

Cayman Islands Government
Labour Consultancy

Final

Report on A Review
of the
Functions and Organizational Structure
of the
Department of Employment Relations
and
Labour Legislative Framework
of the
Cayman Islands

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**Final Report on A Review of the Functions and
Organizational Structure of the Department of Employment
Relations and the Labour Legislative Framework of the
Cayman Islands**

Terms of Reference

By *Labour Consultancy Agreement* on 25 January 2007 between the Government of the Cayman Islands and Labour–Management Consultant, Samuel J. Goolsarran, the Consultant was mandated to address the following key areas:

Strategic Direction

The determination of a direction for the future development of the Department of Employment Relations, in line with best international practice and the particular needs of the Cayman Islands, and recommendations on the adjustment of the Departmental outputs accordingly...; and with reference to:

- Other strategic goals of Government;
- Effective dispute resolution, labour inspections, and labour market service;
- The location of the Labour Tribunals and the relationship with the Department of Employment Relations;
- *Investors in People* and its link to the Department; and
- Effective service to Cayman Brac and Little Cayman.

Organizational Structure and Capacity

The establishment of an appropriate structure and capacity, or structures, for the Department's various activities and functions, which identifies the levels of skills and other resources, including information technology requirements, necessary for each function to be provided in an efficient manner... including personnel, accommodation, operational ICT requirements, and job descriptions and level of qualifications with reference to international standards.

Legislative Framework

The assessment of the adequacy of the existing legislative framework for labour in the Cayman Islands, with reference to the proposed strategic direction, the particular requirements of Cayman Islands labour market and the need to align domestic legislation with relevant international obligations that may include:

- ILO Core Conventions and other relevant ILO Conventions and the law;
- CARICOM model legislation and the law;
- Appropriate consultative body to review ILO Instruments; and
- Best international practice and the law.

Implementation Plan

The production of an implementation plan and timetable including:

- *Anticipated components of an implementation plan;*
- *Methods of execution;*
- *The establishment of a framework for the long-term realization and maintenance of any recommendations;*
- *Which of the findings and recommendations, contained in the final report, can be implemented immediately?*
- *Which of the findings or recommendations contained in the final report, can be achieved separately and independently of other findings and recommendations?*

THE REVIEW AND CONSULTATIONS

The review of the functions and organization of the Department of Employment Relations of Cayman Islands was conducted on 28 February – 9 March 2007 in collaboration with the Ministry with responsibility for Employment Relations, the social partners/stakeholders and related agencies with the view to circumscribe the essential core labour administration functions in terms of a strategic direction, and to restructure the Department of Employment Relations for more comprehensive and effective labour administration services in the interest of the national community. This exercise also included a review of the current legislative framework with reference to international standards and best practice - *The Trade Union Law (1998 Revision)*, *Labour Law (2001 Revision)*, *The Labour Tribunal Regulations, 1997*, *Labour (Amendment) (Tribunals) Law, 1999*, *the Labour (gratuities entitlement) Regulations*, and the enacted, but still to be proclaimed *Employment Law 2004*.

The review of the Department of Employment Relations (DER) is consistent with Government 2007/8 *Strategic Policy Statement* and its *broad outcome goals*, of this policy including *improvement of education and training*, *support for the economy*, and *open, transparent, honest and efficient public administration*.

Methodology

An integrated approach was taken in dealing with the *strategic direction*, *organizational structure and capacity*, and *legislative framework*, as the three elements are inter-related. Through briefing sessions, meetings with individuals and collective consultations with key technical and professional staff of the Ministry and Department, the Hon. Minister with responsibility for Labour/Employment, Members of the Legislative Assembly, private sector employer organizations and agencies, key public sector agencies, and group interactions, (List of persons and agencies contacted is appended) and documents reviewed (list appended), the Consultant considered:

- the current national labour policy with reference to international labour standards, in particular ILO Convention No. 150 and Recommendation No. 158 on *Labour Administration*, national legislation and policy documents;
- the legislative framework impacting on the Department's work;
- the responsibilities of the various labour administration units of the Department of Employment Relations;
- the responsibilities, functions, and location of the *Labour Tribunals* and their independence;
- linkages with other agencies including immigration;
- the impact and potential of ICT on labour administration; and
- the capacity and other resources required for an effective system of labour administration.

