

# Head 04: Industrial Court

A summary of the Industrial Court's Expenditure, Divisions and Projects  
Financial Scrutiny Unit, Parliament of the Republic of Trinidad and Tobago

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## About this Guide

This guide provides a summary of expenditure for the Industrial Court for the period 2012-2018. It provides the Members of Parliament and stakeholders with an overview of the Department's responsibilities. The primary purpose of this guide is to consolidate all of the information contained within the various Budget Documents pertaining to the Industrial Court and provide readers with an analysis of the same. This guide is based primarily on the Draft Estimates of Recurrent Expenditure, the Estimate of Development Programme, the Public Sector Investment Programme and the Auditor General's Report on the Public Accounts on the Republic of Trinidad and Tobago for the fiscal year 2016.

# Head 04 – Industrial Court

## Department's Overview<sup>1</sup>

### **Establishment of the Court**

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 This act was repealed and replaced by the Industrial Relations Act, Chapter 88:01 on July 31st 1972.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.

### **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 (I.R.A.), the Retrenchment and Severance Benefits Act, No. 32 of 1985, the Maternity Protection Act, No. 4 of 1998 the Minimum Wages (Amendment) Act, No. 11 of 2000 and the Occupational Safety and Health Act No.1 of 2004 (as amended by Act No.3 of 2006).

### **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

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<sup>1</sup> Industrial Court website, accessed on August 29, 2017; <http://industrialcourt.org.tt/AboutUs/AbouttheCourt.aspx>

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 this Act; to hear and determine any other matter brought before it, pursuant to the Act.

**Mission:**

We are an effective Court upholding the Principles and Practices of good Industrial Relations as pillars of Industrial Peace, Economic and Social Development.<sup>2</sup>

**Chief Justice of Industrial Court:** Mr. Justice Ivor Archie

**President of the Industrial Court:** Mrs. Deborah Thomas- Felix

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<sup>2</sup> Industrial Court of Trinidad and Tobago website, Accessed on August 29, 2017: <http://industrialcourt.org.tt/AboutUs/AbouttheCourt.aspx>

## Key Statement from the 2016 Standing Finance Committee Debate

During the Standing Finance Committee debate of 2016, the following statement was made in relation to the emphasis of the industrial Court for fiscal year 2016/2017<sup>3</sup>:

*“...the Industrial Court is a very important court in Trinidad and Tobago. It is recognised by law, and under a specific Act, the Industrial Relations Act. As a court of superior record, it functions under a president and has two divisions: the Essential Services Division and the General Services Division. It is a court that has functioned very well under the tenure of the previous presidents and the current president, and one that is respected in the industrial relations climate in Trinidad and Tobago”*

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<sup>3</sup> Minister in the Office of the Attorney General and Legal Affairs and Minister in the Office of the Prime Minister, Standing Finance Committee Hansard of Industrial Court 14 Oct16, Accessed on September 22, 2017

# Where the Department spends its money

## 2017 – 2018 Estimates of Expenditure

The budget allocation of \$42,815,106 for the Industrial Court is comprised of:

- The Draft Estimates of Recurrent Expenditure in the sum of **\$41,815,108; and**
- The Draft Estimates of Development Programme – Consolidated Fund in the sum of **\$1,000,000**

