brought actions against the service commissions or those who are exercising a delegated power received from the commissions in the courts, alleging unfairness and impropriety in their treatment. And in some circumstances—not some, but in many circumstances, too many to be comfortable, they have actually won in such actions.

And therefore, it would seem to me that if we are speaking of reform, the measures, that have been identified by many of the Senators before me, have been very commendable in terms of the look at systemic reforms, the need for systemic reforms, changes of framework and so on, and what is needed, and how to do things different from a macro holistic point of view.

However, I dare say with respect, that is only half the picture. We need to go further than that and to some extent, Sen. Dillon-Remy did in fact do so. We need to go further than looking at holistic reforms and systemic changes, but we need also to look at what is needed through the eyes of the public employee who is affected. What is their perception of the service commissions? What has been their experience and what has been their complaints, either in the litigation that they have brought or from their own experiences? And what would they say needs to be reformed?

So those micro measures are also needed, an examination of specific and particular facts, and to tackle the dissatisfaction, because if you have public servants that are dissatisfied then quite naturally, the public service—the quality of public service you get will not be up to mark. So we need to—and they are the—in some instances, in some ways, they are the best persons to say, because it is the passenger, to use an analogy which you yourself made, Mr. Vice-President, it is the passenger who is in a vehicle who might best be able to tell you what the ride is like.

So if we speak of the Public Service Commission as the vehicle and the public employees as the passengers, they can tell you as well what needs to be changed. So it is not only for us here as parliamentarians to be speaking in this larger, wider context but we need to see things through the eyes and experiences of the public servants themselves. And that is why I am very happy that Dr.

Dillon-Remy spoke of it at a personal level and an example as well.

So speaking through the eyes and perceptions and experiences of the public servants, I would just want to say, for instance, I myself had my six-year stint under one of these commissions. I had my own perspective of its operation and where it could be improved, and it was one shared that by many persons in the department at the time as well. And even though that was in the last century, more than two decades ago, from everything I have read in the newspaper and from all the reports you get, it appears that that perception remains the same even to today. And that perception really— one of the perceptions that we had was that although you have these commissions comprised of a chairman and other members, one of the perceptions we had back then was that the Chair—it was really the chairman who exercised the power.

Other members were there, really forming a quorum, but it is what the chairman decided was the perception that we had, wrongly or rightly and perhaps rightly so, that ruled the day. And I recall in that particular example I am speaking of, that manifested itself in, there was an acting head of department who was not appointed to the post, many staff members thought that that person was not efficient, and had proven himself totally unsuitable, and that there were many other applicants within the department who were far more suitable.

5.10 p.m.

But one thing I recall about that acting head of department is that he always boasted, you know, “I have the chairman's ear, we go a long way back, we are friends,” et cetera. And eventually he was appointed to the position much to the dissatisfaction of many persons, and many members of staff. And therefore, that highlights for me the need too for public service commissions—in this particular case, I am speaking about the JLSC, but I am not being personal about the matter,

so to speak—to understand that there is a need to function as is expected of them, whereby all members carry equal weight on the issues of promotions, appointments, et cetera. And it is not one person that rules the roost, and if it is necessary in order to ensure something of that nature takes place for it to be in black and white, then in addition to all the larger measures that have been spoken to, then we also need to deal with this like this situation at a micro level by specifying, you know, there shall be a commission, it shall comprise of a chairman, it shall comprise of other members and they all have when it comes to decision making, they all have an equal responsibility and an equal vote, et cetera. If that needs to be put into writing in order to embolden other members of a commission to note that they have a responsibility and an equal responsibility, then let it be so because I can tell you, there was much dissatisfaction during my tenure in those six years as a result of what I have already outlined.

Now, Mr. Vice-President, with respect to—and as I have made the point already, although what I am speaking about was in the last century so to speak literally, everything one reads, every report one hears, as to today's events, that continues to be so. So it is not an obsolete or archaic or irrelevant observation today.

On another micro issue is the one of promotions and, Mr. Vice-President, it is all well and good for us to speak today and this applies to all commissions of promotions in the public service being based on meritocracy and not on seniority. But you cannot speak about promotion on the basis of merit, unless you have proper appraisal systems in place. And where you have a situation of many public servants complaining, “My appraisal has not been done as yet from since two or three or four years ago, it has not been done as yet.” Or, “I did not see”—and I am speaking about complaints I have although it is not my field of practice, sometimes

people come to me with areas that I am not concerned with—or, “I have not seen my appraisal, I have only heard about it, and I have not gotten the opportunity to sign off on it,” et cetera. It would seem to me that in those circumstances, it would be useless to talk about appraisals based on meritocracy.

[MADAM PRESIDENT *in the Chair*]

Seniority, if that system is not working—

Madam President: Sen. Welch, you have five more minutes.

Sen. E. Welch: Thank you, Madam President, if that system is not working, then seniority should be the default position until such time as you can show that whoever is in the senior position is not deserving because there is somebody more deserving, who may have less experience and less time on the job. Because this issue of promotion has been causing the State far too much litigation expense before the courts. And many of the complaints is of persons who say, I was senior to x by five or six years and I have been bypassed. You cannot use the question of meritocracy as a basis to hide what might be other reasons for not promoting someone, which may be based on bias, et cetera.

