



FEATURE ADDRESS

delivered by

Her Honour Mrs. Deborah Thomas-Felix
President of the Industrial Court of Trinidad and Tobago

at the

Trinidad and Tobago Police Service Social and Welfare Association's
Inauguration Ceremony of the Executive Committee 2019 - 2022

WEDNESDAY 31st JULY, 2019

4:00 p.m.

GYMNASIUM

**TRINIDAD AND TOBAGO POLICE TRAINING ACADEMY
SAMAAN DRIVE, LONG CIRCULAR ROAD, PORT OF SPAIN**

Good Afternoon All.

These are challenging and troubling times for members of the Trinidad and Tobago Police Service and indeed for all citizens of our beloved twin island State. As we continue to recoil in horror and try to make sense of the escalating violence and mayhem which has enveloped our country; the brutal and savage murders leave us with a sense of helplessness and fear. The deep sense of paralysis which comes with helplessness and fear cannot augur well for any country's development.

Although there are many murders reported daily in the media, and quite recently 24 murders were reported in one week, we must not ignore the prevalence of armed robbery, robbery with violence, wounding, larceny, praedial larceny, possession and trafficking of narcotics, domestic violence and a host of motor vehicular offences/infractions; without doubt symptoms of this pervasive lawlessness demonstrate emphatically that we are in crisis.

This is the reality that we all live and you police officers have been entrusted by us, the citizens, to protect and serve Trinidad and Tobago in a professional and fearless manner. There is no need to remind you of how serious and even herculean your task is in these times of increased violent crime, cyber-crime, fraud, and domestic violence. In my humble view, there is need for a comprehensive and thorough overhaul of the criminal justice system in the country.

This overhaul cannot involve a quick fix in the judiciary, nor a patch work approach in the police system, but a total reform of the criminal justice system which should include the reform and strengthening of the police

service, including the police armoury, the prison service, forensic science centre, customs and excise and the judiciary.

Moreover, the approach to crime must be executed with a degree of certainty. There must be certainty of detection, certainty of evidence gathering, certainty of judicial hearings and certainty of outcomes in a timely manner. Those who are the perpetrators of both serious and minor crimes must know that there are timely and effective consequences to their deviant actions.

No quick legislative fix will suffice, as the laws of a country are only as good as the society's capacity to enforce them. I therefore I cannot help but reiterate the need for comprehensive reform.

However, I am not here today to discuss the burning topic of crime initiatives, those are matters which reside in the National Security Council, and which have been articulated to the public by the Honourable Minister of National Security and the Commissioner of Police. I am here to speak about the Industrial Court and its capacity to be part of the solution to the problems you experience within the police service. There is no doubt that as Executive members of the Trinidad and Tobago Police Service Social and Welfare Association you are very familiar with policing techniques and so are the members you represent, namely special reserve police, police constables, corporals, sergeants, inspectors, and there is even a first division presence among you. At the forefront of your responsibilities, in this new role as the executive of the Association is management. You have taken on the mantle of assuming management responsibilities, in industrial relations language,

the officers you represent are your workers, you therefore need to shift your police hats slightly towards the back and move your management hats forward. Since you are now in charge of managing and operating a business, the success of which depends on your management style.

This business of the Association focuses for the main part on proper representation and the promotion and protection of the rights and the terms and conditions of employment of your members. I therefore want to respectfully suggest, that if you are not trained in management, improving your skills in that area may be a significant component of your capacity building. The welfare of a large number of people is entrusted in your hands and the success of your business, the success of your tenure as the executive of this Association, depends to a large measure on your management style and how you respond to the concerns of your membership.

Let us take a quick look at the Industrial Court. The Trinidad and Tobago Police Service Social and Welfare Association like some areas of the public service has a commission at its helm, in this case, the Police Service Commission, where you can take the grievances of your members on issues such as promotions, transfers, and some disciplinary matters. The decisions of the Police Service Commission are subject to judicial review.

Additionally, the Trinidad and Tobago Police Service can access the Special Tribunal of the Industrial Court. As you may know, the Industrial Court is a Superior Court of record and has the same powers as the High Court.

The Industrial Court is comprised of two divisions; the General Services Division and the Essential Services Division. Within the Essential Services Division there is a Special Tribunal which consists of a Chairman, who currently is His Honour Mr. Lawrence Achong, and two other members of that Division selected by the Chairman.

The Special Tribunal was established by an amendment to the Civil Service Act, which was further amended by Act No. 43 of 1978 and it hears and determines disputes arising in the Civil, Police, Fire, Prison and Teaching Services, the Supplemental Police and the Central Bank as if those disputes arose in the essential services. It is to be noted as well, that the Special Tribunal may provide its own procedure for the hearing and determination of any dispute referred to it.

The Association may bring disputes to the Industrial Court by means of the Special Tribunal. Usually these disputes are related to the breakdown of negotiations between the Association and the Chief Personnel Officer, as well as disputes on issues of breaches of terms of a Memorandum of Agreement which have been signed between the Association and the Chief Personnel Officer such as disputes related to overtime, remunerations and the terms and condition of employment. However, the Special Tribunal cannot adjudicate upon issues related to promotion, transfers etc. because these are matters to be heard by the Police Service Commission. It is important to note that the decisions of the Special Tribunal are final and are not subject to appeal.

Any organisation which accesses the Industrial Court, in this instance the Special Tribunal, should become familiar with the provisions of the Industrial Relations Act. The very preamble of that Act states that its purpose is “to make better provision for the stabilisation, improvement and promotion of industrial relations.” It is important to have an understanding of the provision in the Act which speaks to “equity and good conscience and the substantial merits of the case” before the Court which is one of the fundamental principles of industrial relations.

I have focused on the role of the Special Tribunal of the Industrial Court as an important component of your management responsibilities to your members for the sole purpose of guiding you towards the enhancement of your governance as an executive. It is imperative that you represent your members to the fullest extent that the laws of Trinidad and Tobago allow. Your membership is as strong as its representation. They deserve no less.

As your membership and the first division officers fight and put their lives on the line daily to address this scourge of criminal activity permeating our country, they must rest comfortably in the knowledge that they are protected by an Executive capable of representing them to the fullest extent of the law whenever it is required. I am reminded of the words of Henry David Thoreau when he said “if one advances confidently in the direction of his dreams, and endeavours to live the life which he has imagined, he will meet with a success unexpected in common hours.”

Please accept my hearty congratulations on your appointment to the Executive of the Association and my best wishes to you for the duration of your tenure.

HAPPY EMANCIPATION!