

## **MANAGING THE MULTICULTURAL CHALLENGE IN THE PUBLIC SERVICES OF A SMALL, PLURAL SOCIETY**

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This article examines the mechanisms introduced in the public sector of a small plural society, Trinidad and Tobago, to ensure that the diverse population employed within this sector are afforded equal opportunity. The article argues that while a number of institutions and procedures have been introduced to manage and contain issues relating to conflicts and charges of discrimination by the various groups, one major shortcoming has been the inability of the various governments overtime to confront the challenges of managing multiculturalism in a more structured way. Hence, to date there has been no stated policy with respect to managing diverse groups or structured approaches to allocate funds to the various groups within the society. The end result is that the institutions and procedures that have been introduced have merely addressed challenges as it relates to direct discrimination of persons rather than address challenges of the more fundamental issues of multiculturalism.

### **Introduction**

Trinidad and Tobago is generally accepted as a classic example of a plural society. According to Furnival (1948) in a plural society, each group maintained its own religion, culture and language, their own ideas and ways and only met in the 'market place.'<sup>i</sup> He argued that the dominance of one group by the other was the essential precondition for the maintenance of social and political order. Trinidad and Tobago is a small country with a population of approximately 1.3 million persons. The two majority groups within the country are East Indian descendants, the majority of whose ancestors were brought from India as indentured servants and an African descended population whose forebears were slaves who were imported to work on the plantations. It is well known that the seeds of discord among the two ethnic groups were partly sown by the British, who with their politics of divide and rule pitted these groups against each other. ( Hitzen 1994, Brown 1999).<sup>ii</sup> In addition, factors including the historically developed complex of rules, routines and institutional arrangements were also influential in creating what over time became a 'clash of culture' between the two major groups. The East Indians who were an essentially agrarian group tended to settle in the rural areas while the Africans who were skilled and semi-skilled professionals settled in the urban areas. Apart from the occupational and settlement patterns, however, there were also major cultural differences between the two groups.

It was to be expected that there would always be mutual suspicion and distrust between both groups. However, these tensions were further exacerbated when both colonies prepared for independence in the 1960s. Indeed, as writers as Despres (1967) and Ryan (1972) were to point out, political mobilization for electoral purposes appealed to the primordial instincts of both groups.<sup>iii</sup> But, it must be noted, it was more than a fight for political power. Rather, it should be

recognized that those who controlled the state also would control the state purse and be able to dispense patronage to their supporters. Thus, understandably, political rivalry between the two groups was intense and as Brown (1999:6) appropriately describes it, became decisively rooted in ethnic cleavages. Indeed, in Trinidad in 1961, the pre-independence elections were marred by outbreaks of ethnic violence as the two majority groups fought for control of the state. The well documented outcome was that the African-dominated party won the first General Elections and went on to retain state control for approximately three decades. La Guerre (1993:18) observed, though, that it was not merely an ethnic problem. Rather, he argued ‘instead of a problem of race relations we had a problem of dominance and unequal incorporation.’<sup>iv</sup>

In the case of Trinidad, and in Guyana as well, it was found that over time membership in the ruling parties provided a direct entry to key positions in the public services and state-owned enterprises. While in the case of Guyana, many of the state policies with respect to appointment of persons to the public sector and state enterprises was vehemently opposed by the East Indian population and led to the establishment of a Commission of Enquiry, in the case of Trinidad and Tobago, the claims by the East Indians went unheeded. Indeed, it was not until 1987 that one of seven commissioners appointed under the Commission of Enquiry Act Chapter 19:01 to hold an inquiry in public ‘to consider the Constitution of the Republic of Trinidad and Tobago and to make recommendations’ was rebuffed when he proposed that an Equal Opportunity Commission be established. His justification for the establishment of such an institution was that certain Associations such as the African Association of Trinidad and Tobago, the United National Congress, the President of the Bar Association as well as individuals and organizations had been vociferous in their call for such an institution. He argued then that “to ignore the demand is to fail to come to grips with the forces which stimulate such a demand. Grievances, unless they are channelled, investigated and dealt with are likely to explode in diffuse directions as happened in 1970.”