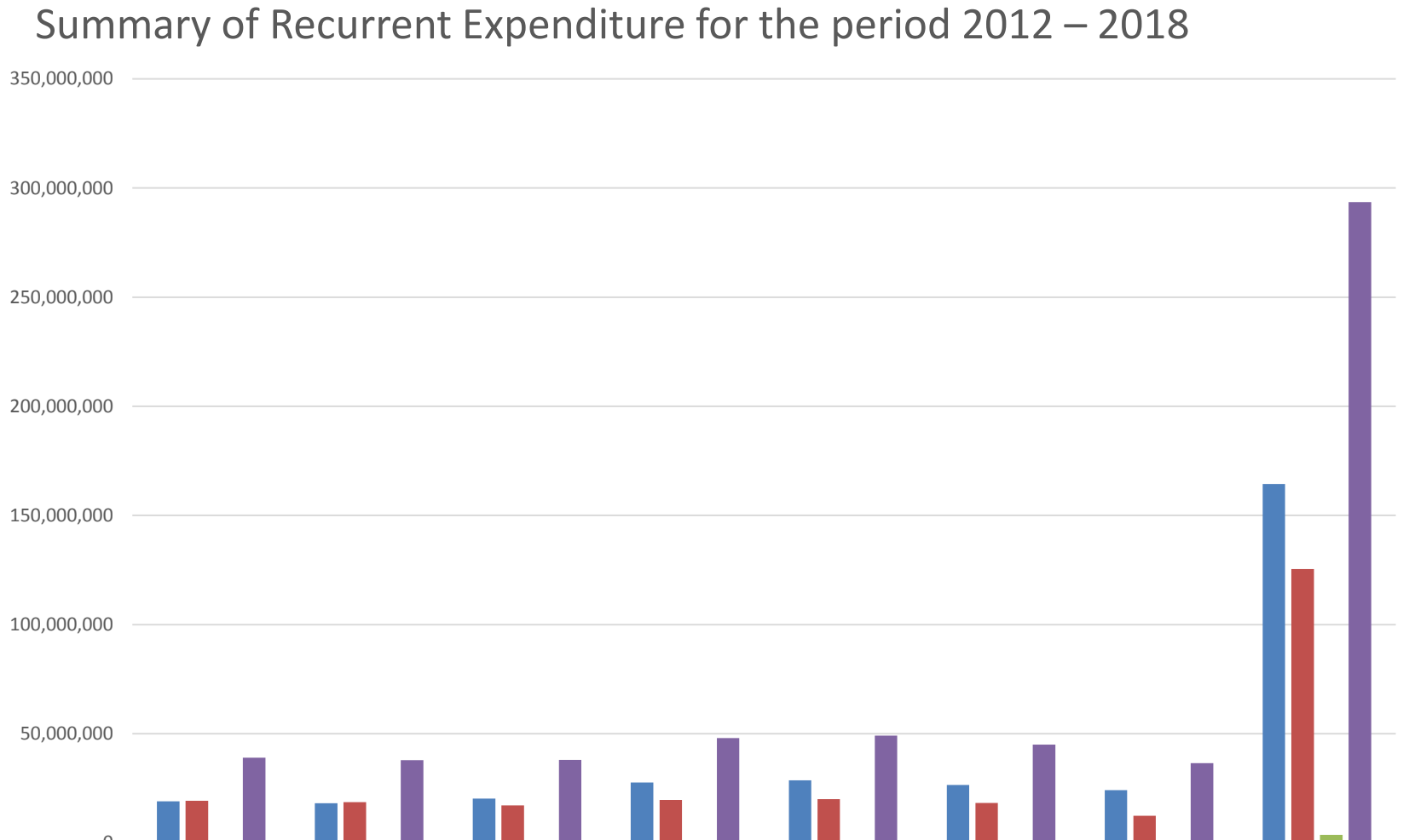
The Estimates of Recurrent Expenditure include:

- 01 Personnel expenditure- **\$24,487,108;**
- 02 Goods and services - **\$17,178,000; and**
- 03 Minor equipment purchases - **\$150,000.**

The Industrial Court's

- Recurrent Expenditure as a percentage of the total Recurrent Expenditure budget is **0.08%**; and
- Consolidated Fund as a percentage of the total Consolidated Fund budget allocation is **0.04%**.

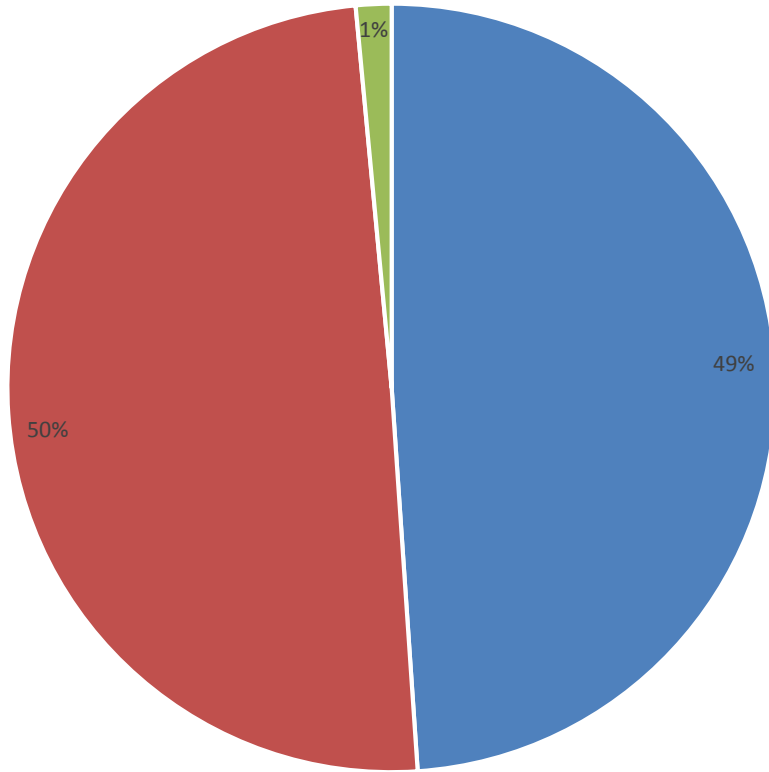
# Summary of Recurrent Expenditure for the period 2012 – 2018