The continuing relevance of ILO Convention No. 150, and Recommendation No. 158 on *Labour Administration*, which established the scope of work for the Department, was reaffirmed by the International Labour Conference of June 1997 following a world wide survey of the law and practice in Member States of the ILO. These instruments establish and provide the guidelines, principles and institutional framework within which national employment and labour policy is developed, implemented, coordinated, checked, and reviewed. Convention No. 150 calls for an effective system of labour administration whose functions and responsibilities are properly coordinated with the participation of workers and employers and their organizations, and for adequate human, financial and material resources for the provision of effective service to the national community.

A strong labour administration is required to promote the country's aims of development, social justice, basic human rights, equality, and non-discrimination in an era of increasing globalization, migrant labour, regional integration and free trade. It is the responsibility of the Ministry through the DER to promote the

development and application of sound employment and labour policies. In the context of the Cayman Islands, the DER has prime responsibility for employment relations, and care should be taken to ensure that it is equipped with a cadre of competent and qualified staff to effectively discharge the technical and advisory services inherent in labour administration. The Department should also be provided with adequate office accommodation and conference facilities, modern technology, training and development of staff to undertake the broader and wider responsibilities of a strong labour administration.

A State bears heavy responsibility in the employment/labour field to protect the fundamental rights of workers in line with ILO Core Labour Standards which are universally accepted and recognized by the United Nations (UN) and its agencies, the World Trade Organization (WTO), the European Union (EU), the Organization of American States (OAS), and the Caribbean Community (CARICOM), (These are elaborated on under Legislative Framework). Equally, the private sector bears a corporate social responsibility for *decent work and social justice* for the work of nationals, and the *work of strangers* – migrant workers, who are mobilized for national development.

The Ministry with responsibility for Employment Relations, through the DER, provides the core labour administration services, needs institutional, administrative and organizational arrangements to enable the formulation, development and management of decent work employment and labour policies along with supporting legal service in areas relating to:

- labour standards (industrial relations, labour administration, working conditions, wages, employment conditions, occupational safety and health, working environment, social security, labour inspections)
- employment (national employment policy, strategies for stimulating and generating new employment, employment, migrant labour protection, vocational guidance and training, employment services)

- industrial relations (services provided to employers and to workers, and settlement of individual complaints by investigation, and collective industrial disputes by conciliation/mediation)
- research in the labour and social fields (data collection, studies, background papers, surveys, forecast analyses, dissemination)
- effective secretariat services for national consultative Committees (national labour policy and standards); and
- regional, hemispheric, and international labour affairs (ILO in the Caribbean, CARICOM, OAS, ILO International Labour Conference, and the Free Trade Area of the Americas- FTAA.)

1. STRATEGIC DIRECTION

The discussions and interactions with the public officials, several persons and representatives of the private sector and professional agencies, provided valuable information and insights which enabled the Consultant to:

- assess the current responsibilities of the Department of Employment Relations in comparison with the essential requirements for an effective labour administration system in line with international standards;
- identify and discuss the mandate and responsibilities of the Department of Employment Relations for labour administration services on all the Islands;
- consider the need for improvements to the administration of labour justice;
- identify new functions/demands/directions/challenges for the Department of Employment Relations, and realignment of its responsibilities for the future;
- review the management system and accountability in labour administration;
- define the professional standards, responsibility and relations of the technical staff with the Chief Officer and the Minister;
- underscore the need for improved management and accountability for labour administration services; and;
- institutionalize an arrangement for on-going consultation on employment and labour issues.

The DER needs to assume the full responsibility for an effective and integrated labour administration services and system as outlined in ILO Standards on *Labour Administration*. The DER should be equipped with a full complement of suitably qualified staff to enable it to undertake the broader and wider responsibilities inherent in a strong labour administration system, which involves through active consultations, the representatives of the workers and employers and their organizations along with key stakeholders in civil society.

DER needs to regain public confidence, and counter any negative perceptions, and build its outreach and public education in partnership with employers and their organizations and workers. The staff must adopt positive approaches in its interventions and communications designed to build confidence and respect by the skilful and tactful use of person power, technical power and positional power in the discharge of their duties.

Internally, the DER needs to provide leadership, effective management, motivation and teambuilding; improve communication, hold regular meetings for reporting, sharing of information and experiences, and to ensure that there is clear understanding, application, and advice on the law in a consistent manner. It needs to revise its procedures to deal with labour complaints, prior to referring unsettled matters to the Labour Tribunals. For as long as it remains in the law, the DER must adopt a more efficient way of handling the requests for waiver of overtime entitlements by processing these requests for the registering and approval of a Labour Tribunal rather than burdening the Tribunal to hear and determine each request for such waivers.

