

ONE HUNDREDTH REPORT

OF THE

SALARIES REVIEW COMMISSION

OF THE

REPUBLIC OF TRINIDAD AND TOBAGO

October 01, 2014

ONE HUNDREDTH REPORT OF THE SALARIES REVIEW COMMISSION

Review of Salary and other Conditions of Service to be applicable to the office of Lay-assessor, Equal Opportunity Tribunal

By letter dated March 17, 2014, His Excellency the President conveyed approval for the Salaries Review Commission (SRC) to review the salary and other conditions of service of the office of Lay-assessor, Equal Opportunity Tribunal. This office was placed within the purview of the SRC by virtue of Legal Notice No. 285 dated November 20, 2000.

2. Previously, by letter dated February 13, 2012, His Excellency the President had conveyed approval for the SRC to determine the salary and other conditions of service of the office of Lay-assessor, Equal Opportunity Tribunal, and recommendations thereon were contained in the Ninety-eighth Report of the SRC of November 29, 2013. Details of the recommendations made in the Ninety-eighth Report in respect of the terms and conditions of service for the office of Lay-assessor are set out in **Appendix I**.

The Establishment and Role of the Equal Opportunity Tribunal

3. The Equal Opportunity Tribunal was established by the Equal Opportunity Act, Chapter 22:03 as a superior court of record, which has, in addition to the jurisdiction and powers conferred on it by the Act, all powers inherent in such a court.

4. In accordance with section 41(3) of the said Act, the Tribunal has jurisdiction to:-
- a) hear and determine complaints referred to it by the Equal Opportunity Commission;
 - b) require persons to attend before it for the purpose of giving evidence and producing documents; and

- c) make such declarations, orders and awards of compensation as it thinks fit.

Composition of the Tribunal

5. The Tribunal comprises a Chairman, two (2) Lay-assessors, a Registrar and other support staff. The office of Lay-assessor was created under section 42(3) of the Act and the holder of the office is appointed by the President of the Republic of Trinidad and Tobago for a term of not less than three (3) years and is eligible for re-appointment.

Role and Function of the Lay-assessor, Equal Opportunity Tribunal

6. In accordance with the Act, the Lay-assessors are required to assist the Chairman in arriving at a decision in proceedings before the Tribunal. In this connection, the Chairman and Lay-assessors functioning together as the Tribunal, exercise the full jurisdiction and powers of a superior court of record.

7. Specifically, the Lay-assessor is required to perform the following stipulated functions:-

- a) Sit in open court with the Chairman and hear the evidence and legal submissions;
- b) Assist the Chairman in arriving at a just and equitable quantum in the event that compensation is to be awarded by the Tribunal to a successful complainant;
- c) Assist the parties involved in reconciling their differences should the proceedings become the subject matter of conciliation;
- d) Undertake any other relevant duties as assigned by the Chairman.

We are advised that in discharging the above functions, the Lay-assessor is expected to do so diligently, fairly, faithfully and with the highest level of integrity.

8. Further, we are advised that the Lay-assessor is not required to supervise or have any reporting responsibilities as regards staff of the Tribunal.

Qualifications and experience of Lay-assessor, Equal Opportunity Tribunal

9. In accordance with section 42(3) of the Act, a Lay-assessor should possess knowledge of or experience in law, religion, race relations, gender affairs, employment issues, education, culture, economics, social welfare or human rights and should have served in either of those fields for a period of not less than ten (10) years or should have served in a combination of these fields which in the aggregate is not less than ten (10) years.

Recommendations

10. In making our recommendations in respect of the office of Lay-assessor in our Ninety-eighth Report, we had considered the remuneration payable to other offices in institutions deemed Superior Courts of Record, such as Member, Tax Appeal Board; Member, Industrial Court and Member, Environmental Commission. We are satisfied that the comparators used to formulate our earlier recommendations are still valid. Also, in the instant review, we hold that our original recommendations on terms and conditions to be applicable to the office are still appropriate.


11. The foregoing, notwithstanding, we note that Cabinet, in its consideration of our Ninety-eighth Report, agreed that all positions which enjoyed the concession of full exemption from taxes and/or duties on the purchase of a new or used motor vehicle would maintain that facility. In the case of the office of Lay-assessor, no salary and terms and conditions of service existed prior to the recommendations made in the aforementioned Report, and as a consequence there is no facility to be maintained. We recognize that our recommendation as it relates to limits on exemptions from taxes and duties on motor vehicles for the office of Lay-assessor would create an anomaly in that

other similar offices would be in receipt of a higher benefit overall and this would impact negatively on the value of the total remuneration package of the office of Lay-assessor. Therefore, in order to maintain equity with those offices, we have made an exception to our original recommendation with respect to limits on exemption from taxes and duties on motor vehicles for the office of Lay-assessor. We have maintained our recommendations on salary and other terms and conditions of service of the office. The details of our recommendations for the office of Lay-assessor are set out in **Appendix II**.

12. Notwithstanding our recommendation with respect to the full exemption from taxes and duties on motor vehicles for the office of Lay-Assessor in the circumstance now made, we maintain the view that there is a need for rationalisation of the facility given the significant monetary value of the exemptions for which certain office holders are eligible, totalling several hundred thousand dollars on a single vehicle, depending on make and model and this sum could potentially increase in the event that higher taxes and duties are imposed on motor vehicles.