	2012 Actual	2013 Actual	2014 Actual	2015 Actual	2016 Actual	2017 Revised Estimates	2018 Estimates	Totals
■ 01 Personal Expenditure	19,067,142	18,140,891	20,280,290	27,632,823	28,638,077	26,528,860	24,119,300	164,407,383
■ 02 Goods and Services	19,324,544	18,667,742	17,126,346	19,610,573	20,015,162	18,318,152	12,437,260	125,499,779
■ 03 Minor Equipment Purchases	584,020	1,050,451	601,075	716,555	530,008	165,000	1,500	3,648,609
■ Total	38,975,706	37,859,084	38,007,711	47,959,951	49,183,247	45,012,012	36,558,060	293,555,771

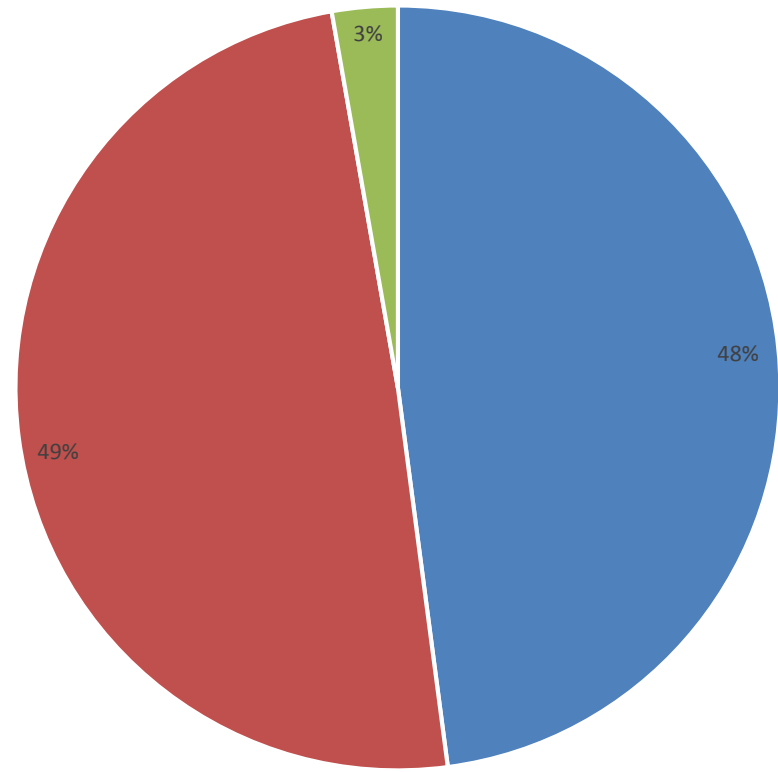


2012 Actual



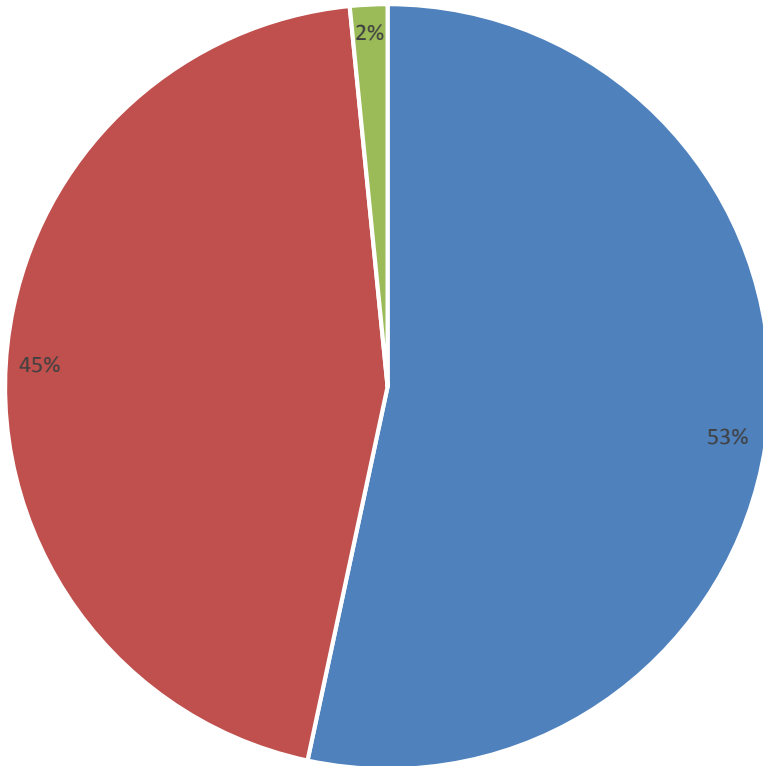
■ 01 Personal Expenditure ■ 02 Goods and Services ■ 03 Minor Equipment Purchases

