



TRINIDAD AND TOBAGO GAZETTE

(EXTRAORDINARY)

VOL. 47

Port-of-Spain, Trinidad, Tuesday 5th August, 2008—Price \$1.00

No. 115

1348

MINISTRY OF NATIONAL SECURITY

Appointments, etc.

THE following notice is a listing published for general information which has been approved in accordance with Public Service Commission (Delegation of Powers) (Amendment) Order, Legal Notice No. 105, dated 24th May, 2006.

Confirmation of Appointments

Name	Rank of Officer	Date of Confirmation
Mr. Andy Edwards	Immigration Officer IV	28th May, 2004
Mr. Anthony Manodath	Immigration Officer I	26th October, 2001
Mr. Anthony Manodath	Immigration Officer II	22nd November, 2002
Ms. Charlene Mayers Sargeant	Telephone Operator I	1st July, 2002
Mr. Louis Garraway	Scientific Officer I	18th May, 2004

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MINISTRY OF TRADE AND INDUSTRY

SEPARATIONS

The following arrangements are notified for general information:

Retirements

Name	Rank of Officer	Ministry/Department	Date	Remarks
Shirley Bhaggan	Executive Secretary	Trade and Industry	27th March, 2008	Voluntary Retirement
Ruth Ramnath	Trade Officer III	do.	20th May, 2008	Compulsory Retirement
Chrisendai Madoo	Clerk/Stenographer III	do.	30th May, 2008	do.
Marcia Herbert-Bernard	Clerk II	do.	2nd June, 2008	Permission to Retire
Yvonne Balbosa	Clerk/Typist II	do.	8th June, 2008	Compulsory Retirement
Carol Le Maitre	AO IV	do.	10th June, 2008	do.
Sandra Pierre	Clerk/Typist I	do.	1st May, 2007	Permission to Retire
Asha Rampersad	Clerk II	do.	1st November, 2006	do.
Omatee Maharaj	Clerk I	do.	1st May, 2007	do.
Jeanette Edwards	Clerk I	do.	10th July, 2008	do.

Government of the Republic of Trinidad and Tobago
Updated Public Statement of The Industrial Court of Trinidad and Tobago
In Compliance with sections 7, 8 and 9 of
The Freedom of Information Act (FOIA) 1999

In accordance with Sections 7, 8 and 9 of the Freedom of Information Act, 1999 (FOIA) **The Industrial Court of Trinidad and Tobago** is required by law to publish the following statements which list the documents and information generally available to the public.

The Act gives members of the public:

- (1) A legal right for each person to access information held by the Industrial Court;
- (2) A legal right for each person to have official information relating to him/herself amended where it is incomplete, incorrect or misleading;
- (3) A legal right to obtain reasons for adverse decisions made regarding an applicant's request for information under the FOIA.
- (4) 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 Industrial Court**

Mission Statement:

The Industrial Court's mission is to be an efficient and independent organization dispensing social justice, setting standards for management and labour jurisprudence, promoting industrial peace and contributing to the total development of Trinidad and Tobago.

The Industrial Court was established on March 20th, 1965 by section 5(1) of the Industrial Stabilisation Act. This act was repealed and replaced by the Industrial Relations Act, Chapter 88:01 on July 31st 1972. The Industrial Court is a superior court of record. As a superior court of record 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.

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 (I.R.A.), the Retrenchment and Severance Benefits

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Act, No. 32 of 1985, the Maternity Protection Act, No. 4 of 1998 and the Minimum Wages (Amendment) Act, No. 11 of 2000, the Civil Service Act)Chapter 23:01) and the Occupational Safety and Health Act (1 of 2004) as amended.

The Court consists of –

- a) A President of the Court who may be either:
 - i) A Judge of the Supreme Court of Judicature designated, with his consent, by the President of Trinidad and Tobago after consultation with the Chief Justice; or
 - ii) A person who has the qualification (age excepted) to be appointed a Judge of the Supreme Court of Judicature and is appointed by the President of Trinidad and Tobago after consultation with the Chief Justice.
- b) A Vice-President of the Court, who shall be a barrister or solicitor of not less than ten years standing, appointed by the President of Trinidad and Tobago;
- c) Such number of other members as may be determined by the President of Trinidad and Tobago from time to time who shall be appointed by the President of Trinidad and Tobago from among persons experienced in industrial relations or qualified as economists or accountants, or who are barristers or solicitors of not less than five years standing.

The Court sits in two Divisions:

- a) 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
- b) 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.

The Special Tribunal established by the Civil Service Act, Chapter 23:01 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.