13. As previously recommended, the salary and other conditions of service, other than those related to the Motor Vehicle Loan Facilities, Tax Exemptions on motor vehicles and Subsistence Allowance for the office of Lay-assessor should take effect from April 01, 2011 and the Motor Vehicle Loan Facilities, Tax Exemptions and Subsistence Allowance should take effect from the date of the memorandum/letter giving effect to the recommendations of the Commission.

Dated this 1st day of October, 2014.



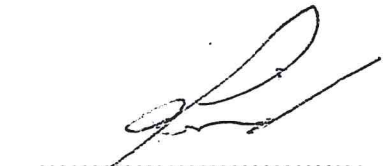
.....

Edward Collier
(Chairman)



.....

Haseena Ali



.....
Gerard Pinard



.....
Kenneth Dalip



.....
Monica Clement

Remuneration Arrangements for the Office of Lay-assessor, Equal Opportunity Tribunal recommended in the 98th Report of the Salaries Review Commission

Salary

\$32,080 per month

Transport Facilities

(i) A maximum loan of \$250,000 at a rate of interest of 6% per annum repayable over a period of six (6) years to facilitate the purchase of either:-

(a) a new motor vehicle with exemptions from Motor Vehicle Tax, Value Added Tax and Customs Duty limited to the following maxima:-

Motor Vehicle Tax	\$30,000
VAT	\$38,000
Customs Duty	\$60,000

or

(b) a used motor vehicle with exemptions from Special Motor Vehicles Tax, Value Added Tax and Customs Duty limited to the following maxima:-

Special Motor Vehicles Tax	\$30,000
VAT	\$38,000
Customs Duty	\$60,000

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

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

(iv) A Transportation Allowance of \$3,900 per month.

Subsistence Allowance

- (i) \$200 per day when travelling on official business beyond a radius of sixteen (16) kilometres from official headquarters, and where it is necessary to purchase a meal(s).
- (ii) When on duty in Tobago, the office holder to be eligible for hotel accommodation and meals, as necessary. In the absence of the provision of any meal(s), to be paid \$200 per day.
- (iii) For travel abroad on official business, the provisions of Minister of Finance Circular No. 2 dated April 7, 2006 or other relevant Circular to apply.

Housing Allowance

\$12,360 per month.

Entertainment

Actual expenses incurred for official entertainment to be met from an official Entertainment Vote under the control of the Chairman, Equal Opportunity Tribunal.

Vacation Leave

- (i) Vacation Leave to coincide with the "court vacation" at Christmas and Easter.
- (ii) In addition to (i) above six (6) weeks per annum and four (4) weeks per annum in every alternate year.

Overseas Travel Facilities

A Travel Grant of \$40,200 per annum.

Telecommunication Facilities

\$400 per month.

Medical Benefits

Entitlement to medical attention/treatment and prescribed drugs for self, spouse and children who are unmarried and under the age of eighteen, at any health care facility under the Regional Health Authorities, including the Eric Williams Medical Sciences Complex. Where such medical attention/treatment is not available at such health care facility, the costs at any other hospital, institution or nursing home in Trinidad and Tobago to be met by the State.

('Medical attention/treatment' excludes optical and dental treatment/services.
'Prescribed drugs' exclude drugs which are obtainable without a prescription.)

Pension/Gratuity

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

Appendix II

Recommended Remuneration Arrangements for the Office of Lay-assessor, Equal Opportunity Tribunal

Salary

\$32,080 per month

Transport Facilities

- (i) A maximum loan of \$250,000 at a rate of interest of 6% per annum repayable over a period of six (6) years to facilitate the purchase of either:-
 - (a) a new motor vehicle with full exemptions from Motor Vehicle Tax and Value Added Tax; or
 - (b) a used motor vehicle with full exemptions from Special Motor Vehicles Tax and Value Added Tax.
- (ii) A loan to cover the cost of Motor Vehicle Insurance premium at a rate of interest of 6% per annum.
- (iii) A maximum loan of \$20,000 at a rate of interest of 6% per annum to effect repairs to a motor vehicle.
- (iv) A Transportation Allowance of \$3,900 per month.

Subsistence Allowance

- (i) \$200 per day when travelling on official business beyond a radius of sixteen (16) kilometres from official headquarters, and where it is necessary to purchase a meal(s).
- (ii) When on duty in Tobago, the office holder to be eligible for hotel accommodation and meals, as necessary. In the absence of the provision of any meal(s), to be paid \$200 per day.

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

Housing Allowance

\$12,360 per month.

Entertainment

Actual expenses incurred for official entertainment to be met from an official Entertainment Vote under the control of the Chairman, Equal Opportunity Tribunal.

Vacation Leave

- (i) Vacation Leave to coincide with the "court vacation" at Christmas and Easter.
- (ii) In addition to (i) above six (6) weeks per annum and four (4) weeks per annum in every alternate year.

Overseas Travel Facilities

A Travel Grant of \$40,200 per annum.

Telecommunication Facilities

\$400 per month.

Medical Benefits

Entitlement to medical attention/treatment and prescribed drugs for self, spouse and children who are unmarried and under the age of eighteen, at any health care facility under the Regional Health Authorities, including the Eric Williams Medical Sciences Complex. Where such medical attention/treatment is not available at such health care facility, the costs at any other hospital, institution or nursing home in Trinidad and Tobago to be met by the State.

('Medical attention/treatment' excludes optical and dental treatment/services. 'Prescribed drugs' exclude drugs which are obtainable without a prescription.)

Pension/Gratuity

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