2013 Actual



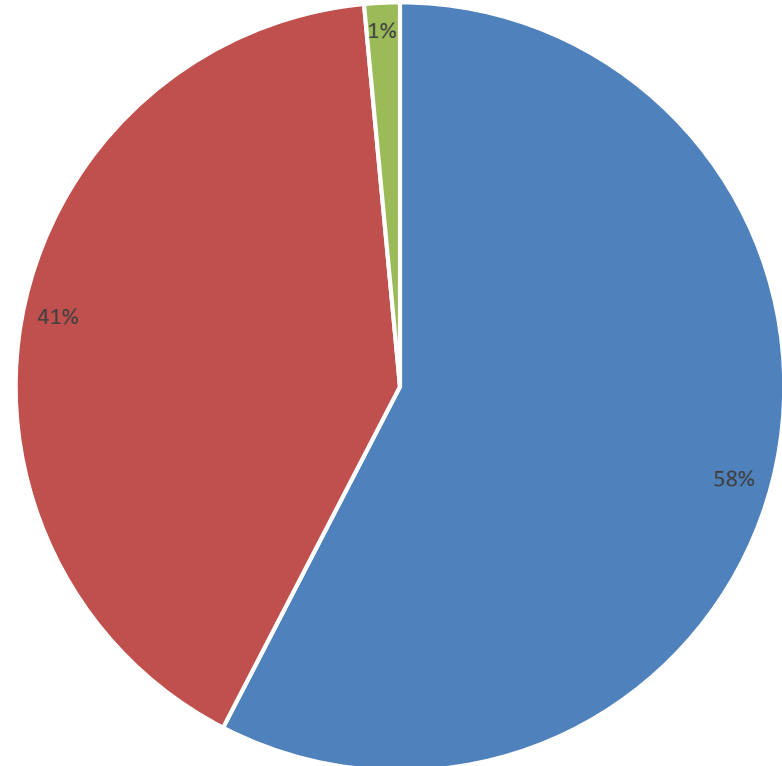
■ 01 Personal Expenditure ■ 02 Goods and Services ■ 03 Minor Equipment Purchases

2014 Actual



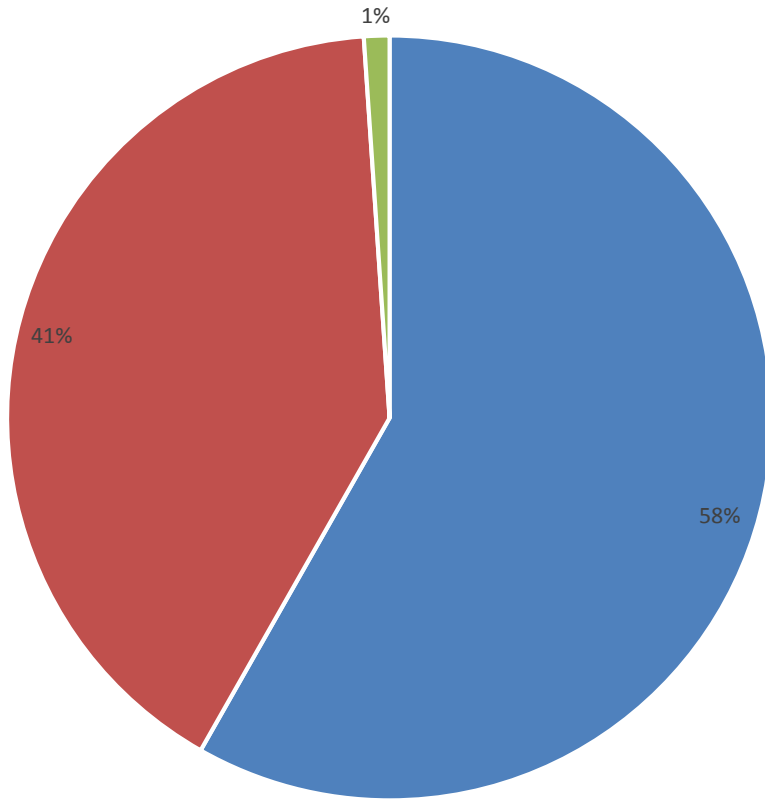
■ 01 Personal Expenditure ■ 02 Goods and Services ■ 03 Minor Equipment Purchases

