

INDUSTRIAL COURT OF TRINIDAD & TOBAGO



2016-2017

ANNUAL REPORT





INDUSTRIAL COURT OF TRINIDAD & TOBAGO

Our Mission

We are an effective Court upholding the principles and practices of good industrial relations as pillars of industrial peace, economic and social development.

Our Vision

To be an Industrial Relations Court established under the constitution which is fair, equitable and expeditious in dispensing social justice.

Our Core Values

- Integrity
- Justice
- Honesty
- Equity
- Respect
- Accountability
- Teamwork
- Discipline
- Loyalty





TABLE OF CONTENTS

▪ Mission, Vision, Core Values	i
CONTENTS	
▪ Functions of the Court	iv
▪ Organisational Chart	1
▪ President's Message	2 - 10
▪ Judges of the Court	12
▪ Registrars and Administrator of the Court	13
▪ Administration	14 - 15
▪ Library and Information Services	16 - 19
▪ Human Resources Management	20 - 23
▪ Economic and Industrial Research	24 - 25
▪ Financial Report	26 - 27
▪ Internal Auditor's Report	28
▪ Stakeholder Engagement	29 - 35
▪ The Industrial Court Family	36 - 41
▪ Staff Engagement	42 - 49
▪ Appendices	50
• List of Acronyms	51
• List of Tables and Charts	52
• Statistics on Disputes	53 - 69
• Areas of Examination Approved for the Financial Year 2016/2017	70 - 71



FUNCTIONS OF THE

INDUSTRIAL COURT OF TRINIDAD & TOBAGO

The **Industrial Court of Trinidad and Tobago** was established on March 20th, 1965 by section 5(1) of the Industrial Stabilization Act. This Act was repealed and replaced by the Industrial Relations Act, Chapter 88:01 on July 31st 1972. The purpose of the act is to make better provision for the stabilization, improvement and promotion of industrial relations.

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 specialized court with its own peculiar jurisdiction; it is responsible for dispensing social justice.

In addition to its inherent powers as a superior court of record, the Court has jurisdiction –

- a) to hear and determine trade disputes;*
- b) to register collective agreements and to hear and determine matters relating to the registration of such agreements;*
- c) to enjoin a trade union or other organization or workers or other persons or an employer from taking or continuing industrial action;*
- d) to hear and determine proceedings for industrial relations offences under this Act;*
- e) to hear and determine any other matter brought before it, pursuant to the Act.*

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 and the Minimum Wages (Amendment) Act, No. 11 of 2000, and the Occupational Safety and Health Act (1 of 2004) as amended.

The Court sits in two Divisions:

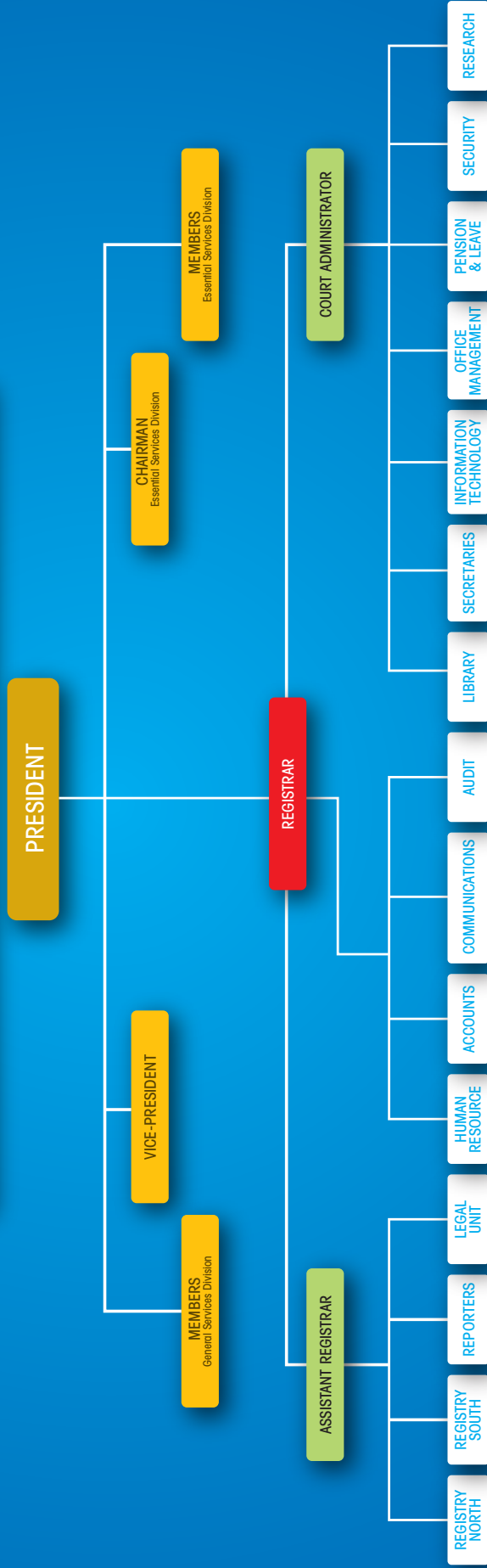
- a) The General Services Division which exercises the jurisdiction of the Court as set out in section 7 of the Industrial Relations Act, Chapter 88:01 with respect to services other than essential services ; and*
- b) The Essential Services Division which exercises the jurisdiction of the Court as set out in section 7 of the Industrial Relations Act, Chapter 88:01 with respect to essential services.*

The Special Tribunal established by the Civil Service Act, Chapter 23:01 hears and determines disputes in the Civil Service, the Police Service, the Fire Service, the Prison Service, the Teaching Service, the Supplemental Police and the Central Bank.



ORGANISATIONAL CHART

INDUSTRIAL COURT OF TRINIDAD & TOBAGO





PRESIDENT'S MESSAGE

HER HONOUR MRS. DEBORAH THOMAS-FELIX, PRESIDENT

SPECIAL SITTING OF THE INDUSTRIAL COURT
OF TRINIDAD AND TOBAGO FOR THE OPENING
OF THE 2017 - 2018 LAW TERM



Trinidad and Tobago continues to rank as the most important financial centre in the southern Caribbean and one of the Caribbean Community's strongest economies. We have however, been weathering the impacts of a contracting economy with its attendant effect on employment, provision of social services and overall quality of life for many nationals.

It is against this backdrop that the Industrial Court has continued to function in its central role of ensuring that a stable industrial relations climate prevails as a key step in supporting economic and social development. More importantly, the Court remains committed to its role as a bastion of social justice, steadfast in the belief that, as I stated in my 2014 Annual Report, there can be no development without peace and no peace without development.

A fundamental aspect of pursuing such development is equitable economic growth. In this context, perhaps one of our twin-island Republic's most daunting challenges is what the International Monetary Fund (IMF) noted in its press release No. 17/320 on Trinidad and Tobago in August this year, to be:

"...economic challenges stemming primarily from the sharp declines in global energy prices

since 2014, combined with a fall in natural gas and oil production in recent years. These, along with the prolonged economic stagnation, capital allowances, and challenges with tax administration have continued to contribute to weak revenue collections, leading to still significant fiscal deficits and rising public debt levels.

Although preliminary data shows that the economy contracted in the first half of the year on weak energy production and spillovers to the non-energy sector, the economy may be starting to turn a corner as a result of a projected recovery in gas output, though growth may still be flat or somewhat negative for the year as a whole. The economic improvement that is now beginning is projected to continue into the medium-term, notably given a pipeline of projects that will improve the supply of natural gas to the downstream energy sector. Oil output is growing due to state-owned Petrotrin's recent exploration efforts and refinery upgrade.

As the energy sector recovers, the non-energy sector is expected to rebound due to positive energy-related spillovers, and as implementation of the Public-Sector Investment Program picks up.” As the country continues to grapple with the fall in energy prices and other economic challenges, the gap between the haves and the have nots is widening. This is the focus of my speech today; the vexing problem of economic inequality in Trinidad and Tobago.

President Franklin D. Roosevelt once said:

“the test of our progress is not if we add more to the abundance of those who have much; it is whether we provide enough for those who have too little.”

Economic inequality is one of the most pressing problems facing countries across the globe. Former US President, Barack Obama, described it as *“the defining challenge of our time.”*

In *The Wealth of Nations*, Adam Smith, Economist and Philosopher states, that the true measure of a nation’s wealth is not the size of its king’s treasury or the holdings of an affluent few, but rather the wages of “the labouring poor.” Smith declares that it is a matter of simple “equity” that:

“they who feed, clothe and lodge the whole body of the people, should have a share of the produce of their own labour as to be themselves tolerably well fed, clothed and lodged.”

Smith’s observation, though dating to 1776, still resonates today and highlights one of the most fundamental aspects of economic inequality: that it results in growing inequality of opportunity. This simply means that an increasing number of persons merely through the circumstance of their birth – their gender, the region in which they were born or the group they were born to – have more limited opportunities to lift themselves out of poverty. This restricts economic mobility, and perpetuates what Lloyd Best famously termed “persistent poverty” across generations and depresses growth.

It is important to highlight that Security, Health and Education are among the most critical issues impacted by inequality of opportunity. It is therefore no coincidence that these hot-button topics generate the most debates and continue to bedevil us in terms of the policy approaches and prescriptions to treat with them for they are the ones that have an immediate and visceral impact on our quality of life and that of our families.

Simply put, economic inequality with its attendant problems of crime, poor education and the inability to access proper healthcare is inextricably linked to social inequality and therefore poses a threat to the medium and long-term prospects for our growth and development as a people and society. One of the most widely studied and debated aspects of the inequality question is the link to crime. Crime and poverty have always been closely associated especially in countries like Trinidad and Tobago where, despite our gains made in development, there is a shrinking middle class and an increasing number of poor citizens, including those who can be defined as the “working poor” – those who are employed but are still living below the poverty line.

This country has been wrestling with the disturbingly persistent problem of crime for more than a decade. Those of us who have not experienced crime first-hand know of someone who did. The fracture, pain and chaos which citizens experience in the aftermath of crime - especially murder - is horrific and long-lasting.

Crime creates instability and fosters an almost semi-permanent culture of fear among citizens. Critically, this instability and fear also permeate specific sectors, particularly the business sector as they depress the entrepreneurial spirit, incur tremendous costs in terms of security provisions, limit customer activity and purchasing power and work to generally prevent businesses from thriving, particularly small businesses. Moreover, we hear numerous media reports of businesses which have been repeatedly robbed and the owners brutalised. Some business owners have no choice but to close their business, exacerbating further the problem of unemployment and injecting increased uncertainty into the society and the economy.

From an industrial relations perspective, crime has a crippling effect on business and economic development, and there is a need for us as a people, as a nation, to collectively and urgently address the root causes of this crisis and devise mechanisms to protect business owners and workers from these growing incidences of crime.

These mechanisms should be carefully crafted to take into account the problems which exist in the criminal justice system, the growing number of small and medium-sized businesses and their challenges in coping with crime. In developing these mechanisms, due note should be taken of increasing unemployment and the impact of this on poverty. According to the statistics of the Central Statistical Office, there were 5,500 less persons with jobs in the second quarter of 2016 compared to 2015 and the number of persons classified as unemployed grew by 10% to 21,100 persons at the end of June, 2016, which is a little over a year ago.

I want to state categorically, that I am not saying that poverty is the reason for crime. In fact, poverty at times creates a springboard and a path for many to achieve success. However, we cannot ignore the fact that there is a close relationship or correlation between crime and poverty.

I return to Adam Smith who underscored that:

“the allure of extreme wealth can contort human sympathies, causing the public to admire the wealthy and shun the poor.”

It is therefore an indictment of sorts that in a country that the World Bank describes as high-income with one of the highest Gross National Incomes (GNI) in Latin America and the Caribbean – US\$17,640 in 2015¹ - there are citizens who still cannot afford to send their children to school each day, cannot clothe and feed them properly and cannot begin to conceptualise anything but a life of grinding poverty. In a country where we have produced a Nobel Laureate in Literature and boasts of a high literacy rate 55 years after Independence, there are a number of young people in this country who are illiterate, uneducated and lack important social skills because some of them have not been socialised in a school environment and are not properly equipped to function at an acceptable social level. Some of them are unemployed and some turn to crime. Of course there are criminals who are educated and gainfully employed; however, my point and focus is the large number of young, under employed and unemployed persons who are increasingly committing violent crimes.

On a personal note, when I became a Magistrate in 1990, the average age of a criminal was between 25 to 35 years and some of the very vicious and violent crimes that we experience today were unheard of. At some point those who were involved in crime became younger; it changed to about 20 to 25 years.

When I left the Magistracy in 2003, teenagers were committing crime with some as young as 12 years old and I am sure you will accept that many of those who commit violent crimes today are under age 30.

All of the above highlights one of the basic problems with economic inequality which is that it is bad for everyone, the rich and the poor alike. Crime affects everyone and there is no safe haven in Trinidad and Tobago to protect you from the ravages of crime.

Another key element of growing inequity is the ability of citizens to access basic services, one of which is healthcare. There are citizens who do not have access to proper healthcare because they simply cannot afford it. While this country provides free healthcare services for all citizens, the sheer volume of those seeking to access these services makes it impossible for the state to provide optimal service for all. As a result, many citizens seek healthcare at private clinics.

Those who are poor do not have that luxury and we hear of many tragic repercussions and heart-wrenching accounts of those who are impacted simply due to their inability to access proper medical treatment.

The same extends to the question of ensuring that our education system is accessible by all and is for all, regardless of one's economic status. We have done very well over the past few decades in terms of our educational progress, and, the impact this has had on social and economic mobility and decreasing intergenerational poverty has been profound.

Far too often and increasingly, we hear of the established links between levels of literacy, poverty and criminal behaviour. We have to continue to work assiduously to ensure that the education-skills mismatch is narrowed so that young people are better equipped to enter the labour market and secure decent work over the course of their economically active lives.

In my respectful view, we have to tackle the issue of poverty which though will not remove inequality entirely, will play an important role in reducing it. It is against this backdrop that among the United Nation's Sustainable Development Goals is SDG No. 10 which is to reduce inequality within and among countries. There is growing consensus that economic growth is not sufficient to reduce poverty if it is not inclusive and if it does not involve the three dimensions of sustainable development, namely, economic, social and environmental. We therefore need to ensure that our economic and social policies focus on the disadvantaged and the marginalised in society.

Let me hasten to add that it is not for me to determine what should be the government's policy on economic inequality. However, like every right thinking citizen in Trinidad and Tobago, I am deeply concerned about the widening gap between the rich and poor and the repercussions that flow from this. It is therefore no surprise that over the years my annual address has always reflected my belief that we should always remain focused on the need for inclusive growth.

I want to repeat what I said in 2014, which is that good governance and the rule of law are prerequisites for attaining equitable growth and sustainable development in any country. Our public policy must be inclusive of all groups, particularly those that are most vulnerable.

As the country continues to experience what has been described as a recession, the Private Sector can play a significant role in shaping our future economic development by innovation and job creation. This is particularly relevant to our specific context in Trinidad and Tobago where micro, small and medium-sized enterprises are estimated to contribute 28 per cent to our gross domestic product (GDP), represent more than 20,000 enterprises, provide employment for an estimated 200,000 persons and account for 85 per cent of all registered businesses.²

Trade Unions have traditionally played a central role in shaping the employment culture and the working lives of citizens. At a time like this when the country is experiencing economic challenges, how the trade union movement responds to these challenges and opportunities over the next few years will be crucial in determining their continued relevance and overall level of influence. Among the reality the trade unions are faced with today, is the growth of the use of short-term contracts, the outsourcing by firms of non-core activities to other firms and the increased use of labour providing agencies in the energy sector. Trade Unions must now adapt to the ever-shifting landscape of the labour market. In terms of the current economic constraints which we are experiencing in Trinidad and Tobago, the unions in my view need to develop a working and comprehensive understanding of what this recession as announced by Government, entails.

Accordingly, There may be need to adjust their rhetorical sails to better match prevailing economic winds and present realities. It simply cannot be business as usual. Therefore, there might be a need for unions to engage the services of experts who can clinically and thoroughly analyse financial reports which are emanating from companies where unions represent workers in order to have a more panoramic understanding of what is the financial picture of that particular company so the union can in turn provide a realistic and comprehensive report to workers of what is actually taking place and in so doing, better represent them.

I wish to suggest also that one of the factors which can contribute to the stimulation of meaningful and sustained growth in the economy is for each side, business and labour, to put aside their distrust and differences and enter into meaningful relationships.

These relationships should be aimed at developing strategies that can impact on the survival and profitability of businesses and the promotion of sustainable, equitable economic growth in Trinidad and Tobago.

This is the time for all hands to be on deck. Although at times the relationship between the unions and business may appear to be acrimonious, let us not forget that unions and business have a common purpose, and that common purpose is for the business to be successful and profitable so that business owners can make profit and employees can earn their wages and have job security. I think we must never lose sight of that common purpose.

This is the time to foster more symbiotic labour relationships; the time to encourage discussion on issues at the workplace and it is also the time to adopt a less adversarial approach and foster a more collaborative approach toward problem-solving in the workplace. I have advocated in the past and I continue to advocate that the internal structures of a business should be less autocratic to allow employees or the employees' representatives and business owners to sit and engage in meaningful dialogue about issues at work and what serves the best interests of the company.

In this highly globalised world which is facing economic and environmental challenges, this is the time more than ever, to work together in a tripartite setting. The meetings of government, employers and unions are critical to address economic and work-related issues and to promote sustained economic growth. The industrial relations culture in Trinidad and Tobago has to develop to be a culture of dialogue and consensus rather than a culture of discord.

To this end and to assist in facilitating the proliferation of this approach, I have begun an outreach initiative across our twin-island Republic where I am attempting to bring a greater understanding of industrial relations issues and highlight the importance of a harmonious approach to tripartite relations and dialogue. I started this outreach at Mayaro, more than a week ago. I call on both the business community and labour to support this endeavour as it can redound to the mutual benefit of all parties and will, in my view, contribute to bridging the gaps in knowledge that exist with respect to the intersect between labour and business. Moreover, we can perhaps use this as an opportunity to start a much-needed conversation on developing more lasting mechanisms to support social dialogue which can be of tremendous benefit. It is in this context, I now turn to the work of the Industrial Court over the past year.

THE WORK OF THE COURT - 15th September 2016 to September, 2017

For the period September 2016 to September 2017, 1272 new cases were filed at the Industrial Court, 78 cases more than the same period 2015/2016 which recorded 1194 cases. Additionally, the Court disposed of 979 matters in the year in review which was lower than the 996 matters disposed of for the same period, 2015/2016. The disposal rate in 2016/2017 is 77%, which is 6.4 percentage points lower than the period 2015/2016 when the disposal rate was 83.4%. Of the total number of disputes disposed during the year in review, 21.9% (214 matters) were from Judgments, 36.7% (359 matters) were withdrawn, 37.1% (364 matters) were settled through the conciliation and bilateral process and 4.3% (42 matters) were dismissed for want of prosecution.

Of the total matters filed at the Court for this year, 2016/2017, Trade Disputes remain the largest number of matters filed (821) 64.5%, followed by Occupational Safety and Health matters (162) 12.7% and Retrenchment and Severance Benefits (64) 5%. This year, 23 new matters of disputes on breakdown in negotiations have been filed at the Court compared to 2015/2016 when 7 such matters were filed.

MEET WITH THE COURT SYMPOSIUM

On Saturday 24th June, 2017, the Industrial Court held its annual 'Meet with the Court Symposium', the aim of which is to encourage dialogue among stakeholders on issues affecting the industrial relations landscape. This year the Court collaborated with the International Labour Organisation (ILO) to host the event and as a result of the generous support of the Trinidad and Tobago Defence Force, the Symposium was held at the Regimental Headquarters, Garden Road, Aranguez. The theme this year "Fixed Term Contracts in the Public Sector", generated discussions on the legal impact of short-term contracts in Trinidad and Tobago.

