

TRINIDAD AND TOBAGO'S PROGRESS REPORT 2010

PREPARED IN ACCORDANCE WITH ARTICLES 31 AND 32 OF THE RULES OF PROCEDURE AND OTHER PROVISIONS OF THE COMMITTEE)¹

SECTION I. PROGRESS IN THE IMPLEMENTATION OF THE RECOMMENDATIONS

A. FIRST ROUND OF REVIEW

RECOMMENDATION:

1.1 The Committee suggests that the Republic of Trinidad and Tobago consider strengthening the implementation of laws and regulatory systems related to conflicts of interest.

MEASURE TO BE ADOPTED:

(i) Consider including in appropriate legislation provisions to protect whistleblowers who report acts of corruption from threats and acts of retaliation.

STEPS TAKEN:

The Integrity in Public Life Act 2000 was amended to provide for the protection of whistleblowers who in good faith report acts of corruption.

The Integrity in Public Life (Amendment) Act No. 1 of 2010 came into force on January 13th 2010 and provides at section 14 for the protection of employees of the State, a public authority or any other body from dismissal, suspension, demotion, disciplinary action harassment, denial of benefits or from being otherwise negatively affected where such a person acting in good faith reports acts of corruption or misbehavior.

B. SECOND ROUND OF REVIEW

RECOMMENDATION:

2. In light of the comments made in the above-noted section, the Committee suggests that the Republic of Trinidad and Tobago consider the following recommendation:

- Adopt a comprehensive legal and regulatory framework that provides protection for public servants and private citizens who, in good faith, report acts of corruption,

including protection of their identities, in accordance with its Constitution and the basic principles of its domestic legal system.

MEASURES TO BE ADOPTED:

In meeting this recommendation, the Republic of Trinidad and Tobago could take into account the following measures:

- (a) Protection for persons who report acts of corruption subject to investigation in administrative or judicial proceedings;
- (b) Measures to protect not only the physical integrity of whistleblowers and their families, but also to provide protection in the workplace, especially when the person is a public official and the acts of corruption involve his superior or co-workers;
- (c) Mechanisms for reporting, such as anonymous reporting or protection of identity reporting, that guarantee the personal security and the confidentiality of the identity of public servants and private citizens who in good faith report acts of corruption;
- (d) Mechanisms to report any threats or reprisals against whistleblowers, stating the appropriate authorities to process protection requests and the bodies responsible for providing it;
- (e) Witness protection mechanisms that offer witnesses the same guarantees as public servants and private citizens;
- (f) Mechanisms to facilitate international cooperation on the foregoing matters, when appropriate, including the technical assistance and cooperation provided for by the Convention, as well as the exchanges of experiences, training, and mutual assistance.
- (g) A simplified whistleblower protection application process.
- (h) Provisions which sanction the failure to observe the rules and/or duties relating to protection.
- (i) The respective competence of judicial and administrative authorities with respect to this area, clearly distinguishing one from the other.

STEPS TAKEN:

The Integrity in Public Life Act 2000 was amended to provide for the protection of whistleblowers who in good faith report acts of corruption.

The Integrity in Public Life (Amendment) Act No. 1 of 2010 came into force on January 13th 2010 and provides at section 14 for the protection of employees of the State, a public authority or any other body from dismissal, suspension, demotion, disciplinary action harassment, denial of benefits or from being otherwise negatively affected where such a person acting in good faith reports acts of corruption or misbehavior.

The amendment states as follows:

“14. The Act is amended by inserting after section 42 the following section:

42A. An employee of the State, a public authority or any other body shall not be dismissed, suspended, demoted, disciplined, harassed, denied a benefit or otherwise negatively affected because—

(a) he, acting in good faith and on the basis of a reasonable belief, has—

(i) notified the Commission that his employer or any other person has contravened or is about to contravene this Act;

(ii) done or stated the intention of doing anything that is required to be done in order to avoid having any person contravene this Act; or

(iii) refused to do or stated the intention of refusing to do anything that is in contravention of this Act; or

(b) his employer or any other person believes that he will do something described in paragraph (a).”

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