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

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

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The current Judges of the Court are:

H.H. Mr. Cecil Bernard	-	President
H.H. Mr. Gregory Baker	-	Vice-President
H.H. Mrs. Eleanor Donaldson-Honeywell	-	Chairman, Essential Services Division

MEMBERS – ESSENTIAL SERVICES DIVISION

H.H. Mr. Vernon Ashby
H.H. Mrs. Judy Rajkumar-Gualbance
H.H. Mrs. Victoria Harrigin

MEMBERS – GENERAL SERVICES DIVISION

H.H. Mr. Albert Aberdeen
H.H. Mr. Patrick Rabathaly
H.H. Mr. Ramchand Lutchmedial
H.H. Mrs Sandra Ramparas
H.H. Ms. Bindimattie Mahabir
H.H. Mr. Herbert Soverall
H.H. Mrs. Lenore Harris
H.H. Mrs. Ruby Thompson-Boddie
H.H. Mr. Augustus Ramrekersingh
H.H. Mrs. Deborah Thomas-Felix
H.H. Mr. Gregory Rousseau
H.H. Mrs. Heather Seale
H.H. Mrs. Yvette Simon
H.H. Mr. Robert Linton

The Court also has a Registrar and other public officers who are required to provide the necessary support services for the smooth, effective and efficient performance of the Court's work.

Section 82(i) of the Industrial Relations Act establishes the Office of Economic and Industrial Research which has the following functions:

- a) to collect and compile in accordance with the directions of the Court, information which may be of assistance to the Court in the exercise of its powers and functions under the Act;
- b) to keep information as collected and compiled up-to-date; and
- c) to carry out research in respect of such matters as the Court may direct.

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Section 82 (3) stipulates that:

- (3) Information collected and compiled and the results of research carried out, under this section shall be furnished to any person, trade union or other organization desiring to obtain that information or those results.

Effect of functions on members of the public

The work of the Court impacts directly on members of the public. The Court in its decisions lays down key principles and guidelines for the conduct of good industrial relations thus setting the climate for industrial stability.

Section 7(1)(a)(ii)

Categories of Documents in the possession of the Industrial Court:

1. Files dealing with administrative support and general administrative documents for the operations of the Industrial Court.
2. Personnel files, which detail all staff appointments, job applications, job specifications, promotions, transfers, resignations, deaths, retirements, leave, vacation etc.
3. Files dealing with the accounting and financial management function of the Industrial Court.
4. Financial Records (cheques, vouchers, receipts, journals etc.).
5. Files dealing with matters relating to the procurement of supplies, services and equipment.
6. Internal and External correspondence files.
7. Legislation and Legal Instruments.
8. Files dealing with Circulars, memoranda, notices, bulletins, etc.
9. Legislation and other legal instruments (Laws of TT, Gazettes and subsidiary legislation)
10. Registry files dealing with all trade disputes, industrial relations offences, essential services disputes, Retrenchment and Severance Benefits Disputes, Maternity Protection Disputes, Minimum Wages Disputes, applications for interpretations, interim decisions, injunctions, hearings de novo, etc. These files contain notes of evidence and arguments particular to the dispute.
11. Court decisions 1965 – present
12. Local newspaper clippings on commentary on the Court, industrial relations, labour, trade unions, employment conditions, public sector policies.

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13. Research notes produced by the Office of Economic and Industrial Research.
14. Registered collective agreements; registered memorandum of agreements.
15. Verbatim notes of evidence.
16. ILO reports, law reports, books and periodicals on industrial relations, employment, trade unions, management, economics and other peripheral subjects.

Section 7(1)(a)(iii)

Material prepared for publication or inspection

The public may inspect and/or obtain copies of the following material between the hours of 8 a.m. to 4.p.m on normal working days at:

The Library
Industrial Court of Trinidad and Tobago
Cor. Queen and St. Vincent Streets, P.O.S.
Tel: 623-1304-8 exts. 2274-77
Fax: 623-6179

- Judgments of the Court from 1965 – present
- Annual bound volumes of Industrial Court Judgments. Presently available are volumes for years 1991, 1994, 1995, 1996, 1997 & 1999. Cost per volume is \$600.00.
- Labour legislation (I.R.A., R.S.B. Act, Minimum Wages Legislation, Maternity Protection Act). Cost per set is \$60.00.

The public can refer to the catalogue located in the Library for details on Court judgments.

The public may also inspect and/or obtain copies of the following material between the hours of 8.00 a.m to 4.00 p.m. on normal working days at:

The Office of Economic and Industrial Research
Tel: 623-1304-8 exts. 2296, 2301-4

- Registered collective agreements
- Research notes on economic and industrial relations data.

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

Members of the public may subscribe for the following material:

- Current year's judgments - - quarterly subscription. Cost varies per quarter depending on the number of pages per judgment. Requests to be made in writing to:

The Librarian
Industrial Court of Trinidad and Tobago
St. Vincent St., P.O.S.
Tel: 623-1304-8 ext. 2274-77

Section 7 (1) (a) (v)
Procedure to be followed when accessing a document from the Industrial Court

How to Request Information:

▪ **General Procedure**

Our policy is to answer all requests, both oral and written, for information. However, in order to have the rights given to you by the FOIA (for example the right to challenge a decision if your request for information is refused), you must make your request in writing. The applicant must, therefore, complete the appropriate form (*Request for Access to Official Documents*) available in our **Library/Registry**, for information that is not readily available in the public domain.

