



Third Session of the 12th Parliament

FINANCIAL SCRUTINY UNIT

Office of the Parliament of Trinidad and Tobago

HEAD 04: INDUSTRIAL COURT

BUDGETARY ALLOCATION: \$44,509,450.00

Publication

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About this Guide

This guide provides a summary of expenditure for the Industrial Court for the period 2017-2023. It provides the Members of Parliament and stakeholders with an overview of the Court's responsibilities. The primary purpose of this guide is to consolidate the information contained within the various Budget Documents pertaining to the Industrial Court and provide readers with an analysis of same. This guide is based primarily on:

- the Draft Estimates of Recurrent Expenditure 2023;
- the Draft Estimates of Development Programme 2023; and
- the Auditor General's Report on the Public Accounts of the Republic of Trinidad and Tobago for the fiscal year 2021.

Head 04 – Industrial Court

Court Overview¹

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 This act was repealed and replaced by the Industrial Relations Act, Chapter 88:01 on July 31 1972.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

Role and Function: The principal role of the Court is to settle unresolved disputes and other matters which arise between employers and trade unions representing the workers employed by the employers under:

- The Industrial Relations Act, Chapter 88:01;
- The Retrenchment and Severance Benefits Act, Chapter 88:13;
- The Maternity Protection Act Chapter 45:57;
- The Minimum Wages (Amendment) Act, Chapter 88:04; and
- The Occupational Safety and Health (Amendment) Act, Chapter 88:08.

Mission: To be an effective Court upholding the principles and practices of good industrial relations as pillars of industrial peace, economic and social development.

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

¹ Industrial Court website, About Us, accessed September 20, 2022: <http://www.industrialcourt.org.tt/about-us/about-the-court>

Jurisdiction of the Court: In addition to its inherent powers as a superior court of record, the Court has jurisdiction –

- To hear and determine trade disputes;
- to register collective agreements and to hear and determine matters relating to the registration of such agreements;
- To enjoin a trade union or other organization or workers or other persons or an employer from taking or continuing industrial action;
- To hear and determine proceedings for industrial relations offences under the Industrial Relations Act; and
- To hear and determine any other matter brought before it, pursuant to the provisions of the Act.

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

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

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

Registrar (Accounting Officer)²: Mr. Kevon Swan, LLB

Line Ministry: Office of the Attorney General and Ministry of and Legal Affairs³.

² Industrial Court website, About Us, accessed on September 20, 2022: <http://www.industrialcourt.org.tt/about-us/administrative-departments/office-of-the-registrar>

³ Trinidad and Tobago Gazette No. 158 of 2020 dated September 9, 2020, accessed September 29, 2022: <http://news.gov.tt/sites/default/files/E-Gazette/Gazette%202020/Gazettes/Gazette%20No.%20158%20of%202020.pdf>

Key Statement from the 2021 Standing Finance Committee Debate

During the Standing Finance Committee debate of 2021⁴, the following statement was made in relation to the emphasis of the Industrial Court for fiscal year 2021/2022:

“The Industrial Court is well known to each and every person in Trinidad and Tobago and now stands at the cusp of significant reform in terms of its digitization programme, in terms of its move towards services of the type that we now see rolled out at the other courts in our countries, including the High Court and the District Courts as we refer the magistracies as. The developments have been, of course, challenged during the course of the last year as a result of the pandemic, but most commendably, the efforts of the President and the Judges of the Industrial Court have been to rise to the challenge in the face of these very difficult times. As Attorney General, with responsibility for coordinating some of the services that are resident at that particular court, I look forward in the coming year to encouraging the growth and further build out. I ask you to note, Madam Chair, as we did with the Judiciary, that at the mid-year we proposed to meet the matters which we could not calculate in precise form at the mid-year expenditure in respect to some of the Heads that would show a variance between the last year and this year. So we already had discussions with the Minister of Finance in relation to that and it is immediately the expectation that we will treat with those at the midyear”

The Honorable Mr. Faris Al-Rawi, MP

- Attorney General and Minister of Legal Affairs

⁴ Standing Finance Committee Hansard of the Industrial Court, accessed September 20, 2022: <https://www.ttparliament.org/wp-content/uploads/2022/01/hh20211012sfc.pdf>

Auditor General's Report Findings for the Fiscal year 2021

Ref: Auditor General's Report pgs. 945

Follow-up: Government of the Republic of Trinidad and Tobago COVID-19 Related Expenditure as at September 30, 2021

3.115 During the accounting period, expenditure continued on the management of the COVID-19 Pandemic by the various Ministries, Departments, Statutory Boards and State Enterprises. In this regard, the Auditor General Circular Memorandum No. 1 of 2021 dated September 30, 2021 requested information with respect to COVID-19 expenditure incurred by Ministries and Departments including those of Statutory Bodies/State Enterprises under their purview. Appendix I, refers

COVID-19 Expenditure 2020

Organization	Ministry (\$)	Audited (\$)
Industrial Court	0.00	0.00

⁵ Report of the Auditor General on the Public Accounts of the Republic of Trinidad and Tobago for the Financial Year ended September 30, 2022, accessed September 20, 2022: https://auditorgeneral.gov.tt/sites/default/files/Auditor_Generals_Report_2021.pdf