I take this opportunity to express my sincere thanks to our presenters Mr. Shingo Miyake, International Labour Standards and Labour Law Specialist for the International Labour Organisation (ILO) Decent Work Team and Office for the Caribbean; Dr. Leighton Jackson, Dean of the Faculty of Law of the University of the West Indies, Mona Campus, and Economist Dr. Ralph Henry.

Special thanks to the Trinidad and Tobago Defence Force for the use of their facility. I also wish to thank the staff for their hard work each year and all our stakeholders for their attendance and participation; this contributed to making yet another successful Symposium.

ACCESS TO JUSTICE IN TOBAGO

As stakeholders are aware, since August 2012, the Industrial Court has been holding sessions in Tobago each year during the Court's vacation. This year we had no sitting in Tobago due to lack of funds, however, the Court remains committed to providing proper access to justice to all citizens. Works have not yet started on the building which the Court has acquired in Tobago, but we have been in discussions with NIPDEC with the hope of receiving the necessary technical support for this renovation exercise to become a reality.

TRENDS IN LABOUR AND INDUSTRIAL RELATIONS BULLETIN

The Industrial Court continues to strengthen its in-house data and statistics on labour market activity, and in so doing provide the stakeholders with information on the state of the industrial relations environment in Trinidad and Tobago. I am pleased to announce that we have completed our third Trends in Labour and Industrial Relations Bulletin in May this year. This Bulletin has not yet been printed due to lack of funds; however, it is my hope that it will be available to stakeholders before the end of this calendar year.

THE REGISTRATION, RECOGNITION AND CERTIFICATION BOARD

I pause to make mention of the Registration, Recognition and Certification Board and its operations. Over the years, in a period which may have spanned more than a decade, the Board took an inordinately lengthy period of time to complete matters. This delay impacted on the work of the Industrial Court, and some disputes had to be adjourned generally for many years pending the ruling by the Board. I think (this is my personal view) that the delays at the Board were primarily due to the lack of resources invested in that area. However, since Mr. Augustus Ramrekeringh assumed office as Chairman, there has been a notable increase in the disposal of matters at the Board and this has impacted in a positive way at the Court and I want to commend Mr. Ramrekeringh and the Board for the good work which they are doing.

TRAINING

There was no judicial education for judges this year due to budgetary constraints. Some members of staff did receive training; the Librarian attended the Caribbean Association of Law Library Conference in the Bahamas in July this year, where she presented a paper. Twenty one members of staff benefited from in-house training in performance management in the Public Service. Four members of staff attended a four day training in procurement.

On Tuesday 5th September, 2017, Dr. Leighton Jackson, Dean of the Faculty of Law, University of the West Indies, Mona, Jamaica conducted a one day training in Legal Research and Procedures for the staff of the Library, the Office of Economic and Industrial Research and the Legal Department. This training is a continuation of last year's training as we continue to strengthen the Court's research capacity.

SHORTAGE OF COURT REPORTERS

When I assumed office in December 2011, there were a number of outstanding judgements to be delivered by the Court; some dated as far back as 2008. In my address to stakeholders in 2012, I indicated that my main focus was to clear the backlog and deliver judgments in a timely manner. The judges and staff have worked tirelessly to clear this backlog and by 2014 there were no reserved judgements for any period before that year. However, due to the continued and chronic shortage of staff in the Court Reporting Unit, we have not been able to deliver the number of judgments as we would like this year. As you may know the Court Reporting Unit provides support for the Court at each hearing, transcribes all the notes of evidence and submission from hearings and makes them available for Judges' use in the preparation of judgments. This unit also prepares and provides notes of evidence when requested by the practitioners in proceedings in Court.

There are 25 positions of Verbatim Reporters at the Industrial Court, 18 of those positions are without incumbents, and therefore, only 7 persons are currently employed at the Court as Reporters. It is simply impossible for Court Reporters to accomplish their tasks with so few staff. To make matters worse, we have limited funds so we cannot employ a number of persons on contract to assist with the preparation and transcription of notes.

Despite my repeated calls over the years, the Court has not been provided with any replacement staff in that unit. This year (2016 – 2017) the Industrial Court has delivered 214 judgments; this is significantly less than the number of judgments which were delivered last year, (2015-2016) when 277 judgments were delivered. My fear is that with this chronic shortage of Court Reporters, we will revert to the same position as we were in 2011.

SPACE

In 1997, when the Industrial Court opened its new building in Port of Spain there was a total of 101 persons, this figure included the Judges and staff. In 2017, the total number of persons who work at the Port of Spain building is 160. The Industrial Court is in dire need of more space. There simply is not enough space to adequately accommodate staff and Judges. This is a chronic problem which I have addressed publicly each year for the past five years and I think that I may have become the proverbial voice in the wilderness. I implore the powers that be to urgently address this problem.

JUDGES AT THE COURT

This year, four judges ended their term with the Industrial Court: His Honour Mr. Dinesh Rambally, His Honour Mr. Robert Linton, His Honour Mr. Nizam Khan and His Honour Mr. Brian Dabideen.

The Court welcomed three new Judges, and they are, Her Honour Ms. Michelle Austin, His Honour Mr. Andrew Stroude and His Honour Mr. Azeem Mohammed.

I wish to thank the Judges and Staff of the Court for their professionalism and their continued support over the course of the past year. This support is made even more invaluable against the backdrop of the challenges and constraints we have faced as an organisation. I also wish to express my appreciation to the stakeholders for their participation in the process and I look forward to your continued engagement in the future.

CONCLUSION

As I conclude, I take the opportunity to assure that we at the Industrial Court will continue to promote inclusive growth and equality. In this context, it would be remiss of me to not reiterate that for this nation to weather these prevailing winds currently buffeting our economy and by extension, our society, this is the time for all hands to be on deck. There is an urgent need for all stakeholders to commit to tripartism where parties – Labour, Business and Government – can engage in genuine, meaningful discussions with a view to arriving at policy prescriptions and solutions that will assist our country in realising sustainable growth and greater resilience. Key to this is that the Social Partners fully embrace Social Dialogue as a fundamental mechanism in pursuit of this objective. I am therefore heartened by the recent announcement that the Joint Trade Union Movement will return to the National Tripartite Advisory Council as this speaks to the enduring value of the tripartite approach and augurs well for the crafting of sustainable solutions to our common challenges.

I am reminded by the words of the prolific Trinbagonian composer, Dennis Franklin, The Merchant, who called on us to symbolically work together in his timeless voice, saying:

***“Now, more than ever we must show,
Discipline, Tolerance and Production.
To build a strong and better nation,
I say, that is the main foundation.
So, come let us walk hand in hand,
Because this is our land;
Come my brother, come my sister,
Let us build a nation together.”***

May God bless you and may God bless our nation. I thank you for listening.



Deborah Thomas-Felix
PRESIDENT



INDUSTRIAL COURT OF TRINIDAD & TOBAGO



JUDGES OF THE COURT



SEATED FROM LEFT

HIS HONOUR MR. ALBERT ABERDEEN, HIS HONOUR MR. RAMCHAND LUTCHMEDIAL (VICE PRESIDENT), HER HONOUR MRS. DEBORAH THOMAS-FELIX (PRESIDENT), HIS HONOUR MR. LAWRENCE ACHONG (CHAIRMAN), HER HONOUR MS. BINDIMATTIE MAHABIR

MIDDLE FROM LEFT

HER HONOUR MRS. SANDRA RAMPARAS, HER HONOUR MS. MICHELLE-ANN AUSTIN, HER HONOUR MRS. JANICE CHRISTOPHER-NICHOLLS, HIS HONOUR MR. HERBERT SOVERALL, HER HONOUR MRS. KATHLEEN GEORGE-MARCELLE, HER HONOUR MRS. HEATHER SEALE, HIS HONOUR MR. GREGORY ROUSSEAU

BACK ROW FROM LEFT

HIS HONOUR MR. ROGER JUGMOHAN, HIS HONOUR DR. SELWYN SAMAROO, HIS HONOUR MR. MAHINDRA MAHARAJ, HIS HONOUR MR. MORTON MITCHELL, HIS HONOUR MR. NEIL A. MOHAMMED, HIS HONOUR MR. ANDREW STROUDE, HIS HONOUR MR. AZEEM MOHAMMED, HIS HONOUR MR. MELVIN DANIEL

NOT PICTURED

HIS HONOUR MR. PATRICK RABATHALY, HIS HONOUR MR. KYRIL JACK



REGISTRARS AND ADMINISTRATOR OF THE COURT



STANDING FROM LEFT:
MRS. KATHY-ANN ALEXANDER-FRASER, ASSISTANT REGISTRAR,
MR. NOEL INNISS, REGISTRAR AND
MRS. YOULAND ROBINSON, COURT ADMINISTRATOR

Despite the economic and financial downturn, the Industrial Court continues to fulfil its mandate to *“make better provision for the stabilisation, improvement and promotion of industrial relations”* in Trinidad and Tobago. The Court’s commitment towards making access to justice easily accessible has not wavered and a critical component is becoming an e-Court. Over the last few years significant strides have been made towards this goal. Stakeholders now have access to free WiFi and can view the location and time of hearing of their disputes on the electronic display screens and interactive kiosks at the Court. Documents on disputes filed in the Court are now scanned and all the courts have been equipped with court reporting technology. Preliminary work has also begun on the acquisition of a new Judicial Enforcement Management software which will allow for e-filing of documents.

REGISTRY

During the period October 2016 to September 2017 the Registry continued to provide critical support to the Court. The following changes have been introduced:

- The Reception Area was expanded to provide additional work space for the Registry Department.
- An additional Senior Clerk has been assigned to assist with the supervision of the work and staff in the Registry.
- Additional staff has been added to assist in the management of the vault and the filing of extra-copy files.

INFORMATION TECHNOLOGY

Our goal on becoming an e-Court, has pushed us further into enhancing our current operations which involves a holistic approach to technological investments.

Storage

Our systems were migrated to rack servers and a Network Attached Storage (NAS) was implemented at our Port of Spain branch for uploading information such as images and other documents. Another NAS is expected to be installed at our San Fernando branch. This will serve as a backup device for the operations in both the North and South branches of the Court.

Wireless Service & Firewall

The Court adopted a three (3) phase approach to the implementation of a wireless service. This included:

1. An upgrade of the firewall to ensure safety of data traffic and channeling users to specific paths
2. Improving the speed of the internet connection
3. The acquisition and installation of the wireless system

The implementation of a wireless service was completed within this current financial year. The members of staff and the external stakeholders who visit the Court are now able to access free wifi.

Upgrade of the Telephone System

The Voice over Internet Protocol (VoIP) system was implemented during the year in review. During that period, a tutorial guide was emailed and assigned codes were given to members of staff. The introduction of the Voice over Internet Protocol (VoIP) system has greatly improved communication between the Port of Spain and San Fernando branches of the Court.

THE COURT REPORTING DEPARTMENT

The Court Reporting Department continues to experience the same challenges it did for the past years – shortage of staff and the incessant depletion of staff due to retirement. For the fiscal year 2016 -2017 two (2) Verbatim Reporters II retired - Ms. Lynette Gibbs who was attached to the Port of Spain Court and Ms. Bernadine Fernandes who was attached to the San Fernando Court. As a result, two (2) officers were assigned to act in the positions. The retirement and exodus of staff has resulted in a depletion of note takers within the Court.

CHALLENGES

One of the main challenges throughout all the departments in the Court is the lack of operating tools such as stationery, ink, printers and computer equipment – a consequence of severe financial constraints over the last year. Additionally, it has been twenty (20) years since the Court moved into the current building and space has become a serious challenge over the last few years. With the Court's current growth trajectory, it has become an untenable situation. Another challenge facing the Court is the lack of adequate staff to properly and efficiently manage the day to day affairs of the Court. Over the last year, a number of staff members have retired while others have been promoted to positions outside the Court i.e. Ministries and other agencies in the Public Service. These factors have greatly hindered the Court's ability to effectively manage its work.

PROJECTIONS FOR THE UPCOMING YEAR

The Court in moving towards an e-Court intends to

- Continue upgrading the networking system
- Introduce a voice to text system in a courtroom
- Continue restructuring the Registry
- Restructure the Secretarial Department
- Continue the development of the Reporting Department



Display booth at the 'Meet With the Court' Symposium

The library recognizes the critical support it provides to the Industrial Court in its mission to maintain industrial peace, economic stability and social development. As a result, the Court's library diligently continues to improve the effectiveness of its information service delivery and knowledge management, regardless of tight budgets and national economic constraints.

Highlighted are the main initiatives of the library for the period October 2016 – September 2017.

STAKEHOLDER ENGAGEMENT

The library hosted an information booth at the "Meet with the Court Symposium", which was held on June 24th, 2017.

- Monographs and journals pertinent to the theme "Fixed-Term Contracts" were on display
- An e-presentation was created that highlighted the Court's perspective on fixed-term contracts
- A listing of available cases on fixed-term contracts was also produced

PRESERVATION

Most of the library's older Court judgments from 1965 to 1999 were in a fragile state. Given the library's mandate to be the premier repository of the complete collection of these items, these original judgments were withdrawn from circulation and replaced with high quality copies.

SERVICE IMPROVEMENTS

- The library organized its multiple copies of judgments and created a separate collection of extra judgment copies. These are being used to supply print requests to customers. This initiative has reduced the time spent photocopying and resulted in a faster response to customers' judgment queries.
- The library continues to assiduously update its Civil Appeal print collection and database listing, seeking to capture all pertinent and noteworthy judgments impacting industrial relations in Trinidad and Tobago.
- The library's flagship and income earning judgment database "MINISIS" metadata verification is ongoing - records are being edited for content accuracy and completeness. The range of years completed are from 2000 to 2013. These enhancements allow for faster, more efficient archival and document retrieval.
- Newspaper articles relevant to the Industrial Court and core industrial relations issues are indexed daily and the full text is uploaded to library's Integrated Library System (ILS) "EOS.Web".

MARKETING & OUTREACH

- The North branch was the recipient of a 55 inch 4k television, which is used by the library to feature themed e-presentations, view recreational activities such as the Industrial Court's Sport and Family Day and notable addresses by the President at both international and local forums.
- Displays were done in recognition of key events which include:
 - *International Men's Day (19th November)*
 - *South Court 12th Anniversary (15th February)*
 - *World Day of Social Justice (20th March)*
 - *World day of Safety and Health at Work (28th April)*
 - *Labour Day (TT) (19th June)*

PROFESSIONAL DEVELOPMENT & TRAINING

- Once again, the head librarian was given the opportunity to present a paper and network at the Caribbean Association of Law Libraries (CARALL) conference, which on this occasion was held in Nassau, Bahamas between the 24th – 27th of July 2017. The theme of this year's conference was "*Law Librarians at the Crossroads: Addressing Trends, Issues and Challenges*". The topics featured were:
 - *Sourcing funds for libraries in times of shrinking budgets, looking at grants available from the EU and the USA.*
 - *Fee vs Free i.e. charging for library services the new "business model".*
 - *Balancing client expectations with budgeting realities.*
 - *Digital nightmares – accessing the technologies.*
 - *Space matters: how to use space effectively.*The head librarian's presentation dealt with the status of CARALL'S Strategic Planning Process and what the Association must do to realize its goal of creating a Strategic Plan by 2018.
- Facilitated National Library and Information Systems Authority (NALIS) scholar, Ms. Carol Julien for the period 29th May – 5 June, 2017. She was exposed to all areas of the library and spent time with each member of the library's team to learn the different library procedures.
- Hosted four (4) students from St. Francois Girls College for two weeks in the "World of Work Internship".

EARNINGS

For the period October 2016 to September 8, 2017, one hundred and nine thousand and four hundred dollars (\$109,400.00) in revenue was generated from subscriptions to the library's MINISIS judgment database.

LIBRARY STATISTICS

An examination of the data confirms that the Industrial Court judgments continue to be the most requested piece of information with a 74 percent and 76 percent modal use at the south and north branches of the library, respectively. Other popular information resources demanded were books and legislative documents. The trend of the library's resources being more heavily utilized by our external clients - attorneys, trade union activists, government departments, ministries, statutory organizations, labour law students and private sector entities - persisted. Additionally, there was a steady climb in the number of persons accessing the services and resources of both libraries (see figure 3), in spite of the drastic budget cuts that severely limited the acquisition of books and journals as well as subscription access to new legal databases. On the matter of online queries, it should be noted that 54 queries were received via the Court's website.

FIGURE 1: INFORMATION RESOURCE USAGE (SOUTH BRANCH)
INFORMATION RESOURCE USE (2016-2017)

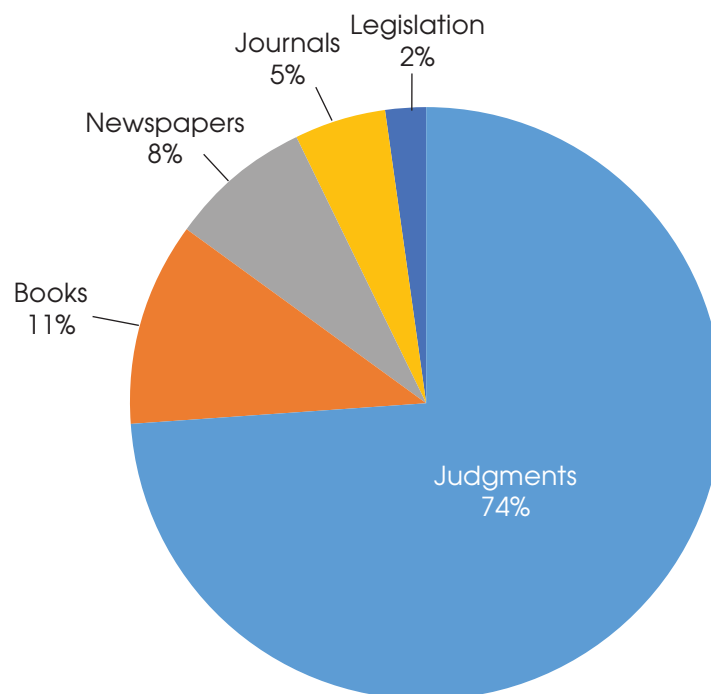


FIGURE 2: INFORMATION RESOURCE USAGE (NORTH BRANCH)
INFORMATION RESOURCE USE (2016-2017)