2015 Actual



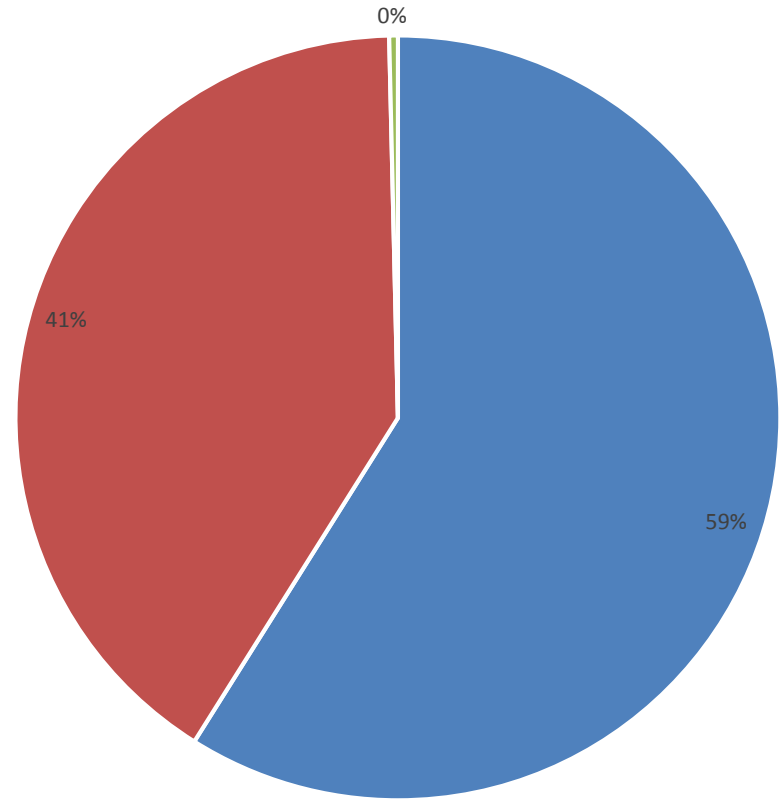
■ 01 Personal Expenditure ■ 02 Goods and Services ■ 03 Minor Equipment Purchases

2016 Actual



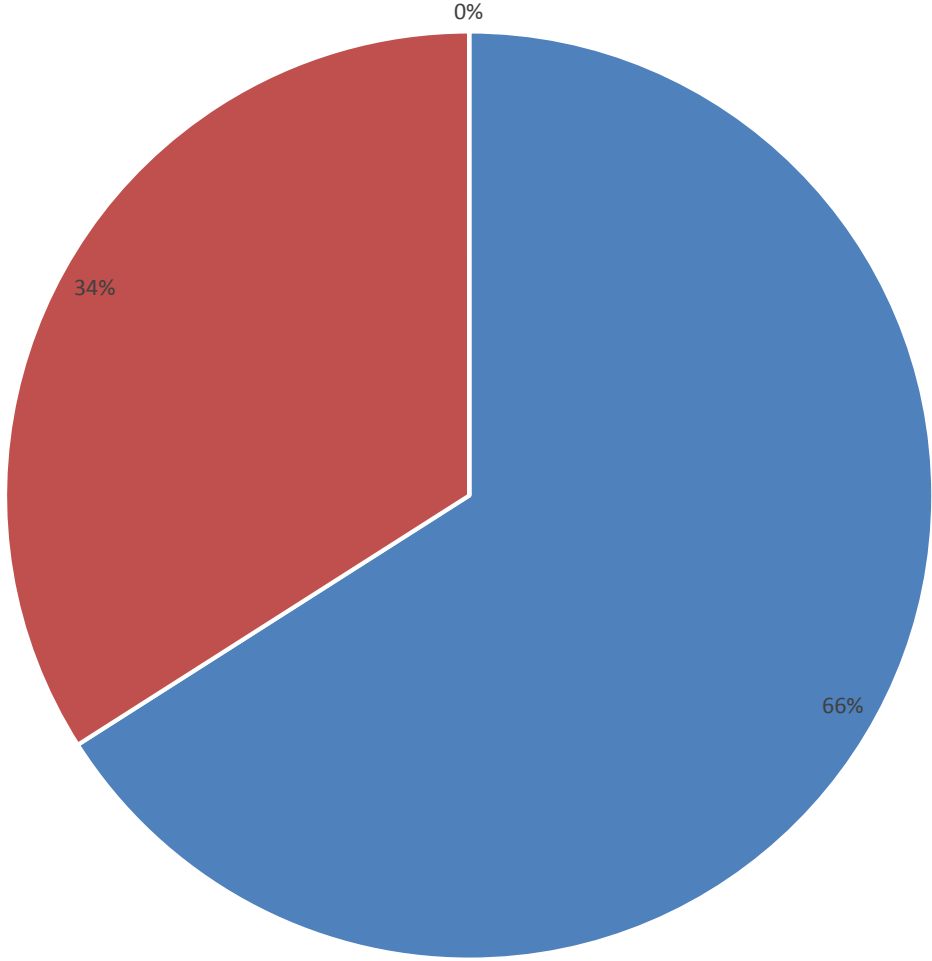
■ 01 Personal Expenditure ■ 02 Goods and Services ■ 03 Minor Equipment Purchases

