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1710

Government of the Republic of Trinidad and Tobago
PUBLIC STATEMENT OF THE PERSONNEL DEPARTMENT

in compliance with

Sections 7, 8 and 9 of the Freedom of Information Act 1999 (FOIA)

In accordance with Sections 7, 8 and 9 of the Freedom of Information Act (FOIA) 1999 the Personnel Department is required to publish the following statements which list the documents and information generally available to the public.

The Act gives members of the public:

- a legal right for each person to access information held by the Personnel Department;
- a legal right for each person to have official information relating to him/herself amended where it is incomplete, incorrect or misleading;
- a legal right to obtain reasons for adverse decisions made regarding an applicant's request for information under FOIA;
- a legal right to complain to the Ombudsman and to apply to the High Court for Judicial Review to challenge adverse decisions made under the FOIA.

Section 7 Statements

Section 7(1) (a) (i): Function and structure of the Personnel Department

The Personnel Department, the Head of which is the Chief Personnel Officer, was established by the Civil Service Act, No. 29 of 1965, which came into force on 27th August 1966. This Act, which is now Chapter 23:01 of the Laws of the Republic of Trinidad and Tobago, sets out, at section 14(1), the following as the powers and duties of the Personnel Department:

- 14(1) The Department shall carry out such duties as are imposed on it by this Act and the regulations, and in addition shall have the following duties:
- (a) to maintain the classification of the Civil Service and to keep under review the remuneration payable to civil servants;
 - (b) to administer the general regulations respecting the Civil Service;
 - (c) to provide for and establish procedures for consultation and negotiation between the Personnel Department and an appropriate

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recognised association or associations in respect of:

- (i) the classification of offices;
- (ii) any grievances;
- (iii) remuneration; and
- (iv) the terms and conditions of employment.

The Personnel Department is also empowered to perform the above functions under similar provisions found in the following Acts:

- The Education Act, Chap. 39:01, formerly Act I of 1966
- The Police Service Act, Chap. 15:01, formerly Act 30 of 1965
- The Fire Service Act, Chap. 35:50, former Act 31 of 1965
- The Prison Service Act, Chap. 13:02, formerly Act 32 of 1965

These Acts all provide for consultation and negotiation between the Personnel Department and appropriate recognised associations representing the public officers in the respective services with regard to the same matters as are specified above from the Civil Service Act. These Acts also provide for the procedures to be followed where negotiations result in agreement or disagreement between the parties.

Under the Statutory Authorities Act, Chap. 24:01, formerly Act No. 16 of 1966, the functions specified above under the Civil Service Act are also the responsibility of the Personnel Department. However, where no agreement is reached after consultation and negotiation, the dispute is dealt with in accordance with the procedure relating to disputes as contained in the Industrial Relations Act, Chap. 88:01, formerly Act 23 of 1972.

The Chief Personnel Officer, as Head of the Personnel Department, is deemed by section 2(4)(a) of the Industrial Relations Act (IRA), to be the employer, for purposes of the said Act, of any worker employed by the Government and by section 2(5) to be the employer of any worker employed by the Municipal Corporations or the Tobago House of Assembly.

The clients of the Personnel Department include Public Officers, Officers of Statutory Authorities falling under the Statutory Authorities Act and workers, as defined by the IRA, who are in the employ of the Government, the Municipal Corporations or the Tobago House of Assembly.

Over time, the Department's functions have expanded to include responsibility for:

- secretariat and technical services to the Salaries Review Commission established by section 140 of the Constitution;
- secretariat and technical services to the Committee of Cabinet Ministers responsible for Public Sector Negotiations;
- The Students' Revolving Loan Fund;

The Salaries Review Commission

The Salaries Review Commission is required by Section 141 of the Constitution to review the salaries and other conditions of service of the President, members of Parliament and the holders of various prescribed offices which include those of Top Managers in the Public Service.

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The Public Sector Negotiations Committee

The Committee of Cabinet Ministers, responsible for Public Sector Negotiations, oversees negotiations between organisations that operate mainly with public funds and trade unions/associations, and issues guidelines for such negotiations and for the fixing of remuneration of non-unionised employees.

The Students' Revolving Loan Fund (SRLF)

The Students' Revolving Loan Fund (SRLF) is a body corporate established in 1973 by the Students' Revolving Loan Fund Act, Chap. 39:05. The Personnel Department administers the Fund, with the Chief Personnel Officer as ex-officio Chairman of the Board.

Effect of the functions of the SRLF on members of the public

The purpose of the Fund is to enable loans to be made to deserving nationals desirous of pursuing prescribed courses of study at tertiary/technical institutions, in priority areas of study.