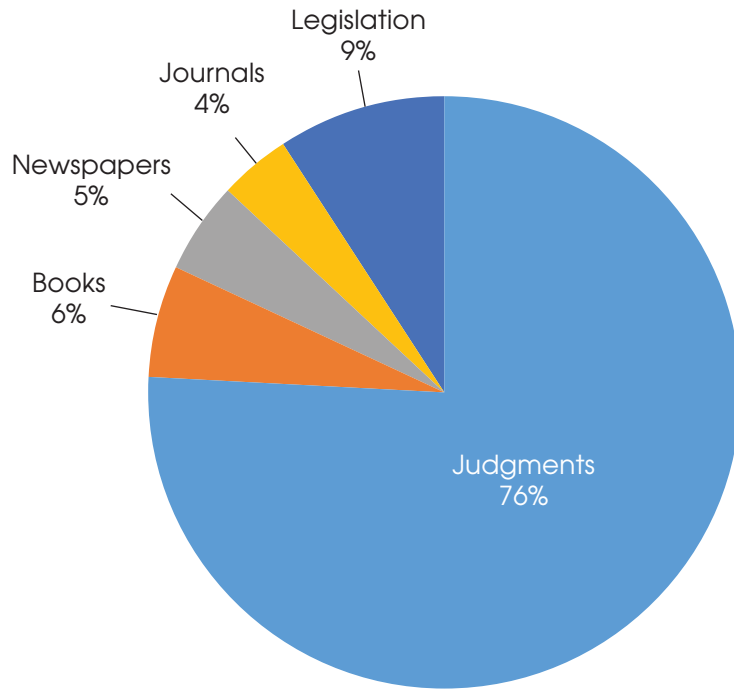
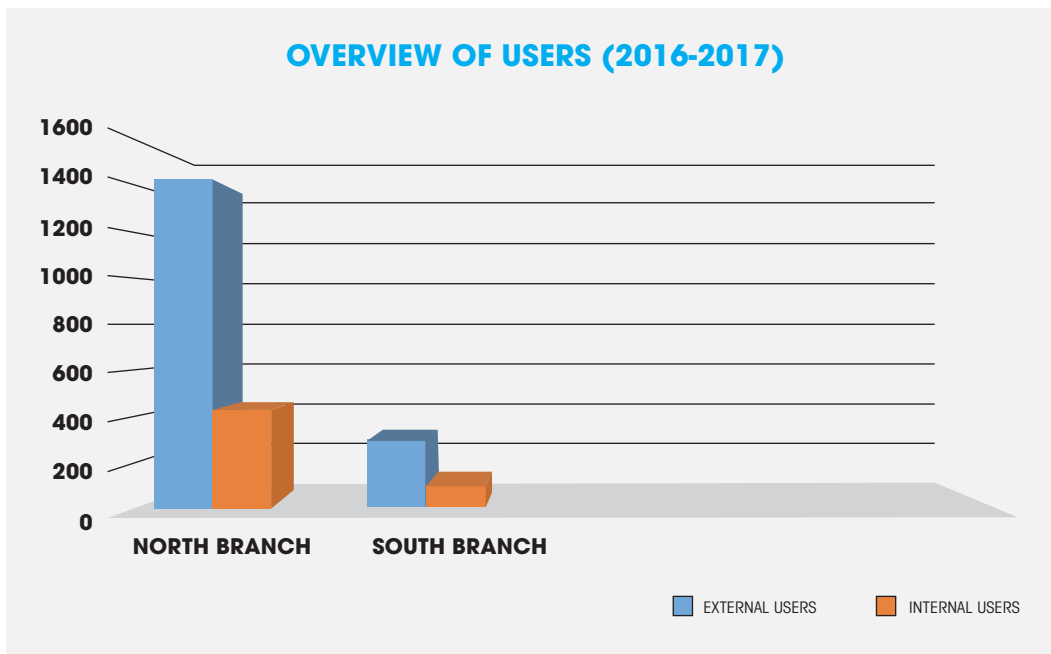


FIGURE 3: EXTERNAL AND INTERNAL USERS





New staff at the Industrial Court. (front row from left) Sonya Beharry, Peter Stanislaus, Candice Christopher; (middle row from left) Roger Gilkes, Reshma Ramdass, Shivana Soodeen, Indira Moonoo; (back row from left) Neisha Ali-Harrynarine, Keia Beard, Lilian-Grace Cyrus-Harper, James Pope

Apart from the core functions of the Human Resource Management Unit (HRMU), the Unit remains committed to increasing the output of the Court's human resources and creating an environment whereby individual and organizational goals and objectives can be attained.

RECRUITMENT AND STAFFING

Presently, there are one hundred and sixty-four (164) positions at the Court which comprises twenty-five (25) Judges, one hundred and twenty-one (121) established positions and eighteen (18) contract positions. Of the one hundred and twenty-one (121) established positions, fifty one (51) are vacant while six (6) of the contract positions are vacant.

During the fiscal year 2016-2017, the HRMU continued to experience serious staffing challenges within the Court. Regarding the requests made for Verbatim Reporters from the Service Commissions Department (SCD), this effort remains unsuccessful. The Court has continued to recruit Computer Aided Transcription (CAT) Reporters on contract to supplement the dearth of Verbatim Reporters.

PROMOTIONS AND APPOINTMENTS

Two (2) Research Officers II were promoted to the Industrial Court, while the two (2) Research Officers at the Industrial Court were promoted as Senior Research Officers - one (1) of the officers to Ministry of Education and the other to Service Commissions Department. Additionally, one Auditing Assistant was promoted as an Auditor I at the Industrial Court and three (3) Bailiffs were appointed to the Court. One (1) System Analyst I was appointed to the Ministry of Energy and Energy Industries, while a Clerk I from the Ministry of Finance is currently acting in that capacity.

DELEGATED AND DEVOLVED FUNCTIONS

In accordance with Section 127 of the Constitution, the HRMU performed the functions delegated by the Public Service Commission and those devolved by the Chief Personnel Officer, in a timely and efficient manner. The relevant reports were submitted quarterly to both agencies as is required.

EMPLOYEE ASSISTANT PROGRAMME (EAP)

The Court continues to promote the health and well-being of its staff. The EAP is a valuable resource which remains available to all members of staff and their families. Staff is reminded that this programme is designed not only for issues related to work but also for all other matters which remain confidential. For the year under review, one (1) member of staff accessed the EAP through our recommended provider.

PERFORMANCE MANAGEMENT AND APPRAISAL SYSTEM (PMAS)

In keeping with an efficient and effective PMAS, the HRMU forwarded to supervisors the Public Service Annual Performance Appraisal Reports (PSAPR) for completion. A total of eighty-six (86) reports were received and submitted to the Director of Personnel Administration. It must be noted that the appointment/promotion of officers; confirmation of appointments/promotions; processing of increments; approval of maternity leave for temporary officers and processing of acting allowances are dependent upon the timely submission of these completed reports.

OCCUPATIONAL SAFETY AND HEALTH (OSH)

To date, the OSH Committee has not been established. However, the Court's infrastructure regarding Health and Safety in both the north and south branches are being upgraded as necessary, as First aid kits were installed on each floor of the Organization. Corrective measures are put in place upon the investigation of OSH complaints.

INDUCTION/ORIENTATION

Upon assumption of duty, new staff to the Court were inducted and briefed on their duties and responsibilities, standard of behavior, dress code and the regulations that govern the Public Service. They were formally introduced to other members of staff. Ten (10) members of staff participated in the in-house orientation by the HRMU and were supplied with a copy of the Public Service Regulations and Code of Conduct.



TRAINING AND DEVELOPMENT

The HRMU continued to experience financial challenges during 2016-2017 in its attempt to upgrade employees' knowledge and skills bank, through training and development. As a result, in most instances, the Court sourced and capitalized on training for members of staff through the Ministry of Finance and the Ministry of Public Administration and Communications.

- Overall, twenty-one (21) members of staff benefited from in-house training in *Performance Management in the Public Service*. The programme was conducted by a retired member of staff from the Ministry of Finance. Participants were exposed to the various tools and methods involved in the preparation and management of Performance Appraisal.
- Two (2) members of staff, one (1) Temporary Research Officer I and one (1) Ag. Clerk III attended a four (4) day training programme in *UNDP Public Procurement Change Agent* from August 14, 2017 to August 18, 2017. It was conducted by the Ministry of Finance at the Eric Williams Building. Participants were exposed to experimental learning to develop the theoretical understanding and practical skills necessary to address the problems and opportunities of change which they may identify.
- The Ag. Clerk III attended a three (3) day training in *Inventory Management* from November 07-09, 2017 at the Chaguaramas Convention Centre, under the purview of the Ministry of Public Administration. The participant was exposed to the key principles and methods of inventor control and management.
- One (1) Librarian attended the *Caribbean Association of Law Libraries 32nd Annual Conference in Bahamas* held from July 24 to 27, 2017. This Conference provided a forum to discuss problems and information needs of clients and created ways in which a greater co-operation could be achieved. The conference also provides the opportunity for law librarians to meet with Publishers representatives to purchase new editions of books and to explore new developments in the access to legal information.
- On July 17 and 18, 2017, one (1) Corporate Communication Officer attended a protocol workshop. The workshop entitled "*Protocol and Etiquette in the context of Personal Development and Nation Building*", was conducted by renowned protocol consultant Ms. Lenore S. Dorset and at its core encouraged a gentler and more caring society. The Communications Department benefitted from exposure to the "fitness of things" in dealing with the various sectors of society nationally and internationally. Several key takeaways from the workshop included the importance of the table of precedence, communication-written and oral, dress and decorum and the media.

- On September 5, 2017, legal officers, library and research staff participated in a one-day workshop on the *Methodology of Reasoning, Legal Research and Writing* at the Radisson Trinidad. The workshop was conducted by the Dean of the Faculty of Law at the University of the West Indies Mona Campus, Dr. Leighton Jackson. This training focused on:
 1. Guidelines on sourcing case law with a focus on industrial relations
 2. How to link such case law to key topics and rulings made by higher Courts if applicable
 3. Landmark cases in the Industrial Court

PENSION AND LEAVE

The Pension and Leave Department has responsibility for the preparation and collation of work history data for all Judges and established members of staff, both past and present, in accordance with the Pension Extension Act 34 of 1961 and Pensions and Gratuities of Member Regulation. Once the data is collated the information is forwarded to the Pensions Division of the Ministry of Finance and the Economy for processing of pensions and gratuity benefits.

Since the creation of the department in January 2013, the Pension and Leave Department has been able to update approximately 75% of the outstanding Pensions and Leave records.

For the period under review, twenty seven (27) pension and leave records were completed for 2016 and the records for six (6) out of seven (7) retirees were completed for first three quarters of 2017. It is estimated that by the end of 2017, some fifty (50) records will be completed and forwarded to the Comptroller of Accounts.

An increase in the number of staff, appropriate training and adequate office space will greatly assist the Department in the efficient management of the pension and leave records for the Judges and staff of the Industrial Court.

CONCLUSION

The HRMU will continue to encourage a good working environment by the application of appropriate discipline, staff motivation and training and development for all members of staff.



Staff participate in a training workshop on Methodology of Reasoning, Legal Research and Writing

The Office of Economic and Industrial Research (OEIR) which is established pursuant to Section 82 of the Industrial Relations Act Chapter 88:01, continues to provide support for the Court in the exercise of its stated purpose - *“to better provide for the stabilisation, improvement and promotion of industrial relations in Trinidad and Tobago.”* In this regard, the OEIR manages all research requests of the Court and furnishes stakeholders with analytical material on economic, labour and industrial topics.

The OEIR continued its high quality service through the efficient delivery of relevant material. For the period under review the achievements of the OEIR were as follows:-

- Delivery of five (5) Research Notes, including a job for job comparative analysis of basic pay based on surveys in the relevant industries, which were requested by the Court to aid in the resolution of trade disputes arising from a breakdown in negotiations, namely:
 - Trade dispute No. GSD-TD 305/2015 between Banking, Insurance and General Workers’ Union and TATIL Life Assurance Limited for the bargaining period 1 January 2012 to 31 December 2014 on behalf of the monthly paid Bargaining Unit.
 - Trade dispute No. GSD-TD 384/2015 between the Banking, Insurance and General Workers’ Union and the Environmental Management Authority for the bargaining period 1 January 2013 to 31 December 2015 on behalf of the monthly rated Bargaining Unit.
- A three-in-one Research Note - Trade dispute Nos. GSD-TD 097, 098 and 099/2014 between the Oilfields Workers’ Trade Union and the Trinidad and Tobago National Petroleum Marketing Company Limited (NP) for the bargaining periods:
 - 01 June 2011 to 31 May 2014 on behalf of hourly and weekly rated Bargaining Unit
 - 01 June 2011 to 31 May 2014 on behalf of monthly paid grades I – IV Bargaining Unit
 - 01 January 2012 to 31 December 2014 on behalf of monthly paid grades V and over Bargaining Unit
- The Annual Bulletin on Trends in Labour and Industrial Relations which covers the period 2012 to 2016 and the first two quarters of the 2016-2017 fiscal year. This Bulletin features analyses of industrial relations trends in relation to developments in the domestic economic environment and the labour market.
- Production of the report titled *“An Analysis of Wages and Salaries Extracted from Collective Agreements Registered in 2016”*. This report conveys the findings of analyses of data and trends in wage settlements negotiated through the collective bargaining process across sub-sectors. The analysis was conducted on a total of forty-three (43) Collective Agreements registered at the Court in 2016.
- Production of the *“Analysis of Cost of Living Allowances Extracted from Registered Collective Agreements for the year 2016”* report. This report presents the average monthly COLA negotiated on behalf of employees for specific bargaining periods, by sub-sector, identifying trends from comparative analyses of COLA for consecutive years.

- Report on the “*Details of Pecuniary Allowances Extracted from Collective Agreements registered in 2014 and 2015*” which represents the ongoing development of a database of selected allowances offered to employees as part of their terms of employment for the bargaining period. The analysis covers, inter alia, the sub-sector, the union involved and is further categorized into public and private sectors.
- Examination of eighty-four (84) Collective Agreements received by the Court for registration.
- Compilation of statistical data on the number of disputes filed and disposed including judgements delivered for the period October 2016 to September 2017. (See Appendix C)

The OEIR’s clientele has grown over the past years. The Department continues to service the needs of internal and external stakeholders with relevant research material. For the period in review, the Department responded to enquiries from approximately one hundred and fifteen (115) clients who have accessed approximately five hundred and two (502) documents and publications from the Department. The OEIR also made presentations about its role and functions to several academic groups during their information gathering visits to the Court.

CHALLENGES

The Court has not been immune to the realities of the economic downturn, the effects of which was felt in the execution of our daily operations. Resource constraints persisted in terms of shortages of stationery and supplies, and there is the ongoing challenge of limited space in the Department. These constraints have stymied the execution of our Training Plan, which had to be deferred to the following fiscal year. In addition, limited in-house capabilities to bind voluminous research publications, continue to militate against the timely production of output from the Department.

Projections for the next year:

The OEIR will continue to focus on the implementation of its Work Programme and the provision of valuable service to its stakeholders, in the upcoming year. Apart from Research Notes, major deliverables which could be expected include:

- *Annual Bulletin on Trends in Labour and Industrial Relations 2017*
- *An Analysis of Wages and Salaries 2017*
- *Analysis of the Cost of Living Allowances 2017*
- *Details of Pecuniary Allowances Extracted from Collective Agreements Registered in 2016*
- *Summaries of Collective Agreements Registered in 2014 and 2015*
- *Ongoing development of a database of labour and industrial relations information*

The Accounts Department provides effective and efficient services while managing the Budgetary Allocation of the Industrial Court. It ensures that the proper procedures are conducted in compliance with the Financial Regulations and Instructions 1965 and Exchequer and Audit Act Chapter 69:01 together with other Financial Circulars.

It is important to note that these services are also extended to the following Sub Accounting Units managed by the Industrial Court.

- (a) Environmental Commission**
- (b) Public Service Appeal Board**
- (c) Tax Appeal Board**
- (d) Equal Opportunity Tribunal**

REVENUE

The Revenue collected by the Industrial Court for the period October 2016 to September 30, 2017 is detailed as follows:

- i. Sale of Publications - \$ 193,765.55**
- ii. Fines - \$ 295,000.00**

Fines are imposed on Companies and Unions which are found guilty of Industrial Relations Offences and breaching the Occupational Safety and Health Act (OSHA), in matters coming before the Court. There was an increase in Fines collected over the same period in the previous financial year.

RECURRENT EXPENDITURE

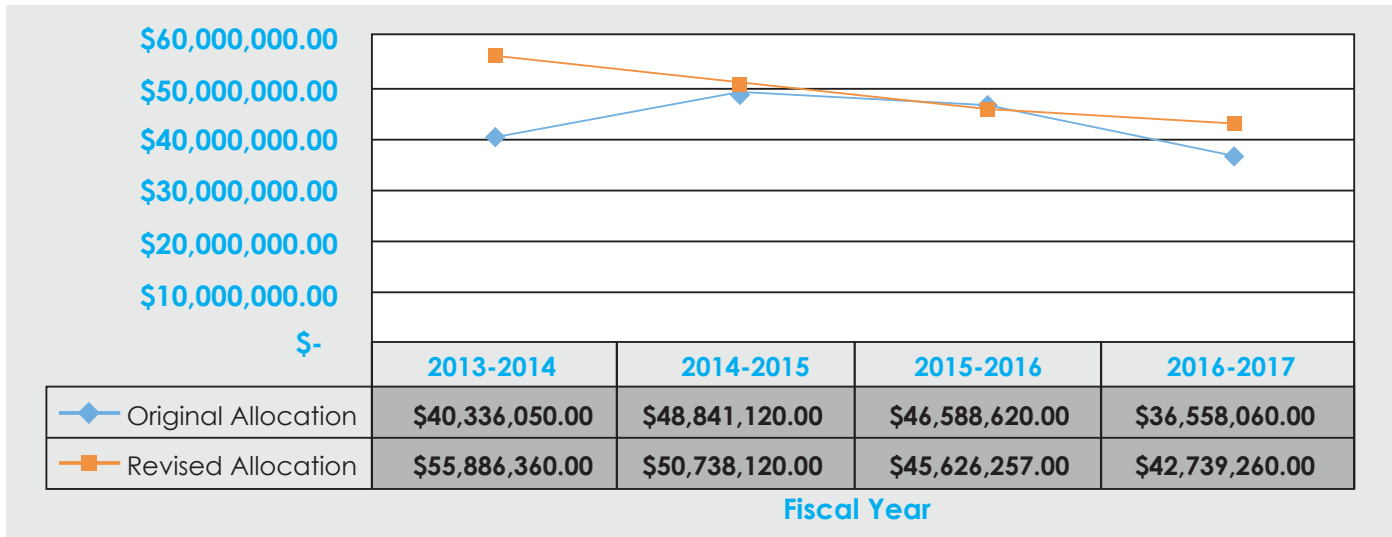
In accordance with Section 24 (1) (b) of the Exchequer and Audit Act, Chapter 69 : 01, Accounting Officers were required to submit Appropriation Accounts for the Financial Year ended September 30, 2016 by January 31, 2017.

The final report of the Appropriation Accounts of Recurrent Expenditure and Statement of Receipts and Disbursement for the Industrial Court was prepared and submitted to the Auditor General and Comptroller of Accounts as stipulated.

For Fiscal Year 2015/2016 the Original Allocation to the Industrial Court was \$46,588,620.00. In Fiscal Year 2016/2017 the Original Allocation was \$36,558,060.00 which represented a reduction of approximately 21.5% from the previous year. However, by the close of the financial year, the Original Allocation in the Court's Recurrent Expenditure was increased by \$6,181,200.00.

The Revised Allocation to the Industrial Court is \$42,739,260.00 which is a 14.46% increase from the Original Allocation.

FINANCIAL ALLOCATIONS



The Allocation and Expenditure of Funds for the Financial Year 2016 -2017 as at September 30, 2017 are illustrated as follows:

SUB HEAD	ORIGINAL ALLOCATION \$	REVISED ALLOCATION \$	EXPENDITURE AND COMMITMENTS \$
Personnel Expenditure	24,119,300.00	24,814,800.00	23,660,916.00
Goods and Services	12,437,260.00	17,917,460.00	17,340,414.00
Minor Equipment	1,500.00	7,000.00	1,336.00
TOTAL	36,558,060.00	42,739,260.00	41,002,666.00

DEVELOPMENT PROGRAMME

For the October 2016 to September 2017 fiscal year, the Industrial Court requested and received funding for one project, that is, the establishment of an Industrial Court in Tobago.

As reported previously, the building at Sandy Hall, Bacolet Street, Scarborough, Tobago was acquired to be the Industrial Court building in Tobago. Due to the age of the building it requires some extensive internal structural work.