The Court's Total Allocation as a Percentage of the National Budget for the Period 2017 to 2023

Year ⁶	Total Allocation ⁷	National Budget ⁸	Percentage of National Budget
2017	\$37,738,020.00	\$54,883,153,410.00	0.07%
2018	\$39,793,991.00	\$ 54,211,726,813.00	0.07%
2019	\$37,035,620.00	\$ 54,581,467,181.00	0.07%
2020	\$ 39,703,300.00	\$ 57,388,076,726.00	0.07%
2021	\$40,686,288.00	\$56,498,472,820.00	0.07%
2022	\$44,813,135.00	\$59,190,331,126.00	0.07%
2023	\$44,509,450.00	\$67,944,048,911.00	0.07%

- Total allocation for the Court as a percentage of the National Budget remained virtually unchanged between the period 2023 (0.071%) and 2022 (0.070%).

⁶For the Fiscal Years 2017-2021, actual figures were used to calculate the Department's total allocation. However, estimates were used to determine the Department's total allocation for the Fiscal Years 2022 and 2023.

⁷Total Allocation for the Industrial Court = Recurrent Expenditure + Consolidated Fund.

⁸The National Budget = Total Recurrent Expenditure + Total Consolidated Fund.

Where the Court spends its money

2023 Estimates of Expenditure

The budget allocation of **\$44,509,450.00** for the Industrial Court is comprised of:

- The Draft Estimates of Recurrent Expenditure⁹ in the sum of **\$42,509,450.00**; and
- The Draft Estimates of Development Programme- Consolidated Fund¹⁰ in the sum of **\$2,000,000.00**¹¹

The Estimates of Recurrent Expenditure include:

- 01 Personnel expenditure- **\$22,921,000.00**;
- 02 Goods and services - **\$18,938,450.00**;
- 03 Minor equipment purchases - **\$150,000.00**; and
- 04 Current Transfers and Subsidies – **\$500,000.00**.

The Industrial Court's

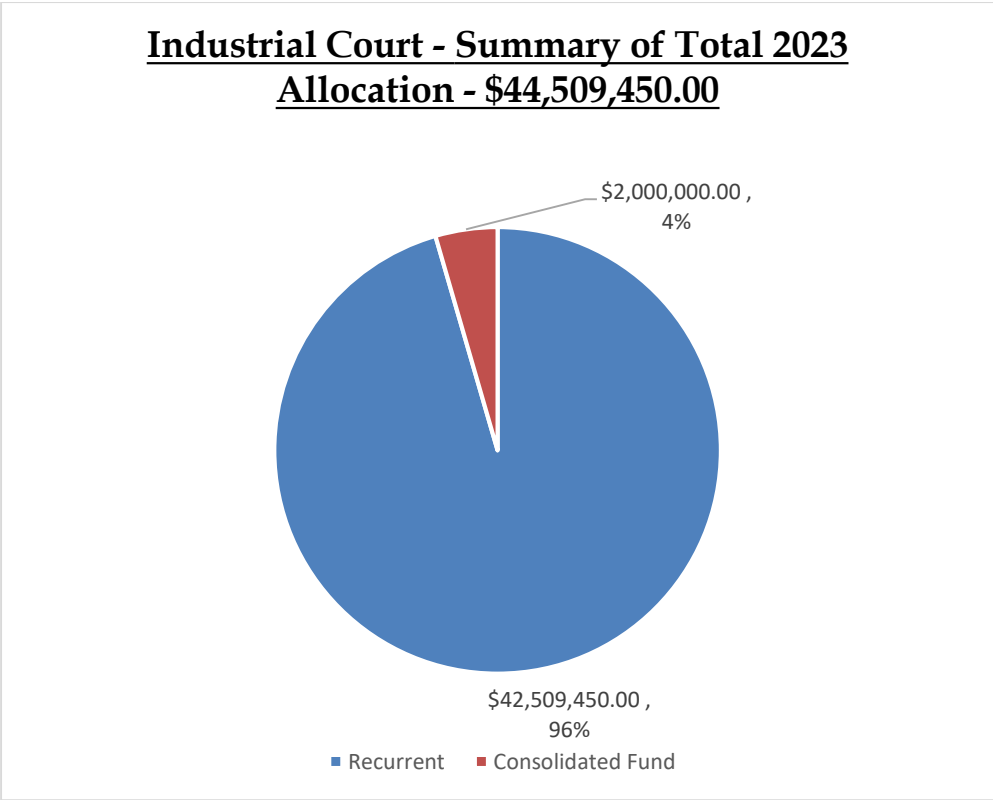
- Total allocation as a percentage of National Budget = **0.07%**;
- Recurrent Expenditure as a percentage of the total Recurrent Expenditure budget is **0.066%**;

⁹ Draft Estimates of Recurrent Expenditure for the Financial Year 2023, accessed September 28, 2022: <https://www.finance.gov.tt/wp-content/uploads/2022/09/Draft-Estimates-of-Details-of-Estimates-of-Recurrent-Expenditure-for-the-Financial-Year-2023.pdf>

¹⁰ There is no allocation to the Industrial Court under the Infrastructure Development Fund in FY 2023.