He further explained:

One might contend that the existing Constitution already provides protection against discrimination on the grounds of sex or race, or that an Ombudsman exists to investigate all cases of maladministration. The truth is, however, that constitutional motions are beyond the reach of those of ordinary means; whilst the Ombudsman is empowered to investigate only the public sector and is usually subject to a number of limitations.<sup>v</sup>

The request for the establishment of an Equal Opportunity Commission was however struck down by the other Commissioners who declared that while the proposal should be further examined; there was no justification for including such a body in the Constitution of the country. They justified their decision on the grounds that the fundamental human rights of equality before the law and the protection of the law and equality of treatment from any public authority was already secured to the citizen and duly entrenched in the Constitution of the country.

The claims of ethnic discrimination by the East Indian sector of the society were not seriously addressed until 1991. In that year, under the People’s National Movement, a primarily Afro-centric government, the Centre of Ethnic Studies was established under the ambit of the University of the West Indies. In their report which was published and presented for public

viewing in 1994, the Directors of the Centre commented as it related to employment practices in the public sector:

The selection method of using competitive interviews has been criticized as being biased against Indo-Trinidadians and women in particular. The bias appears to exist in the composition of the interviewing panels, which in the past sometimes included only Afro-Trinidadians. Even if the greatest objectivity is maintained, the impression may be given, and unsuccessful Indo-Trinidadian candidates can claim that they were the victims of racial discrimination.<sup>vi</sup>

The findings of the Report concluded that East Indians were generally under-represented at certain senior levels and in ministries, departments and boards. For instance, in 1970 in the ranges 60+ 20.7% of the employees were East Indians while in 1982 the percentage had increased to 35.6%. (p.93). A number of explanations including the historical assimilation of the groups along with the level of education attained by each population were advanced. In another report, the Centre for Ethnic Studies also found that East Indian applicants were often bypassed for scholarships. Indeed, a more recent report by the Equal Opportunity Commission also substantiated the earlier findings. On the 20<sup>th</sup> October, 2011, The Attorney General of the country had this to say on the matter:

"The findings of the Commission raise a prima facie case of political and racial discrimination. The mysterious, secretive process used to grant assistance facilitated this unjustifiable discrimination. The lack of transparency and integrity in the distribution of public funds is a cause for grave concern. Such an inequitable and biased distribution of State resources contravenes both the spirit and letter of the constitutional right to equality of treatment" stated Ramlogan.

Ramlogan stated that there can be no greater injury to the public interest than the conceptualisation and execution of a scheme designed to use state funds so as bestow political patronage and then to seek to cover up this elaborate scheme by misleading both the commission and the parliament of Trinidad and Tobago.<sup>vii</sup>

The conclusion was therefore that even as late as 2010 certain sectors of the population were not accorded equal opportunity. The perception of the East Indian sector was, understandably, because the African government, the People's National Movement, had remained in power, from 1956- 1986;1991-1995 and then from 2001-2010 the resources of the state with respect to employment opportunities, scholarships, housing and allocation of funds had been dispersed to the supporters of that party.

### **Evaluating the Mechanisms to allow for equal opportunity of Groups in Trinidad and Tobago**

A number of institutions and procedures have been established overtime in the country of Trinidad and Tobago from as early as 1960. Indeed, it was suggested that one of the more powerful pieces of legislation that allowed for inclusion of all persons irrespective of race, class, age or gender was the Constitution of the country. In addition, however six main avenues of redress were introduced. These were:

- (1) The Public Service Commissions;
- (2) The Public Service Appeal Board/Appellate Tribunal;
- (3) The Office of the Ombudsman;
- (4) Public Service Unions;
- (5) Judicial Review;
- (6) The Equal Opportunity Commission (2000).