The total cost of this seminal project is estimated to be approximately 12 million TT dollars. However, in 2017, the Ministry of Finance released \$2 million TT dollars to initiate the project.

A request has been made in a Note for Cabinet, submitted to the Honourable Attorney General, to engage the services of a State Agency to carry out the design, outfitting works and to manage the project.

For the financial year 2016-2017, the Internal Audit Unit of the Industrial Court continued to provide an approved Plan of Works to the Registrars of the Industrial Court, the Tax Appeal Board, the Environmental Commission, the Equal Opportunity Tribunal and the Secretary of the Public Service Appeal Board. This approved Plan of Works is attached as Appendix D. In addition to the activities in the attached Appendix, ongoing exercises were undertaken as follows:-

- i. Application for Credit on the Exchequer Account**
- ii. Pension and Leave Records**
- iii. Vouchers relating to Previous Years Payments**
- iv. Increment Certificates**
- v. Application for Contract Gratuity**
- vi. Emolument Statements in respect of retiring Members.**

During the fiscal year 2016/2017, eighty percent (80%) of the work on the approved Work Plan was completed. Some of the key factors that impeded the Unit's output include:

- Staff shortages. An Auditing Assistant proceeded on vacation leave from October 2016-January 2017 and another was on extended sick leave from January 2017 - April 2017. These positions were not filled during the periods of absences.
- An inordinate delay in obtaining records and documents when requested for verification from Sub-Accounting Units. This was mainly due to inadequate staffing within these Units.

Consequently, the structure of the Internal Audit Unit is being re-examined to accommodate the additional workload. An Auditor II and Auditing Assistant will soon be added on the establishment to alleviate the challenges.



STAKEHOLDER ENGAGEMENT





Her Honour Mrs. Deborah Thomas-Felix with Staff of the Industrial Court

MEET WITH THE COURT SYMPOSIUM 2017

In spite of the financial challenges that persisted throughout the fiscal year, the Industrial Court held the annual stakeholder event, Meet with the Court Symposium, on Saturday 24th June, 2017. This year, through the generous support of the Trinidad and Tobago Defence Force, the Symposium took place at the Regimental Headquarters, Garden Road, Aranguez. The event was well attended by representatives from employers' organisations, industrial relations practitioners, trade union activists, attorneys at law and representatives from government agencies. The Honourable the Chief Justice, Mr. Justice Ivor Archie was also in attendance. The aim of the Symposium is to encourage dialogue among practitioners on issues affecting the industrial relations landscape.

The discussions focused on the very relevant topic of **"Fixed Term Contracts"**. In her opening address, Her Honour Mrs. Deborah Thomas-Felix highlighted the emergent socio-economic problems associated with the proliferation of fixed term contracts in the public sector.

Some of these highlights include:

- **The inequality of remuneration packages for public officers versus contract officers performing the same duties.**
- **The absence of security of tenure for contract workers in the public sector.**
- **The disruption in the organisation's workflow from continuous use of fixed term contracts.**
- **The denial of the legal right to representation by a Trade Union in interest matters.**
- **The impact on the quality of life for persons employed under fixed term contract arrangements.**

Consequently, Her Honour opined that we must revisit *"the persistent and widespread use of fixed-term contracts of employment in the public sector with a view to examine the social and economic impacts of the use of these contracts, given their consequences for a significant number of citizens, for Government as employer as well as for productivity and the quality of public services."*



*(centre) Her Honour Mrs. Deborah Thomas-Felix with members of the Steel Workers Union of Trinidad & Tobago.
(from left to right) Kubir Teeluck, Christopher Henry - President, Lancelot Smart and Timothy Bailey.*

Indeed, it was on this premise, the Industrial Court saw the need to discuss this phenomenon that has pervaded the labour market. Following the address of the President of the Industrial Court, stakeholders were exposed to thought-provoking perspectives by experts in the field of industrial relations and industrial relations law.

Mr. Shingo Miyake, International Labour Standards and Labour Law Specialist for the International Labour Organisation (ILO) Decent Work Team and Office for the Caribbean, outlined the International Standards Regarding Fixed-Term Contracts. The procedures for termination and for collective dismissals as set out by the ILO's Termination of Employment Convention and Recommendation, as well as the measures to improve the employment relationship, were some of the main points addressed.



*(Left to right) Presenters Dr. Shingo Miyake, International Labour Standards and Labour Law Specialist for the International Labour Organisation (ILO) Decent Work Team and Office for the Caribbean;
Economist Dr. Ralph Henry and Dr. Leighton Jackson, Dean of the Faculty of Law, University of the West Indies, Mona Campus*



Stakeholder visits the Library's display booth

Another expert in the field of industrial relations law was Dr. Leighton Jackson, Dean of the Faculty of Law, University of the West Indies, Mona Campus. Dr. Jackson's presentation on *the Legal Impact of Short Term Contracts in Trinidad and Tobago*, critically examined short term contracts and the jurisprudence of the Industrial Court. One of the key takeaways from his lecture was that collective bargaining remains at the heart of labour law and provides the best protection for workers. He concluded that an analysis of these cases reveal that *"no fixed term contract or any other device will undermine, in this jurisdiction, the right and protection of workers."*



Gene Francis, Assistant Registrar and Debra Coryat-Patton, Attorney at Law from the University of the West Indies



John Jaglal and Sheldon Deonarine from the All Trinidad General Workers Trade Union



Vincent Cabrera, President of the Banking Insurance General Workers Union and Ramkumar Narinesingh from the Amalgamated Workers Union.



Joycelyn Francois, Chief Executive Officer of the Employers' Consultative Association

The final speaker was economist Dr. Ralph Henry who held an interesting discourse on the theme ***“Peering Out of the Recession”***. He presented a critical analysis of the domestic and international economies, the various transitions of the local economy over the last 55 years and the need for Trinidad and Tobago to transition out of the reliance of exports of oil and gas. He concluded with food for thought – With the changing economic landscape, is fixed term-contracts here to stay?



Giselle Estrada from Republic Bank Limited and Ancil Rampersad from Powergen.



Zeda Amin-Mandol, Attorney At Law



Karen Boodoo-Dhun, Attorney General the Honourable Faris Al Rawi, Her Honour Mrs. Deborah Thomas-Felix and Her Honour Mrs. Bindimattie Mahabir

PRESIDENT'S COCKTAILS 2016

President's Cocktail 2016 took place on Thursday 15th December at the Industrial Court foyer. The annual event facilitates stakeholder engagement in a less formal setting between the judges, key staff of the Court and its main clients. Her Honour Mrs Thomas-Felix marked the start of the evening with warm wishes and gratitude. Familiar faces flooded the Court as the parang band Voces de Promesa entertained the crowd with their original compositions as well as the most popular Trini soca-parang songs. Union representatives, attorneys at law, industrial relations practitioners and Members of the Court socialised while enjoying the sounds of the Christmas season.



Ms. Arusha Davis, Ms. Marisol Davis and Ms. Sheraine Genas



The Honourable Mme Justice Eleanor Donaldson-Honeywell and Mr. Nizam Khan



Performance by Voces de Promesa



Mr. Martin Daly SC, Her Honour Mrs. Deborah Thomas-Felix and Mr. Keston Nancoo



His Honour Mr. Patrick Rabathaly listens attentively to Mr. James Lambert from the National Union of Government and Federated Workers while Mr. Michael Annisette of Seamen and Waterfront Workers Trade Union looks on.



Mrs. Arlene Stephen and the Honourable Mr. Justice Norton Jack



Mr. Krishna Bahadursingh and Mr. Roger Ramdwar



THE INDUSTRIAL COURT FAMILY

NEW APPOINTMENTS

In March 2017, three (3) new Members were appointed to the Industrial Court of Trinidad and Tobago by His Excellency Anthony Thomas Aquinas Carmona, SC, President of the Republic of Trinidad and Tobago. In addition, His Honour Mr. Kyril Jack, was reappointed for a second term. He now sits in the Essential Services Division of the Industrial Court. Mr. Jack, who has years of experience in the field of industrial relations, was first appointed as a Member of the Court in 2011. The other Members are Her Honour Ms. Michelle Ann Austin, His Honour Mr. Azeem Mohammed and His Honour Mr. Andrew Stroude.



MICHELLE ANN AUSTIN

Her Honour Ms. Michelle Ann Austin presides as a Judge in the Essential Services Division of the Industrial Court. The holder of an LL.B degree, Her Honour Ms. Austin was called to the Bar in Trinidad and Tobago in 1989 and then to the Bar in Barbados in 1992. She obtained an LL.M degree in Legislative Drafting from the Faculty of Law at Cave Hill, Barbados.

In 1995, Her Honour Ms. Austin was appointed Parliamentary Counsel in the Office of the Chief Parliamentary Counsel, Office of the Attorney General (AG).

Ms. Austin later became Head, Legal Division of the Office of the Ombudsman and in 2001, she joined the Judiciary of Trinidad and Tobago where she served as Administrative Secretary to three Chief Justices between 2001 and 2008.

In 2008, she was appointed to act in the post of Court Executive Administrator (CEA) in the Judiciary and in 2009, she was appointed Court Executive Administrator, a position she has held for the last eight (8) years. Her Honour Ms. Austin is also a certified Mediator.



AZEEM MOHAMMED

His Honour Mr. Azeem Mohammed, was appointed in the General Services Division of the Industrial Court.

He is the holder of a Bachelor of Laws degree (LL.B) from the University of Southampton, England and a Certificate of Legal Education from the Sir Hugh Wooding Law School, St. Augustine, Trinidad. He is also holds a Bachelor of Arts degree in History and Political Science with a Minor in Philosophy from the Wilfred Laurier University, Waterloo, Ontario, Canada.

His Honour Mr. Mohammed has been an Attorney at Law for over twenty-three (23) years. As a civil law attorney, he has extensive experience in advocacy at the High Court, the Court of Appeal, the Magistrates Court, the Family Court, the Industrial Court and the Equal Opportunities Tribunal.

Prior to his appointment as a Member of the Court, His Honour Mr. Azeem Mohammed served as Chairman of the National Insurance Appeals Tribunal. He has also served as a member of the board of the Assembly of Southern Lawyers.

NEW APPOINTMENTS



ANDREW STROUDE

His Honour Mr. Andrew Stroude received his Bachelor of Laws from the University of the West Indies, Cave Hill Campus in 1986 and was called to the Bar in Trinidad and Tobago in 1988. He later obtained a Post Graduate Diploma in International Relations (1999) and a Master of Science (MSc.) in International Relations (2001). He is also the holder of a Master in Business Administration (with Distinction) having obtained the same from the Heriot Watt University in 2010.

His Honour Mr. Andrew Stroude presides as a Judge in the Essential Services Division of the Court. Prior to joining the Court he held the position of Deputy Director at the Police Complaints Authority. From 2001 to 2016, he served as a Magistrate in the Judiciary of the Republic of Trinidad and Tobago.

This new Member of the Industrial Court has served as State Counsel in several Departments including the Office of the Director of Public Prosecution, the Customs and Excise Division of Ministry of Finance, the Port Authority and the Ministry of Foreign Affairs. He has engaged in bilateral and multilateral negotiations in several countries including Iran, Chile, Mexico and Suriname.

His Honour Mr. Stroude is a member of the Steering Committee for both the Adult and Juvenile Drug Treatment Courts. He is also the facilitator and judicial representative at the Pan American Development Fund's "RAPP" program, a program geared towards the diversion of at-risk youth in Trinidad and Tobago.

RETIREMENTS



PAMELA LUTCHMAN

Mrs. Pamela Lutchman served in the Public Service for forty (40) years. She entered the Service on 5th August 1977 as a Temporary Clerk I and was assigned at the Ministry of Works and Transport.

The following year, Mrs. Lutchman joined the Industrial Court as a Temporary Clerk I and was subsequently appointed Clerk I with effect from 1st January 1979. She continued her service as a Clerk I in the Registry Department upon her promotion to Clerk II in April 1983. Ms. Lutchman has been promoted from Clerk II to Clerk III and finally to Clerk IV during her tenure at the Industrial Court.

Mrs. Pamela Lutchman served at the Court for thirty-nine (39) years until her retirement from the Public Service on 9th March, 2017.



BERNADINE FERNANDEZ

Mrs. Bernadine Fernandez was assigned to the Service Commissions Department as a Clerk Typist I upon her entry to the Public Service on 12th June 1978.

After three years at the Service Commissions Department as a Clerk Typist I, she was appointed as a Clerk Stenographer I on 31st July 1981 and subsequently promoted as Clerk Stenographer II with effect from 1st November 1989.

On 15th June 1988, Mrs. Fernandez assumed duty at the Industrial Court to act Verbatim Reporter I. While at the Industrial Court she was promoted as Clerk Stenographer III at the Ministry of Labour on 28th October 1997. However, she continuously acted as Verbatim Reporter I at the Industrial Court.

On 14th March 2006, she was promoted as Verbatim Reporter I at the Industrial Court and continued in the capacity of Acting Verbatim Reporter II with effect from January 2014 at the south branch of the Industrial Court until her retirement.

She retired on the 20th August 2017 after thirty-nine (39) years in the Public Service.

RETIREMENTS



LYNETTE GIBBS

Ms. Lynette Gibbs served at the Court for thirty-nine (39) of her forty (40) years as a public servant, until her retirement on 24th September 2017.

Ms. Gibbs entered the Public Service on 1st April 1977 as a Clerk Stenographer II at the Service Commissions Department. The following year, she was appointed to act as Verbatim Reporter I in the Office of the Prime Minister and subsequently transferred to the Industrial Court on January 8th 1979 as acting Verbatim Reporter I.

On 28th August 1979, while at the Industrial Court as acting Verbatim Reporter, she was promoted to Verbatim Reporter I. Ms. Gibbs continued her service at the Industrial Court as a Verbatim Reporter I until she was appointed to act as Verbatim Reporter II with effect from March 1st 2005. She was then promoted to the position of Verbatim Reporter II with effect from 6th June 2013 where she served until her retirement.



TERRANCE NICHOLLS

Mr. Terrance Nicholls began his Public Service career on 23rd February 1983, in the Ministry of Health as a Temporary Messenger I, assigned to the Port of Spain General Hospital. He was later appointed as Messenger I with effect from 30th December 1988.

In 1994, while attached to the Ministry of Health, he was transferred to the Mt. Hope Maternity Hospital and served there until he was promoted to act as Messenger II at the Judiciary of Trinidad and Tobago from February 2006 to April 2008, after which he returned to the Ministry of Health.

Mr. Nicholls also acted as Messenger II at the Registration, Recognition and Certification Board with effect from June 2012, but by July 2012 he was promoted to Messenger II at the Industrial Court – a position he assumed on 1st November 2012.

After five (5) years of service at the Court, Mr. Nicholls retired on 30th October 2017. He served a total of thirty-four (34) years in the Public Service.

RETIREMENTS



LYDIA LAWRENCE-GLASGOW

Mrs. Lydia Lawrence-Glasgow entered the Public Service on 8th September, 1981. She joined the Ministry of Finance, Inland Revenue Division as a Temporary Clerk I and was appointed to the position the following year. In 1994, she was promoted to Clerk II at the Office of the Prime Minister (OPM). Upon assuming the position, she was assigned to the Chief Statistical Office (a section under OPM at that time) as acting Accounting Assistant for the period 1996 to 2002.

While serving as acting Accounting Assistant, she was promoted to Accounting Assistant at the Ministry of Finance, Board of Inland Revenue Division from 2nd February 2002, where she also served as acting Accountant I. After ten years, Mrs. Lawrence-Glasgow was promoted to Accountant I in the Ministry of Finance, Inland Revenue Division where she also acted in the capacity of

Accountant II. In October 2014, she assumed the position of acting Accounting Executive I at the Inland Revenue Division. On 24th November 2015 she was promoted to Accountant II at the Industrial Court of Trinidad and Tobago and assumed duty at the court on 9th December 2015.

Mrs. Lawrence-Glasgow, however, managed the Accounts Department as the acting Accounting Executive I in which she served until her retirement on 10th November 2017. Mrs Lydia Lawrence-Glasgow served the Government of Trinidad and Tobago for thirty-six years (36) years.



DONNA MOSELEY-RENEWICK

Mrs. Donna Moseley-Renwick entered the Public Service on 8th May 1978 as a Temporary Clerk I and served at the Ministry of Public Utilities. She left on the 28th March 1979 to take up an appointment with the Statutory Authority, Town Hall from 28th March 1979 to 4th June 1979. Mrs. Renwick re entered the Public Service as a temporary Clerk I from 5th June 1979 and served at the Ministry of Industry and Commerce and Consumer Affairs from 5th June 1979 to 31st August 1979. She continued as a temporary Clerk I with the Ministry of Health from 1st September 1979.

On 1st September 1982, she was appointed as Clerk I at the Ministry of Health and then promoted to Clerk II on 29th December 1992. On 7th August 2009, she was given an acting in Service Commissions Department as Human Resource

Officer I and acted as Human Resource Officer II until 4th October 2015. During that time, Ms. Renwick was promoted to Human Resource Officer I at the Service Commissions Department with effect from June 2012.

Ms. Renwick assumed duty at the Industrial Court as Acting Human Resource Officer III on 5th October 2015. In addition, she acted as Senior Human Resource Officer from 1st November 2016 to 18th July 2017. Donna proceeded on vacation leave prior to retirement on 19th July 2017. She will retire compulsory from the Public Service with effect from 28th November 2017.



STAFF ENGAGEMENT

CHRISTMAS DÉCOR COMPETITION



The 2016 Christmas season in the Court was all about camaraderie and relationships. Each department was encouraged to participate in a Christmas Decoration Competition. This was the first year such a competition was held in the Court and it was met with excitement and anticipation. The theme was “Dreaming of a Trini Christmas” and the departments were judged on their originality, craftsmanship, completeness, overall presentation and their adherence to the theme. Some departments pulled out all the stops, greeting the judges of the competition with their renditions of a medley of original Christmas songs. Other departments took their creativity to the next level by their do-it-yourself approach to their decoration. Each department put their best foot forward in the hopes of claiming the first prize hamper and bragging rights.

In the end, first place was captured by the Court Reporters on the mezzanine floor who won the judges over with their singing, décor and their overall spirit, which won them the ‘Spirit of Christmas’ prize. The President’s Chambers took second place and also picked up the special prize for the best use of local materials. The Office Management Department rounded off the top three walking away with the special prize for most creative. The competition succeeded in not only uniting the staff of the departments, but also in spreading the Christmas spirit through the entire Court. Special thanks goes to the Registrar of the Environmental Commission of Trinidad and Tobago, the Administrative Officer II of the Recognition Registration and Certification Board and the professional decorating team for taking the time to judge this staff event.



SPORTS AND FAMILY DAY 2016



The Industrial Court of Trinidad and Tobago collaborated with the Environmental Commission for the second year in a row to host the 2016 Sports and Family Day. The event took place on Republic Day 2016 at WASA Grounds, St. Joseph, from 9:00 a.m. and continued until darkness fell.



Four teams battled under the banner of mythical Gods, for a chance to ascend from mere mortal beings to immortals who will reside on Mount Olympus. The Industrial Court was divided into three teams; Aphrodite, Ares and Apollo while the Environmental Commission formed one team, Zeus. The Commission was dedicated to taking home the challenge trophy, to avenge their defeat to the Court in 2015 and it was clear that team Zeus was determined to win in every event, with their hard work and fierce competitive spirit.