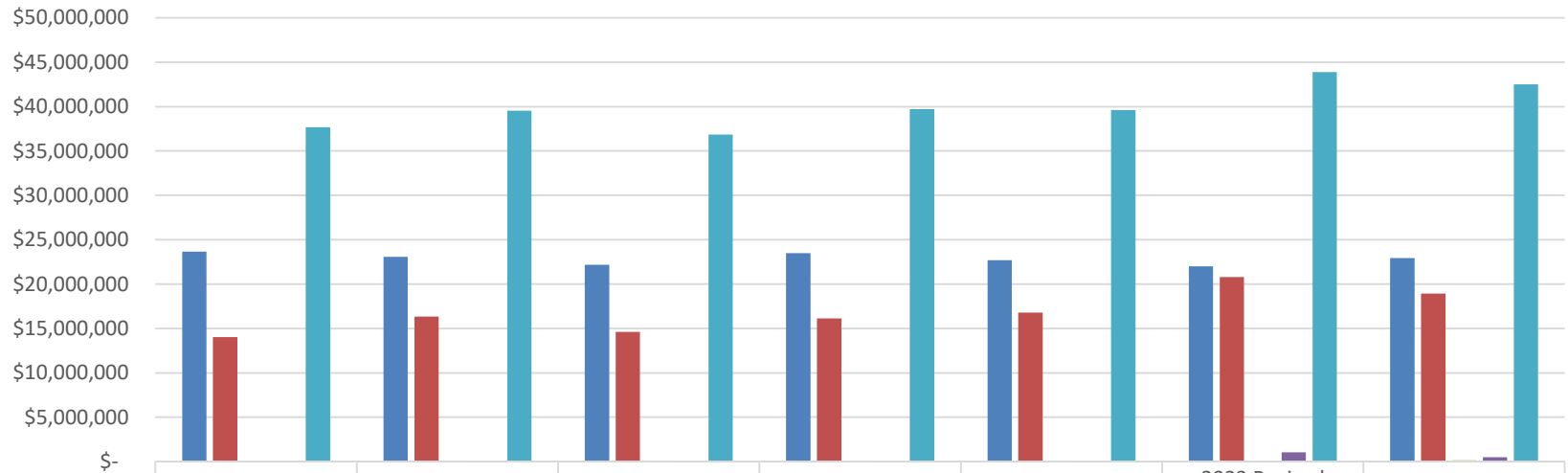
¹¹ Draft Estimates of Development Programme for the Financial Year 2023, accessed September 28, 2022: <https://www.finance.gov.tt/wp-content/uploads/2022/09/Draft-Estimates-of-Development-Programme-for-the-Financial-Year-2023.pdf>

- Consolidated Fund allocation as a percentage of the total Consolidated Fund allocation is = 0.063%



Summary of Recurrent Expenditure for the period 2017- 2023¹²

Industrial Court



	2017 Actual	2018 Actual	2019 Actual	2020 Actual	2021 Actual	2022 Revised Estimates	2023 Estimates
01 Personnel Expenditure	\$23,660,061	\$23,084,092	\$22,182,606	\$23,490,083	\$22,705,088	\$22,012,500	\$22,921,000
02 Goods and Services	\$14,022,214	\$16,354,750	\$14,599,547	\$16,132,590	\$16,790,093	\$20,801,635	\$18,938,450
03 Minor Equipment Purchases	\$1,336	\$104,274	\$70,654	\$80,627	\$105,791	\$40,000	\$150,000
04 Current Transfers and Subsidies	\$-	\$-	\$-	\$-	\$-	\$1,047,000	\$500,000
Total	\$37,683,611	\$39,543,116	\$36,852,807	\$39,703,300	\$39,600,972	\$43,901,135	\$42,509,450

¹² Draft Estimates of Recurrent Expenditure for the Financial Year 2023, accessed September 28, 2022: <https://www.finance.gov.tt/wp-content/uploads/2022/09/Draft-Estimates-of-Details-of-Estimates-of-Recurrent-Expenditure-for-the-Financial-Year-2023.pdf>

