



**CODE OF CONDUCT**

**FOR THE**

**ENVIRONMENTAL COMMISSION'S STAFF**

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## INTRODUCTION

A fair and independent court system is essential to the administration of justice. Proper conduct by officers inspires public confidence and trust in the Environmental Commission. There are therefore certain principles that should govern the conduct of all court officers.

The Environmental Management Act, 2000 at section 81(1) established the Environmental Commission as a superior court of record. The non-judicial Staff of the Commission is drawn from the ranks of the Public Service of Trinidad and Tobago. As such **the staff remain subject to the Civil Service Regulations made in accordance with the Civil Service Act Chap. 23:01 (“The Regulations”) and any other enactment relating to the conduct and service of public officers.** Regulation 134 of the Regulations provides that:

*“An officer’s conduct shall be such at all times not to bring the Service into disrepute.”*

Non-judicial Staff of the Commission shall faithfully discharge their duties under the laws of Trinidad and Tobago. This Code is intended to provide guidance to the non-judicial Staff of the Commission in performing these duties and with respect to achieving the high standards required to preserve the confidence of the public in the independence and integrity of a superior court of record. It is also intended to guide non-judicial staff in compliance with Regulation 134 of the Regulations. Should there be any conflict between the provisions of this Code and the Regulations or any other written law, then the Regulations or such written law shall prevail. This Code does not however preclude participation in union activities.

This Code of Conduct has been prepared in accordance with a directive of the Honourable Chairman of the Environmental Commission. The Code has been prepared in consultation with the non-judicial staff of the Commission and after consultation with relevant stakeholders including the Public Service Commission, the Judicial and Legal Service Commission and the Public Services Association.

## SCOPE

- A. This Code shall apply to all non-judicial staff of the Environmental Commission including:
  - a. Persons assigned by the Public Service Commission for service with the Environmental Commission whether on a permanent, acting, temporary or probationary basis or on secondment;

- b. Persons assigned by the Judicial and Legal Service Commission for service with the Environmental Commission in a non-judicial office whether on a permanent, acting, temporary or probationary basis or on secondment;
  - c. Persons assigned by any other appropriate Service Commission or Government authority for service with the Environmental Commission whether on a permanent, acting, temporary or probationary basis or on secondment; and
  - d. Persons employed on a contractual basis to fill any vacancy in the staff structure of the Environmental Commission.
- B. In this Code of Conduct “officer” means any member of non-judicial staff as outlined above.

### **RULE 1**

#### **Officers shall uphold the integrity and independence of the Environmental Commission and shall perform their duties impartially and diligently.**

- A. An officer shall respect and comply with the law and shall at all times act in a manner that promotes public confidence in the independence and integrity of the Environmental Commission.
- B. Every officer shall endeavour at all times to perform official duties properly, courteously, and with diligence and in keeping with the highest standards of judicial and public service. Every officer shall apply himself/herself diligently to the business and responsibilities of the officer's office during working hours.
- C. No officer shall intentionally alter, falsify, destroy, mutilate, backdate, or fail to make required entries on any records within the officer's control. This provision does not prohibit alteration or expungement of records or documents pursuant to a court order or as is required in the normal course of the officer's duties.
- D. No officer shall in the conduct of official duties discriminate on the basis of, or manifest by words or conduct, bias or prejudice based on race, color, religion, age, sex, gender, sexual orientation, national origin, language, marital status, socioeconomic status, political affiliation, or handicap.
- E. No officer shall in the conduct of his duties dispense special favours to anyone, whether or not for remuneration, nor shall any officer so act that the officer is unduly affected or appears to be affected by kinship, rank, position or influence of any party or person.
- F. No officer shall give legal advice outside the scope of his or her employment with the Environmental Commission nor recommend the names of private attorneys. An

officer may however respond to questions regarding court procedures within the scope of the officer's duties.

- G. No officer shall refuse to enforce or otherwise carry out any properly issued rule or order of the Environmental Commission, nor shall officers exceed that authority.
- H. Officers who are attorneys, accountants or members of other professional groups shall remain bound by the appropriate professional duties of those roles.
- I. Officers shall not use public funds, property or resources wastefully or for any private purpose not authorized by relevant authorities.
- J. Each officer shall use the resources, property and funds under the officer's official control judiciously and solely in accordance with prescribed statutory and regulatory procedures.
- K. No officer shall use or attempt to use his or her official position to secure unwarranted privileges or exemptions for the officer or others.
- L. No officer shall accept, solicit, or agree to accept any gift, favour or anything of value except in accordance with Regulations 144 and 145 of the Regulations, that is to say:
  - a. Except with the permission of the Registrar, an officer shall not accept any gift or reward from any member of the public or from any organization for services rendered in the course of performing official duties;
  - b. an officer may accept a present offered by:
    - i. a representative of a foreign government on the occasion of an official visit to that country;
    - ii. a community organization, on a social occasion where the gift represents the work or achievement of that organization;
    - iii. fellow officers on marriage, retirement, transfer or other social or celebratory occasion.