The day's program began with the dance pass competition. The five minute depiction of the Olympian theme with stunts added to synchronised dance moves captivated the crowd. The teams of the Industrial Court displayed their might in all events with the tug-o-war drawing the most crowd participation. Jason "JW" Williams kept spirits high all day long until the entertainment segment of the day. The cotton candy, popcorn, snow cone and ice cream ensured that the children had all the energy to enjoy the bouncy castles, video game arcade and all the activities catered for them. In the end, the Environmental Commission succeeded in their Herculean task, having been crowned the winner of the dance pass, as well as the overall winners. Team Aphrodite of the Industrial Court was crowned the winners of the tug-o-war.

The evening ended with entertainment by the A Team band, and all the teams and attendees came together to enjoy the last moments of the day.



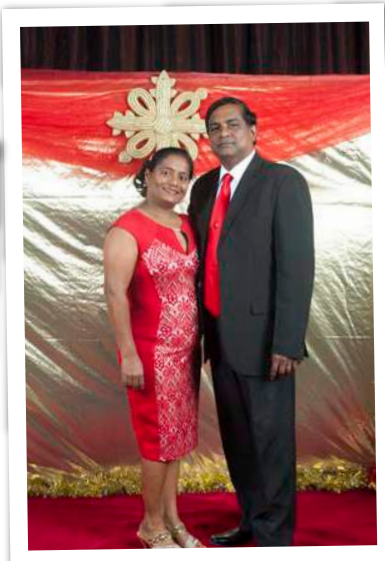
CHRISTMAS FUNCTION 2016



The "Stars of the Courts" all gathered at the Trinidad Hilton and Conference Centre on Friday 16th December 2016 for their Christmas Staff event. Both the staff of the Environmental Commission and the Industrial Court of Trinidad and Tobago turned out in their numbers to share in the spirit of the season together.

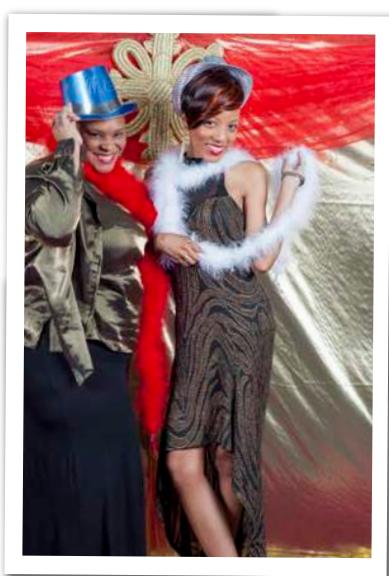


The red carpet theme saw many staff members of both organizations dressed to impress as they assembled in the main ballroom. Performances included those from a parang band and Kenny J with his classic Christmas renditions. Marcia Miranda's rousing set had couples moving and voices singing along, signalling the end of the evening's formalities and the beginning of the party.



The program ran smoothly in the hands of crowd favourite Jason 'JW' Williams, with the staff of both organizations winning many prizes. Prizes for both best dressed male and female were won by the staff of the Industrial Court; Ricardo 'Rick' Defrietas, and Akada Flament, both of the Registry.

The final performances of the night by soca artists Blaxx, Ricardo Drue and Aston Isaac of the Roy Cape All Stars, brought the guests to their feet and on to the dancefloor. Even after that, the DJ kept the dancefloor packed with a repertoire of hits that kept the attendees on their feet well into the night.



CARNIVAL LIME 2017

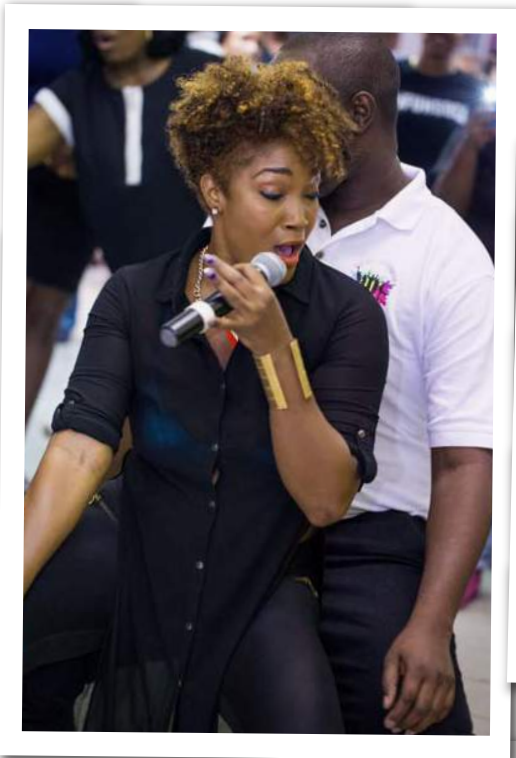
The foyer of the Industrial Court came to life with the familiar sounds of 2017 soca music for the annual carnival staff lime on Carnival Friday. Once again, both the Environmental Commission of Trinidad and Tobago and the Industrial Court of Trinidad and Tobago collaborated to ensure that all staff members kicked off the Carnival weekend on a high.

The excitement built as gradually the foyer filled with the sounds of chatter, the singing of melodies and the energy of the season. Staff members made sure to avail themselves of all the food offered to them, with larger crowds flocking to the corn soup and boiled corn.



As the festivities were in full swing, the staff danced to the beats of the DJ who ensured that every age group was entertained with his selections. The revelries went past the planned end with the staff begging for just one more song.

Ultimately, the DJ gave in to their demands gracing them with a combination of the hits of the season before all dispersed to continue their personal celebrations.





APPENDICES

LIST OF APPENDICES

Appendix A	List of Acronyms
Appendix B	List of Tables and Charts
Appendix C	Statistics on Disputes
Appendix D	Areas of Examination Approved for the Financial Year 2016/2017

APPENDIX A

LIST OF ACRONYMS

A	Application
ESD	Essential Services Division
EX-PARTE	Heard in the Absence of One Party of the Dispute
GSD	General Services Division
ICA	Interpretation of a Collective Agreement
IRA	Industrial Relations Act
IRO	Industrial Relations Offence
MPD	Maternity Protection Dispute
MWD	Minimum Wages Dispute
O	Opinion
OSHA	Occupational Safety and Health Act
OSHD	Occupational Safety and Health Dispute
PF	Peremptory Fixture
R	Recognition
RC	Rescission of Contract
RSBD	Retrenchment and Severance Benefits Dispute
ST	Special Tribunal
TD	Trade Dispute

APPENDIX B

LIST OF TABLES AND CHARTS

TABLES

Table 1.1	Number of Matters Filed (North & South) – September 14, 2016 to September 15, 2017
Table 1.2	Number of Matters Filed (North) – September 14, 2016 to September 15, 2017
Table 1.3	Number of Matters Filed (South) – September 14, 2016 to September 15, 2017
Table 1.4	Number of Matters Filed – 2012/2013 to 2016/2017
Table 2.1(a)	Number of Matters Disposed (North & South) – September 14, 2016 to September 15, 2017
Table 2.1(b)	Number of Matters Disposed – 2012/2013 to 2016/2017
Table 2.2	Number of Matters Filed and Disposed (North) – 2012/2013 to 2016/2017
Table 2.3	Number of Matters Filed and Disposed (South) – 2012/2013 to 2016/2017
Table 3.1	Number of Matters Settled through the Conciliatory Process – 2012/2013 to 2016/2017
Table 4.1	Number of Judgments Delivered – 2012/2013 to 2016/2017
Table 5.1	Number of Matters Disposed (North & South) – 2012/2013 to 2016/2017
Table 6.1	Percentage Change for Matters Filed and Disposed

CHARTS

Chart 1.1	Number of Matters Filed (North & South) – 2012/2013 to 2016/2017
Chart 1.2	Number of Matters Filed (North) – 2012/2013 to 2016/2017
Chart 1.3	Number of Matters Filed (South) – 2012/2013 to 2016/2017
Chart 2.1	Disposals (North & South) – 2012/2013 to 2016/2017
Chart 2.2	Disposals (North) – 2012/2013 to 2016/2017
Chart 2.3	Disposals (South) – 2012/2013 to 2016/2017
Chart 2.4	Total Matters Filed and Disposed (North & South) – 2012/2013 to 2016/2017
Chart 3.1	Total Matters Settled through the Conciliatory Process
Chart 3.2	Comparative Chart Showing Matters Settled through the Conciliatory Process
Chart 4.1	Judgments Delivered – 2012/2013 to 2016/2017
Chart 5.1	Total Number of Matters Disposed by Category
Chart 5.2	Number of Matters Disposed by Method of Disposal (North & South) – 2015/2016 and 2016/2017
Chart 5.3	Number of Matters Disposed by Method of Disposal (North) – 2015/2016 and 2016/2017
Chart 5.4	Number of Matters Disposed by Method of Disposal (South) – 2015/2016 and 2016/2017
Chart 5.5	Disposal Rate – 2015/2016 and 2016/2017
Chart 6.1	Percentage Change of the Total Number of Matters Filed and Disposed – 2011/2014 to 2014/2017

APPENDIX C

STATISTICS ON DISPUTES

INTRODUCTION

The Industrial Court of Trinidad and Tobago remains committed by providing meaningful statistics on the filing and disposal of disputes. Disputes continue to be disposed of in the following manner:

- By Conciliation;
- At the conclusion of bilateral discussions between the parties;
- A request by a party for leave to withdraw;
- Ruling on preliminary points;
- Judgments; and
- Dismissal of dispute

The data which is provided in this report is provisional for the Industrial Court's fiscal year, that is, September 14, 2016 to September 15, 2017. These statistics include disputes disposed of in both the North and South branches of the Court; disputes relating to Tobago have been included in the North branch of the Court. The statistics include:

- The number of matters filed and disposed ;
- The number of Judgments delivered
- The number of disputes settled by conciliation
- The number of matters disposed and method of disposal; and
- The percentage increase/decrease of matters filed and disposed over the periods 2011 -2014 and 2014 - 2017

For the period 2016/2017, 1272 matters were filed at the Industrial Court; 78 matters more than the period 2015/2016 which recorded 1194 matters. Additionally, the Court disposed of 979 matters in 2016/2017 which is lower than the 996 matters disposed of for the period 2015/2016 by 1.7%. The disposal rate in 2016/2017 amounted to 77% which is 6.4 percentage points lower than the period 2015/2016 (83.4%).

Of the total number of disputes disposed over the period 2016/2017, 21.9% (214 matters) were from Judgments, 36.7% (359 matters) were withdrawn, 37.1% (364 matters) were settled through the conciliation and bilateral process and 4.3% (42 matters) were dismissed for want of prosecution.

A comparison of the periods 2011-2014 and 2014-2017, reveal that there was a 12.8% increase in the number of matters filed. Of the total matters filed at the Court for the period 2016/2017, Trade Disputes remain the largest number of matters filed (821 matters) 64.5%, followed by Occupational Safety and Health matters (162 matters) 12.7% and Retrenchment and Severance Benefits (64 matters) 5%.

APPENDIX C

STATISTICS ON DISPUTES

TABLE 1.1: NUMBER OF MATTERS FILED
INDUSTRIAL COURT OF TRINIDAD AND TOBAGO (NORTH & SOUTH)
FOR THE PERIOD 14TH SEPTEMBER 2016 TO 15TH SEPTEMBER 2017

Year	Month	TRADE DISPUTES	ICA	IRO	A	R	RC	O	RSBD	MWD	MPD	OSHA	ESD ICA	ESD IRO	ESD A	ESD	ST	ST A	ST ICA	ST IRO	TOTAL FILED	
2016	September	42	2	5	0	0	0	0	3	2	1	0	0	0	0	2	1	0	0	0	58	
	October	58	0	2	1	0	0	0	4	12	1	2	0	0	0	3	1	0	0	0	84	
	November	61	0		1	0	0	0	3	1	0	1	0	1	0	2	5	0	0	0	75	
	December	47	0	4	1	0	0	0	3	3	1	13	0	2	0	2	1	0	0	0	77	
	TOTAL	208	2	11	3	0	0	0	13	18	3	16	0	3	0	9	8	0	0	0	294	
2017	January	97	0	2	0	0	0	0	2	0	0	8	0	0	0	7	10	0	0	0	126	
	February	77	2	2	2	1	0	0	9	1	2	5	0	0	0	6	6	0	0	0	113	
	March	100	3	6	1	0	0	1	7	0	0	4	0	0	0	10	2	0	0	0	134	
	April	56	0	1	1	0	0	0	2	1	0	8	0	2	0	5	3	0	0	0	79	
	May	86	0	5	3	0	0	0	5	0	0	52	0	0	0	14	2	0	0	1	168	
	June	59	0	6	0	0	0	0	9	1	0	8	0	0	0	6	2	0	0	0	91	
	July	56	0	4	0	0	0	0	2	1	0	1	0	0	0	7	2	0	0	0	73	
	August	53	1	3	0	0	0	0	7	0	0	32	0	0	0	0	2	0	0	0	98	
	September	29	1	24	3	0	0	0	8	1	1	28	0	0	0	1	0	0	0	0	96	
	October																					
	November																					
	December																					
	TOTAL	613	7	53	10	1	0	1	51	5	3	146	0	2	0	56	29	0	0	1	978	

TABLE 1.2: NUMBER OF MATTERS FILED
INDUSTRIAL COURT OF TRINIDAD AND TOBAGO (NORTH)
FOR THE PERIOD 14TH SEPTEMBER 2016 TO 15TH SEPTEMBER 2017

Year	Month	TRADE DISPUTES	ICA	IRO	A	R	RC	O	RSBD	MWD	MPD	OSHA	ESD ICA	ESD IRO	ESD A	ESD	ST	ST A	ST ICA	ST IRO	TOTAL FILED	
2016	September	39	2	4					2	2	1					2	1				53	
	October	52		2	1				4	12	1	2				3	1				78	
	November	49		-	1				3	1		1		1		2	5				63	
	December	30		4	1				3	3	1	12		2		2	1				59	
	TOTAL	170	2	10	3	0	0	0	12	18	3	15	0	3	0	9	8	0	0	0	253	
2017	January	89		2					2			8				6	10				117	
	February	69	2	2	2	1			9	1	2	5				6	5				104	
	March	82	3	6	1			1	7			4				10	2				116	
	April	48		1	1				2	1		8		2		5	3				71	
	May	79		4	3				5			52				11	2			1	157	
	June	50		6					7	1		8				6	2				80	
	July	34		3					2	1		1				7	2				50	
	August	45	1	3					6			32				0	2				89	
	September	24	1	24	3				8	1	1	28				0					90	
	October																					
	November																					
	December																					
	TOTAL	520	7	51	10	1	0	1	48	5	3	146	0	2	0	51	28	0	0	1	874	

Source: Registry Department of the Industrial Court of Trinidad & Tobago

APPENDIX C

STATISTICS ON DISPUTES

TABLE 1.3: NUMBER OF MATTERS FILED
INDUSTRIAL COURT OF TRINIDAD AND TOBAGO (SOUTH)
FOR THE PERIOD 14TH SEPTEMBER 2016 TO 15TH SEPTEMBER 2017

Year	Month	TRADE DISPUTES	ICA	IRO	A	R	RC	O	RSBD	MWD	MPD	OSHA	ESD ICA	ESD IRO	ESD A	ESD *	ST	ST A	ST ICA	ST IRO	TOTAL FILED	
2016	September	3							1													4
	October	6																				6
	November	12																				12
	December	17										1										18
	TOTAL	38	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	40
2017	January	8														1						9
	February	8															1					9
	March	18																				18
	April	8																				8
	May	7		1												3						11
	June	9							2													11
	July	22		1																		23
	August	8							1													9
	September	5															1					6
	October																					
	November																					
	December																					
	TOTAL	93	0	2	0	0	0	0	3	0	0	0	0	0	0	5	1	0	0	0	0	104

* - With effect from October 2012 ESD matters are now heard in the South Court of the Industrial Court of T&T

Source: Registry Department of the Industrial Court of Trinidad & Tobago

TABLE 1.4: NUMBER OF MATTERS FILED
INDUSTRIAL COURT OF TRINIDAD AND TOBAGO
FOR THE PERIOD 2012/2013 TO 2016/2017

NORTH		SOUTH		NORTH AND SOUTH	
YEAR	MATTERS FILED	YEAR	MATTERS FILED	YEAR	MATTERS FILED
2012/2013	891	2012/2013	112	2012/2013	1003
2013/2014	767	2013/2014	121	2013/2014	888
2014/2015	619	2014/2015	102	2014/2015	721
2015/2016	1031	2015/2016	163	2015/2016	1194
2016/2017 p	1128	2016/2017 p	144	2016/2017 p	1272

P - This represents a Provisional figure

APPENDIX C

STATISTICS ON DISPUTES

CHART 1.1: MATTERS FILED (NORTH AND SOUTH)
INDUSTRIAL COURT OF TRINIDAD AND TOBAGO

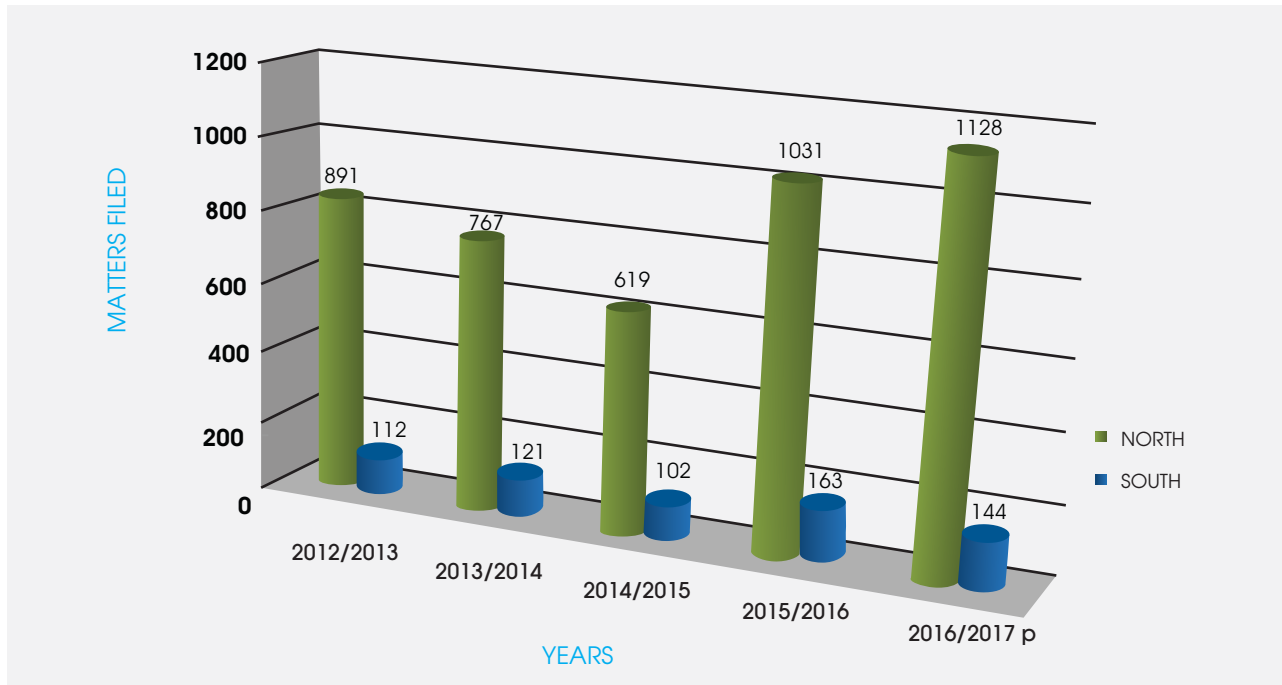
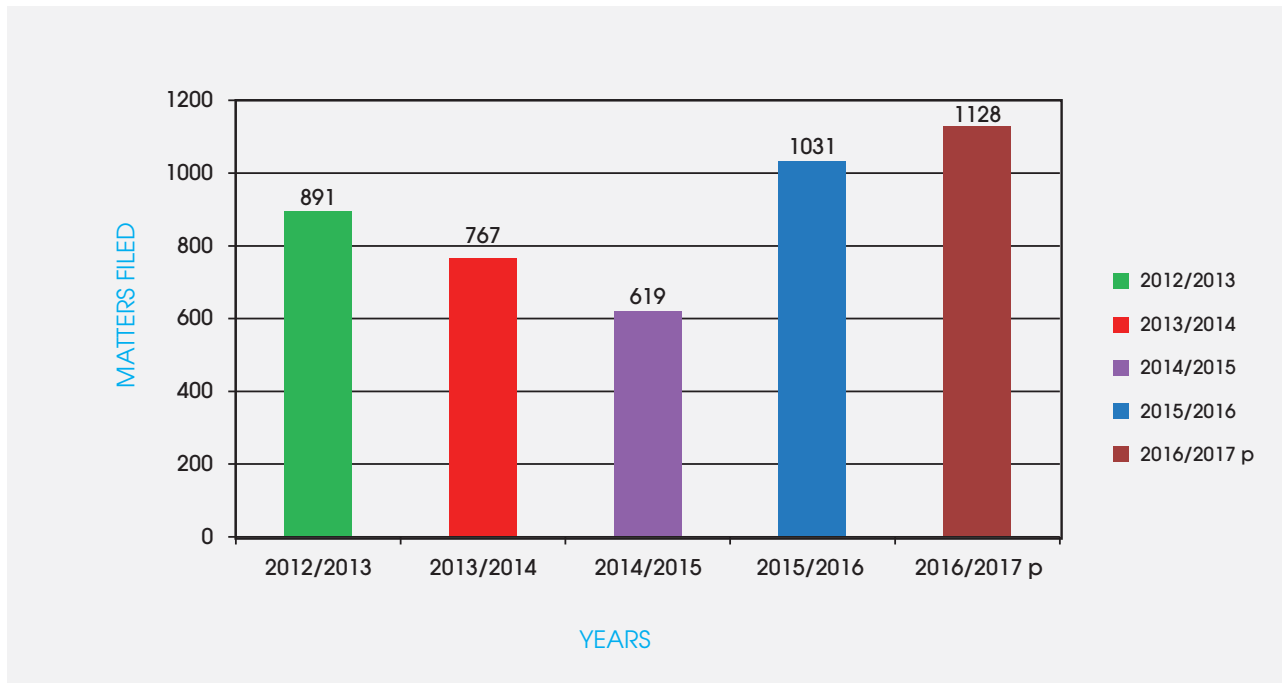