Yet, as will be evident, all these institutions have so far achieved minimal success. The Public Service Commission, for instance, was introduced in 1950 under the Order in Council. It was closely modelled along the institution that was established in Britain in 1855. According to a Guyanese academic Collin (1967) the reasons for the introduction of the Public Service Commission and other Commissions which were introduced later in the 1960s were as follows:

- (a) Political independence for the colonies would prove dangerous for the integrity of the public services;
- (b) The colonial administrators were concerned about the style and direction of radical nationalist agitation and they felt they had to protect public servants from the precipitate action of the politicians;
- (c) Service Commissions were necessary in order to maintain public service neutrality.<sup>viii</sup>

When Trinidad and Tobago attained independent status in 1962, the Public Service Commission became an executive agency and was vested with a number of powers. The powers of the Commission included the capacity to make appointments, promotions, acting appointments, discipline, and transfers throughout the public sector. They were also vested with the authority to regulate their own procedures and they promulgated regulations which set out the principles and guidelines to be followed in making appointments, -promotions, transfers and the exercise of disciplinary procedures. The various Chairmen of these Commissions claimed that inherent in these regulations were considerations of equity, fairness and justice.

Later on, however, the Commissions were subject to a number of criticisms including that of inefficiency and of placing 'square pegs in round holes.' The system of appointment and promotion based on the criterion of seniority also ensured that the status quo was maintained. Indeed, it has been suggested by many that what the policy of maintaining the status quo might have done was to reinforce what is often referred to as 'institutional racism.' The phenomenon of institutional racism occurs where the institutions themselves become imbued with prejudices, conventions, biases and world views which inform their visions of groups and what group relations should be. In the course of implementing their responsibilities, institutions therefore end up practicing as much discrimination as individuals. By maintaining the principle of seniority therefore, the various Commissions ensured that those who first entered the public services would necessarily attain the top positions irrespective of their ability to lead or their capacity to function at the higher levels.

The Public Service Appeal Board, it has been suggested, also became a creature which promoted institutional racism. Because much of the powers of this Board was constrained to appeals relating specifically to disciplinary matters forwarded to it by the Public Service Commission, it was, some argue, a very ineffective mechanism to ensure that equality was maintained. The

Unions, too, have been criticised on a number of fronts. It is alleged, for instance, that the unions representing workers are vociferous only during wage bargaining and matters of discrimination are not given priority. In their defence, these unions claim that while sometimes they do investigate the matters, the final decisions are taken by the various service commissions. They argue, though, that many matters are forwarded to the Ministry of Labour or the Industrial Court and the costs of legal fees and other administrative expenses are defrayed by them. While this is true, some may argue that in a plural society such as Trinidad and Tobago, it is surprising that during the period 1962- 2010, these unions have not submitted one case of ethnic discrimination. One may question, therefore, if incidents of ethnic discrimination do exist, or whether the unions are merely reluctant to address such claims.

Brown (1999) has asserted that the Public Services Association (PSA), the union representing public servants, steadfastly avoids issue pertaining to race and ethnicity, preferring inaction to taking sides. Yet, that is not quite true. In 1999, the PSA was quite vociferous in their allegations of racial discrimination. Their claim was that Indians were getting top positions at the Airport Authority. While it may be argued that this may have been an effort by the Union to maintain equity, counter to this may very well be the question of why, when the shoe is on the other foot, similar allegations were not made. It could well be due to the relationship between these unions and the political parties in the country.

A major institution that has been described by a number of writers as a toothless bulldog has been the Office of the Ombudsman. This institution, as elsewhere, has as its major aim to address complaints of maladministration and discrimination. Yet, investigations by these institutions have been stymied due to a number of challenges. Some of these challenges include:

- (a) Limited financial and human resources;
- (b) Lack of adequate record keeping by the ministries, departments;
- (c) Inattention to rules, regulations and procedures within ministries and departments;
- (d) The inability of the Ombudsman to sanction the ministries and departments.