It is the same thing with transfers. The issue of transfers has generated a lot of expense and complaint from public servants. And I am aware, for instance, that in the—for instance, in the case of the police service, you often hear that a complaint of a police officer, “I have been transferred maybe from the Toco to Mayaro because I was investigating something which the Commissioner or my Superintendent did not want me to drop, because I was carrying out my function in an independent manner,” et cetera.

Transfers ought not to be used as a form of some kind of punishment, or vindictiveness, and experience has shown there are too many allegations along those lines and therefore, I submit looking at this again at a micro level that, where

a transfer is to be made—I am also aware of a case involving a teacher who was transferred, not at his request, and there has been a lot of litigation over it lasting quite a bit of time. In those circumstances, if a transfer is to be made, not at the request of a public servant, let it be specified, the reasons for that transfer, explain the exigencies of that transfer to the employee involved, how it arises from the exigencies of the service, rather than us having litigation over it and then, the affidavit explaining to and fro.

Madam President, I would also say, I would also say that commissions must operate, it would seem to me, almost like human resource managers, as well in a firm. In a firm a human resource manager is not going to transfer a person out of a department where that person is needed, and leave that department short staffed, and then have to replace it with someone who does not have enough experience.

I am very concerned, even though I practise as a defence attorney, mainly, at least in Trinidad, but a lot of my practice began as a prosecutor and I still prosecute in other jurisdictions in the Caribbean, even though not as much in Trinidad anymore, but I am very concerned, when I look at the DPP's Office, for instance, where you have—where the DPP's Office has become like a stepping stone for advancement of the prosecutors' careers. They go there and after some years, you hear they have been promoted to magistrates, judges, or to some other department, et cetera. It would seem to me that that is not good human resource management, bearing in mind that the very persons responsible in some way for that promotion will turn around and complain about shortage of staff. A person can only be transferred, at least from my experience in the department, with the recommendation of the DPP and the Judicial and Legal Service Commission making it. But you hear this constant talk about a shortage of staff. It is not a shortage of staff, so to speak, it is a depletion of staff, because as soon as the

prosecutor is developing, you hear they are transferred. Now, you cannot hold back a person's career if they want to move, but certainly, there is a need—

Madam President: Sen. Vieira. Sen. Welch, your time is expired.

Sen. E. Welch: Or very well, Madam President.

Madam President: Sen. Vieira. [*Desk thumping*]

Sen. Anthony Vieira: Thank you, Madam President. Let me start by thanking all those who have contributed to this debate. In considering this Motion, it needs to be recognized that we are in a very difficult and uncertain time. The immediate human and economic cost of COVID is severe, and post-COVID Trinidad and Tobago is going to face huge fiscal and social pressures. If we are going to enhance resilience, it is imperative that the institutional machinery which keeps a ship of state afloat and on course, is working smoothly and efficiently. My objective is not to destroy or abolish but to strengthen, update, rejuvenate the service commissions. My concern is about institutional building, not politics or taking sides between Government and Opposition. My loyalty is to country.

Now, for the topic to slide into partisan politics and brinkmanship is unfortunate. When I think it is plain for all to see that our service commissions and the Public Service Regulations are in need of overhaul or update as the existing conditions are not working. That is why in my opening statements, I confined myself to findings and recommendations from the Joint Select Committees where neutral bodies that comprise both Government and Opposition in equal measure.

Now, civil society voices and former commissioners echo those findings and recommendations. In his book, *The Public Service and Service Commissions*, Senior Counsel, Mr. Kenneth Lalla at page 66, he recognizes that the public is put to hardship and inconvenience as a result of the failure on the part of the respective services to provide an efficient and reliable service. His words:

It “is irrefutable. The problem, however, is one which clearly falls within the purview and competence of the Government,”—his words—“and is not without solution.”

At page 67, he opines, he said the question whether service commissions should be abolished would depend on whether they have become anachronistic. Well, one of the things that I am hoping that will come out of this debate is to foster all the public service commissions becoming anachronistic.

Economist and attorney-at-law Mr. Terrence Farrell, in an article dated 29 November, 2016, describes the problem this way, and I quote:

An efficient public service is critical to economic development, and transformation of the society. The public service assists in making sound policies, delivers goods and services to the population, including health, education, law and order, national security and so on. An ineffective and inefficient public service hinders economic growth and development, it adversely affects the efficiency of the private sector. Poorly conceived policies lead to misallocation of resources, inaction and inertia in implementing policies and projects affect worker productivity.

Mr. Farrell concludes that the service commissions are inefficient and in need of reform.

Former independent Senator, Prof. Ramesh Deosaran in an article in the *Trinidad Express* dated 02 August, 2018, explained why he resigned suddenly, as chairman of the Police Service Commission. He together with other members and persons such as Dana Seetahal and Reginald Dumas, saw the predicament of the Commission, and I quote:

“I called it a tangled web, you could not move forward, and you could not move sideways. Everything had to depend on the director of personnel

administration. You could not deal with staff. You could not purchase the materials you needed. You could not put a signboard in a new office...”