CHART 1.2: TOTAL NO. OF MATTERS FILED (NORTH)
INDUSTRIAL COURT OF TRINIDAD AND TOBAGO



APPENDIX C

STATISTICS ON DISPUTES

CHART 1.3: TOTAL NO. OF MATTERS FILED (SOUTH)
INDUSTRIAL COURT OF TRINIDAD AND TOBAGO

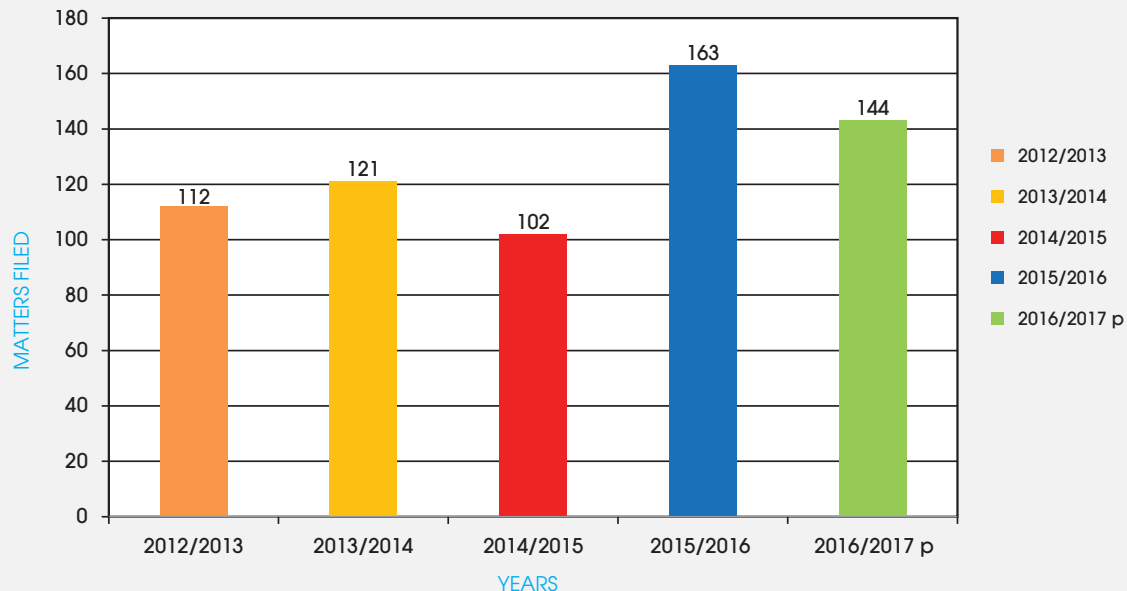


TABLE 2.1 (A): NUMBER OF MATTERS DISPOSED (E.S.D. & G.S.D)
INDUSTRIAL COURT OF TRINIDAD AND TOBAGO (NORTH & SOUTH)
FOR THE PERIOD 14TH SEPTEMBER 2016 TO 15TH SEPTEMBER 2017

Year	MONTH	TOTAL FILED	MATTERS DISPOSED						TOTAL MATTERS DISPOSED
			JUDGMENTS DELIVERED	MATTERS DISPOSED BILATERALLY (Consent Order/Terms of Settlement)	MATTERS DISPOSED IN CONCILIATION	MATTERS WITHDRAWN	MATTERS DISMISSED	Opinions	
2016	September	58	4	4	4	18	1	0	31
	October	84	10	18	11	52	4	0	95
	November	75	20	28	13	30	4	0	95
	December	77	15	5	15	20	2	0	57
	TOTAL	294	49	55	43	120	11	0	278
2017	January	126	17	28	9	36	2	0	92
	February	113	25	10	11	17	2	0	65
	March	134	15	19	19	16	17	0	86
	April	79	20	26	7	31	6	0	90
	May	168	38	23	15	43	0	0	119
	June	91	14	7	47	44	1	0	113
	July	73	36	16	14	25	3	0	94
	August	98	0	8	0	23	0	0	31
	September	96	0	7	0	4	0	0	11
	October								
	November								
	December								
TOTAL		978	165	144	122	239	31	0	701

APPENDIX C

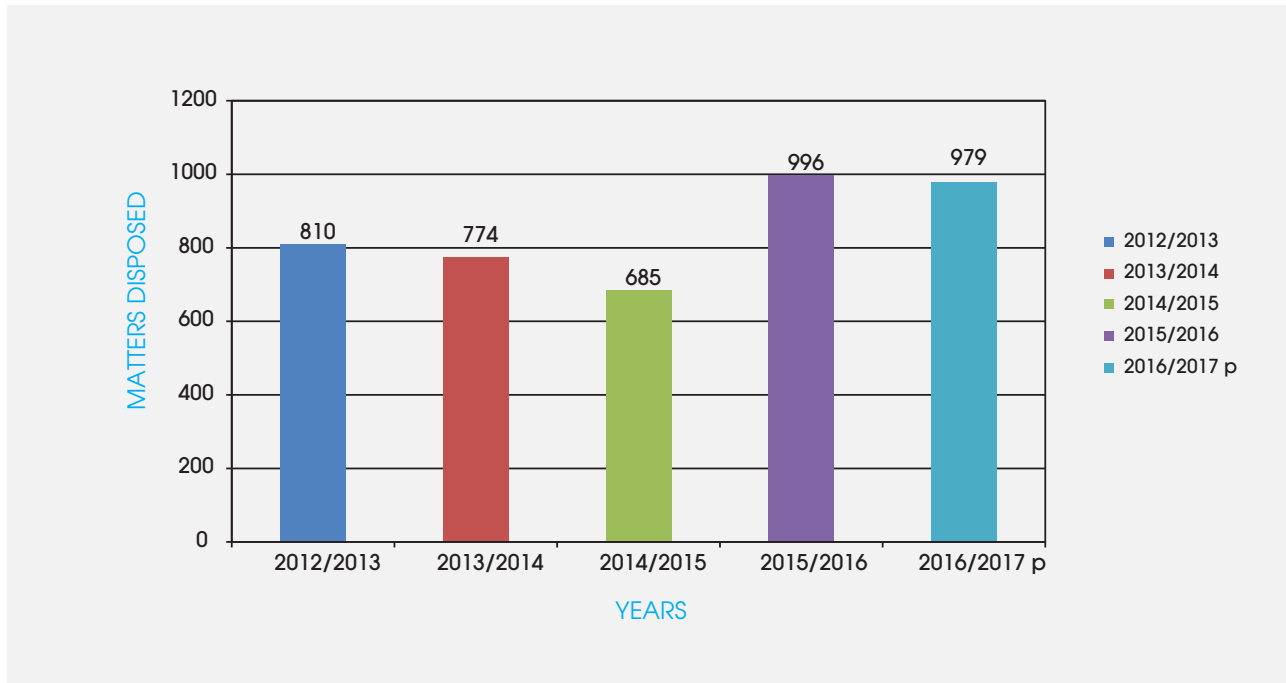
STATISTICS ON DISPUTES

TABLE 2.1(B): NUMBER OF MATTERS DISPOSED
INDUSTRIAL COURT OF TRINIDAD AND TOBAGO
FOR THE PERIOD 2012/2013 TO 2016/2017

NORTH		SOUTH		NORTH AND SOUTH	
YEAR	MATTERS DISPOSED	YEAR	MATTERS DISPOSED	YEAR	MATTERS DISPOSED
2012/2013	729	2012/2013	81	2012/2013	810
2013/2014	708	2013/2014	66	2013/2014	774
2014/2015	601	2014/2015	84	2014/2015	685
2015/2016	897	2015/2016	99	2015/2016	996
2016/2017 p	875	2016/2017 p	104	2016/2017 p	979

P - This represents a Provisional figure

CHART 2.1: DISPOSALS (NORTH AND SOUTH)
INDUSTRIAL COURT OF TRINIDAD AND TOBAGO



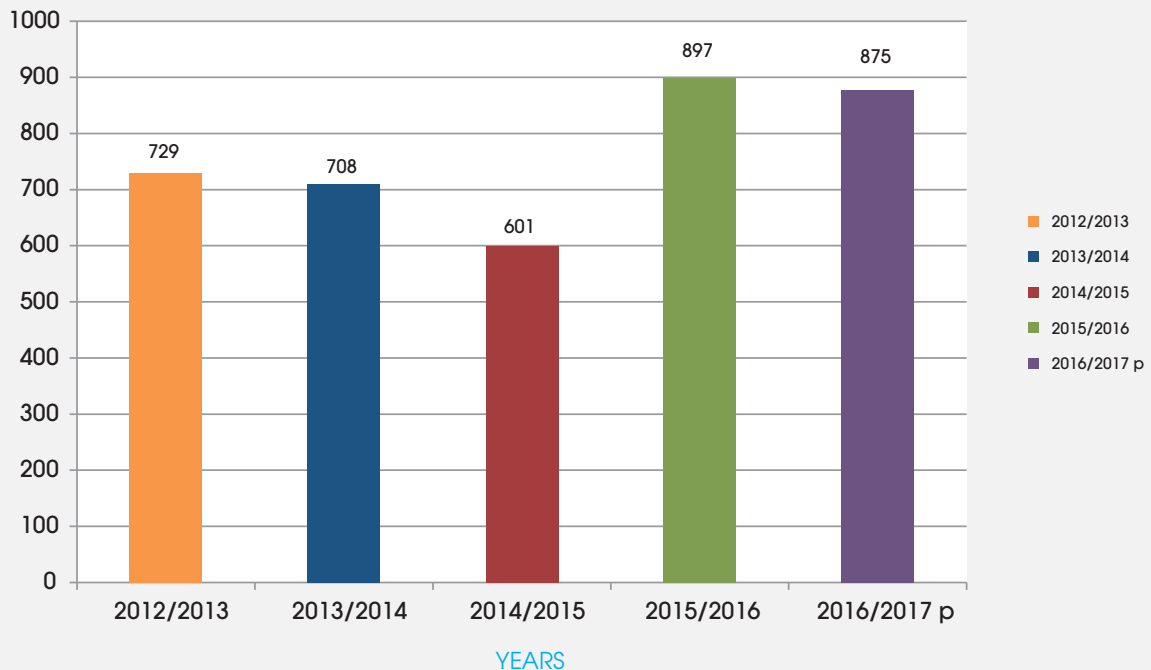
APPENDIX C

STATISTICS ON DISPUTES

TABLE 2.2: NUMBER OF MATTERS DISPOSED (E.S.D. & G.S.D)
INDUSTRIAL COURT OF TRINIDAD AND TOBAGO (NORTH)
FOR THE PERIOD 2012/2013 TO 2016/2017

Year	TOTAL FILED	MATTERS DISPOSED						TOTAL MATTERS DISPOSED
		JUDGMENTS DELIVERED	MATTERS DISPOSED BILATERALLY (Consent Order/Terms of Settlement)	MATTERS DISPOSED IN CONCILIATION	MATTERS WITHDRAWN	MATTERS DISMISSED	Opinions	
2012/2013	891	175	153	149	221	31	0	729
2013/2014	767	179	128	125	254	22	0	708
2014/2015	614	136	107	105	225	6	2	581
2015/2016	1031	246	124	102	380	16	0	868
2016/2017 p	1128	201	158	147	335	34	0	875

CHART 2.2: DISPOSALS (NORTH)
INDUSTRIAL COURT OF TRINIDAD AND TOBAGO
FOR THE PERIOD 2012/2013 TO 2016/2017



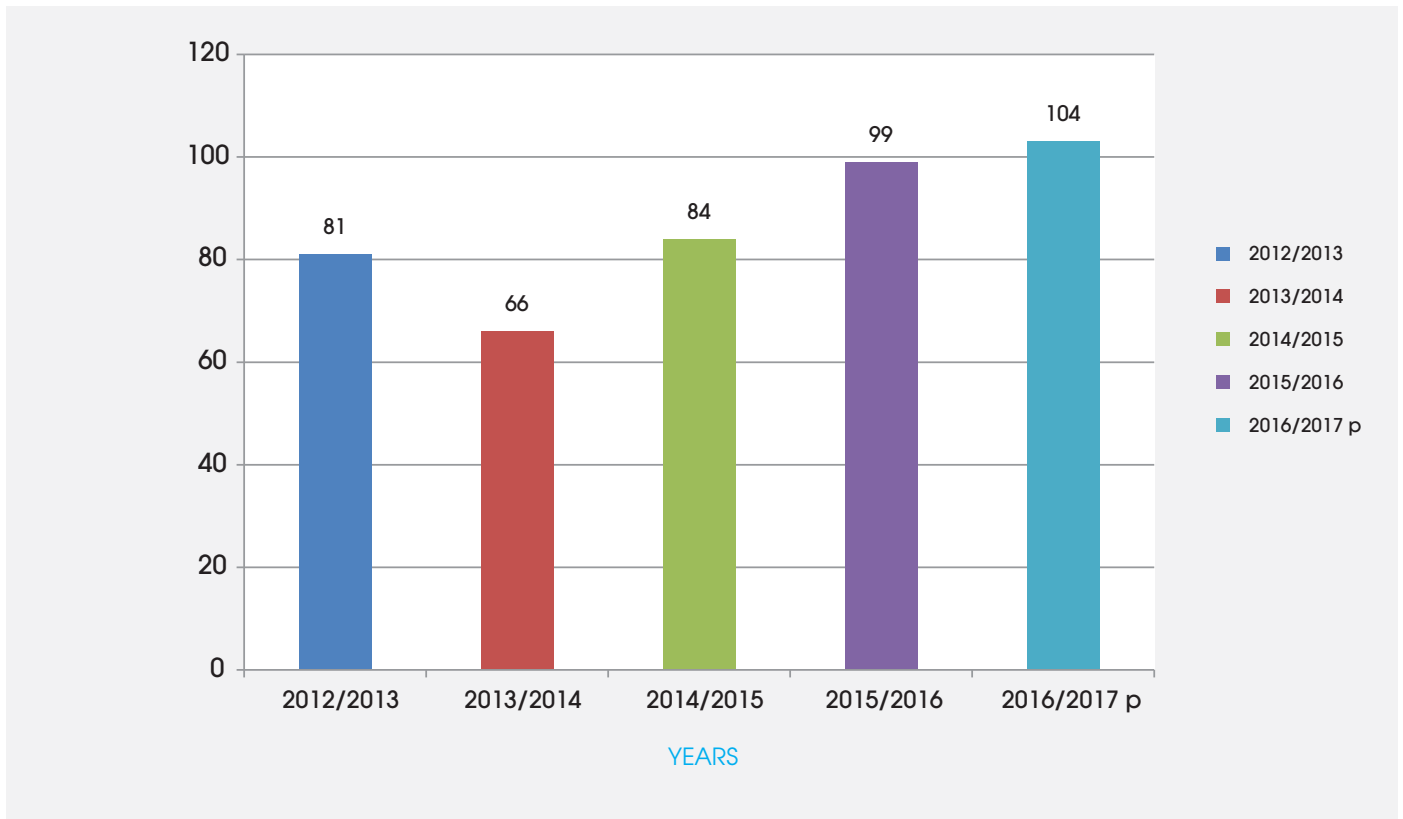
APPENDIX C

STATISTICS ON DISPUTES

TABLE 2.3: NUMBER OF MATTERS DISPOSED (E.S.D. & G.S.D)
INDUSTRIAL COURT OF TRINIDAD AND TOBAGO (SOUTH)
FOR THE PERIOD 2012/2013 TO 2016/2017

Year	TOTAL FILED	MATTERS DISPOSED						TOTAL MATTERS DISPOSED
		JUDGMENTS DELIVERED	MATTERS DISPOSED BILATERALLY (Consent Order/Terms of Settlement)	MATTERS DISPOSED IN CONCILIATION	MATTERS WITHDRAWN	MATTERS DISMISSED	Opinions	
2012/2013	112	21	7	14	28	11	0	81
2013/2014	121	11	28	0	24	3	0	66
2014/2015	102	23	28	10	22	4	0	84
2015/2016	163	31	30	7	15	14	0	95
2016/2017 p	144	13	41	18	24	8	0	104