## **RULE 2**

**Officers shall conduct their activities outside of the Environment Commission so as to avoid the appearance of conflict with their employment with the Commission.**

- A. Every officer shall avoid conflicts of interest, as defined hereunder, in the performance of his duties. In order to preserve public confidence in the Environmental Commission, every officer is required to exercise diligence in

becoming aware of conflicts of interest, disclosing conflicts to the Registrar and ending them when they arise.

1. A conflict of interest exists when the officer's objective ability or independence of judgment in the performance of his or her duties is impaired or may reasonably appear to be impaired or when the officer, or the officer's close friends, or the officer's immediate family, as defined below, or business would derive financial gain as a result of the officer's position with the Environmental Commission.
2. No conflict of interest exists if any benefit or detriment accrues to the officer as a member of a profession, business or group to the same extent as any other member of the profession, business or group who does not hold a position with the Environmental Commission.
3. For the purposes of this Code, "immediate family" shall include the following, whether related by marriage, blood or adoption: spouse; dependent children; brother; sister; parent; grandparent; grandchildren; father-in-law, mother-in-law; sister-in-law, brother-in-law; son-in-law, daughter-in-law; stepfather, stepmother; stepson, stepdaughter; stepbrother, stepsister; half-brother, half-sister, niece or nephew.

**B. Prohibited Activities:**

1. No officer shall enter into any contract with the Environmental Commission for services, supplies, equipment, leases or realty, apart from the employment contract relating to the officer's position, nor use that position to assist any member of his or her immediate family in securing a contract with the Environmental Commission in a manner not available to any other interested party.
2. No officer shall receive tips or other compensation for representing, assisting or consulting with parties engaged in transactions or involved in proceedings with the Environmental Commission.
3. No officer shall participate in any business decision on behalf of the Environmental Commission involving a party with whom either the officer or any member of the officer's immediate family is negotiating for future employment. This provision shall not apply where the officer is the only officer within the Environmental Commission authorized to conduct such business on behalf of the Environmental Commission, and in such case the officer shall remain bound to perform his official duties properly, with diligence, transparently and in keeping with the highest standards of judicial and public service.

- C. Each full-time officer's position with the Environmental Commission must be the officer's primary employment. Outside employment is permissible only if it complies with Regulation 137 of the Regulations. In particular, where an actual or potential conflict arises the officer should first consult with the Registrar before engaging in such outside employment.

### **RULE 3**

#### **Officers shall guard against the unauthorized release of confidential information.**

- A. No officer shall disclose to any unauthorized person for any purpose any confidential information acquired in the course of employment with the Environmental Commission, or acquired through unauthorized disclosure by another.
- B. Confidential information includes, but is not limited to, information on pending cases that is not already a matter of public record and information concerning the work product of the Chairman, Deputy-Chairman, any Commissioner, the Registrar, any clerk, or other officer including, but not limited to, notes, papers, discussions and memoranda.
- C. Confidential information that is available to specific individuals by reason of statute, court rule or administrative policy shall be provided only by persons authorized by the Registrar to do so.
- D. Every officer shall report confidential information to the Registrar when the officer reasonably believes this information is or may be evidence of a violation of law or of unethical conduct. No court officer shall be disciplined for disclosing such confidential information to the Registrar.
- E. Where an officer is in doubt as to whether any information is confidential, he should err on the side of caution by treating such information as confidential until he has sought and obtained directions from the Registrar. (The officer shall seek the direction of the Registrar as soon as is practical.)
- F. Officers are not precluded from responding to inquiries concerning court procedures, but an officer shall not give legal advice. Standard court procedures, such as the method for filing an appeal, may be given orally but in every case the litigants shall be advised that they should have recourse to the Environmental Commission Rules of Practice and Procedure, 2001 or such other Rules for the time being in force.
- G. All media requests for information should be referred to the Registrar or such other person designated by the Registrar for that purpose. Officers shall act in accordance with Regulations 138 and 139 of the Regulations in terms of their communications with the media.