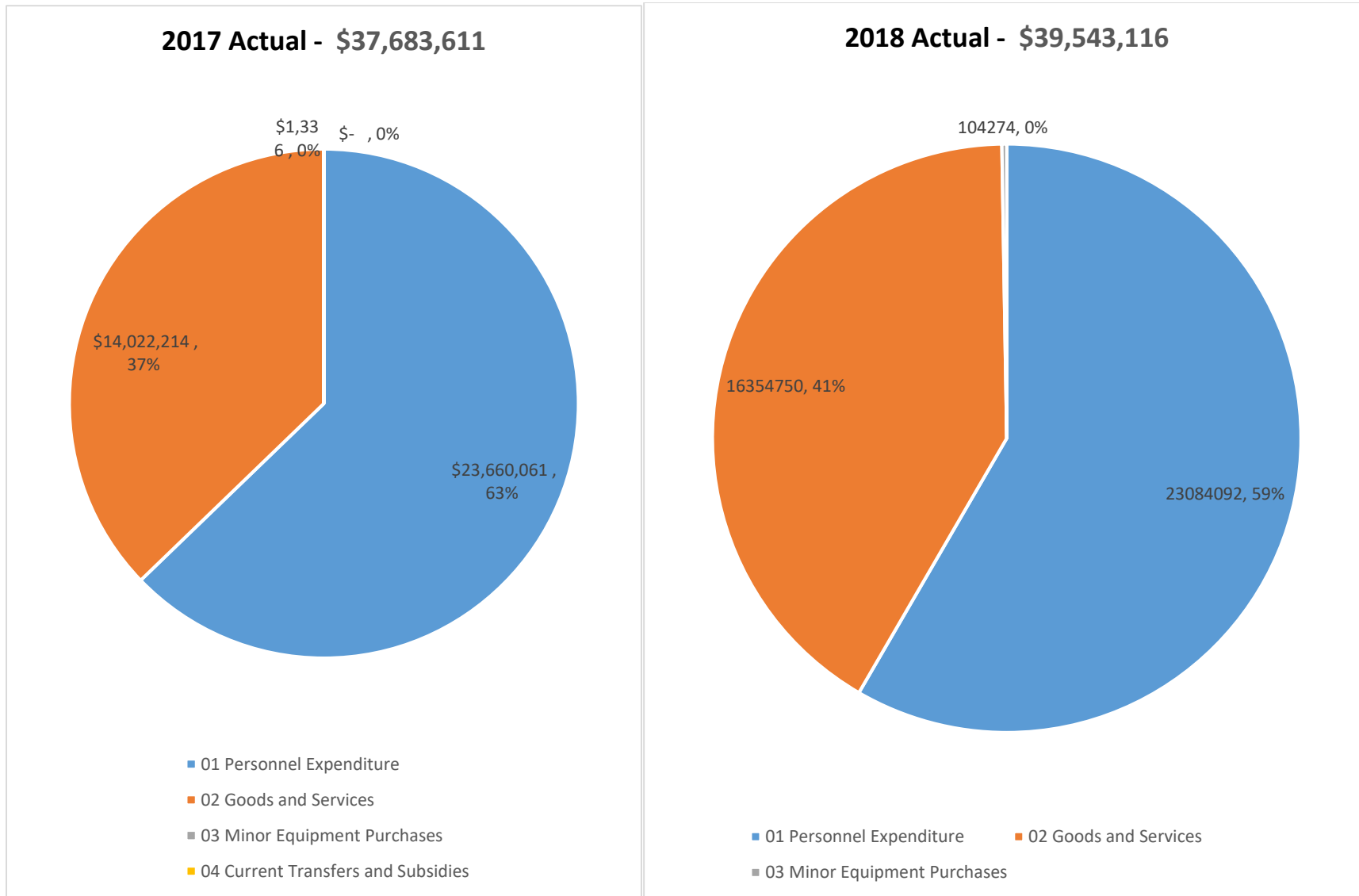
Analysis of Summary of Expenditure¹³

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

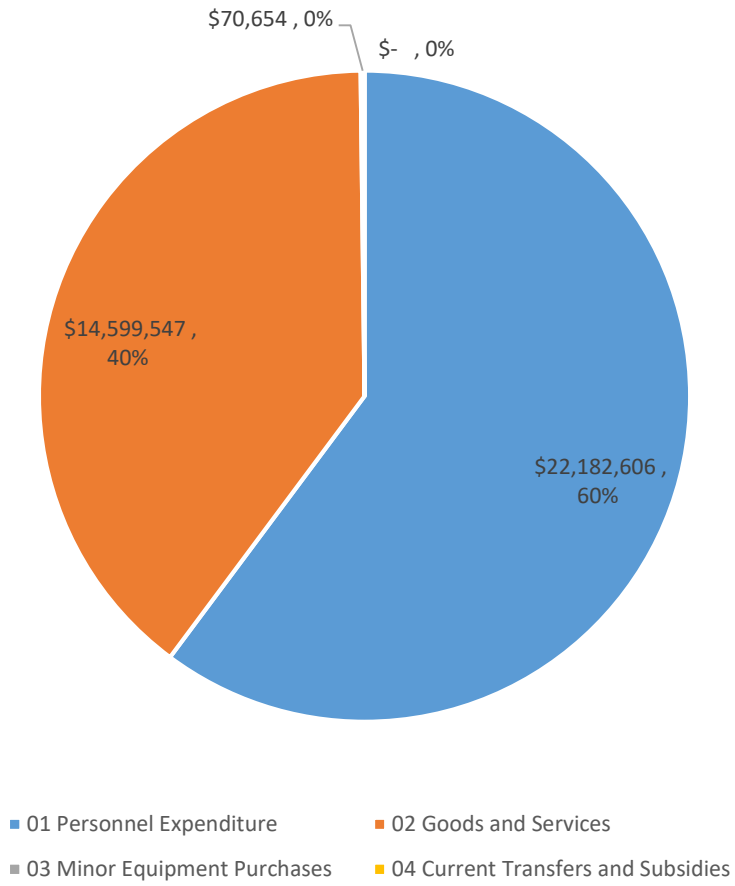
- Recurrent Expenditure for Fiscal Year 2022/2023 is **\$42,509,450.00**.
- Recurrent Expenditure (**revised**) for Fiscal Year 2021/2022 was **\$43,901,135.00**. Comparing this figure with Fiscal Year 2022/2023, there has been a decrease of 3.2%.
- The **largest** portion of the allocation has consistently gone to **Sub-Head 01 Personnel Expenditure**. This figure has been fluctuating between 50.1% (2022) and 62.8% (2017) of the Court's Recurrent Expenditure over the period 2017-2023, accounting for approximately **53.9%** of total funding for the Court for fiscal year 2022/2023.
- **Sub-Head 02 Goods and Services** received the **second largest** portion of the allocation. It represented on average 41.9% of the Court's Recurrent Expenditure allocation from FY 2017 to FY 2023. Goods and Services' share of 44.6% of the allocation in FY 2023, FY 2017 is the lowest level for that Sub-Head over the period.
- **Sub-Head 03 Minor Equipment Purchases** averaged 0.2% from 2017 to 2023 and represents 0.35% of the Court's 2023 Recurrent Expenditure allocation.
- **Sub-Head 04 Current Transfers and Subsidies** received the **lowest** portion of the total recurrent allocation for the Court over the period 2017 to 2021, and the second lowest in 2022 and 2023.