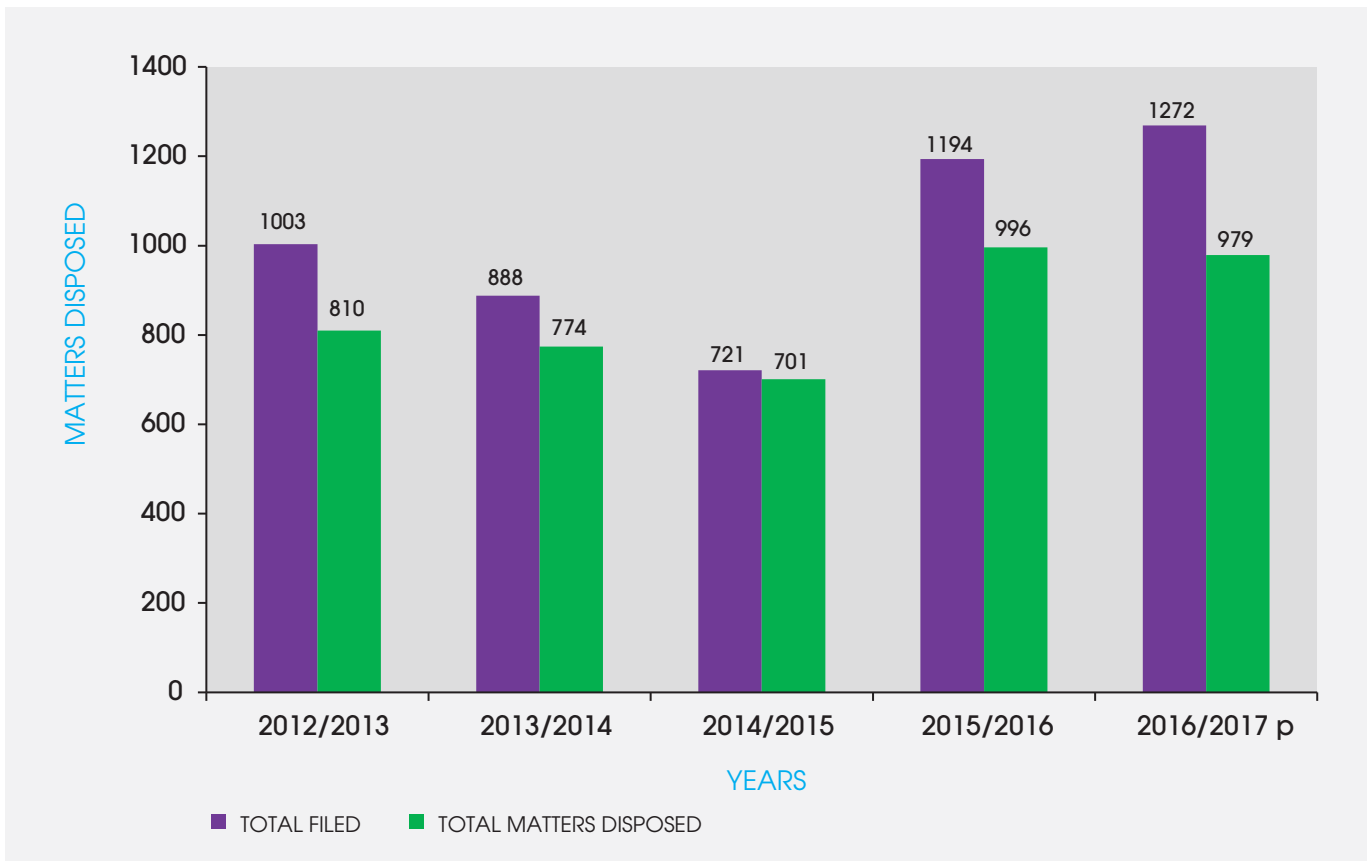
CHART 2.3: DISPOSALS (SOUTH)
INDUSTRIAL COURT OF TRINIDAD AND TOBAGO



APPENDIX C

STATISTICS ON DISPUTES

CHART 2.4: TOTAL MATTERS FILED AND DISPOSED (NORTH AND SOUTH)
INDUSTRIAL COURT OF TRINIDAD AND TOBAGO



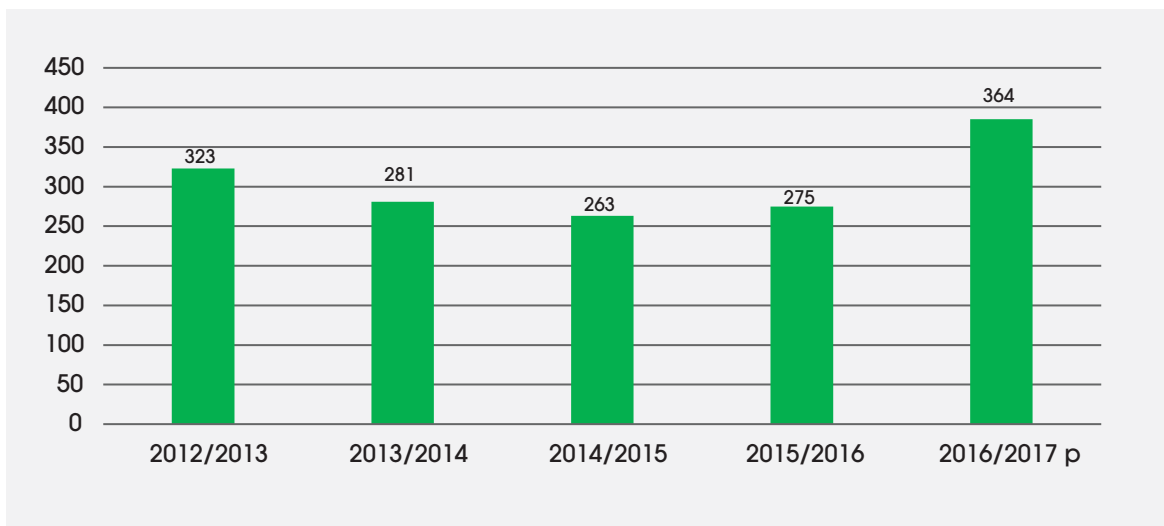
APPENDIX C

STATISTICS ON DISPUTES

TABLE 3.1: NUMBER OF MATTERS SETTLED THROUGH THE CONCILIATORY PROCESS
INDUSTRIAL COURT OF TRINIDAD AND TOBAGO (NORTH & SOUTH)
FOR THE PERIOD 2012/2013 TO 2016/2017

YEAR	MATTERS SETTLED		TOTAL
	MATTERS DISPOSED BILATERALLY (Consent Order/Terms of Settlement)	MATTERS DISPOSED IN CONCILIATION	
2012/2013	160	163	323
2013/2014	156	125	281
2014/2015	147	116	263
2015/2016	161	114	275
2016/2017 p	199	165	364

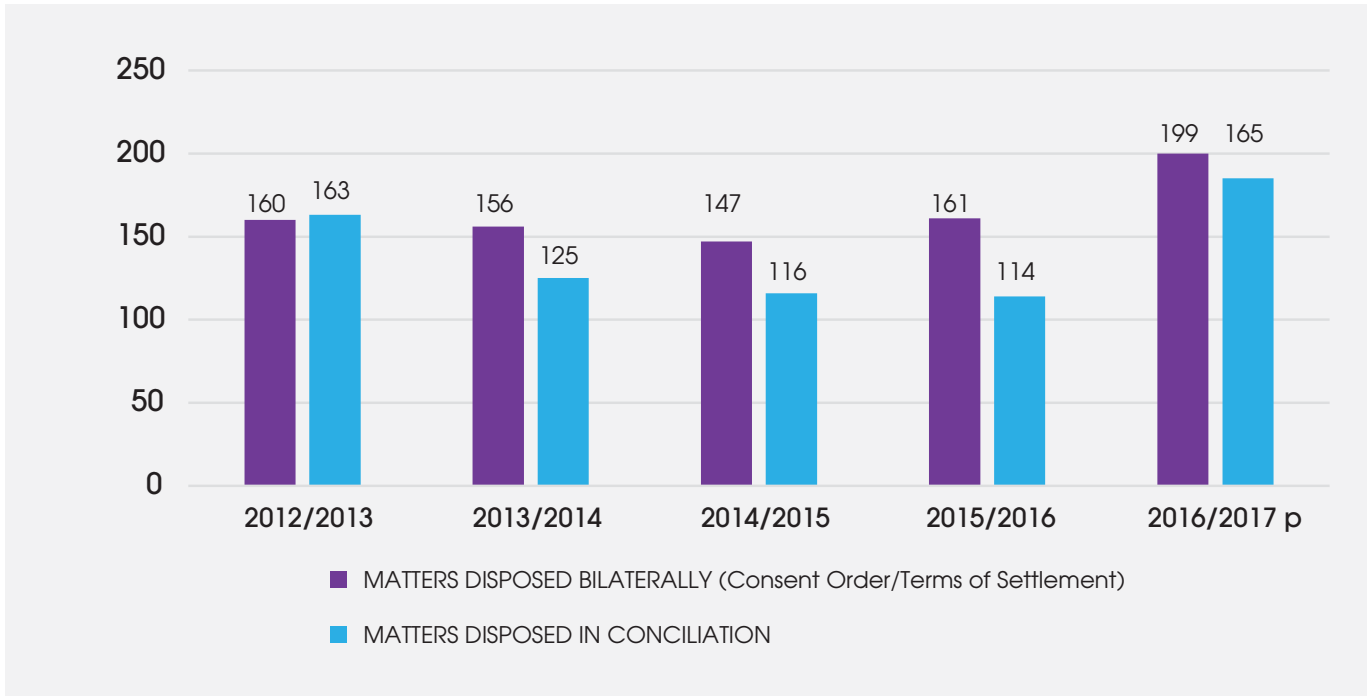
CHART 3.1: TOTAL MATTERS SETTLED THROUGH THE CONCILIATORY PROCESS
(SETTLED BILATERALLY/CONCILIATION)



APPENDIX C

STATISTICS ON DISPUTES

CHART 3.2: COMPARATIVE CHART SHOWING MATTERS SETTLED THROUGH THE CONCILIATORY PROCESS



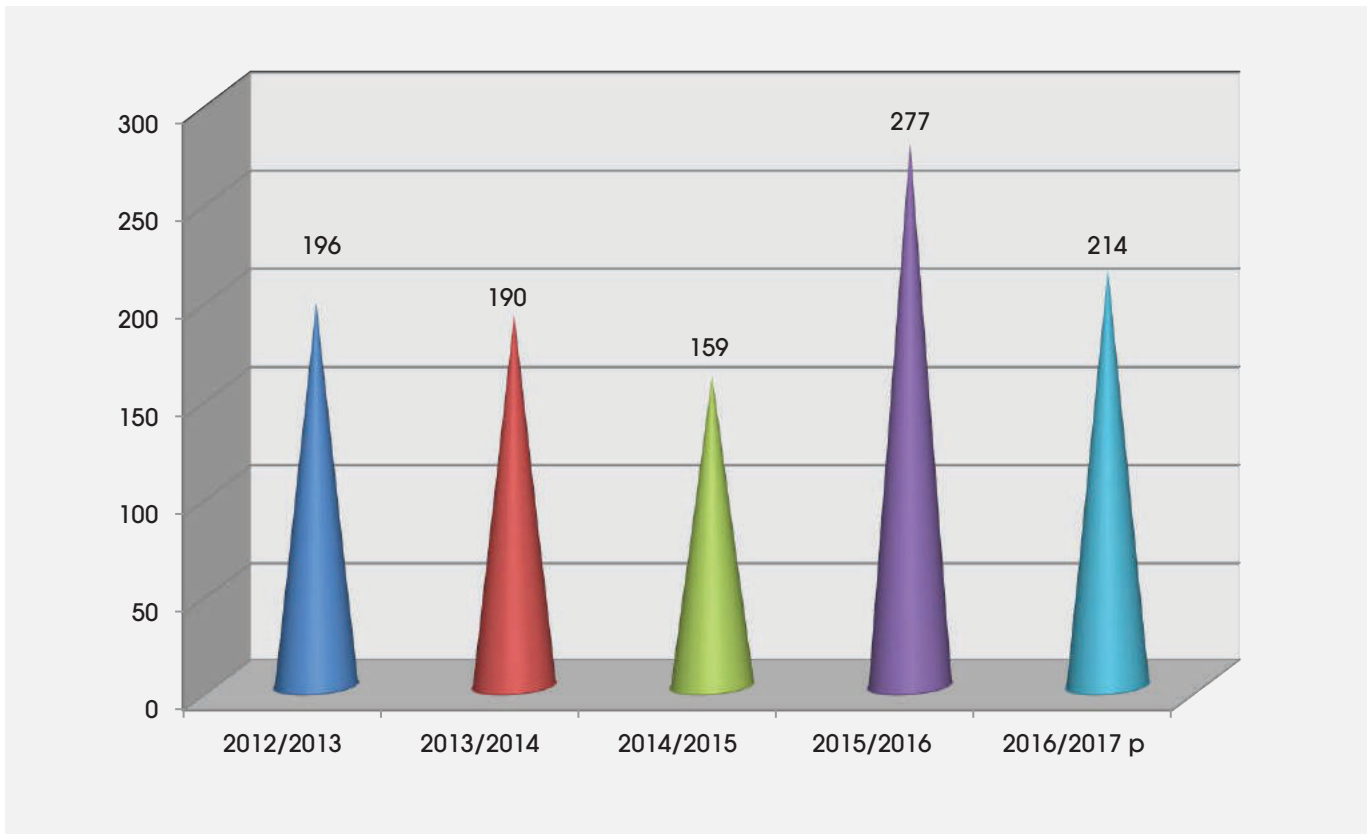
APPENDIX C

STATISTICS ON DISPUTES

TABLE 4.1: NUMBER OF JUDGMENTS DELIVERED
INDUSTRIAL COURT OF TRINIDAD AND TOBAGO

NORTH		SOUTH		NORTH AND SOUTH	
YEAR	JUDGMENTS DELIVERED	YEAR	JUDGMENTS DELIVERED	YEAR	JUDGMENTS DELIVERED
2012/2013	175	2012/2013	21	2012/2013	196
2013/2014	179	2013/2014	11	2013/2014	190
2014/2015	136	2014/2015	23	2014/2015	159
2015/2016	246	2015/2016	31	2015/2016	277
2016/2017 p	201	2016/2017 p	13	2016/2017 p	214

CHART 4.1: JUDGMENTS DELIVERED (NORTH AND SOUTH COURTS)
INDUSTRIAL COURT OF TRINIDAD AND TOBAGO



APPENDIX C

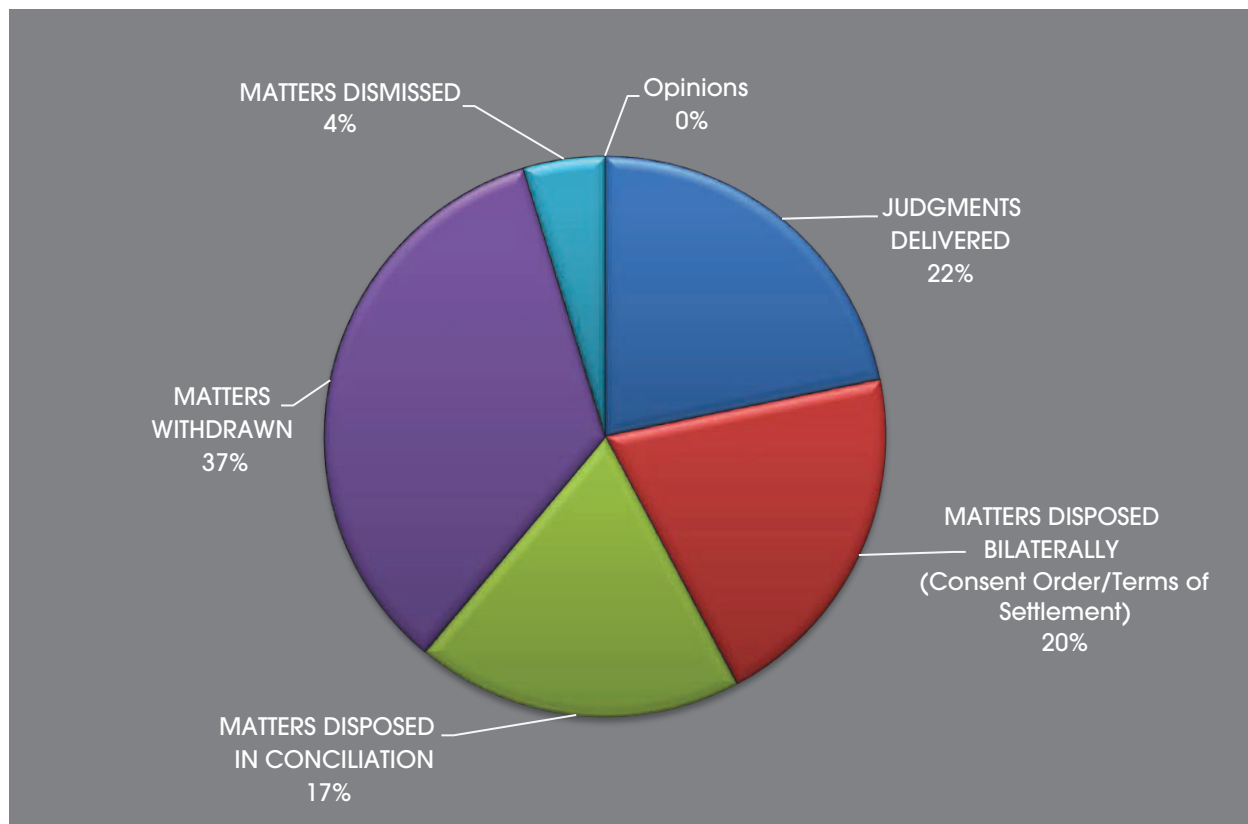
STATISTICS ON DISPUTES

TABLE 5.1: NUMBER OF MATTERS DISPOSED (E.S.D. & G.S.D)
INDUSTRIAL COURT OF TRINIDAD AND TOBAGO (NORTH & SOUTH)
FOR THE PERIOD 2012/2013 TO 2016/2017

Year	TOTAL FILED	MATTERS DISPOSED						TOTAL MATTERS DISPOSED
		JUDGMENTS DELIVERED	MATTERS DISPOSED BILATERALLY (Consent Order/Terms of Settlement)	MATTERS DISPOSED IN CONCILIATION	MATTERS WITHDRAWN	MATTERS DISMISSED	Opinions	
2012/2013	1003	196	160	163	249	42	0	810
2013/2014	888	190	156	125	278	25	0	774
2014/2015	721	159	147	116	264	13	2	701
2015/2016	1194	277	161	114	415	29	0	996
2016/2017 p	1272	214	199	165	359	42	0	979

NB : The figures for 2016/2017 is provisional

CHART 5.1: TOTAL MATTERS DISPOSED BY CATEGORY (NORTH AND SOUTH)
INDUSTRIAL COURT OF TRINIDAD AND TOBAGO



APPENDIX C

STATISTICS ON DISPUTES

CHART 5.2: NUMBER OF MATTERS DISPOSED BY METHOD OF DISPOSAL (NORTH AND SOUTH)