Additionally, as a central Human Resource Management agency, the Personnel Department is involved in the following activities:

- The formulation of policy in those areas of Human Resource Management that do not fall under the purview of the Service Commissions, viz., staffing (*recruitment, selection, placement, promotion, transfer, and termination*) and discipline, but including several which had not been addressed previously, such as human resource planning, succession planning and career development.
- The formulation of public sector-specific policies in “new” areas, such as Occupational Safety and Health, and the development of guidelines for the Public Service on the treatment of persons afflicted with HIV/AIDS and other life threatening diseases.
- The provision of advice on the establishment, review and implementation of the regulatory framework for Human Resource Management in the Public Service.
- The provision of advisory and consultative services in the sphere of Human Resource Management to line Ministries and Departments.
- The monitoring and auditing of the practice of Human Resource Management by the Human Resource Management Units established in line Ministries and Departments.

The terms and conditions of employment of persons employed on contract are, by decision of Cabinet, determined by the Personnel Department.

The structure of the Personnel Department is designed to enable it to fill the obligations embraced in the above legal and administrative responsibilities as well as to meet the challenges flowing from its strategic plan to be a Central Human Resource Management Agency for the public sector.

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Some understanding of the implications of this plan can be had from the following statements of the Department's Vision and Mission:

Vision: To be the model provider of contemporary Human Resource Management and Industrial Relations solutions in the Public Sector

Mission: To excel in the development of quality Human Resource Management policies, and in the application of Industrial Relations best practices and people management solutions for the well-being of the Public Service and the nation.

The Department is structured along functional lines and comprises the following Divisions, the names of which are indicative of their areas of responsibility:

- Compensation Management
- Benefits Management
- Industrial and Labour Relations
- Human Resource Policy Planning and Research
- Legal Services
- Human Resource Management Services
- Corporate Services

Section 7(1) (a) (ii): Categories of documents in the possession of the Personnel Department

1. Administrative files used in the daily operations of the Department
2. Personnel files
3. Files dealing with accounting and financial management
4. Files dealing with official correspondence
5. Financial records
6. Cabinet documents
7. Policy files
8. Strategic Plan of the Personnel Department
9. Training/Human Resource Development Plans for the Personnel Department
10. Legislation and legal instruments
11. Legal opinions and related matters
12. Minutes/Agenda of meetings
13. Files dealing with circulars, memoranda, notices, bulletins
14. Files dealing with official functions, conferences and events hosted and attended by the Personnel Department
15. Personnel Department Newsletter
16. Files relating to Contract Employment
17. Vision & Mission statements
18. Memoranda of Agreement
19. Class Specifications in respect of offices in the Civil Service and Statutory Authorities subject to the Statutory Authorities Service Act Chapter 24:01
20. Job Specifications and Descriptions in respect of offices in the Teaching, Fire, Prisons, Police, and Judicial and Legal Services

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Section 7 (1) (a) (ii): Categories of documents in the possession of the Students' Revolving Loan Fund

1. Loan application forms
2. Minutes of meetings of the Board
3. List of approved institutions of study
4. List of approved courses of study
5. Guidelines for approval of loans

Section 7 (1) (a) (iii): Material prepared for publication or inspection

1. *Personnel Department (Office of the Chief Personnel Officer): Role, Responsibilities and Functions*
2. *Manual of Terms and Conditions of Employment*
3. *Guidelines on Devolved Functions*
4. *Reports prepared by the Salaries Review Commission*
5. *Employee Assistance Programme (EAP) Policy for the Public Service of Trinidad and Tobago*
6. *Guidelines for the Administration of the Employee Assistance Programme (EAP) for the Public Service of Trinidad and Tobago*
7. *Branching Out A Guide to VTEP*
8. Documents of Sessions of the Industrial Relations Management Roundtable:
 - i. *The Industrial Court and the Principles of Equity*
 - ii. *Violence in the Workplace*
9. Manuals on the Performance Management system:
 - i. *Discussing Performance: A Programmed Learning Text*
 - ii. *Shaping Performance: A Manual for Performance Management in the Public Service*

There will be a cost applied to the photocopying of the documents listed above.

Section 7 (1) (a) (iv): Literature available by subscription

- This section is not applicable at this time.

Section 7 (1) (a) (v): Procedure to be followed when accessing a document from the Public Authority

- *General Procedure*

It is the policy of the Personnel Department to respond to all requests for information, both oral and written. However, in order to have the rights given by the FOIA (for example, the right to challenge a decision if a request for information is refused), the request must be made in writing. In order to access information that is not readily available in the public domain, the applicant must, therefore, complete the appropriate form, *Request for access to Official Documents*, available at the Personnel Department, the Students' Revolving

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Loan Fund or any Public Authority.

- *Addressing Requests*

To facilitate prompt handling of the request, such a request must be addressed to the Designated Officer of the Personnel Department.