¹³ Draft Estimates of Recurrent Expenditure for the Financial Year 2022, accessed September 28, 2022: <https://www.finance.gov.tt/wp-content/uploads/2022/09/Draft-Estimates-of-Details-of-Estimates-of-Recurrent-Expenditure-for-the-Financial-Year-2023.pdf>

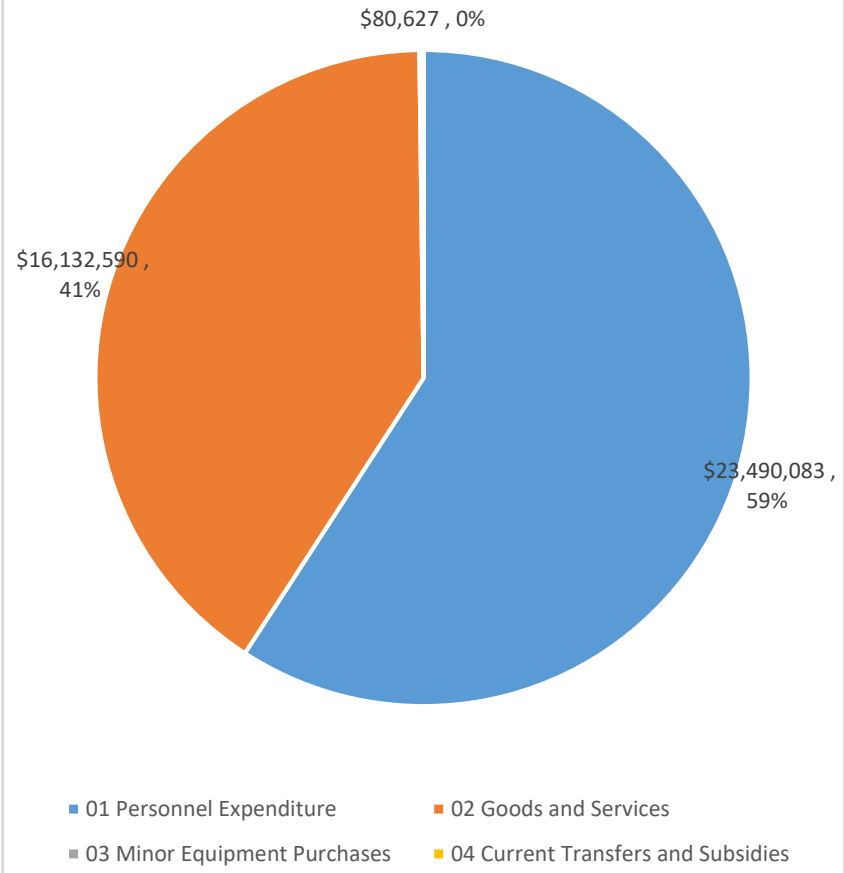
➤ The actual/estimated expenditure has been **fluctuating** over the seven (7) year period from a **low \$36,852,807** in fiscal year 2019 to a high of **\$49,183,247** in fiscal year 2022.