- H. Where an officer leaves the employ of the Environmental Commission he shall remain bound by these rules of confidentiality as regard any confidential information, which comes into his knowledge as a result of his employment with the Environmental Commission.
- I. Information retained in electronic files should be treated like any other official court document. Its confidentiality should be assumed unless otherwise specified. To preserve the integrity of electronic systems, officers shall correct any errors or omissions, guard against sabotage in any form, scan and repair viruses when possible, and avoid using Environmental Commission equipment for purposes other than court business. Great care should be taken in the transmission of electronic data so that it would not embarrass the Commission or the sender if read by an unintended recipient. Officers may not install personal software or equipment without prior approval of the Registrar, nor shall they take copyrighted software outside the Commission for personal use. Questions about the ownership of intellectual property should be directed to the Registrar.

#### **RULE 4**

##### **Officers shall refrain from inappropriate political activities.**

- A. As regards political activities, officers shall act in accordance with the relevant provisions of the Regulations and in particular Regulation 149 (k).
- B. In general, officers may participate in any political activities that do not give the impression that the Environmental Commission itself endorses political candidates or supports political causes.
- C. During scheduled work hours or at the workplace, officers shall not engage in political campaign activities and shall not display literature, badges, stickers, signs, or other political advertisements on behalf of any political party, political committee, agency, or candidate for political office.
- D. Officers shall not use their official authority or position, directly or indirectly, to influence or attempt to influence any other officer to become a member of any political organization or to take part in any political activity.
- E. Officers shall not discriminate in favour of or against any subordinate or any applicant for employment with the Environmental Commission on account of permitted political activities.

## **RULE 5**

**Counter Staff shall remain impartial in the exercise of their duties and shall take special precautions against conflicts of interest.**

A. "Counter Staff" shall include officers assigned to receive documents to be filed or lodged at the Registry, or to receive any request for searches of files of the Registry, or to otherwise receive requests of parties to matters before the Environmental Commission, and "member of Counter Staff" shall have the appropriate corresponding meaning.

B. In addition to every other relevant provision of this Code, a member of Counter Staff shall be subject to the following provisions:

- a. A member of Counter Staff shall remain impartial in the execution of all aspects of his duties treating all parties to proceedings in like manner and shall take special care to guard against any actual impropriety and/or any appearance of impropriety.
- b. A member of Counter Staff shall fully disclose to the Registrar any conflict of interest or possibility of conflict of interest arising from the conduct of his duties as a member of Counter Staff. Where practical, such disclosure to the Registrar shall be made before any such duties are discharged. Counter Staff must however bear in mind that their duties sometimes affect the ability of litigants to comply with time limits set out in written laws, the Rules of Practice and Procedure, or a specific Order of the Commission. Thus, if the Registrar cannot be consulted in sufficient time to allow a litigant to comply with such time limit, the member of Counter Staff shall perform the duty in question and shall inform the Registrar of the possible conflict as soon as practicable thereafter.

## **RULE 6**

**Verbatim Reporters, Computer Aided Transcription Reporters and Court Clerks shall remain impartial in the exercise of their duties and shall take special precautions against conflicts of interest.**

A. "Court Clerk" shall include such officers assigned to act as the Registrar's representative in Court and whose duties include recording notes in the Minute Book.

B. In addition to every other relevant provision of this Code, every Verbatim Reporter, Computer Aided Transcription Reporter and Court Clerk shall be subject to the following provisions:

- a. A Verbatim Reporter, Computer Aided Transcription Reporter or Court Clerk shall remain totally impartial in all aspects of his duties treating all parties to proceeding in like manner and shall take special care to guard against any actual impropriety and/or any appearance of impropriety.
  
- b. A Verbatim Reporter, Computer Aided Transcription Reporter or Court Clerk shall fully disclose to the Presiding Commissioner any conflict of interest or possibility of conflict of interest immediately upon discovery of such conflict.

## **RULE 7**

**Managers shall diligently discharge their duty to supervise their subordinates to ensure the highest standards of performance.**

- A. "Manager" shall include an officer appointed to a post within the staff structure of the Environmental Commission requiring supervision of any other officer.
  
- B. Managers shall, as far as practicable, seek to regularly update their education to enable them to achieve the highest standards of performance of their duties.
  
- C. Managers shall require officers subject to their direction and control to observe the ethical standards set out in this Code.
  
- D. Managers shall diligently discharge their administrative responsibilities, maintain professional competence in judicial administration and facilitate the performance of other officers.
  
- E. Managers shall take action regarding any unethical conduct of which they may become aware by reporting same to the Registrar.