INDUSTRIAL COURT OF TRINIDAD AND TOBAGO
FOR THE PERIODS 2015-2016 AND 2016 - 2017

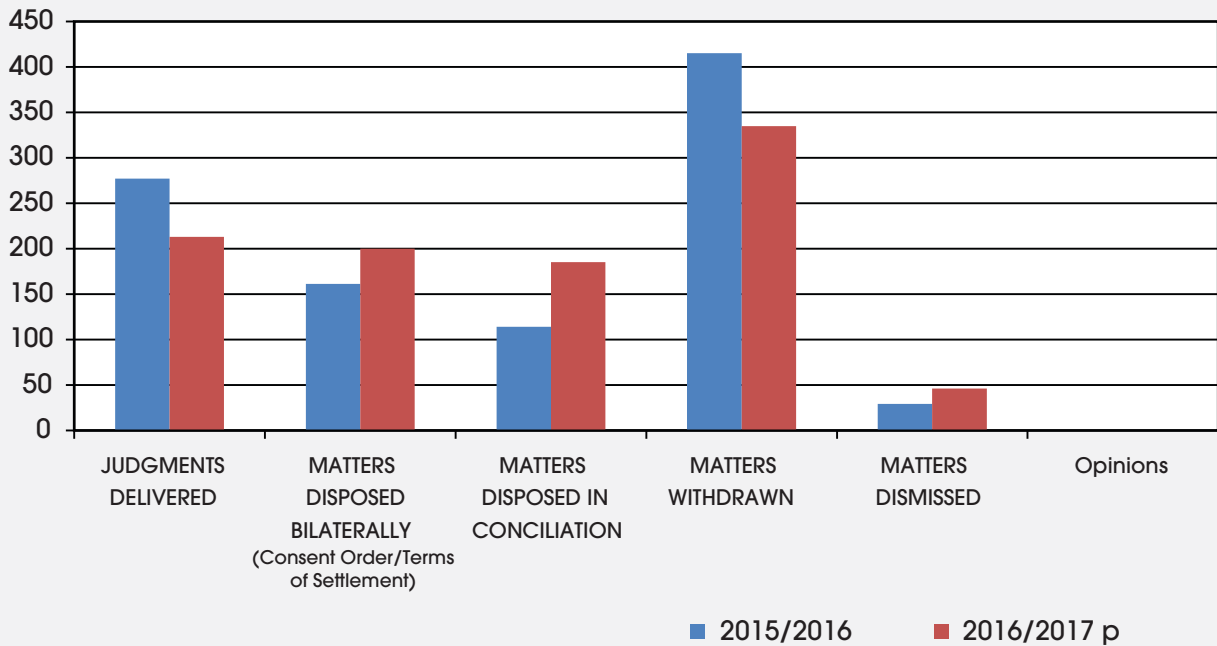
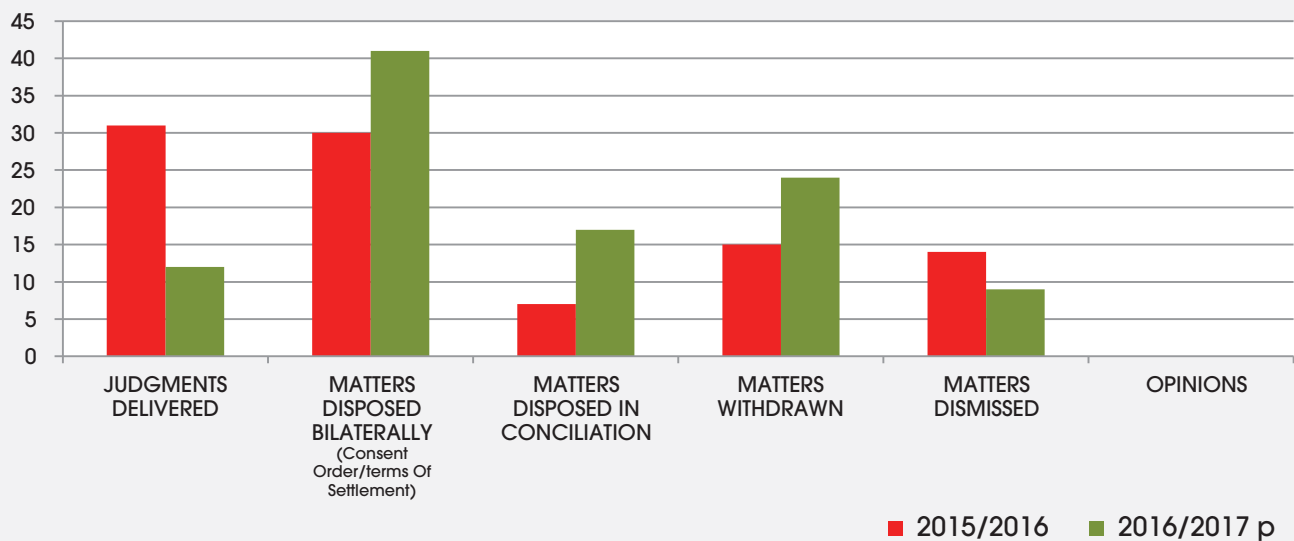


CHART 5.3: NUMBER OF MATTERS DISPOSED BY METHOD OF DISPOSAL (NORTH)

INDUSTRIAL COURT OF TRINIDAD AND TOBAGO
FOR THE PERIODS 2015-2016 AND 2016 - 2017



APPENDIX C

STATISTICS ON DISPUTES

CHART 5.4: NUMBER OF MATTERS DISPOSED BY METHOD OF DISPOSAL (SOUTH)

INDUSTRIAL COURT OF TRINIDAD AND TOBAGO
FOR THE PERIODS 2015-2016 AND 2016 - 2017

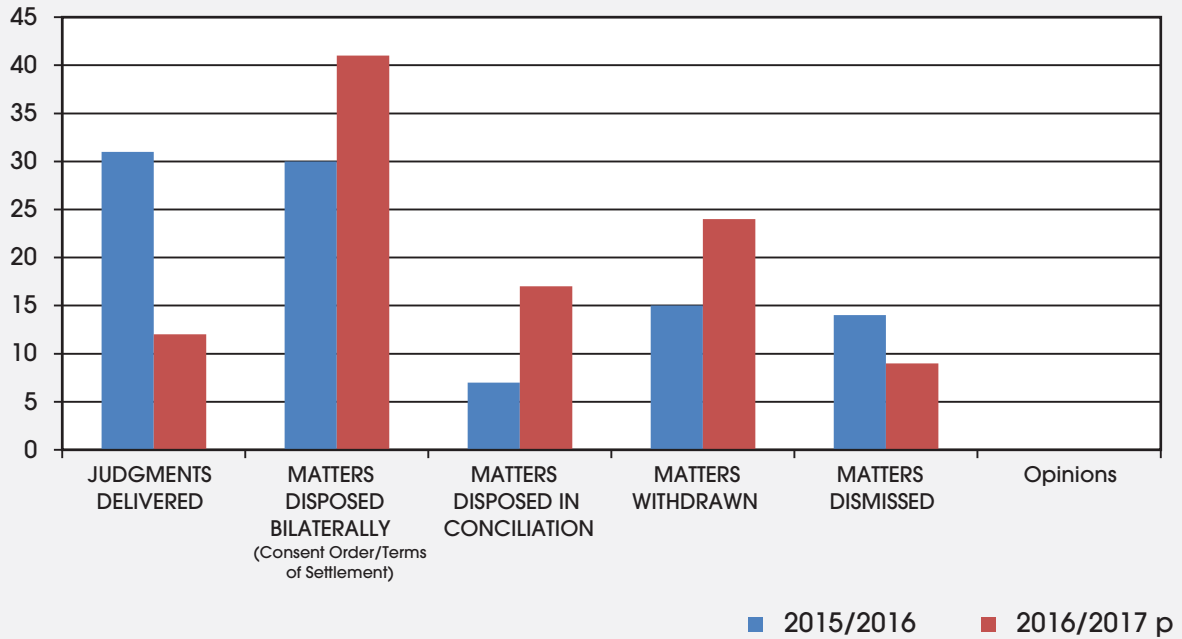
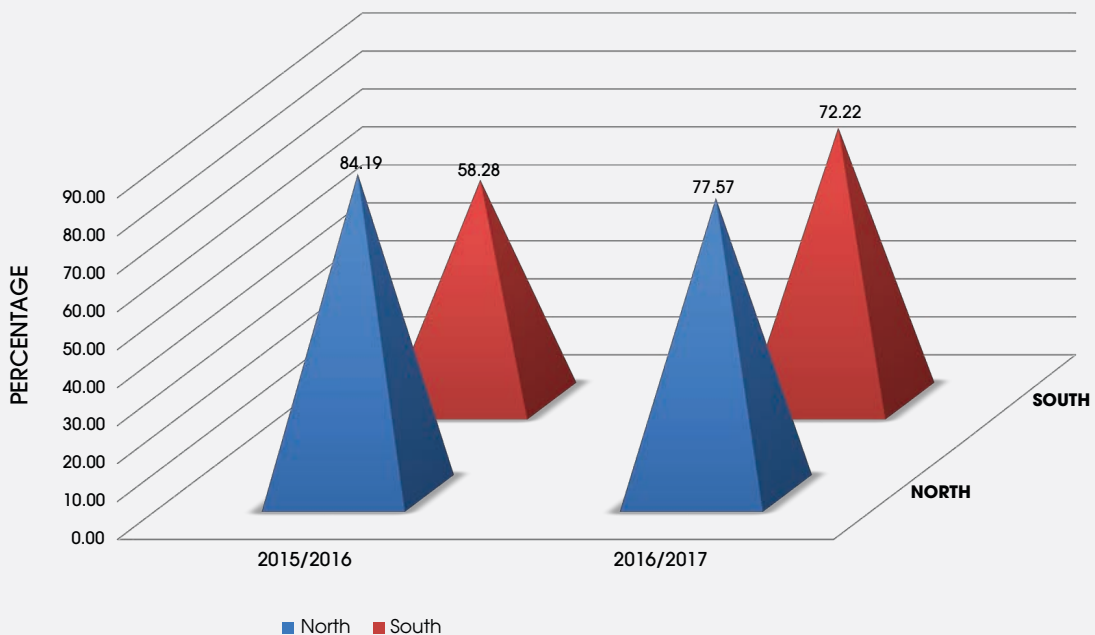


CHART 5.5: DISPOSAL RATE

FOR THE PERIOD 2015-2016 AND 2016-2017

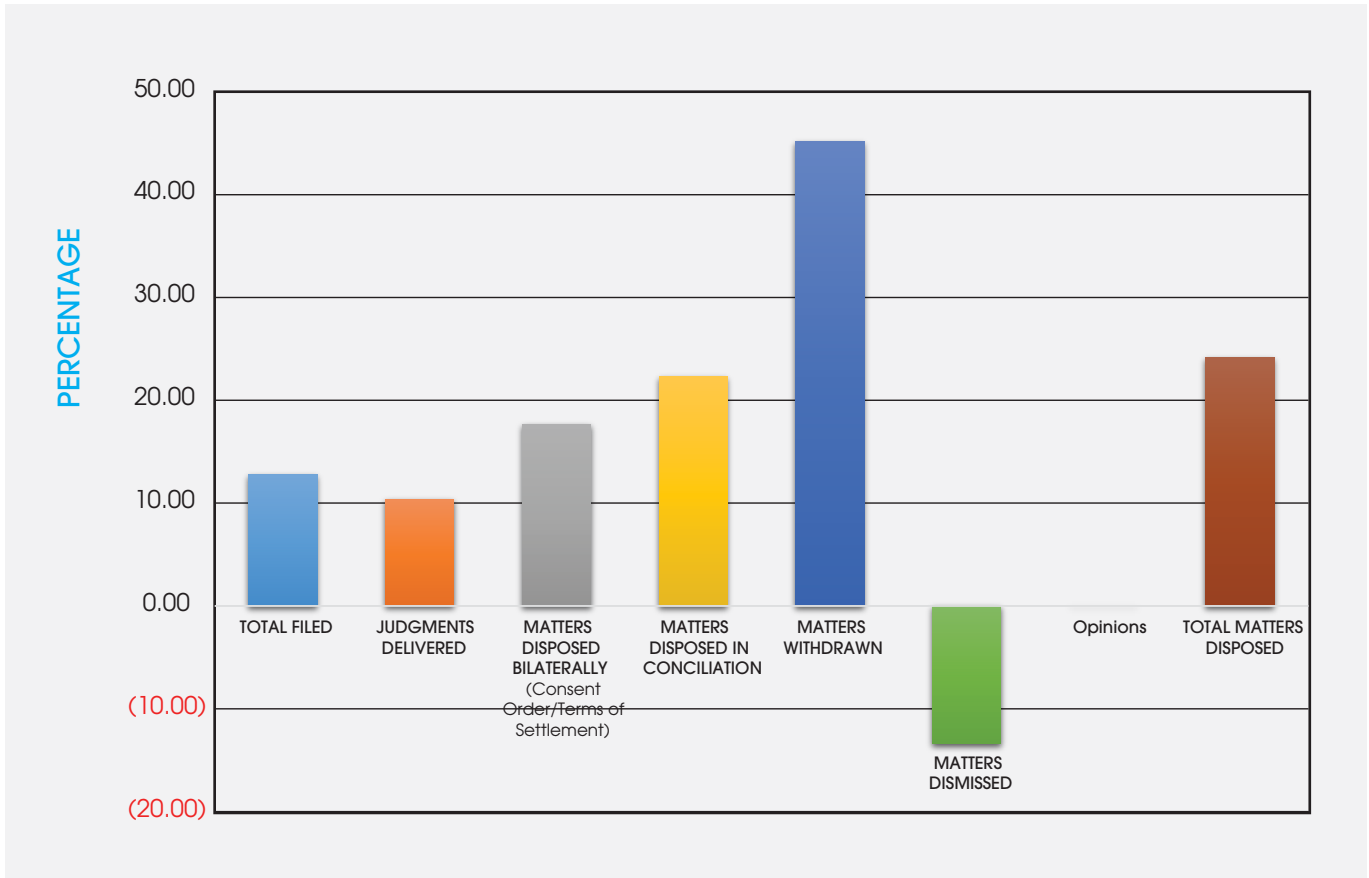
DISPOSAL RATE FOR NORTH AND SOUTH COURTS FOR THE PERIOD 2015/2016 AND 2016/2017



APPENDIX C

STATISTICS ON DISPUTES

CHART 6.1: PERCENTAGE CHANGE OF THE TOTAL NUMBER OF MATTERS FILED & DISPOSED
OVER THE PERIODS 2011/2014 - 2014/2017



APPENDIX C

STATISTICS ON DISPUTES

TABLE 6.1: PERCENTAGE CHANGE FOR MATTERS FILED AND DISPOSED (NORTH & SOUTH)

INDUSTRIAL COURT OF TRINIDAD AND TOBAGO
OVER THE PERIODS 2011/2014 - 2014/2017

PERIOD	TOTAL FILED	DISPOSAL						TOTAL MATTERS DISPOSED
		JUDGMENTS DELIVERED	MATTERS DISPOSED BILATERALLY (Consent Order/Terms of Settlement)	MATTERS DISPOSED IN CONCILIATION	MATTERS WITHDRAWN	MATTERS DISMISSED	OPINIONS	
2011/2012 - 2013/2014	2826	589	431	323	715	97	0	2155
2014/2015 - 2016/2017	3187	650	507	395	1038	84	2	2676
% INCREASE	12.77	10.36	17.63	22.29	45.17	(13.40)	0.00	24.18

APPENDIX D

AREAS OF EXAMINATION APPROVED FOR THE FINANCIAL YEAR 2016-2017

AREAS OF EXAMINATION	ENVIRONMENTAL COMMISSION	EQUAL OPPORTUNITY TRIBUNAL
1 Expenditure Notifications	Sept 2016 - June 2017	Sept. 2016 - June 2017
2 Register of Blank Cheque Forms	N/A	N/A
3 Daily Abstract of Payments	Sept 2016 - June 2017	Sept.2016 - June 2017
4 Reconciliation of Monthly Abstract of Payments and Lists of Unpaid Cheques	May 2016 - May 2017	June 2016 - April 2017
5 Release of Funds	Sept 2016 - June 2017	Sept. 2016 - June 2017
6 Payment Vouchers/Schedules/Vote Book	Sept 2016,Dec.2016,Jan - March 2017, June 2017	Dec.2016; March 2017 & June 2017
7 Register of Invoice Order Books and Invoice Orders	Sept 2016 - June 2017	Sept.2016 - June 2017
8 Personnel Emolument Records Contract Employee Records Monitoring of the Operation of the IGP System (COA Cir. #9 August 22, 2014).	Oct. 2016 - May 2017	Oct. 2016 - June 2017
9 National Insurance /UniMed Records	Oct. 2016 - June 2017	Sept. 2016 - June 2017
10 Motor Vehicle Advances Ledger	No Activity ftp Oct.2016 - July 2017	Oct. 2016 - June 2017
11 Overpayment Registers	Oct. 2016 - June 2017	Sept. 2016 - June 2017
12 Travelling Claims Register	Oct. 2016 - June 2017	Oct-Dec 2016; April - June 2017.
13 *Appropriation Account	Record verified January 30,2017	Record verified January 17,2017
14 Vehicle Log Books/Gas Chit/Fleet Card	Sept 2016 - June 2017	14/09/2016 - 11/07/2017
15 Imprest Cash	N/A	N/A
16 Inventory of Office Furniture Equipment and Computer Equipment.	An Inventory was not submitted to the Internal Audit Unit for verification. For the periods 2010-2011, 2011-2012, 2012-2013, 2013-2014,2014-2015 , 2015-2016 and 2016-2017.	An Inventory was not submitted to the Internal Audit Unit for verification. For the periods 2010-2011, 2011-2012, 2012-2013, 2013-2014, 2014-2015, 2015-2016. A survey was conducted in 2016-2017, the record is incomplete.
17 Stock Registers/Stores (a) Stationery/Consumables	Oct. 2016 - June 2017	Sept 2016 - June 2017
(b) Library Register	Oct. 2016 - March 2017	Sept. 2016 - July 2017
18 Revenue Account	N/A	Sept 2016 - June 2017
19 Rent; Telephone Electricity Registers	Oct. 2016 - June 2017	Oct. 2016 - June 2017
20 Register of Counter Foil and Receipt Books	N/A	Sept 2016 - June 2017

APPENDIX D

AREAS OF EXAMINATION APPROVED FOR THE FINANCIAL YEAR 2016-2017

INDUSTRIAL COURT	PUBLIC SERVICE APPEAL BOARD	TAX APPEAL BOARD
Sept 2016 - June 2017	Sept. 2016 - June 2017	Sept. 2016 - June 2017
May 2016 - May 2017	N/A	N/A
Sept.1 2016 - June 2017	August 2016 - June 2017	August 2016 - June 2017
Dec.2015 - May 2017	July 2016 - May 2017	July 2016 - May 2017
Sept 2016 - June 2017	Sept.2016 - May 2017	July 2016 - May 2017
Sept 2016 - June 2017	October 2016 - May 2017	Sept 2016, January 2017 & May 2017
Sept 2016 - June 2017	Sept.2016 - May 2017	July 2016 - May 2017
July 2016 - June 2017	July 2016 - May 2017	July 2016 - May 2017
July 2016 - June 2017	July 2016 - May 2017	July 2016 - May 2017
July 2016 - June 2017	N/A	July 2016 - May 2017
July 2016-June 2017	No Activity - October 2016 - June 2017	July 2016 - May 2017
June 2016 - June 2017	N/A	No applications were made for the period Oct.2016 - June 2017.
Record verified January 30, 2017.	Record verified on 26/01/2017	This record was not submitted for verification.
October 2016 - May 2017	September 2016 - March 2017	July 2016 - May 2017
October 2016 - May 2017	Sept. 2016 - December 2016	N/A
An Inventory was not submitted to the Internal Audit Unit for verification. For the periods 2010-2011, 2011-2012, 2012-2013, 2013-2014,2014-2015 , 2015-2016 and 2016-2017.	An Inventory was not submitted to the Internal Audit Unit for verification. For the periods 2010-2011, 2011-2012, 2012-2013, 2013-2014,2014-2015, 2015-2016 and 2016-2017.	An Inventory was not submitted to the Internal Audit Unit for verification. For the periods 2010-2011, 2011-2012, 2012-2013, 2013-2014,2014-2015, 2015-2016 and 2016-2017.
Nov.2016 - May 2017(North)		
Nov.2016 - May 2017 (South)	Sept. 2016 - March 2017	July 2016 - May 2017
Nov.2016 - May 2017(North)		
Nov 2016 - May 2017(South)		
October 2016 - May 2017	N/A	N/A
June 2016 - Sept 2016		
Oct - Dec 2016 & Jan - June 2017. Records were not available upon request.	August 2016 - May 2017	July 2016 - May 2017
June 2016 - May 2017	N/A	N/A





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