

Fourth Session Fourth Parliament Republic of Trinidad
and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 7 of 1995

[L.S.]

AN ACT to provide for the liquidation of arrears of
emoluments owed to public sector employees

[Assented to 7th April, 1995]

ENACTED by the Parliament of Trinidad and Tobago as Enactment
follows:

1. This Act may be cited as the Public Sector (Arrears Short title
of Emoluments) Act, 1995.

Interpretation

2. (1) In this Act—

- “appropriate recognised association” in relation to civil servants, fire officers, police officers, prison officers and members of the teaching service, has the meaning assigned to it under the Civil Service Act, the Fire Service Act, the Police Service Act, the Prison Service Act and the Education Act, respectively;
- “bond” means a tax-free, non-interest bearing, transferable bond authorised to be issued under this Act;
- “Central Bank” means the Central Bank of Trinidad and Tobago established under the Central Bank Act;
- “emoluments” means salaries and wages including overtime payments and any other allowances to which a person is entitled that were adversely affected by—
- (a) the Remuneration (Teaching Service) Order, 1987;
 - (b) the Remuneration (Judicial and Legal Service) Order, 1987;
 - (c) the Remuneration (Fire Service) Order, 1987;
 - (d) the Remuneration (Police Service) Order, 1987;
 - (e) the Remuneration (Prison Service) Order, 1987;
 - (f) the Remuneration (Civil Service) Order, 1987;
 - (g) Circular No. 5 of the Minister of Finance and the Economy, dated February 10, 1987;
 - (h) non-implementation or partial implementation, during the period February 1, 1987 to December 31, 1994, of the award of the Special Tribunal dated July 26, 1988 in matters Nos. 1–5 of 1985;

Chap. 23:01
 Chap. 35:50
 Chap. 15:01
 Chap. 13:02
 Chap. 39:01

Chap. 79:02

L.N. 9 of 1987

L.N. 10 of 1987

L.N. 11 of 1987

L.N. 12 of 1987

L.N. 13 of 1987

L.N. 14 of 1987

Act No. 5 of 1989

- (i) non-implementation or partial implementation, during the whole or any part of the period January 23, 1987 to December 31, 1994, of collective agreements and terms and conditions of employment respecting employees of entities specified in the Third Schedule;
- (j) non-implementation, during the period January 1, 1989 to February 29, 1992 of revised rates of pay of officers and other ranks of the Trinidad and Tobago Defence Force;

“entity” includes a preceding or succeeding entity;

“financial institution” means a company licensed under the Financial Institutions Act, 1993;

Act. No. 18 of 1993

“Minister” means the Minister to whom the responsibility for finance is assigned;

“recognised majority union” has the meaning assigned to it under section 2(1) of the Industrial Relations Act.

Chap. 88:01

(2) For the purposes of section 3(1), “employee” includes a former employee and the legal personal representative of a deceased employee.

3. (1) For the purpose of liquidating arrears of emoluments or any part thereof owed—

Minister authorised to issue bonds

(a) to employees listed in the first column of the First Schedule for the periods listed in the second column in respect of emoluments listed in the third column of the said Schedule;

First Schedule

(b) to employees of the entities listed in the first column of the Second Schedule for the periods listed in the second column in respect of emoluments listed in the third column of the said Schedule;

Second Schedule

Third Schedule

- (c) to employees of the entities listed in the first column of the Third Schedule for the periods listed in the second column in respect of emoluments listed in the third column of the said Schedule,

the Minister, subject to subsections (2) and (3) and section 4, is authorised to issue bonds not exceeding in the aggregate, two thousand million dollars and thereafter such sum as may be specified by resolution of Parliament.

(2) Subject to subsection (3), the Minister may issue bonds where, in respect of the liquidation referred to in subsection (1)—

- (a) the Chief Personnel Officer has agreed upon the quantum and terms of liquidation of arrears of emoluments and the issuance of bonds—

(i) with the appropriate recognised association; and

(ii) with the recognised majority union; or

- (b) there is no appropriate recognised association or recognised majority union and the employer has agreed upon the quantum and terms of liquidation of arrears of emoluments and the issuance of bonds with the individual employee.

(3) For the purpose of liquidating arrears of emoluments referred to in this section, the Minister may issue bonds bearing dates earlier than the date of commencement of this Act, except that no bond so issued shall bear a date earlier than January 2, 1995.

(4) Bonds bearing dates referred to in subsection (3) shall be deemed to have been issued on such dates.