His considered view was government should reform the Police Service Commission apparatus, which is convoluted, confusing, inefficient, and creates an implicit injustice to candidates applying for the post of Commissioner of Police and Deputy Commissioner of Police.

Attorney-at-law and former chairman of the Teaching Service Commission, Mr. Lee Birmingham, in an article dated 17 March, 2017, he submits and I quote:

“...our post-independence experience has witnessed the partial failure to use the resources of public administration to pursue a sustained, coherent and transparent programme of national development, which sees the good of the community, as its prime objective.”

In respect of the Teaching Service Commission, Mr. Birmingham observes that while senior members of the Ministry of Education often work diligently, are trying to ensure that appointments and transfers were made as soon as possible, and I quote:

“The process itself was deeply flawed. And as a result, the outcomes were often far from satisfactory.”

He found that there was a disconnect between the Commission and the sector it is impacting, I quote:

“The Commission was not expected to consider how its work impacted on the service sector or industry. Its duties were essentially mechanical, without regard to an overarching set of national goals.”

And Mr. Birmingham notes that in carrying out its responsibilities for discipline, the Commission had been aware for many years that the PSC Regulations on

which it relies for carrying out its duties were inadequate to meet its needs. Mr. Birmingham concludes, and I quote:

“...until we take the long, difficult road of making the personal sacrifices that are necessary to reform the system. We would continue to bemoan to no effect not only the high rate of criminal activity but the emptiness of our systems of public administration and our declining quality of life.”

Former President of the Senate during the People's Partnership administration and one of the most experienced and respected attorneys-at-law in the corporate commercial world, Mr. Timothy Hamel-Smith believes the problem is how power, authority, responsibility and accountability is distributed among the commissions and agencies which carry out their executive functions.

5.30 p.m.

In an article entitled, “Re-Engineering the Public Service”, he opines that we have divorced authority from accountability, a sure recipe for non-performance. And that unless we can ensure that those to whom the responsibility for performance are given the power and authority to get the job done, we would achieve nothing by just tinkering with the system. Mr. Hamel-Smith concludes, and I quote:

“...that the Constitution does not have an appropriate structure for the roles of the Commissions.” And that—“...in their current mode of operation they do not reflect arrangements for achieving the optimum delivery of goods and services for the benefit of the people of Trinidad and Tobago.”

He calls for constitutional amendment which will ensure that there is a chain of accountability.

Now, these are voices of learning and experience, none of whom are seeking to take over or to abolish the service commissions for personal gain. Voices in this

honourable Chamber, including sitting Ministers as we have heard speak in similar vein. Minister West recognizes the challenges in the system that it takes forever to get things done and that there are flaws which need to be addressed. Minister Rambharat, he acknowledged the decline of the public service and he rightfully observes there is no distinction between high or poor performance. Minister Gopee-Scoon reminds us that we have less resources now and we have to perform efficiently. She spoke about the need for a holistic approach and getting to the core of the problem; the need to acknowledge the problem as a national issue which should not be politicized. I absolutely agree.

I loved Sen. de Freitas' analogy of the car with the driver, the engine, the mechanic and the passenger. I had come up with a similar analogy but not to—I did not perfect it to that level. And his hourglass structure graphically captures the issues that we face with the structure of these commissions. Minister Khan bemoaned the injustice suffered by some of the brightest minds in the country as they struggled with three-month contracts. He lamented that such persons deserve better and he wondered whether the country is trapped in inertia, notwithstanding the clear need for change given our society's evolution. Minister Khan is now on record that Government is prepared to put reform of the service commissions in the hands of experts and then let them determine what form or fashion those changes might take.

Sen. Thompson-Ahye spoke of the need to change minds and hearts lest we continue to lament the failure of our institutions. Sen. Deonarine reminds us that the State is the country's largest employer and she wondered if the inefficiencies are silently jeopardizing public expenditure. Sen. Mark and others on the Opposition Bench however, have expressed misgivings, among other things, positing that the PNM wants total domination and control and this Motion may

inadvertently be playing into their hands as they want to abolish or take control of the service commissions. But first let me assure my good friend, Sen. Mark, that I am no one's pawn whether unwitting or otherwise. I am my own man and I call things as I see them. And secondly, while I recognize that Sen. Mark is passionate about his beliefs and convictions and he genuinely mistrusts the Executive, I would respectfully caution against setting strong feelings and emotions, blind one to the necessary and obvious.

In psychology there is a term for mental blind spots which arise because of beliefs that limit what we can or do not see, "scotoma", when you cannot see what is right in front of you. We should not let scotoma blind us or prevent us from dealing with a troubling reality. Sen. Mark knows that as the service commissions are constitutional protected, they cannot be interfered with without the requisite parliamentary majority. And I am sure he appreciates that this Motion is not amending any law, any regulation and there is nothing in it which threatens fundamental democratic principles.