However, a far more critical consideration has been the limitations imposed by this Office by the Constitution of the country. Section 93 of the Constitution of Trinidad and Tobago circumscribes the jurisdiction of the ombudsman limiting his investigations to decisions and recommendations made or acts done or omitted by government departments and authorities in the exercise of administrative functions. Also in the Third Schedule to the Constitution, some matters are not subject to investigation namely the conduct of civil or criminal proceedings in any court, action taken relating to contractual or other commercial transactions and actions taken in respect of appointments or removals, pay, discipline, superannuation or personnel matters. Yet as the Ombudsman in his 1998 report pointed out, the bulk of complaints were from public officers and employees of statutory and local authorities alleging discrimination in employment practices such as preferment of acting appointments and promotions, which, it was alleged, contravened the Public Service Regulations and departmental policies and procedures. These were procedures from which the Ombudsman and his Office were constitutionally debarred from investigating.

Prior to the year 2000, many public employees were unable to seek judicial review on matters deliberated by the Service Commissions. However, since then the courts have overturned many

of the decisions taken by the Commissions. The awards by the Courts to employees have been well accepted by employees both in the public as well as the private sectors. In addition to increasing the confidence in the judiciary, however, the intense scrutiny of the Commissions has led to improvements in the actual functioning of the ministries and departments.

When the Government, The United National Congress, an East Indian party came to power in 1995, it was to be expected that policies and mechanisms to address the issue of inclusion should be placed on the priority of the new government. A number of reports were accordingly commissioned including *The International Convention on the Elimination of Discrimination against Women* (Office of the Attorney General, 2000a), *The International Convention on the Elimination of all Forms of Racial Discrimination* (Office of the Attorney General 2000b), and *The International Covenant on Civil and Political Rights* (Office of the Attorney General 2000c). Legislation was also enacted including legislation which established joint select committees to investigate the workings of the administrative apparatus of the state (Joint Select Committees Act 29 of 1999).

In 1999 also the debate of whether it was necessary to introduce further legislation resulted in the drafting of Equal Opportunity Legislation (Equal Opportunity Bill 1999) and later the Act came into force in 2000 and which was amended in 2007. The Act was quite specific in that it sought to prohibit certain kinds of discrimination, to promote equality of opportunity between persons of different sex, colour, race, origin including geographical origin, religion and marital status or ability. The Commission established under this Act would not only have the power to investigate matters but would also have the authority to order or award the payment of compensation, damages or fines as it deemed fit. In other words, the Equal Opportunity Commission was empowered to address individual acts of discrimination directly. Unofficial reports indicate that from the inception of the Commission to the year ending 2010 a total of one hundred and seventy eight cases were received by the Commission. However, the majority of the cases were essentially issues relating to maladministration and very few cases of racial discrimination were submitted for action by the Commission.

### **Conclusion: The Challenges in Managing Diversity**

It appears from the previous discussion, that many of the institutions that were established to allow for greater inclusiveness have had little or no real success. In the case of the more recent introduction, the Equal Opportunity Commission, racial inclusiveness has not emerged as a major consideration. Yet, complaints over the years have been real and ongoing.

Apart from issues of race, though, it should be recalled that the concept of diversity refers to the collective mixture of human differences and similarities along a given dimension. Wise and Tschirhart (2000) for instance, notes that dimensions of diversity among workforce members include race, culture, religion, gender, sexual preference, age, profession, organizational or team tenure, personality type, functional background, education level, political party and other demographic, socioeconomic, and psychographic characteristics.<sup>ix</sup> They note that the interpretations of the concept of managing for diversity may vary widely and is treated as a self-conscious programmatic approach affecting the policies, culture and structure of an organization. They argue that it is more than setting quotas for minority representation and avoiding discrimination or bias. Indeed, managing for diversity should focus on achieving positive outcomes from the interaction of individuals who vary in their degree of heterogeneity.