- *Details to be included in the Request*

Applicants are asked to provide details that would allow for ready identification and location of the records that are being requested. If insufficient information is provided, clarification will be sought from the applicant. If the applicant is uncertain as to the details to be included, the Designated Officer will assist.

Requests not handled under the FOIA

A request under the FOIA will not be processed to the extent that it asks for information, for example, material contained within **Acts** and **Legal Notices**, and **Gazettes**, which are currently available in the public domain, either from this Department or from another public authority.

Responding to requests

The Personnel Department and the Students' Revolving Loan Fund are required to furnish copies of documents only when they are in the Department's possession or they can be retrieved from storage, either in the National Archives or another storage centre.

Subject to *Section 8 Statements*, an applicant is entitled to only one (1) copy of a document held in the Department. If we are unable to make a legible copy of a document, we will furnish the best copy possible and note its quality in our reply.

Please note that the Personnel Department is not compelled to do the following:

- (a) Create new documents
- (b) Perform research for the applicant

Time Limits

- *General*

The Personnel Department will determine whether a request for access to information will be granted as soon as practicable but no later than 30 days after the request has been made, as required by Section 15 of the FOIA. If a decision is taken to grant access to the information requested, you will be permitted to inspect the documents or be provided with copies, if you so request.

- *Fees and Refunds*

The Freedom of Information Fees and Charges Regulations prescribe the fees incurred in making documents available. Where such fees are payable, you are entitled to receive the document/s within seven days of payment of the relevant fee. If we fail to provide the information within the seven-day period, you are entitled to a refund of the fees in addition to access to the document/s requested.

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Section 7 (1) (a) (vi):

Officers in the Personnel Department/Students' Revolving Loan Fund are responsible for:

1. the initial receipt of an action upon notices under section 10;
2. requests for access to documents under Section 13; and
3. applications for correction of personal information under Section 36 of the FOIA.

The Designated Officer is: Ms Gillian Viechweg

The Alternate Officer is: Ms Jane Hopkinson

Address: Personnel Department
Valpark Building
76-78 St. Vincent Street
Port of Spain

Telephone: (868) 623 1621-5

Fax: (868) 624 2640

Section 7 (1) (a) (vii) Advisory Boards, Councils, Committees, and other Bodies

- o This section is not applicable at this time.

Section 7 (1) (a) (viii): Library/Reading Room Facilities

Information can be accessed at the Personnel Department's Library, situated on Level 3 of the Valpark Building, 76-78 St Vincent Street, Port of Spain or, in respect of the Students' Revolving Loan Fund, at the Fund's offices on Level 4 of the ABMA Building, 55-57 St. Vincent Street, Port of Spain, between the hours of 9:00 am. and 3:30 p.m., Monday to Friday.

All documents are available for perusal and, where possible, copies will be made available at a small cost. Textbooks in the Personnel Department's library are not available for loan.

Section 8 Statements

The documents listed at numbers 1-3 below are used to guide officers within the Personnel Department and are available for purchase at the Government Printery. Those listed at numbers 4-25 are available at the Personnel Department for inspection purposes only. Where photocopies of parts of the documents are requested, a small charge will apply.

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1. Service Acts and Regulations
2. Laws of the Republic of Trinidad and Tobago
3. Guidelines for contract employment in Government Ministries/Departments and Statutory Authorities the Tobago House of Assembly
4. Circular Memoranda to Permanent Secretaries/Heads of Department and the Chief Administrator, Tobago House of Assembly
5. Circulars and Circular Memoranda to Permanent Secretaries/Heads of Department and the Chief Administrator, Tobago House of Assembly in respect of *Guidelines for the Administration of Devolved Functions*
6. Manual of Terms and Conditions of Employment (for inspection, only)
7. Minutes of meetings with Association/Unions including Step IV, Grievance Procedure (Daily-rated) except where parties agree they are confidential
8. Memoranda of Agreement with various Associations/Unions
9. Collective Agreements for daily rated employees negotiated with the several Unions representing daily-rated employees of the Central Government, the Regional Corporations, the Tobago House of Assembly, and the Statutory Authorities (including the Port of Spain and San Fernando Corporations) in respect of whom the Chief Personnel Officer is deemed to be the Employer.
10. Classification and Compensation Plan for the Trinidad and Tobago Teaching Service
11. Classification and Compensation Plan for the Trinidad and Tobago Police Service
12. Classification and Compensation Plan for the Trinidad and Tobago Fire Service
13. Classification and Compensation Plan for the Trinidad and Tobago Prison Service
14. Classification and Compensation Plan for the Civil Service
15. Remuneration Arrangements for holders of Offices in the Judicial and Legal Service
16. Report of the Committee to examine the future direction of Defence Force Pay
17. Report of Cabinet-appointed Committee to explore issues related to the implementation of Group Health Insurance Coverage for the Public Service