What I am asking the Senate is to recognize the problem, to call on Government to look seriously at the matter and then for Government to come up with recommendations for Parliament's consideration. I am advocating a process which is inclusive and transparent. Sen. Lutchmedial, while recognizing that the issues and challenges have been around for a long time, she sees no constitutional issues. In her view the Motion should confine itself to calling on Government to make better resources available. "That is it"—I quote—"that is all that is needed". What I would gently remind Sen. Lutchmedial that as the service commissions are entrenched in the Constitution there can be no reform of the service commissions, no reform of what are essentially constitutional bodies without constitutional reform. And as to the recommendation that making better resources available is all

that is needed—well, she is young, but I remember Gordon Draper, who many people remember as the initiator of the public service reform in the early 1990s, he did attempt to reform using a human management approach, but that attempt failed. It failed because it failed to address the underlying structural problem which is located inside the Constitution.

Sen. Teemal has correctly pointed out, we have been there, we have done that, it did not work. Sen. Nakhid suggested that what we need to reform is not the commissions but our attitude to them. It sounds nice but how does that explain or resolve misgivings on the part of commissioners themselves? And if my car is not working, changing my attitude is not going to solve the problem. Sen. Nakhid also talked about Singapore, I wonder if he knows that it was plans developed and implemented by the Singapore Government for post-independence public service administration which is one of the foundation pillars that made Singapore reach where it is today. That is what enabled Singapore to surge ahead. And let us not look just at Singapore, we heard about the United Kingdom, they changed; Canada, they changed; Singapore, they have changed. If all these countries can move forward, why can we not?

Sen. Nakhid: We cannot, PNM there.

Madam President: Sen. Nakhid, please allow Sen. Vieira to finish his presentation please, so please be quiet. Thank you.

Sen. A. Vieira: We in this Parliament are constitutionally mandated to hold Government, Government Ministries, municipal corporations, statutory authorities, state enterprises and the service commissions to account, in particular, in relation to their administration, how they exercise their powers and how they function. We have oversight and it is our individual and collective responsibility to guard against deterioration of any of these important bodies and institutions. This Motion is not

about dismantling but about synchronizing the gears of the service commissions.

One of the joys of social media is meeting new and interesting people as occurred recently in one of my WhatsApp chat groups. I was quite gratified to hear from Mr. Deryck Brown, a Senior Public Sector Specialist at the World Bank since 2010, with over 25 years' experience in public policy, public administration and capacity building in the Caribbean, in Africa and in Asia, and he and others have been following this debate. And as a public sector specialist advisor in many countries Mr. Brown also sees a connection between the private sector's ability to improve its own competitiveness, create employment, improve wages and living standards as dependent to some extent on the public service ability to play its part, to improve its productivity and to be less obstructive. He agrees that the country should really make an effort to improve public sector efficiency.

So whether one is an academic, a former commissioner, a sitting Minister or a Trinidadian specialist working abroad, it seems there are some general agreement on the following. We are knee-deep in the 21st Century yet we are operating on an analog basis. The digitization agenda is vital as it can help improve efficiency and service delivery as well as reduce the incidence of corruption. Now, digital transformation is not just about acquiring and installing technology but about developing a culture that embraces change and demands placed on organizations by their customers and stakeholders. The public service and the service commissions must be able to continuously transform and innovate, to simultaneously drive and respond to the shifting demands of the workplace. Are our commissions ready to deal with virtual workforces? Can they reimagine 21st Century work practices?

If we hope to increase productivity and engagement, we must be able to measure and manage productivity in the public service. I have raised the flag of

accountability. Where accountability is diffuse it requires genuine reflection on the role and structure of the service commissions. We need a programme to develop leadership in the public service. We need to move away from the old system of promotion based on seniority which allows people who may be ill-equipped and ill-prepared to attain senior positions. Good people in senior positions should be permanent in those positions. They should not be acting in or holding temporary positions on a permanent basis. Service commissions must have the necessary means, skills and support to accomplish their mandate.

Fellow Senators, the country needs to modernize the public sector as a national priority. Failure to do so will erode public confidence. The social pain is going to be costly and the sector may eventually become unsustainable. As Minister Brown put it, surgery is needed and intervention into the central nervous system. In his book, *The Great Degeneration*, historian Niall Ferguson posits that:

The key to a society's power and prosperity lies in the strength of its institutions. Societies are made great by their institutions. Institutions provide rules and boundaries. They are the structures within which we organize ourselves.

I strongly believe that Trinidad and Tobago is at an important inflection moment and we must be the guardians of each other's destiny. The enduring value of our service commissions should not be taken for granted. Sustaining our institutions matters. The independence of the service commissions is important, absolutely, but ensuring that they are strong and that they work efficiently, equally so, even if that means jettisoning or overhauling systems and processes which are failing and holding them back.