2017 Revised Estimates



■ 01 Personal Expenditure ■ 02 Goods and Services ■ 03 Minor Equipment Purchases

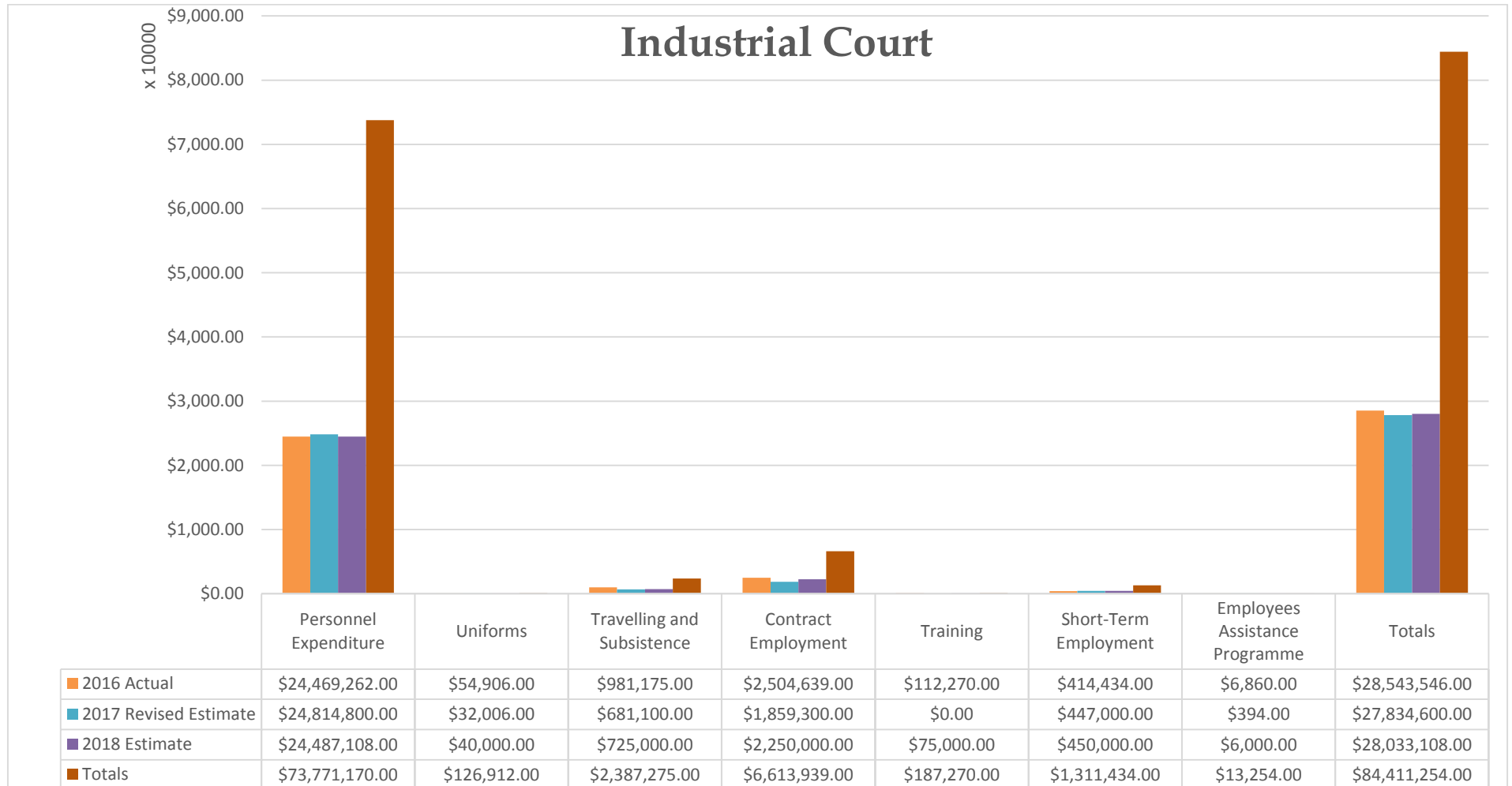
2018 Estimates



■ 01 Personal Expenditure   ■ 02 Goods and Services   ■ 03 Minor Equipment Purchases

## Staff and Pay<sup>4</sup>

The allocation of staff expenditure for the year 2018 was **\$28,033,108**, which is an increase of approximately **0.71%** from the last fiscal year 2017. The below diagram provides a breakdown of all expenditure related to staff from 2016 to 2018.



<sup>4</sup> Draft Estimates for Details of Estimates of Recurrent Expenditure for the Financial Year 2018 <http://www.finance.gov.tt/wp-content/uploads/2017/10/Numbered-Draft-Estimates-Recurrent-Expenditure-2018.pdf>

## Analysis of Summary of Expenditure

Recurrent Expenditure refers to the payments for expenses which are incurred during the day-to-day operations of Department for Personnel Expenditure, Goods and Services, Minor Equipment Purchases and Current Transfers and Subsidies. Recurrent Expenditure for Fiscal Year 2017/2018 is **\$41,815,108**.

- Recurrent Expenditure (**revised**) for Fiscal Year 2016/2017 was \$39,815,108. Comparing this figure with Fiscal Year 2017/2018, there is an increase of **\$2,000,000** or **5.02%**.
- The **largest** portion of the allocation has consistently gone to **Sub-Head 01 Personnel Expenditure**. This figure has been fluctuating over the period 2012-2018, accounting for approximately **58.6%** of total funding for the Department for fiscal year 2017/2018 for the day to day operations of the Department.
- **Minor Equipment Purchases** received the **lowest** portion of the total allocation for the Department over the period 2012 to 2018.
- **Goods and Services** received the **second largest** portion of the allocation and has been fluctuating over the period 2012 – 2018. Comparing 2016/2017 to 2017/2018, there was an increase in the allocation by **14.5%**.
- The actual/estimated expenditure has been **fluctuating** over the seven (7) year period with from a **low \$37,859,084** in the fiscal year 2012 to a **high of \$49,183,247** in fiscal year 2016.

# Summary of Development Programme Expenditure for the period 2012 - 2018

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.

The Public Sector Investment Programme (PSIP), which represents the capital expenditure component of the National Budget, is the instrument used by Government to effect its vision and policies. It is a budgeting and strategic planning tool made up of projects and programmes, designed to realise the goals set out in the Government's overarching policy.