▪ **Addressing Requests:**

To facilitate prompt handling of your request, please address it to the Designated Officer of the Industrial Court (**see Section 7(1)(a) (vi)).**

▪ **Details in the Request**

Applicants should provide details that will 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 you are not sure how to write your request or what details to include, communicate with our Designated Officer.

Requests not handled under the FOIA

- A request under the FOIA will not be processed to the extent that it asks for information, which is currently available in the public domain, either from this Court or from another public authority, for example brochures and pamphlets etc.

Responding to your Request

▪ **Retrieving Documents:**

The Industrial Court is required to furnish copies of documents only when they are in our possession or where we can retrieve them from storage. Information stored in the National Archives or another storage center, will be retrieved in order to process your request.

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NOTE: Prior to the commencement of the Freedom of Information Act, 1999 old records may have been destroyed. The granting of a request for such documents may therefore be impossible. Various laws, regulations and manuals give the time periods for keeping records before they may be destroyed. For example, The Exchequer and Audit Act, Chap. 69:01.

▪ *Furnishing Documents:*

An applicant is entitled to copies of information we have in our possession, custody or power. We are required to furnish only one copy of a document. If we cannot make a legible copy of a document to be released, we may not attempt to reconstruct it. Instead, we will furnish the best copy possible and note its quality in our reply.

Please note we are not compelled to do the following:

- (a) Create new documents. For example, we are not required to write a new program so that a computer will print information in the format you prefer.
- (b) Perform research for you.

Time Limits

General

The FOIA sets certain time limits for us to decide whether to disclose the documents you have requested. If we fail to meet the deadlines, the FOIA gives you the right to proceed as if your request has been denied. We will try diligently to comply with the time limits, but if it appears that processing your request may take longer than the statutory limit, we will acknowledge your request and advise you of its status. Since there is a possibility that requests may be misaddressed or misrouted, you may wish to call or write to confirm that we have received the request and to ascertain its status.

▪ **Time Allowed**

The FOIA sets a time limit of thirty (30) calendar days from the date the request was received. We will determine whether to grant your request for access to information **as soon as practicable but no later than 30 days** 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.

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Section 7 (1) (a) (vi)**Officers in the Industrial Court responsible for:**

- (1) **The initial receipt of and action upon notices under section 10**
- (2) **Requests for access to documents under section 13 and**
- (3) **Applications for corrections of Personal Information under section 36 of the FOIA.**

The Designated Officer(s) is/are:

Ms. Monique Archer Library Assistant II
2nd Floor
Industrial Court of Trinidad and Tobago
Tel: 623-1304-8, ext. 2277

The Alternate Officer (s) is/are:

Ms. Verna Mc Ewen, Ag. Clerk III
Human Resource Unit
4th Floor
Industrial Court.

Section 7 (1) (a) (vii)

This section is not applicable to the Court.

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

Information in the public domain can be accessed in our Library. You may make general enquiries to our Librarian/Library Staff at 623-1304-8 ext. 2274-77.

The Library is located on the second floor of the Industrial Court Building. The Library is open to the public from Mondays to Fridays between the hours of 8 am to 4 pm.

Policy of the Industrial Court for provision of copies of documents held in the public domain

- Small charges for photocopies
- No bags allowed in the Library
- No smoking, eating or drinking is allowed in the Library
- Cell phones to be kept on mute mode

Section 8 Statements

Section 8 (1) (a) (i)

This section is not applicable.

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Section 8 (1) (a) (ii)

Manuals, rules of procedure, statements of policy, records of decisions, letters of advice to persons outside the Industrial Court, or similar documents containing rules, policies, guidelines, practices or precedents.

Not applicable

Section 8 (1) (b)

In enforcing written laws or schemes administered by the Industrial Court where a member of the public might be directly affected by that enforcement, being documents containing information on the procedures to be employed or the objectives to be pursued in the enforcement of, the written laws or schemes.

Not applicable

Section 9

- (a) a report, or a statement containing the advice or recommendations, of a body or entity established within the public authority;
- (b) a report, or statement containing the advice or recommendations, of a body or entity established outside the public authority by or under a written law, or 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;
- (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;
- (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 committee;
- (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;
- (f) a report prepared for the public authority by a consultant who was paid for preparing the report;
- (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;

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- (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;
- (i) a report containing final plans or proposals for the re-organisation of the functions of the public authority, the establishment of a new policy, programme or project to be administered by the public authority, or 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;
- (j) a statement prepared within the public authority and containing policy directions for the drafting of legislation;
- (k) a report of a test carried out within the public authority on a product for the purpose of purchasing equipment;
- (l) an environmental impact statement prepared within the public authority; and
- (m) a valuation report prepared for the public authority by a valuator, whether or not the valuator is an officer of the public authority.