I recognize adapting to change can be difficult but not adapting may be ruinous. The service commissions are meant to protect and serve, not frustrate

public servants and citizens. We must be willing to recreate what is old and outdated. If we allow the service commissions to falter, to break down, they may lose legitimacy, and the standards, the rules, the systems they seek to enforce and promote, that will disappear. The public service is the live wire. It is the nerve centre of the State's structure. It provides continuity when governments change. It is essential for the country's survival and its success. When we have efficient, effective and reliable service commissions the country benefits. Conversely, when they are not working as they should, it is the country that suffers.

Today we have an opportunity, I would suggest even a duty to cooperate in an area of national interest. We have a responsibility to ensure that the service commissions are fit for purpose and that they can carry out their mandates effectively despite the challenges they face. We have a responsibility to ensure that the service commissions can realize their full and true potential, that they are able to meet their deliverables swiftly, fairly and with quality. Colleagues, this is an investment towards efficient government and a stable society but it requires our individual and collective commitment. I hope all will support this Motion to strengthen and rejuvenate these important institutions. Madam President, I beg to move. [*Desk thumping*]

Question put and agreed to.

Resolved:

That this Senate call on the Government to review the Trinidad and Tobago Constitution and the enshrined Service Commissions and to table in Parliament, within a reasonable time, a clear plan for the update of the Constitution and reform of the Commissions.

Madam President: Leader of Government Business.

ADJOURNMENT

UNREVISED

The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan): Thank you very much, Madam President. Madam President, I beg to move that this Senate do now adjourn to a date to be fixed.

Madam President: Hon. Senators, before I put the question on the adjournment, leave has been granted for two matters to be raised. Sen. Mark. [*Desk thumping*]

Collective Bargaining

(Trade Unions)

Sen. Wade Mark: Thank you, Madam President. Madam President, the Industrial Relations Act, section 40(1) to be specific, is very clear on the need for the employer to meet and treat and enter in good faith, enter into what is called negotiations with the recognized majority unions for the purposes of collective bargaining. We are assigned, we are a signatory to the International Labour Organization Conventions 87 and 98 respectively, that deal with freedom of association and the right to collective bargaining. Madam President, I was astonished when I read in the *Newsday* dated Thursday, October the 22nd, on page 10, a headline which has not been denied to this date:

“Imbert: No negotiations with any”—trade—“union”

And, Madam President, this article went on to indicate that the Minister of Finance made it very clear in the Parliament that:

“...government won't entertain negotiations with unions because of the state of the economy.”

The article went on to say, Madam President, that the Minister said that:

“...there have been submissions but the Chief Personnel Officer (CPO) has not been authorised to enter into any formal negotiation with some of the larger trade unions.”

Madam President, this caused me to table this matter for clarification from

the Minister. Madam President, there is a law that compels the employer to meet and treat in good faith with the recognized majority unions in our country. I want to make it very clear that collective bargaining and trade unionism are very strong institutions in our nation and it is wrong for the Minister of Finance in an arrogant dismissal of—

Madam President: Sen. Mark, please.

Sen. W. Mark: Let me withdraw “arrogant”. It is wrong for the Minister, Madam President, to dismiss in the way that he has done, flippantly, this whole call for collective bargaining.

I have with me correspondence in which the Joint Trade Union Movement wrote to the Minister on several occasions—I think on two occasions specifically, calling on the Minister of Finance to really get the relevant authorities to embark and to engage in outstanding negotiations. And from my information they have gotten no response from the Minister who seems to be busy doing all sorts of things but he cannot deal with responding to correspondences written to him by the trade unions calling for discussions as it relates to outstanding negotiations. Madam President, it is a fact that this Government is going into its sixth year; I believe it is their final year but they are going into their sixth year of being the Government of this country and the Government cannot tell this nation how many collective agreements they have been able to settle with the trade unions.

I can tell you today that under our watch, between 2010 and 2015, we were able to settle 135 collective agreements. [*Desk thumping*] We were able, Madam President, to ensure that just under \$5 billion was placed in the pockets of the working class in our country represented by the trade union movement. To date, Madam President, we have trade unions without agreements for three periods, and you would be aware that a period in terms of collective bargaining is a minimum of

three years and they have gone through three different periods without any collective agreement, no collective bargaining that would lead to collective agreements. So, Madam President, we would like the Minister of Finance, in spite of the state of this economy, to observe the law, to observe the law and to meet and/or instruct the CPO to meet and treat with the various public sector unions with a view of putting on the table what is the reality of T&T.

Madam President, there are various mechanisms that can be used in an effort to ensure that some kind of progress is made between the Government as employer and the trade unions. But the Government has refused, Madam President, to meet with the trade unions and that is why I have asked the Minister to explain today why the Government has not instructed the CPO to meet with the public sector unions and why so many outstanding negotiations continue to exist in this country. Madam President, you have the Sugarcane Feeds Centre, you have the Port of Spain City Corporation, the Central Bank of Trinidad and Tobago, Deposit Insurance Corporation, Export-Import Bank, CARDI, CARIRI; you have the San Fernando City Corporation, Trinidad Hilton, Port Authority, NIPDEC, UWI, WASA, T&TEC, Airports Authority, NP, T&TEC, SWMCOL, UTT, National Petroleum, PowerGen, National Training Agency, Prison Officers' Association, the Police Officers' Association and TTUTA, and I can go on and go on and go on as it relates to the amount or the number of trade unions that have not been able to settle collective agreements with the Government because of their refusal.