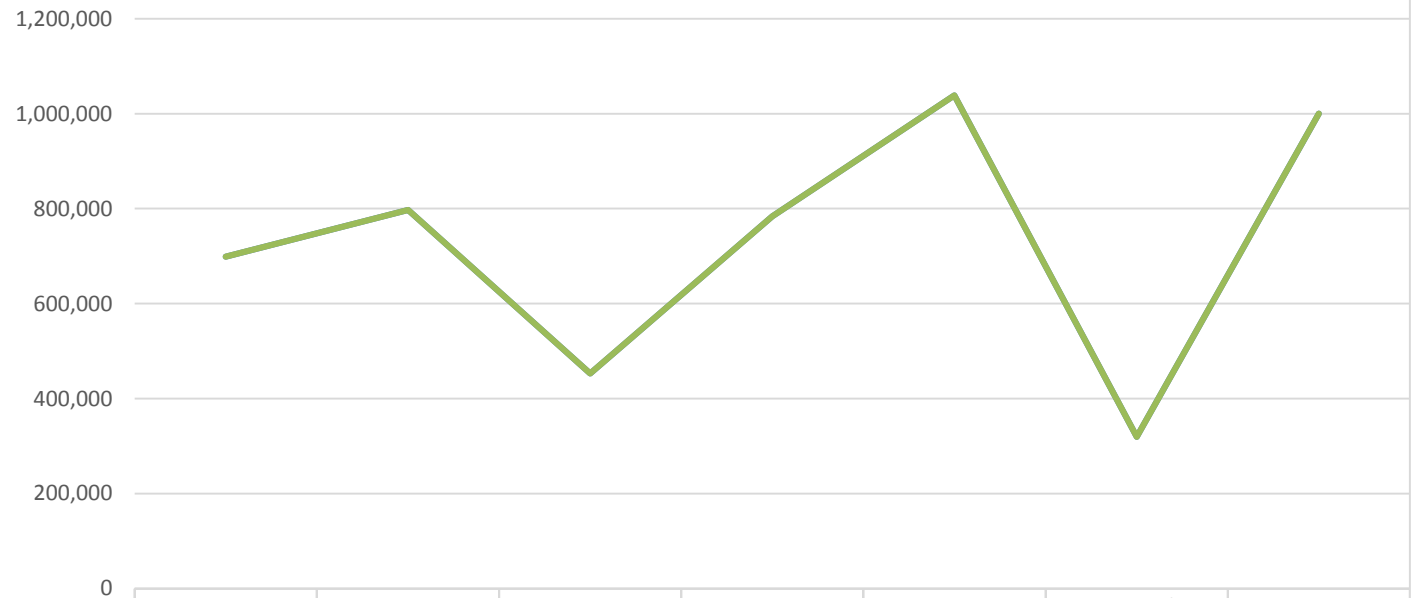
The PSIP budget document provides a detailed description of the programmes and projects and includes a review of the implementation of projects and programmes in the previous financial year and highlights the major projects and programmes to be implemented in the upcoming financial year.

- The Public Sector Investment Programme is intended to achieve:
  - the country's social and economic development goals; and
  - enhance the quality of life of all citizens.

The estimates for the development programme are presented in two parts as follows:

- Funds appropriated by Parliament and disbursed directly from the Consolidated Fund; and
- Funds disbursed from the Infrastructure Development Fund.

## Summary of Development Programme Expenditure for the period 2012 - 2018



	Actual 2012	Actual 2013	Actual 2014	Actual 2015	Actual 2016	Revised Estimates 2017	Estimates 2018
005 Multi-Sectoral and Other Services - Consolidated Fund	699,012	797,207	452,603	783,487	1,038,690	319,800	1,000,000
Total	699,012	797,207	452,603	783,487	1,038,690	319,800	1,000,000



## The Department's total allocation as a percentage of the National Budget for the period 2012 to 2018.

Year <sup>[1]</sup>	Total Allocation <sup>[2]</sup>	National Budget <sup>[3]</sup>	Percentage of National Budget
2012	\$ 38,558,096	\$ 55,718,271,573.00	0.06%
2013	\$ 38,804,918	\$ 59,174,226,196.00	0.06%
2014	\$ 48,412,554	\$ 65,020,886,424.00	0.07%
2015	\$ 49,966,734	\$ 61,966,922,675.00	0.08%
2016	\$ 44,046,622	\$ 56,573,913,053.00	0.08%
2017	\$ 40,134,908	\$ 55,598,436,912.00	0.07%
2018	\$ 42,815,108	\$ 54,955,041,591.00	0.08%

- Total allocation for the Department as a percentage of the National Budget illustrated an increase in the allocation to the Department by **0.01%** between the period 2016/2017 and 2017/2018.

<sup>[1]</sup> For the Fiscal Years 2012-2016, 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 2017 and 2018.

<sup>[2]</sup> Total Allocation for the Industrial Court= Recurrent Expenditure + Consolidated Fund

<sup>[3]</sup> The National Budget= Total Recurrent Expenditure + Total Development Programme Consolidated Fund

# Auditor General's Report Findings for the Fiscal year 2016

Ref: Auditor General's Report<sup>5</sup>

## 04 - INDUSTRIAL COURT

### Signed Contracts were not produced for:

- National Insurance Property Development Company Limited for management services at \$85,250.00 per month.
- National Maintenance Training and Security Company for security services at \$444,257.00.

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<sup>5</sup> Report of the Auditor General on the Public Accounts of the Republic of Trinidad and Tobago for the Financial Year ended September 06, 2016, pg 35 - [http://www.auditorgeneral.gov.tt/sites/default/files/Auditor%20General%27s%20Report%20on%20the%20Public%20Accounts%202016\\_0.pdf](http://www.auditorgeneral.gov.tt/sites/default/files/Auditor%20General%27s%20Report%20on%20the%20Public%20Accounts%202016_0.pdf)