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18. A report of the selection of an Administrator for the Group Health Plan by a Joint Committee or representatives from NUGFW and the Personnel Department
19. A report on the evaluation of prospective Plan Administrators of the Group Health Plan for monthly-paid officers in the Civil Service, Statutory Authorities and the Tobago House of Assembly
20. Documents of Sessions of the Industrial Relations Management Roundtable:
 - *The Industrial Court and the Principles of Equity*
 - *Violence in the Workplace*
21. Reports of the Salaries Review Commission that have been approved by Cabinet
22. Personnel Department Circulars 1969 to 2005
23. *Personnel Department (Office of the Chief Personnel Officer): Role, Responsibilities and Functions*
24. *Employee Assistance Programme (EAP) Policy for the Public Service of Trinidad and Tobago*
25. *Guidelines for the Administration of the Employee Assistance Programme (EAP) for the Public Service of Trinidad and Tobago*
26. *Branching Out – A guide to VTEP*
27. Manuals on the Performance Management system:
 - *Discussing Performance: A Programmed Learning Text*
 - *Shaping Performance: A Manual for Performance Management in the Public Service*

Section 9 Statements:**Reports and Statements****Section 9 (1) (a):**

A report or a statement containing the advice or recommendations of a body or entity established within the public authority.

- This section is not applicable at this time.

Section 9 (1) (b):

A report or a statement containing the advice or recommendations (a) of a body or entity established outside the public authority by or

under a written law; or (b) by a Minister of Government or other public authority for the purpose of submitting a report or reports, providing advice or making recommendations to the public authority or to the responsible Minister of that public authority

- This section is not applicable at this time.

Section 9 (1) (c):

A report or a statement containing the advice or recommendations of an inter-departmental committee whose membership includes an officer of the public authority.

- This section is not applicable at this time.

Section 9 (1) (d):

A report or a statement containing the advice or recommendations of a committee established within the public authority to submit a report, provide advice or make recommendations to the responsible Minister of that public authority or to another officer of the public authority who is not a member of the committee.

- This section is not applicable at this time.

Section 9 (1) (e):

A report (including a report concerning the results of studies surveys or tests) prepared for the public authority by a scientific or technical expert, whether employed within the public authority or not, including a report expressing the opinion of such an expert on scientific or technical matters.

- This section is not applicable at this time.

Section 9 (1) (f):

A report prepared for the Personnel Department by a consultant who was paid for preparing the report.

The following reports are for examination only:

- Public Service Survey (PriceWaterhouseCoopers)
- Consultants' Report prepared by KPMG Consulting on the Job Evaluation Exercise in the following Services:
 - Teaching Service

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- Prison Service
- Police Service
- Fire Service
- Consultants' Report on the Job Evaluation Exercise in the Judicial and Legal Service (PriceWaterhouseCoopers)

Section 9 (1) (g): A report prepared within the public authority and containing the results of studies, surveys or tests carried out for the purpose of assessing, or making recommendations on, the feasibility of establishing a new or proposed Government policy, programme or project.

- This section is not applicable at this time.

Section 9 (1) (h): A report on the performance or efficiency of the public authority, or of an office, division or branch of the public authority, whether the report is of a general nature or concerns a particular policy, programme or project administered by the public authority

Section 9 (1) (i): A report containing (a) final plans or proposals for the re-organisation of the functions of the public authority; (b) the establishment of a new policy, programme or project to be administered by the public authority; or (c) the alteration of an existing policy, programme or project administered by the public authority, whether or not the plans or proposals are subject to approval by an officer of the public authority, another public authority, the responsible Minister of the public authority or Cabinet.

- Strategic Plan of the Personnel Department 2001-2004
- Human Resource Development Plan of the Personnel Department 2004-2006
- Introduction of New Technology (Systems and Equipment) in the Public Service

Section 9 (1) (j): A report containing (a) final plans or proposals for the re-organisation of the functions of the public authority; (b) the establishment of a new policy, programme or project to be administered by the public authority; or (c) the alteration of an existing policy, programme or project administered by the public authority, whether or not the plans or proposals are subject to approval by an officer of

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the public authority another public authority, the responsible Minister of the public authority, or Cabinet.

- This section is not applicable at this time.

Section 9 (1) (k):

A report of a test carried out within the public authority on a product for the purpose of purchasing equipment.

- This section is not applicable at this time.

Section 9 (1) (l):

An environmental impact statement prepared within the public authority.

- This section is not applicable at this time.

Section 9 (1) (m):

A valuation report prepared for the public authority by a valuator, whether or not the valuator is an officer of the public authority.

- This section is not applicable at this time.