(5) Acceptance by a person of bonds issued under this Act shall constitute full and final settlement of the arrears of emoluments owed to such person and in respect of which he accepted the bonds.

4. Where, on the commencement of this Act, the ^{Unsettled arrears} quantum and terms of liquidation of arrears of any emoluments payable to employees are not settled by the parties in the cases referred to in section 3(2) and such quantum and terms are subsequently agreed upon, the Minister may issue bonds only where the appropriate recognised association, recognised majority union, or the individual employee as the case may be, agrees that the arrears be liquidated in bonds.

5. The principal of all issues of bonds are hereby ^{Payments of principal} charged on the Consolidated Fund.

6. (1) The employee to whom a bond is issued ^{Tax credit} under this Act is entitled, in respect of the year of income in which the bond is issued, to a tax credit of an amount equal to a percentage of the face value of the bond, such percentage to be determined by the Minister by Order.

(2) The employee referred to in subsection (1), whose tax liability in respect of the year of income in which the bond was issued to him is less than the tax credit referred to in subsection (1), is entitled to a refund of the tax credit in cash.

(3) The tax credit—

- (a) is valid only in respect of the year of income in which the bond is issued;
- (b) may be claimed for income tax purposes no later than the year following that referred to in subparagraph (a);
- (c) may be transferred by the employee to whom the bond is issued, where he transfers the bond.

(4) Where the bond is transferred with the tax credit by the employee referred to in subsection 3(c), the transferee may claim the tax credit.

(5) Where, within the year of income referred to in subsection (3)(a) or the year following such year, the transferee referred to in subsection (4) is desirous of transferring the bond, the bond shall not be transferred without the tax credit.

Registrar

7. (1) The Central Bank shall be the Registrar of bonds issued under this Act.

(2) The Registrar shall be responsible for the establishment and maintenance of the register required for the fulfilment of the function referred to in subsection (1).

Fiscal Agent

8. (1) The Central Bank shall be the Fiscal Agent for the service of bonds issued under this Act.

(2) The Minister may by Order designate financial institutions, corporations, companies or credit unions to be agents of the Fiscal Agent.

(3) In this section, "credit union" means a credit union society registered under the Co-operative Societies Act.

Chap. 81:03

Minister may amend
the Schedules

9. (1) The Minister may by Order amend the Schedules.

(2) An Order of the Minister made under subsection (1) is subject to negative resolution of Parliament.

Regulations

10. (1) The Minister may make Regulations for carrying the purposes and provisions of this Act into effect, and, without limiting the generality of the foregoing, may make Regulations respecting—

(a) denomination of bonds;

(b) the transfer of bonds;

(c) methods of encashment;

(d) form, issue and recording of bonds;

(e) methods of holding bonds;

(f) forms necessary for the administration of this Act; and

(g) the Fiscal Agent and its agents.

(2) The Minister shall cause Regulations made under subsection (1) to be laid in Parliament.

FIRST SCHEDULE

[Section 3(1)]

MONTHLY-PAID EMPLOYEES

FIRST COLUMN	SECOND COLUMN	THIRD COLUMN
<i>Employees</i>	<i>Period</i>	<i>Emolument</i>
(a) Persons referred to as Top Managers in the Public Service in the Twenty-Third Report of the Salaries Review Commission except the Secretary to the Integrity Commission	(a) February 1, 1987 –December 31, 1988	Cost of Living Allowance
	(b) January 1, 1990 –December 31, 1992	
(b) Members of the Judicial and Legal Service referred to in the Twenty-Third Report of the Salaries Review Commission	January 1, 1989 –February 29, 1992	Salary
	(a) February 1, 1987 –December 31, 1988	Cost of Living Allowance
	(b) January 1, 1990 –December 31, 1992	
(c) Medical Officers	January 1, 1989 –February 29, 1992	Sessional Rates
	January 23, 1987 –December 31, 1994	Increments of Salary
(d) Employees on contract who held appointments which specify a salary—	February 1, 1987 –December 31, 1994	Cost of Living Allowance (where applicable)
	January 1, 1989 –February 29, 1992	Salary