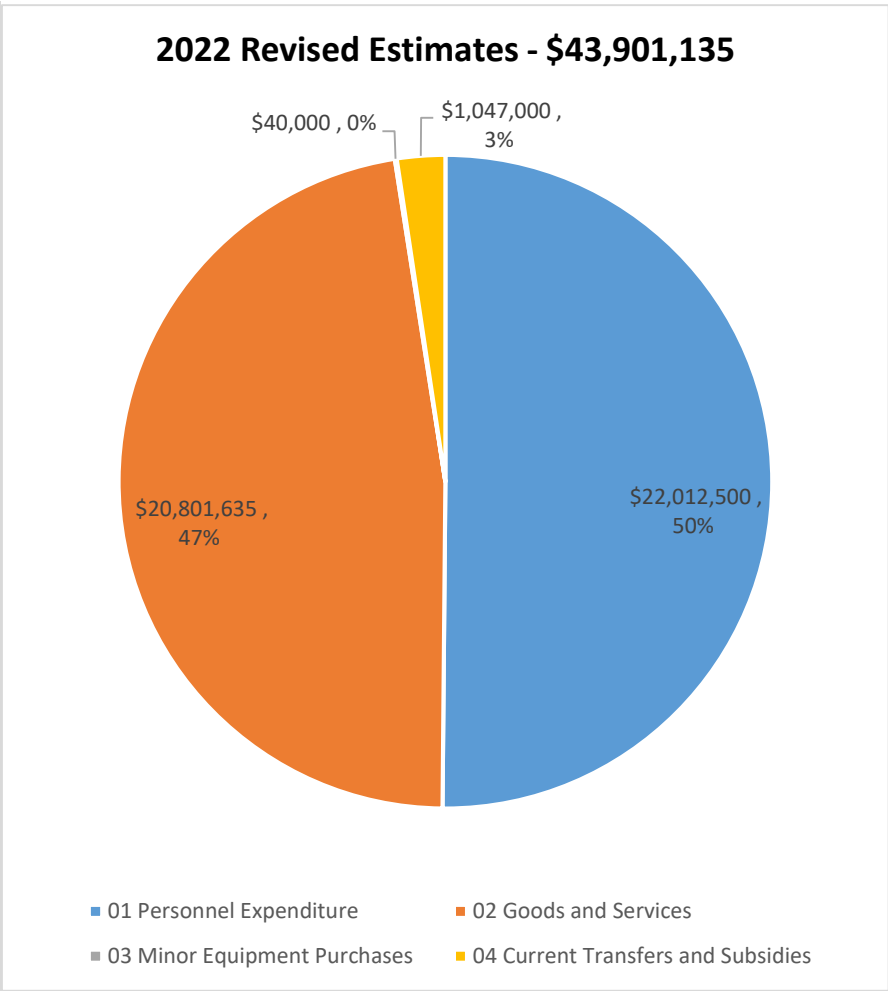
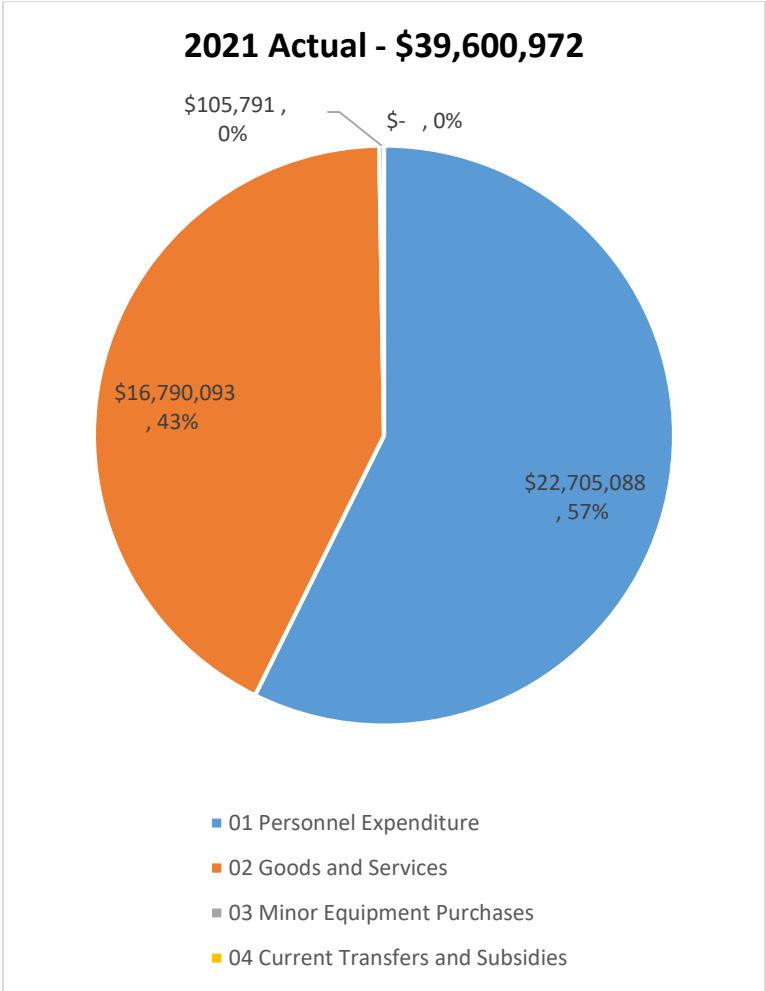