Not applicable

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LOSS OF SCOTIALIFE TRINIDAD AND TOBAGO
LIMITED POLICIES

SWORN declaration having been made that Policy Number U00101612 issued by SCOTIALIFE TRINIDAD AND TOBAGO LIMITED on the life of VIDESH SIEWSARAN has been lost, and having made application to the Company for a duplicate policy, notice is hereby given that unless objection is raised within one month of the date thereof, the duplicate policy will be issued.

SCOTIALIFE TRINIDAD AND TOBAGO
LIMITED

56–58, Richmond Street
Port-of-Spain.

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SWORN declaration having been made that Policy Number U0000D201 issued by SCOTIALIFE TRINIDAD AND TOBAGO LIMITED on the life of NATALIE AIMES has been lost, and having made application to the Company for a duplicate policy, notice is hereby given that unless objection is raised within one month of the date thereof, the duplicate policy will be issued.

SCOTIALIFE TRINIDAD AND TOBAGO
LIMITED

56–58, Richmond Street
Port-of-Spain.

1353

SWORN declaration having been made that Policy Number U00112940 issued by SCOTIALIFE TRINIDAD AND TOBAGO LIMITED on the life of DAMION NANAN has been lost, and having made application to the Company for a duplicate policy, notice is hereby given that unless objection is raised within one month of the date thereof, the duplicate policy will be issued.

SCOTIALIFE TRINIDAD AND TOBAGO
LIMITED

56–58, Richmond Street
Port-of-Spain.

1354

SWORN declaration having been made that Policy Number U00114374 issued by SCOTIALIFE TRINIDAD AND TOBAGO LIMITED on the life of DAVID CRUICKSHANK has been lost, and having made application to the Company for a duplicate policy, notice is hereby given that unless objection is raised within one month of the date thereof, the duplicate policy will be issued.

SCOTIALIFE TRINIDAD AND TOBAGO
LIMITED

56–58, Richmond Street
Port-of-Spain.

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SWORN declaration having been made that Policy Number U00106603 issued by SCOTIALIFE TRINIDAD AND TOBAGO LIMITED on the life of LEONSON A. FOSTER has been lost, and having made application to the Company for a duplicate policy, notice is hereby given that unless objection is raised within one month of the date thereof, the duplicate policy will be issued.

SCOTIALIFE TRINIDAD AND TOBAGO
LIMITED

56–58, Richmond Street
Port-of-Spain.

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LOSS OF MARITIME LIFE (CARIBBEAN) LIMITED
POLICIES

BARBARA GLENDA DAVIS having made sworn declaration that Policy Number 231 444 issued by MARITIME LIFE (CARIBBEAN) LIMITED on the life of BARBARA GLENDA DAVIS has been lost and having made application to the Company for a duplicate policy, notice is hereby given that unless objection is raised within one month of the date thereof, the duplicate policy asked for will be issued.

MARITIME LIFE (CARIBBEAN) LIMITED

No. 29 Tenth Avenue,
Barataria.

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HUGO V. MC FARLANE having made sworn declaration that Policy Numbers 217 865, 227 797 and 269 149 issued by MARITIME LIFE (CARIBBEAN) LIMITED on the life of HUGO V. MC FARLANE have been lost and having made application to the Company for duplicate policies, notice is hereby given that unless objection is raised within one month of the date thereof, the duplicate policies asked for will be issued.

MARITIME LIFE (CARIBBEAN) LIMITED

No. 29 Tenth Avenue,
Barataria.

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LICENSING SESSION
(*Liquor Licences Act, Chap. 84:10*)

SANGRE GRANDE

NOTICE is hereby given that the Licensing Committee for the Licensing District of North-Eastern Counties, Sangre Grande Area, has appointed WEDNESDAY THE 17TH DAY OF SEPTEMBER, 2008 at 1.00 o'clock in the afternoon at the Sangre Grande Magistrate's Court as the day, hour and place at which a Session will be held for the granting of Certificates for the issue of New Licences in the above mentioned District for the period 1st October, 2008 to 31st March, 2009.

All applications for New Licences must be submitted to the Secretary, Liquor Licensing Committee in writing in quintuplicate on the prescribed forms, together with an application fee of forty dollars (\$40.00) and should reach the Secretary, Licensing Committee, Magistrate's Court, Sangre Grande on or before 20th day of August, 2008.

Dated this 25th day of July, 2008 at the Sangre Grande Magistrate's Court.

D. PARIA
*Secretary, Licensing Committee,
North-Eastern Counties*