FIRST COLUMN	SECOND COLUMN	THIRD COLUMN
<i>Employees</i>	<i>Period</i>	<i>Emolument</i>
(i) in a salary range under the Public Service Classification and Compensation Plans;	January 1, 1989 –February 29, 1992	Travelling Benefits (where applicable)
(ii) in a salary group applicable to officers in the Judicial and Legal Service;		
(iii) fixed in relation to a salary applicable to a Permanent Secretary or other Top Managers in the Public Service referred to in the Twenty-Third Report of the Salaries Review Commission		
(e) Employees on contract in Ministries and Departments except those referred to in subparagraph (d)	February 1, 1987 –December 31, 1994	Cost of Living Allowance (where applicable)
(f) Employees in Ministries and Departments other than civil servants	(a) February 1, 1987 –December 31, 1988	Cost of Living Allowance (where applicable)
	(b) January 1, 1990 –December 31, 1994	
	January 1, 1989 –February 29, 1992	Salary
	January 23, 1987 –December 31, 1994	Increments of Salary (where applicable)

FIRST COLUMN	SECOND COLUMN	THIRD COLUMN
<i>Employees</i>	<i>Period</i>	<i>Emolument</i>
(g) Staff of the Household of the President of the Republic of Trinidad and Tobago	(a) February 1, 1987 –December 31, 1988 (b) January 1, 1990 –December 31, 1994 January 1, 1989 –February 29, 1992 January 23, 1987 –December 31, 1994	Cost of Living Allowance Salary Increments of Salary
(h) Staff of the Household of the Prime Minister	March 1, 1992 –December 31, 1994	Cost of Living Allowance
(i) Chauffeurs of office-holders within the purview of the Salaries Review Commission	(a) February 1, 1987 –December 31, 1988 (b) January 1, 1990 –December 31, 1994 January 1, 1989 –February 29, 1992	Cost of Living Allowance Salary
(j) Officers and other ranks of the Trinidad and Tobago Defence Force	January 1, 1989 –February 29, 1992	Rates of Pay

SECOND SCHEDULE

[Section 3(1)]

MONTHLY-PAID EMPLOYEES

FIRST COLUMN	SECOND COLUMN	THIRD COLUMN
<i>Entities</i>	<i>Period</i>	<i>Emolument</i>
The Civil Service The Teaching Service The Police Service The Fire Service The Prison Service	(a) February 1, 1987 –December 31, 1988 (b) January 1, 1990 –December 31, 1994	Cost of Living Allowance

FIRST COLUMN	SECOND COLUMN	THIRD COLUMN
<i>Entities</i>	<i>Period</i>	<i>Emolument</i>
The Arima Corporation	January 1, 1989	Salary
The Point Fortin Corporation	-February 29, 1992	
The Port-of-Spain Corporation	January 23, 1987	Increments of Salary
The San Fernando Corporation	-December 31, 1994	
The Sugar Industry Labour Welfare Fund Committee	January 1, 1989	Travelling and related Allowances
The Sugar Industry Control Board	-February 29, 1992	
The National Housing Authority		
The Agricultural Society of Trinidad and Tobago		
The Zoological Society of Trinidad and Tobago		
The Trinidad Public Library		
The Carnegie Free Library		
The Cocoa and Coffee Industry Board		
The National Lotteries Control Board		
The St. Dominic's Children's Home		
The St. Mary's Children's Home		
The St. Jude's School for Girls		
The St. Michael's School for Boys		
The Trinidad and Tobago Blind Welfare Association		
The Princess Elizabeth Centre for Physically Handicapped Children		

FIRST COLUMN	SECOND COLUMN	THIRD COLUMN
<i>Entities</i>	<i>Period</i>	<i>Emolument</i>
The Trinidad and Tobago Association for Retarded Children		
The Trinidad and Tobago Association in Aid of the Deaf		
The Tobago Council for Handicapped Children		
The Trinidad and Tobago Racing Authority		
The Legal Aid and Advisory Authority		
The Queen's Hall		
The Naparima Bowl		
The Trinidad and Tobago Association of Local Government Authorities		
The Public Transport Service Corporation		
The Port Authority of Trinidad and Tobago		
The Board of Industrial Training		
The Caribbean Fisheries Training and Development Institute		
The Chaguaramas Development Authority		
The Cipriani Labour College		
The Institute of Marine Affairs		
The Mayaro Civic Centre		
The Point Fortin Civic Centre		
The Sangre Grande Civic Centre		

FIRST COLUMN	SECOND COLUMN	THIRD COLUMN
<i>Entities</i>	<i>Period</i>	<i>Emolument</i>
The National Institute of Higher Education (Research, Science and Technology)		
The Trinidad and Tobago Bureau of Standards		
The Public Utilities Commission		
The National Agricultural Marketing and Development Corporation		
The Airports Authority of Trinidad and Tobago		
The Industrial Development Corporation		

THIRD SCHEDULE

[Section 3(1)]

