



Summary of Proceedings Public Hearing

Held on Wednesday February 3rd, 2021 from 10:45 a.m. to 12:35 p.m.

Venue: Virtually Via the Zoom video conferencing Platform

Subject Matter: An inquiry into the efficiency and effectiveness of the National Insurance Appeals Tribunal (NIAT)[With specific focus on the tribunal's capacity to dispose of appeals]

Objectives of the Inquiry

The objectives of the inquiry are as follows:

- 1. To evaluate the performance of the NIAT (over the past 5 years) in treating with appeals made against the NIBTT.**
- 2. To identify the gaps in the administrative operations of the NIBTT which are hindering the efficient processing of claims.**
- 3. To examine the business continuity strategies of the NIAT and NIBTT, in response to the Covid-19 pandemic.**
- 4. To determine whether the current legislation and policy provisions adequately empower the NIAT to carry out its mandate.**

Committee Members

The following Members were present:

Dr. Varma Deyalsingh	Chairman
Mrs. Lisa Morris – Julien, MP	Member
Mrs. Ayanna Webster – Roy, MP	Member
Mr. Nigel De Freitas	Member
Ms. Jayanti Lutchmedial	Member

The following Members were excused:

Mrs. Renuka Sagrarsingh-Sooklal	Member
Ms. Khadijah Ameen, MP	Member

The following Member was absent:

Mr. Esmond Forde, MP	Vice- Chairman
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Witnesses Who Appeared

The following officials appeared before the Committee:

National Insurance Appeals Tribunal (NIAT)

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| • Mrs. Sharon Hassanali | Registrar |
| • Ms. Stacy Cummings | Chairman |
| • Ms. Naseem Farrier | Senior Research Officer |
| • Mr. Prakash Ramlochan | Administrative Officer II (Ag.) |

National Insurance Board of Trinidad and Tobago (NIBTT)

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| • Mrs. Niala Persad-Poliah | Executive Director |
| • Mr. Feyaad Khan | Chief Operating Officer-Business Services |
| • Ms. Sarah Baboolal | Executive Manager, Legal Services |
| • Mr. Douglas Camacho | Deputy Chairman |

Ministry of Finance

- | | |
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| • Mrs. Jennifer Lutchman | Deputy Permanent Secretary |
| • Ms. Yvette Babb | Executive Director, Investment/ Divestment |

Key Issues Discussed

The following are the main issues highlighted during discussions with the **National Insurance Appeals Tribunal (NIAT)**

1. NIAT has a core staff complement of five (5) employees
2. On the Job Trainees and Clerical Assistants have provided short-term relief to NIAT. However, the short term nature of this relief has created challenges regarding the retention of institutional knowledge.
3. There have been periods where the Tribunal was unable to convene for years at a time due to the expiry of members' terms.
4. In 2019, the Tribunal was able to adjudicate upon the largest number of cases in recent years due to their ability to hold regular meetings. Cases with backlogs of up to 6 years were cleared during this time period.
5. NIAT is instituting systems to allow for digital hearings.
6. The South Office conducts operations out of the Ministry of Labour's facilities. Operating in a shared space has made it difficult to fully adhere to COVID-19 protocols.
7. The Current Chairman's term expires in March 2021. The necessary procedures for replacing the Chairman have commenced by way of informing the President of the Republic of Trinidad and Tobago of the impending term expiry.
8. Some citizens are not cognizant that they have the right to appeal decisions of the NIBTT. Ostensibly, those who are aware, are uncertain of how to proceed with the appeals process.
9. Many appellants do not have access to their own legal counsel. Approximately 80% of appellants attend hearings unrepresented while the National Insurance Board of Trinidad and Tobago (NIBTT) is usually represented by 2-3 attorneys.
10. One of the challenges to implementing an electronic system for receiving appeals is the requirement of a signature. As such, documents must be printed, signed and scanned if they are submitted electronically. The current legislation does not allow for electronic signatures to be accepted.

The following are the main issues highlighted during discussions with the **National Insurance Board of Trinidad and Tobago (NIBTT)**

1. One hundred and thirty-eight (138) matters have been adjudicated upon over the past five (5) years.
2. The number of matters that have not been heard is estimated to be between 1,000 and 1,500.
3. For the period 2016-2020, NIBTT has provided 876 files (out of 977) relevant to notices of appeal received from NIAT.
4. NIBTT has moved the Appeals Division from the Insurance Operations Department to the Legal Department. This has created greater efficiencies in transferring appeals to NIAT. However, the processes at NIAT remain unchanged, leading to a further backlog of cases.
5. NIBTT is currently engaging a service provider to digitise its files.
6. NIBTT has committed to taking part in virtual hearings once they become available. Appellants will need to have the requisite technological capabilities in order to participate in these hearings.
7. Information on the appeals process is provided to clients along with their decision letters. However, NIBTT is willing to collaborate with NIAT to make the information more user-friendly.
8. Decision letters are delivered primarily via the postal system.
9. NIB clients are able to view their contributions via the NIB's website.

The following are the main issues highlighted during discussions with the **Ministry of Finance:**

1. The position of Registrar (NIAT) is now pensionable.
2. The Port of Spain Office (NIAT) now has a suitable, fixed location
3. The Ministry of Finance has assigned an Administration Officer II (AOII) to NIAT.
4. The MOF is committed to strengthening the institutional capacity of NIAT and to pursue legislative amendments to allow NIAT to function efficiently and effectively.

The hearing can be viewed on our YouTube channel via the following link:
<https://www.youtube.com/watch?v=yjy8CJWGO0Q>

*Joint Select Committee on Local Authorities, Service Commissions and Statutory Authorities
(including the THA)*

Contact the Committee's Secretary

You may contact the Committee's Secretary at jsclasasc@tparliament.org or [624-7275 Ext. 2277/2627/2282](tel:624-7275-2277)

*Committees Unit
February 5, 2021*