So, Madam President, today I am calling on the Minister to explain to Trinidad and Tobago and explain to the people, and explain to the unions and to the hundreds of workers and thousands of workers, tens of thousands of them and their families why the Government has not been able to instruct the CPO to meet and treat with the trade unions. And I did not mention the PSA but the PSA also

has outstanding collective agreements with the Government via the CPO. But what, Madam President, the Minister needs to tell us is whether he is operating—

Madam President: Sen. Mark, your time has expired.

Sen. W. Mark:—undeclared.

Madam President: Minister of Finance. [*Desk thumping*]

The Minister of Finance (Hon. Colm Imbert): Thank you, Madam President. In the first instance Sen. Mark has referred to a report in the *Newsday* of Thursday the 22nd of October which has a provocative headline and then some very creative writing by the reporter. Most of that article is a figment of the reporter's imagination, quite typical for this particular newspaper. The reporter actually reported eventually what I said at the Standing Finance Committee in response to a question from the Member of Parliament for Fyzabad, and all I said was that the Chief Personnel Officer had not yet been given a remit in terms of making a formal offer to some of the larger trade unions.

I did not say no negotiations with unions. I did not say the Government would not entertain negotiations with the unions. But that is typical for this particular newspaper; always making up stories. Let me deal with the facts now.

6.00 p.m.

In 2020, the Government had made a decision to approach the majority trade unions within the public sector and these would include the civil service, the police service, the fire service, the prison service, daily-paid workers, regional health authorities, which are significant in terms of the numbers of persons employed, and a few other entities that fall within the general framework of the public sector. The total number of persons involved is close to 90,000. So that would involve the, as I said, civil service, statutory authorities, THA, defence force, police service, fire service, prison service, daily paid and so on.

Despite our very difficult financial circumstances at the time, and this would have been in the first quarter of 2020, we had made a decision to give the Chief Personnel Officer a remit to commence discussions with respect to allowances. Our calculations had shown at the time that the allowances that we were contemplating, which were based on submissions made by the trade unions to the Chief Personnel Officer—so the process was in progress. The trade unions had made submissions to the Chief Personnel Officer.

The calculations yielded a total for allowances alone, for the period 2014 to 2019, in terms of the allowances that the CPO had advised the Minister of Finance, who then advised the Cabinet, that we thought we could accommodate—the total cost would have been \$765 million, at that time, for the allowances and we thought we might be able to accommodate that at that time in early 2020, when we were enjoying fairly reasonable oil prices, fairly good production, fairly good economic activity in the country. But soon thereafter came COVID, and we found ourselves in a very, very difficult situation where there was a shortfall between revenue and expenditure of 15 to \$16 billion, and therefore, it was just not feasible to proceed with that plan in the context of the problems associated with COVID-19. We simply did not have that \$765 million to make available at that point in time.

In fact, the additional recurrent expenditure of these allowances would have been close to \$150 million—140 million actually. So we simply did not have the ability, in the face of the \$16 billion hole in the budget created by COVID-19, to authorize the CPO to continue with that plan.

Let me also tell Senators what the figures look like, and we do it in the context of the continued extremely difficult financial situation that we face. If, for example, the Government was to authorize the CPO to offer a 9 per cent increase to the 89-odd thousand persons within the public sector, the CPO has advised that

the cost of that, up to December 2020, would be \$7.2 billion. Let me repeat that: If a 9 per cent increase was granted for the period 2014 to 2016, with the associated back pay, and that is only up to 2016, the cost to the country would have been \$7.2 billion.

If, on the other hand, a 3 per cent increase was offered and agreed to, and you had consolidation of COLA and the reintroduction of a cost of living allowance at the same rate that currently exists at \$225, the cost to the country would be \$3.8 billion. I think it is necessary to give this information so people understand context. Just a 3 per cent increase, between 2014 and 2016, with associated back pay, consolidation of COLA would cost \$3.8 billion.

In 2015, the then government, clearly hoping that it would yield some sort of benefit at the 2015 election, agreed to increases within the public sector that on paper amounted to 14 per cent, but when you drill down into the details you found that within some ranges in the civil service, the actual increase was closer to 20 per cent when COLA was consolidated. COLA was also increased by that government in 2015, by 55 per cent. The net effect of that decision in 2015 was a \$6 billion back pay liability, which the incoming PNM had to settle.

Recently, the Industrial Court awarded an increase to workers at National Petroleum. I cannot say what the precise figure is, but I know it is within the range of 10 to 11 per cent salary increase. As a result of that award by the Industrial Court, National Petroleum is now running at a loss every month in the vicinity of 15 to \$20 million. So I say all of these things to put things in context.