HOURLY, DAILY AND WEEKLY-RATED EMPLOYEES

FIRST COLUMN	SECOND COLUMN	THIRD COLUMN
<i>Entities</i>	<i>Period</i>	<i>Emolument</i>
(a) Entities with Employees represented by Recognised Majority Unions	(a) February 1, 1987 –December 31, 1988	Cost of Living Allowance
(i) Ministries and Departments	(b) January 1, 1990 –June 30, 1992	
The Tobago House of Assembly	January 1, 1990 –February 29, 1992	Wages
The Arima Corporation	January 23, 1987 –December 31, 1994	Increments of Wages

FIRST COLUMN	SECOND COLUMN	THIRD COLUMN
<i>Entities</i>	<i>Period</i>	<i>Emolument</i>
The Point Fortin Corporation		
The Chaguanas Corporation		
The Diego Martin Corporation		
The San Juan/Laventille Corporation		
The Tunapuna/Piarco Corporation		
The Sangre Grande Corporation		
The Mayaro/Rio Claro Corporation		
The Princes Town Corporation		
The Couva-Tabaquite-Talparo Corporation		
The Penal/Debe Corporation		
The Siparia Corporation		
The Chaguaramas Development Authority		
The National Housing Authority		

FIRST COLUMN	SECOND COLUMN	THIRD COLUMN
<i>Entities</i>	<i>Period</i>	<i>Emolument</i>
The Zoological Society of Trinidad and Tobago	(a) February 1, 1987 –December 31, 1988	Cost of Living Allowance
The National Agricultural Marketing and Development Corporation	(b) January 1, 1990 –June 30, 1992	Wages
The Tourism Development Authority	January 1, 1990 –February 29, 1992	Wages
The Industrial Development Corporation	January 23, 1987 –December 31, 1994	Increments of Wages
The Queen's Hall		
The Naparima Bowl		
(ii) The Port-of-Spain Corporation	February 1, 1987 –December 31, 1988	Cost of Living Allowance
	January 1, 1989 –February 29, 1992	Wages
	January 23, 1987 –December 31, 1994	Increments of Wages
(iii) The San Fernando Corporation	(a) February 1, 1987 –December 31, 1988	Cost of Living Allowance
	(b) January 1, 1990 –February 29, 1992	Wages
	January 1, 1989 –February 29, 1992	Wages
	January 23, 1987 –December 31, 1994	Increments of Wages

FIRST COLUMN	SECOND COLUMN	THIRD COLUMN
<i>Entities</i>	<i>Period</i>	<i>Emolument</i>
(b) Entities with Employees not represented by Recognised Majority Unions		
The Sangre Grande Civic Centre		
The Point Fortin Civic Centre		
The Mayaro Civic Centre		
The Trinidad and Tobago Association of Local Govern- ment Authorities		
The Princess Elizabeth Centre for Physically Handi- capped Children		
The Cocoa and Coffee Industry Board		
The Legal Aid and Advisory Authority		
The Agricultural Society of Trinidad and Tobago		
The Caribbean Fisheries Training and Development Institute		
The Trinidad and Tobago Association in Aid of the Deaf		
The Board of Industrial Training		
The Cipriani Labour College		
The Trinidad and Tobago Blind Welfare Association		
The Carnegie Free Library		
The Trinidad Public Library		
The Trinidad and Tobago Racing Authority		

FIRST COLUMN	SECOND COLUMN	THIRD COLUMN
<i>Entities</i>	<i>Period</i>	<i>Emolument</i>
The St. Mary's Children's Home		
The St. Dominic's Children's Home		
The St. Michael's School for Boys		
The St. Jude's School for Girls		
The Sugar Industry Labour Welfare Fund Committee		
The National Institute of Higher Education (Research, Science and Technology)		
The Trinidad and Tobago Bureau of Standards		
The National Lotteries Control Board		
The Trinidad and Tobago Association for Retarded Children		
The Tobago Council for Handicapped Children		
(c) Staff of the Household of the President of the Republic of Trinidad and Tobago	(a) February 1, 1987 –December 31, 1988 (b) January 1, 1990 –June 30, 1992 January 1, 1990 –February 29, 1992 January 23, 1987 –December 31, 1994	Cost of Living Allowance Wages Increments of Wages

Passed in the House of Representatives this 31st day of March, 1995.

N. COX

Acting Clerk of the House

Passed in the Senate this 5th day of April, 1995.

R. CUMBERBATCH

Acting Clerk of the Senate

Senate amendments agreed to by the House of Representatives this 7th day of April, 1995.

N. COX

Acting Clerk of the House