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Address by Mr. John Martin, Chairman of the Integrity Commission, to Electrical Inspectors of the Electorate Inspectorate Division on Wednesday, January 28, 2009 at the Crowne Plaza Hotel

Minister of Public Utilities, the Honourable Mustapha Abdul-Hamid; Permanent Secretary in the Ministry of Public Utilities, Ms. Jacqueline Ganteaume Farrell; Mr. Victor Jones, Director, Human Resource Services; Ms. Joycelyn Hunte, Senior Human Resource Officer; Mr. John Phillip, Chief Electrical Inspector, Members of the staff of the Ministry of Public Utilities, Technical Officers, ladies and gentlemen.

Generally when members of the public hear about the Integrity Commission and the Integrity in Public Life Act, they immediately think of politicians and other high officials.

However, today I wish to make you aware that the Act is applicable to two groups of persons; defined in the Act as:

- Persons in public life who are the Members of the House of Representatives, Senators, Councillors and Aldermen, Members of the Boards of Directors and senior public servants; and
- Persons exercising public functions who are persons holding office under the Public Service, Judicial and Legal Service, Police Service, Teaching Service, Statutory Authorities Service Commission, Members of the Diplomatic Service and Advisers to the Government.

You may have recognized that the term “persons in public life” refers to all persons who receive salaries from the public purse, yourselves included. Whereas persons in public life are required to file Declarations of the Income, Assets and Liabilities for themselves, their spouses and dependent children, persons exercising public functions, like yourselves, are required to comply with Part IV of the Act; the Code of Conduct.

The Code of Conduct outlines the behaviour which is expected of both groups of persons.

It prescribes that such a person:

- Should perform his/her functions and administer the public resources for which he/she is responsible in an efficient and effective manner
- Be fair and impartial in exercising his public duty
- Afford no undue preferential treatment to any group or individual
- Arrange his private interests whether pecuniary or otherwise in such a manner as to maintain public confidence and trust in his integrity
- Not use his office for the improper advancement of his own/his family’s personal or financial interest or the interest of any person
- Not use information that is gained in the execution of his office and which is not available to the general public to further or seek to further his private interests
- Not accept a fee, gift or personal benefit, except their authorized compensation.

How then do we see this Code of Conduct applicable to each of you as you embark on your career as Electrical Inspectors? You will be placed in positions of power and trust. Power, in the sense that you will determine whether certain buildings or projects obtain the necessary clearance for their electricity supply to be provided. Trust, in the sense that the Ministry of Public Utilities will be expecting you to certify only that which satisfies the criteria and conforms to the appropriate/relevant regulations.

In your hands lies the safety of users of properties as well as the legal fate of the Ministry if you err and the Ministry is held liable for injury and damage.

What are the guidelines being given by the Code of Conduct as you operate in this position of power and trust? The Code of Conduct requires that you do not treat any group or groups preferentially.

In being effective and efficient, you are required to be familiar with the Standards and Regulations applicable to the various types of installations that you would be required to inspect. With your knowledge and experience, you are therefore expected to apply the stringent rules and policies to ALL clients you encounter without fear or favour. If ever you feel that you are being pressured by external forces, it may be wise to advise them that you cannot allow your job to be jeopardised by your breaching the Code of Conduct of the IPLA the consequences of which are far reaching.

You will be required to arrange your private interests in such a manner as to maintain public confidence and trust in your integrity. You certainly cannot and will not engender public trust if you insist that a client pay or give you some tangible form of encouragement before you agree to make or keep an appointment to inspect his or her premises. You certainly cannot and will not engender public trust if you have a private firm or you are associated with a private firm which does the installations which are the only ones being certified. You cannot gently hint/suggest to owners of premises which are considered unfit for certification that they can approach specific contractors to get the required work done for certification. You will be performing the role of a regulator and a regulator cannot be the provider of the very services on which he is required to give an opinion.

All of us are aware of the collapse of auditing giants in the USA a few years ago when the auditing firms (The regulators) started providing financial services to the same companies they were required to audit. Remember the ENRON matter? When such activities begin, the question is, “Who will guard the guards?”

You simply cannot engage in any transaction, acquire any position or have any commercial or other interest that is incompatible with this job because of the importance of the duty you are required to discharge. The Code of Conduct requires that you do not use public property or services for activities not related to your official work. The Office of the Electrical Inspectorate therefore cannot be used for conducting private commercial transactions, negotiating private jobs or for collecting/ negotiating any form of encouragement from clients to get the job done. The tools, equipment and other resources of the Office should be utilized solely for the furtherance and conduct of the business of the Electrical Inspectorate.

On the topic of gifts, the Code of Conduct indicates that a person exercising public functions shall NOT accept a fee, gift or personal benefit, except compensation authorized by law, that is connected directly/indirectly with the performance of his/her duties of office. The salary and benefits to which you agree when you sign your respective contracts will be ALL that you are expected to receive as compensation for doing your job. Ensure that you do all your negotiations with the Permanent Secretary or other authorized officer because that is the total of your compensation. Do not be tempted to think that you can perhaps settle for a bit less from the employer because you can make up the difference with the gifts which clients may give you. You are not expected to accept any gifts from clients.

One aspect of the Code of Conduct which needs to be highlighted is the Issue of Conflict of Interest. Since our country is a very small one, several public officials are also individuals with their own private interests and there are times when their private interests will be in actual, perceived or potential, conflict with their public duty to put the public interest first. A conflict of interest arises when a decision has to be made which impacts on the public official's duty to serve the public interest and that person's desire to satisfy/serve his personal/private interests. I would hasten to add that such conflicts do not only arise as a result of friendships but also as a result of enmity. Such situations cannot always be avoided or prohibited. When they arise, they should be identified, disclosed and effectively managed. There is nothing unusual or necessarily wrong in having a conflict of interest. The important thing is how it is managed.

In closing, I would like to state how happy I am to see you accept these positions to work in the public sector of our country. Your contribution is needed to provide support to the Ministry of Public Utilities in achieving its goals. You have been able to convince the Ministry that you are capable of doing the job and I wish you every success in your career. It may not always be as easy or as straightforward as you may have expected but I am sure that with your commitment and that of your employer to achieving the goals of the Ministry, dialogue and honesty will go a long way in resolving most of the issues which may arise. Let us all in our several spheres of activity continue to serve our country with integrity. Finally let me recommend the main message of action of the Integrity Commission to you – **DO THE RIGHT THING ALWAYS.**

I thank you.