It is all very well for persons such as Sen. Mark to demand these things, but the effect of what Sen. Mark is demanding would be an astronomical cost to the country, for which there would be consequences. Because when I use the NP example, NP certainly does not have \$15 million to spare every month as a result

of that Industrial Court judgment. So NP has now been put in a very difficult situation, and that is over \$200 million a month that they would have to find, which they do not have.

So that when we talk about these things, we must consider all the circumstances. There will be consequences if there is a significant wage increase in the public sector, and it is something the Government has to keep looking at very seriously and take into account the interest of all of the people of Trinidad and Tobago, and the consequences that would flow within our very difficult financial circumstances.

Thank you, Madam President.

Increase in Import Duties
(Common External Tariff on Cement)

Sen. Wade Mark: Thank you, Madam President. The recent decision by the Government to impose a quota system and a 50 per cent increase in the import duties via the common external tariff on cement is causing grave concern in many parts of this country. The question that is being asked is, who stands to benefit from this decision? Is it local business? Is it the worker? Is it the foreigner? And, Madam President, who stands to lose? Is it the consumer, the worker or the union?

Madam President, it appears to us that the Government may be using, or I may say misusing or even abusing trade policy as a literal weapon to target certain businesses in our country. I want to say, Madam President, that the age of protectionism has gone. It has gone by 50 years ago. We are now in an era of what they have described, or the world has described, as a liberalized trade environment. In keeping with the dictates of the World Trade Organization, quantitative restrictions should be used primarily in cases of security and health considerations.

Therefore, the hon. Minister should categorically state whether by

introducing import quotas and placing hydraulic cement on the negative list, does not constitute a violation of the World Trade Organization agreement. Why restrict the importation of cement? Is it to protect the local manufacturer? What is the scientific basis for the introduction of import quotas? Is it a problem with customs' classification or valuation? I believe that the Customs and Excise Division is properly equipped to deal with classification and valuation issues. Madam President, is it because that the importer is a perceived supporter of the Opposition?

In keeping with uniformity in Caricom, could the Minister indicate whether Jamaica has imposed similar quantitative restrictions on imported cement? Why impose 60 per cent customs duty on imported cement? The local importer has already indicated publicly that the price of the imported cement could move from 40 to \$80 per bag in the future, given the increased duty. The cement would be priced out of the market. This means hundreds of workers would be put on the breadline. This would result in monopoly for the local cement manufacturer who would eventually control the price of cement in the country.

Madam President, who is the Government protecting? Is the Government protecting TCL, which as you know is majority owned by CEMEX, which is a foreign Mexican outfit? As we speak, CEMEX, we are being told, and the Minister needs to verify this today, whether TCL, which is majority owned by the Mexican company called CEMEX, whether that company has taken a decision to close down its operation in Trinidad and Tobago, and dismiss and/or retrench over 300 workers, and to use Trinidad as a warehouse to import bagged cement for nationwide distribution. This is a matter that the Minister needs to clarify to this Parliament and to the workers of Trinidad Cement Limited, because they are worried.

Madam President, we are told by the Government that when they impose quotas and increase customs duties, it is to protect local business, it is to protect employment. But how can we be protecting employment when in the last 10 days, over 60 workers were sent home by the same company that we are protecting?

And, Madam President, we go further to let you know that that said company had indicated in an article I saw in some newspapers a couple of days ago, that their intention is to shut down their operation. So why are we protecting a foreign company that is going to close down its operation in Trinidad and Tobago and import bagged cement? Why? The Government needs to come clean and let the country know what is the basis for this development, and why is the Government accommodating this kind of development in our country? Madam President, we believe that it is wrong.

Recently, the Government, as you know, increased the quota or the customs duties on imported pasta. They said that was to protect local industry, but that was not to protect local industry, that was to protect their friends and their financiers. Now we have a quota system being introduced, the negative list being revised—revived, and then you have customs duties.

Madam President, you know what is even worse? The importation of cement is now being curbed and limited to 75,000 tonnes per year. All this is in the interest of a foreign company that is retrenching nationals in Trinidad and Tobago. That cannot be fair.

So we are calling on the Government to come clean. Tell us whether that company, TCL, which is owned by Mexicans, is about to close down and transform their operations into a warehouse where they will now import cement from Barbados, from Jamaica and maybe Mexico, and is that in the best interest of Trinidad and Tobago.

So, Madam President, all we are asking, on behalf of the workers of Trinidad Cement Limited, is for the Government to come clean. Jobs are at risk and the livelihood of people is at risk. And the cost of cement, if we allow this monopoly to develop and to use our soil in the way that they are using, we are going to find ourselves paying exorbitant increases for cement in our country.

So we call on the Government to come clean. Tell the country the truth. Talk to the workers, let them know that nothing is going to happen to their jobs, and these restrictions that you have imposed is not designed to damage a person who has a business that is importing cement, because you believe he or she is a supporter of the UNC. I call on the Minister to come clean and tell the country the truth on this matter. Thank you very much, Madam President. [*Desk thumping*]

The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon): I heard my colleague saying, “Deal with him,” but Sen. Mark, I am really disappointed that you would seek to bring this Motion for the adjournment of this Senate.