While there is no dearth on the issue of managing diversity, there have however been few suggestions that have been offered that can be actually adopted to assist the public manager to manage diverse groups within organisations. For instance, in the case of Trinidad and Tobago, how can one manage claims of the various racial, religious and other groups without perhaps impinging on the beliefs of others? It should be recalled, too, that in small plural societies such as these, the political and administrative spheres are closely interconnected. The greater challenge in the case of Trinidad and Tobago, however, is that the mechanisms that have been introduced overtime may be not directed to the management of diversity but actual borders on achieving the goals of equal opportunities which is often described in terms of social justice and of redressing past wrongs.

The goals of managing diversity as has been pointed out before, is far wider in scope. It involves treating people as individuals, recognizing that each employee has different needs and will need different kinds of assistance to succeed. The larger question involves making it possible within the organization for an individual to maximize their potential, which is different from the focus of the equal opportunity thrust of focusing on positive action and concentration on measuring the numbers employed in certain groupings.<sup>x</sup>

It is no doubt true though that recommendations can be advanced and explored to allow not only for the greater inclusiveness of groups within the public sector and the wider society as a whole but also to allow for individuals within these sectors to maximize their full potential as well. In order for any proposed policy or recommendation to succeed, though, the major driver must come from the political directorate of the country. The idea of the need for a multi-cultural policy is long overdue within a country where there is a wide diversity in terms of racial, religious and other groupings. In other words, and in conclusion, it will be extremely problematic to offer recommendations for the managing of diversity in any sector if deliberations are not made at the highest level of any country.

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<sup>i</sup> J.S. Furnival. 1948. *Netherland Indies*. Cambridge University Press: London.

<sup>ii</sup> P. Hitzel. 1994. "The colonial foundations of race relations and ethno-politics in Guyana. *Guyana History Gazette*. No. 65. February. And also Derek Brown. 1999. "Ethnic politics and public sector management in Trinidad and Guyana." Paper delivered at Sheffield University Seminar on the Caribbean. Sheffield, 9<sup>th</sup> March 1999.

<sup>iii</sup> Leo Despres. 1967. *Cultural Pluralism and Nationalist Policies in British Guiana*. Rand McNally: Chicago: IL. . also see Selwyn Ryan. 1972. *Race and Nationalism in Trinidad and Tobago*. Toronto University Press: Toronto.

<sup>iv</sup> John Gaffar La Guerre. 1993. "A Review of Race and Class in the Caribbean." In J.E. Greene. *Race, Class and Gender in the Future of the Caribbean*. Mona: SER: 15-41

<sup>v</sup> Report of the Constitution Commission of Trinidad and Tobago. 1987. Presented to his Excellency, the President on 1<sup>st</sup> June 1990. Reservation by Dr John Gaffar La Guerre: 286.

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<sup>vi</sup> Centre for Ethnic Studies . 1992. *Ethnicity and Employment Practices in Trinidad and Tobago*, Centre for Ethnic Studies: The University of the West Indies, St Augustine, Trinidad:8

<sup>vii</sup> The Trinidad Express: The Ag comments on the Findings of the EOC: October, 20, 2011.

<sup>viii</sup> B.A.N. Collins. 1967. "Some Notes on the Public Service Commissions in the Commonwealth Caribbean." *Social and Economic Studies*. Volume 16. No. 1 : 1-16

<sup>ix</sup> Lois Recascino Wise and Mary Tschirhart. 2000. " Examining Empirical Evidence on Diversity Effects: How useful is Diversity Research for Public Sector Managers?" *Public Administration Review*.September/October Vol 60 No. 5: 386- 39

<sup>x</sup> For more on this see Marilyn McDougall. 1996. " Equal Opportunities Versus Managing Diversity. Another Challenge for Public Sector Management?" *International Journal of Public Sector Management*. Vol 9, No. 5/6: 62-72