2019 Actual - \$36,852,807

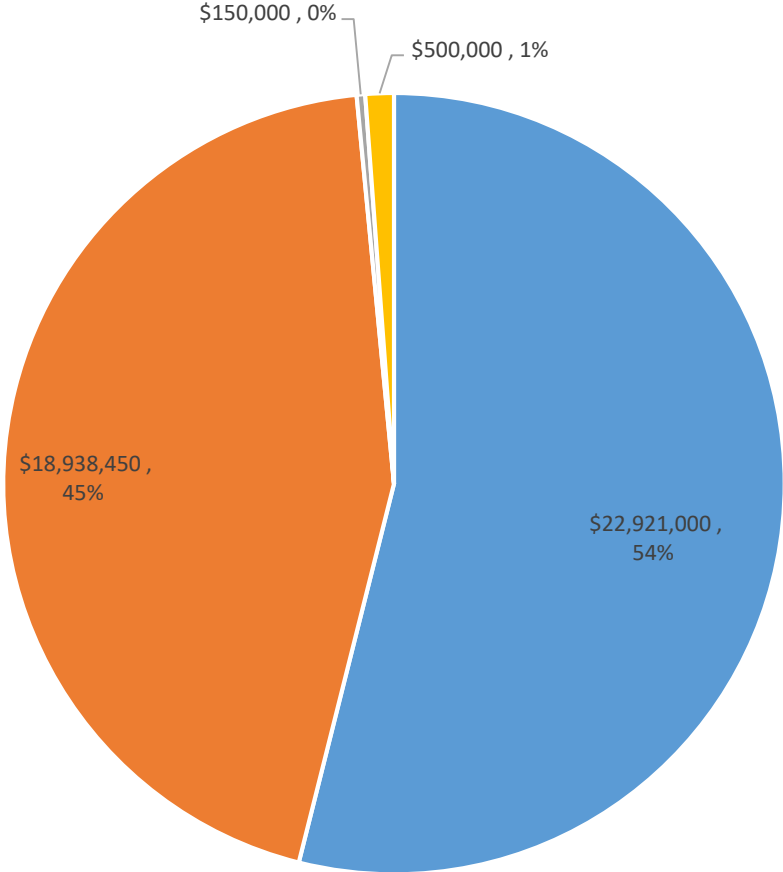


2020 Actual - \$39,703,300





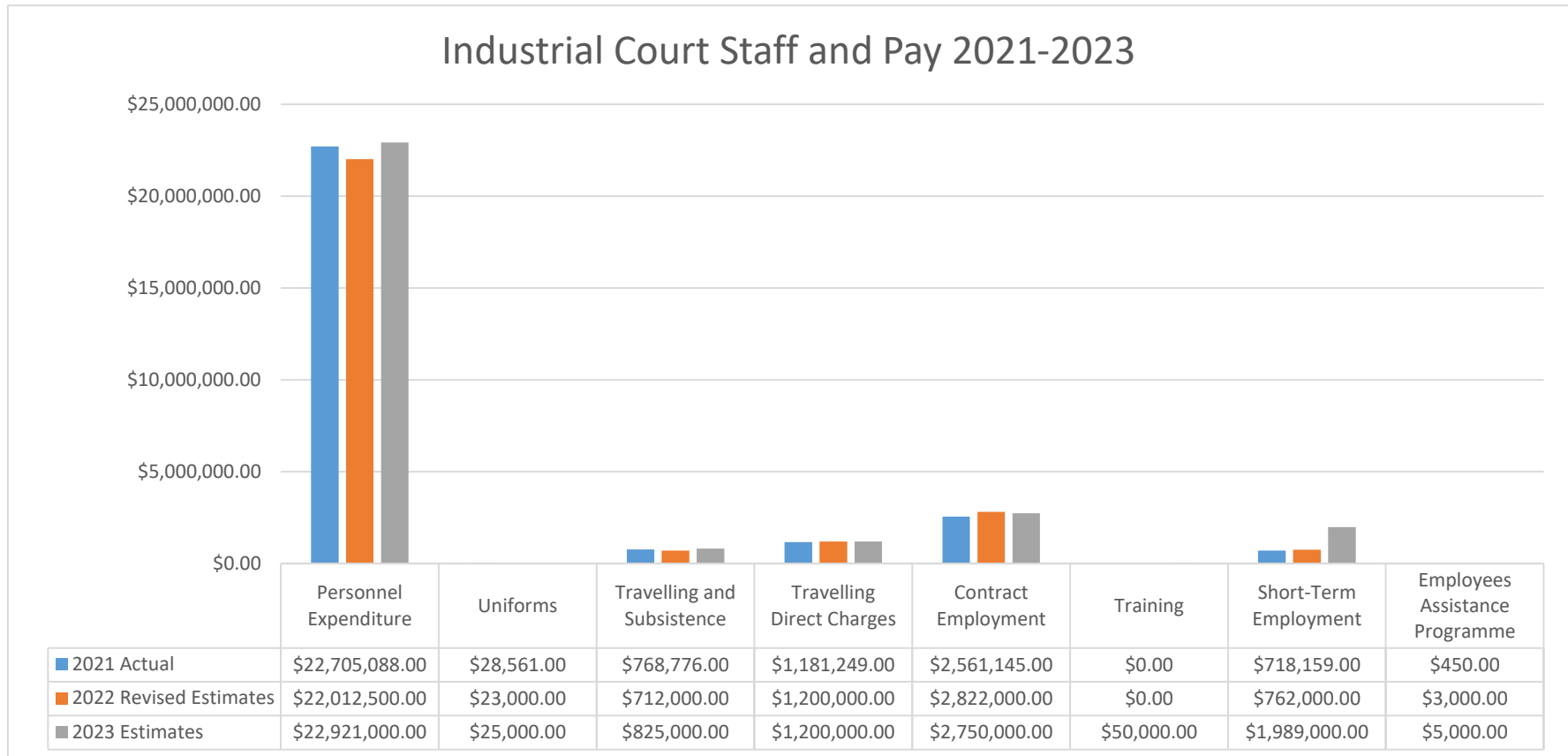
2023 Estimates - \$42,509,450



- 01 Personnel Expenditure
- 02 Goods and Services
- 03 Minor Equipment Purchases
- 04 Current Transfers and Subsidies

