

1. Q. Does the Judiciary have a statement on yesterday's protest by the PSA and administrative staff?

A. As has been communicated to stakeholders in various fora over the last few years, the Judiciary has embarked on a process of transformation and improvement. In that regard, the Family and Children Division was established by law in 2016 and Children Courts were subsequently opened in Port of Spain, Fyzabad and Tobago in February 2018.

Most recently, the Criminal Division and District Criminal and Traffic Courts Act 12 of 2018 (proclaimed in December 2018 and hereinafter referred to as "the Act") established, inter alia, the Criminal and Traffic Court Administration Department (hereinafter referred to as "the Department").

The Judiciary has commenced a programme to give effect to the provisions of the Act, other key pieces of legislation been passed to improve criminal procedure and the criminal courts, and the Criminal Proceedings Rules. This has included the development of Court Information Technology, the development of new processes and procedures and the development of the new administrative structure. Some senior administrative staff, including the Deputy Court Executive Administrator (DCEA) to head the Department, have been recruited. The recruitment of the Magistracy Registrars and Clerks of the Court is in progress currently. They will ensure that a lawyer is available to the court office staff which is not now the case.

Parallel to the above activities, meetings have been held with staff and their union representatives including the union's executive to provide information and to discuss the process of transformation, the changes which will be made to the Magistracy and in particular the "District Criminal and Traffic Courts" and options and opportunities for members of staff. In this regard, it is to be noted that while some members of staff have been contracted by the Judiciary to fulfill particular roles, a significant number of the staff of Judiciary are public servants who have been assigned to the Judiciary by the Public Service Commission.

The Judiciary is re-organising each district court for improved efficiency and productivity. No one is being carded for termination.

Of the 452 persons employed in the Magistracy, our records show that as of December 2018:

- **13 %** are OJT's (On the Job Trainees)
- **12%** are Ministry of Labour assigned staff on 3 month rotations
- **37%** are Temporary Clerks who do NOT hold appointment in the Public Service
- **11%** are employed on Contract.
- **5%** hold permanent and pensionable positions in other parts of the public service.
- **22%** hold permanent and pensionable positions in the Judiciary

Sixty two percent (**62%**) of the present staff of the Magistracy have no tenure and no element of any permanence. In fact twenty five percent (**25%**) are either OJT's (on a non-renewable contract of up to two years) or staff who are assigned for 3 months by the Ministry of Labour. This is a huge problem for both the staff and the Judiciary.

The Judiciary needs trained and steady staff to perform the tasks in the District Courts and so there will be a role with far improved tenure for everyone who truly wishes to be on board and wishes to serve the people of Trinidad and Tobago in this way.

While the Judiciary is seeking to improve its service delivery, its management, its efficiency and performance management, contrary to what has been stated and what is being believed, it is dedicated to ensuring the best arrangements and opportunities for its staff. Why would it not?

2. Q. Are workers to be terminated come September 1?

A. No!

By September 1, 2019 a number of **vacant** (where no public officer has been appointed) public sector positions are to be abolished. These are positions of Clerks of the Peace and Assistant Clerks of the Peace. This does not terminate anyone. None of the persons doing these jobs at present are appointed in these positions. They are all acting in these positions, many several levels above their substantive posts. These positions are being replaced by District Clerks of the Peace and Case Management Officers V, the latter in keeping with the Judiciary staffing plan of 2004. Present persons will be offered training for these positions which will provide them the opportunity of far greater certainty in these posts.

3. Q. One of their main concerns is that their tenure will be lost by the proposed decision? What is the Judiciary's position on this?

A. As seen above, 62% of Magistracy staff have no tenure currently. For the 27 percent who have "Tenure" in the public service, please note that this does not fall within the purview of the Judiciary and therefore, all matters related to tenure are treated with by the Public Service Commission.

4. Q. What was the reasoning/rationale behind the decision to terminate staff?

A. There had been no decision to terminate staff. This is a complete fallacy!

5. Q. Are the "new positions" different from what workers currently doing?

A. Some jobs are new. Some are different and some persons will be doing tasks differently. This is because there are new laws and new Rules of Court which create new procedures and processes. There are also new organizational structures to improve efficiency, management and accountability. For example, staff will now have to use computer software and Rapid Text Entry for the production of transcripts of notes of evidence.

The Act also provides for the establishment of several new Units to facilitate improved criminal caseload management as a result of system and process reform. Consequently, new positions will be created. These units include a Bail Management Unit, a Drug Treatment Court Unit, a

Witness Support Unit, and other administrative support units. Since these are new units with new responsibilities, new positions will be created. (Section 18 of the Act refers.)

6. Q. Are these contract positions? If yes, for how long?

A. Sections 19 and 21 of the Act provide for employment of persons on contract for a term of up to 5 years, which is renewable.

7. Q. Can't existing staff be trained/re-trained without a break in their tenure and loss of benefits?

A. You presume that there is a loss in tenure and a loss in benefits. That presumption is **not** accurate.

Yes staff are being offered training and re-training. There will be new ways of doing certain things and there will be some new tasks to be done. There will be the need for some new competencies. As has been communicated to both members of staff and the Public Services Association (PSA), the Judiciary is offering training, free of charge, to members of staff who are interested and willing to be trained to perform the new functions. The intention is for staff to be trained while in service – there is to be no break in service to facilitate training.

Training includes:

- ✓ Court case management software including TT.jim, CourtPay, CourtMail, BailNet and enhancement of computer skills;
- ✓ Court Paralegal training- 3 levels (Orientation, Basic and Advanced);
- ✓ Digital Voice Writing for rapid text entry.
- ✓ Intensive Training Course for Potential District Clerks of the Peace
- ✓ FTR Training
- ✓ JSO Training
- ✓ Judge's Teams Training
- ✓ Specialised training for particular desks;
- ✓ Records Officer training.
- ✓ Court Management Ongoing Training
- ✓ Court Supervisors Training Programme

8. Q. For those who chose not to resign their positions, will/can they reabsorbed in the public service?

A. **No one is being asked to resign their positions.** If anyone is an appointed person in the public service, they have a position in the public service. No post which has a post holder is being abolished in any Judiciary restructuring.

Note in any event that the Public Service Commission, by law, provides for and manages all assignments of all civil servants in the Civil Service.

9. Q. Will a meeting with the union be sought prior to Monday, when they have warned of a likely shutdown of the courts?

A. The Judiciary has been meeting with the union. Meetings have been held with the Union Executive, with the Staff Side in the Joint Consultative Committee, and with staff.

At those meetings, updates and documentation were provided and there was dialogue and question and answer sessions.

Contrary to what has been said, the Union Executive asked for certain information and documentation and that has all been provided.

To date, the Judiciary has had no feedback from the PSA on its presentation or on the documents sent as had been agreed.

Cognizant of the fact that change sometimes causes discomfort, the Judiciary has put in place several initiatives and is establishing a well-staffed help desk for staff who wish to ask specific questions and receive specific guidance.

10. Q. If the planned proposed shutdown does take place, are there contingency plans in place?

A. There are existing protocols within the Judiciary for any impromptu shutdown that may occur for any number of reasons.