As you are aware, and the public is aware, that there are legal proceedings in train, that these very matters which you have brought here today, which is a matter of the quota and licensing system and the increase in the CET, these very matters are before the High Court and before the Caribbean Court of Justice. Therefore, they should not be discussed. It is going to prejudice the outcome of the case.

So I was very disappointed that a long-term parliamentarian would seek to bring this into the public domain. But because you have been peddling fear, that is what you have done and that is what you are used to, peddling fear and anxiety and misinformation to the public, I have to confirm that the jobs of the people at Trinidad Cement Limited are not at risk. TCL is not closing down. We are not aware. At least I can tell you the Government is not aware of that. That is just not

happening.

I could say, and I mean I am not going to discuss the matters, but again I have to say to you, and I am going to reiterate the position, that the Government makes no apologies for its strong support and unwavering commitment to the development of the domestic manufacturing sector. [*Desk thumping*] When the time requires, we would utilize the trade tools that are available, to facilitate the expansion of the sector, so that the sector remains an important and a very dynamic facet of the economy.

It is the third largest contributor to the country's GDP. It is recognized as a catalyst for achieving economic transformation and diversification—the very diversification which you speak about all the time. Of course, manufacturing—that through manufacturing—and the largest sub-sector within the manufacturing sector is the manufacturing of food and beverage, and through this manufacturing of food and beverage, we are reducing the country's food import bill. It provides for import substitution, generation of foreign exchange through its exports, the saving of foreign exchange and, of course, the provision of sustainable employment.

It is unfortunate that there was a recent situation with TCL, where its bagging operations came to a halt, and I think it is about 50 persons—it is not 60, you know that—50 persons and it still matters to us that people are on the breadline. I am sure that it is being dealt with in the manner in which such matters are to be dealt with. We are not pleased about that, but we are still talking about a manufacturer that hires more than 350 direct employees, and another 450 indirect employees, and that matters especially in an economy like ours.

So I want to say categorically that there are no more jobs at risk at TCL. But you should never talk exorbitant prices, because under your administration, and under the administration of the UNC—and I have been monitoring prices, all kinds

of prices, and cement prices as well, it concerns us, especially where we expect the construction sector to get the economy going again. We are concerned about the price of imports into construction and we are definitely concerned about the price of cement.

I can tell you that all of the trade tools that are available to us now to support the manufacturing sector, are available to the Government to ensure that the price is kept in check. We, through the Consumer Affairs Division, I can tell you as Minister, our eyes are on prices, all kinds of prices, because it affects the people of Trinidad and Tobago, and we understand what is happening in the global marketplace. With all of the supply chain disruptions, we understand, and it is going to settle in a post-COVID world. Once the supply and demand settles, we expect that all of those things would be back within the price frames that we know.

But I will tell you, it is under your watch, and I can tell you what it was. When you came into office, the price of cement was \$49.01. In 2011, the average price \$48.20; but in 2012, it went up to \$61.30, and the UNC Government did nothing about it, spiralling the cost of construction. Then in 2013, and an average price of \$54.88; 2015, it went back up again to \$60.72, and your Ministry of Trade sat there and cowered, and did not do anything, and did not use any of the necessary tools to keep the price of cement—at least to attempt to keep the price of cement down.

I want to tell you that that is a very important department in the Ministry of Trade and Industry. We monitor consumer prices. In fact, every month you would find a display of consumer prices, food prices on social media, and every three months we would put it out into the press. We also show chicken prices, poultry prices, hardware items at least every quarter. All of these prices are exhibited to the consumer because we are concerned. We are concerned that people are able to

meet the prices of the items that they require.

So Sen. Mark, there is nothing more that I can say to you, but to say that the Government, again, is committed to the manufacturing sector of Trinidad. This is not about TCL. This is about the manufacturing sector and this is about acting in the interest of the public. You see those prices that I talked about? I am not going to sit on my laurels and expect that prices are going to escalate, and as Minister of Trade and Industry, I do not make a recommendation to the Cabinet to do something about it. It is in the Government's hands and I give the assurance to the public we will do something about it. We are there to ensure that consumers are not burdened.

I can tell you, despite all the things that are said by you, and about price, this is not the first time. I heard your leader talking about prices going 35 per cent up, without explaining. Is it temporary? What is it on? What is the research behind it? But again, peddling fear and anxiety, politicizing things that really affect the minds of the ordinary people of Trinidad and Tobago, and that is very, very, very irresponsible.

I want to say to the population once again and to the employees of TCL, their jobs are not at risk and this Government is going to continue the monitoring of all prices, food prices. I can tell you, with all of this mayday going on here, I have looked at the 42 items in the food basket and prices have gone up less than one per cent. I think it is .78 per cent from in all of 2020. This is throughout this difficult period, from January to December 2020.

Sen. Mark: "Dat is why yuh loss in Tobago."

Sen. The Hon. P. Gopee-Scoon: Sen. Mark, I am going to close here, but again, the matter is sub judice and therefore I am constrained to have any further discussions. Thank you. [*Desk thumping*]

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 6.28 p.m.