Staff and Pay¹⁴

The allocation of staff expenditure for the fiscal year 2023 is **\$\$29,765,000** which represents an increase of approximately 8% from the last fiscal year 2021/2022. The diagram presented below provides a breakdown of all staff related expenditure from the years 2022-2023.



¹⁴ Draft Estimates of Recurrent Expenditure for the Financial Year 2023, accessed September 28, 2022: <https://www.finance.gov.tt/wp-content/uploads/2022/09/Draft-Estimates-of-Details-of-Estimates-of-Recurrent-Expenditure-for-the-Financial-Year-2023.pdf>

Summary of Development Programme Expenditure for the period 2017 - 2023¹⁵

The Development Programme is a capital expenditure programme aimed at improving and enhancing development in different areas of Trinidad and Tobago which includes; human resources, economic and social development.

Draft Estimates of Development Programme in the sum of **\$2,000,000.00**.

The funds are presented in two parts as follows:

- Funds disbursed directly from the Consolidated Fund total **\$2,000,000.00** representing approximately 4.5% of the total allocation to the Court; and
- Funds disbursed from the Infrastructure Development Fund: **no funds** were disbursed to the Personnel Department for 2022/2023.



¹⁵ Draft Estimates of Development Programme for the Financial Year 2023, accessed September 28, 2022: <https://www.finance.gov.tt/wp-content/uploads/2022/09/Draft-Estimates-of-Development-Programme-for-the-Financial-Year-2023.pdf>

Noteworthy Development Programme Estimates 2021-2023

The table below lists the projects that have experienced uncharacteristic variances in estimates for funding:¹⁶

Development Programme 2021	PROJECTS	2021 Actual	2022 Revised Estimate	2023 Estimate
CF005-06-A-001	Computerisation of the Industrial Court	\$545,705.00	\$912,000.00	\$1,000,000.00
CF005-06-F-001	Improvement Works and Furnishing of the Industrial Court	\$427,111.00	-	-
CF005-06-F-004	Accommodation for Tobago Office of the Industrial Court	\$112,500.00	-	\$1,000,000.00

¹⁶ Draft Estimates of Development Programme for the Financial Year 2023, accessed September 28, 2022: <https://www.finance.gov.tt/wp-content/uploads/2022/09/Draft-Estimates-of-Development-Programme-for-the-Financial-Year-2023.pdf>

Status of New Projects from Financial Years 2017 to 2023

NOTE:

- No new projects received funding in the 2017¹⁷, 2018¹⁸, 2019¹⁹ 2020²⁰ and 2021²¹ financial years.
- There are no new projects for financial year 2023²²

¹⁷ Estimates of Development Programme 2017, accessed September 29, 2022: <https://www.finance.gov.tt/wp-content/uploads/2016/09/Development-Programme-2017-Final-Book-Numbered.pdf>

¹⁸ Estimates of Development Programme 2018, accessed September 29, 2022: <https://www.finance.gov.tt/wp-content/uploads/2018/01/Numbered-Final-Estimates-of-Development-Programme.pdf>

¹⁹ Draft Estimates of Development Programme 2019, accessed September 29, 2022: <https://www.finance.gov.tt/wp-content/uploads/2018/10/Numbered-Draft-Estimates-Of-Development-Programme-New-2019.pdf>

²⁰ Estimates of Development Programme 2020, accessed September 29, 2022: <https://www.finance.gov.tt/wp-content/uploads/2020/01/Estimates-of-Development-Programme-2020.pdf>

²¹ Estimates of Development Programme 2021, accessed September 29, 2022: <https://www.finance.gov.tt/wp-content/uploads/2020/12/Estimates-of-Development-Programme-2021.pdf>

²² Draft Estimates of Development Programme for the Financial Year 2023, accessed September 28, 2022: <https://www.finance.gov.tt/wp-content/uploads/2022/09/Draft-Estimates-of-Development-Programme-for-the-Financial-Year-2023.pdf>

General Useful Information

- The Industrial Arbitration Court, Singapore: <https://www.iac.gov.sg/about-us>
- Industrial Tribunal, The Bahamas: <http://industrialtribunal.org/home/>
- The Employment Court, New Zealand: <https://employmentcourt.govt.nz/about/>
- The Labour Court, Republic of Ireland: <https://www.labourcourt.ie/en/about-us/>
- The South African Labour Courts: <https://www.justice.gov.za/labourcourt/>