There is also the need for enhanced capability of the staff in the Department to enable it to:

- contribute to national labour and employment policy development and formulation including review of labour legislation;
- support the development of active consultation and dialogue leading to social accords at the national, sectoral and enterprise levels;
- participate in national employment and manpower planning, labour force surveys and human resource development initiatives;
- embark on a pro-active programme of advisory out-reach to employers, workers and the national community on employment and labour issues; and
- undertake other preventive strategies in labour administration, as suitable to the national situation.

Staff Capability and Development

The knowledge, experience, and skills of current staff are recognized. However, the future developmental needs of the DER calls for enhanced capacity, and a first degree from a recognized University along with specialized training, expertise and experience in one of the major labour administration functional areas should nevertheless be considered as essential in the context of contemporary times. The directorate and unit heads of the DER in addition, should have 3 - 5 years relevant experience along with enhanced technical, managerial and leadership skills. Those staff persons who are still to obtain their first degree, and interested, should be encouraged to pursue evening studies at the University College of Cayman Islands within a mutually agreed timeframe.

Management Support

The DER would continue to need strong management support from senior policy makers. This support can appropriately come from the Chief Officer, the Deputy Chief Officers, and an effective management system for labour administration.

A. Recommendations under Strategic Direction;

Accordingly, my considered opinion in this section requires the Ministry with responsibility of Employment Relations **to take appropriate actions for the progressive implementation of the following recommendations without delay upon the issuance of the final Report in September 2007.**

Policy Issues

- 1) taking the national context into consideration, ILO principles, guide lines and norms should be adopted as best international practice (the relevant standards are elaborated on under Legislative Framework);
- 2) The recommended *National Employment Advisory Committee* (pages 18 – 19 of this report) is the appropriate body to consider ILO standards and make recommendation.

Organizational Matters

- 3) to organize the DER into four technical Units – i) *policy & labour relations*, ii) *employment services & training*, iii) *labour inspectorate*, iv) *labour market & statistics* - to provide integrated and broader services under the key elements of labour administration which are proposed in the new *Organizational Structure*. It proposes one integrated labour inspectorate, as a “one- stop-shop or multi-skilled service” for statutory terms and conditions of service, occupational safety and health, pensions, gratuities, and (health insurance) under the *principle of “one inspector, one enterprise”*. This presupposes that inspectors are well trained generalists, backed up by a small number of specialists/experts from within or outside the Department. (See Attachment B - an example of *Integrated Inspection Form*). Integration implies that one inspector will deal with the vast majority of routine, basic, usually non - complex labour inspections.

The core responsibilities of the *four technical units* are outlined in Appendix I: pages 48 - 52.

- 4) to separate the Labour Tribunals from the DER and the Director, physically removed from the premises of DER with separate facilities, fulltime Chair at the level of a Magistrate, with a designated, legally trained and qualified Deputy Chair who would either be full time or drawn from among the members of the panel of Tribunal adjudicators; with its own secretariat staff (reassign the 2 current Tribunal staff to the Tribunal secretariat). This is a quasi, judicial body of independence. A single-tier independent Labour Tribunal, with appeals to the Courts are in line with many Caribbean jurisdictions including Bermuda, Turks and Caicos Islands, Bahamas, Jamaica, and Dominica;
- 5) to provide improved services to Cayman Brac and Little Cayman from the staff from Grand Cayman particularly in integrated labour inspections, and maintain a presence in Cayman Brac under the supervision of the Director. There is no conflict in investigation of labour complaints, labour inspections, and job placement by the same officer discharging the duties

professionally. These are distinct and separate, but related labour administration functions. This is a common practice in smaller jurisdictions throughout the Caribbean;

- 6) to organize the “finance function” along with other support services under an Administrative Services Unit; the scope and responsibility of this finance function can be effectively discharged by the Accounts Officer, whose submission can be reviewed and signed off by the Director/Deputy Director;
- 7) The services to the Education Council should be located in the Ministry which has prime responsibility for the scholarship award and administration; (DER – employment service - will naturally maintain close liaison with the Ministry in the context of labour market information and related activities)
- 8) TVET should be located in the Ministry of Education with a focal point/secretariat as it considers the need for a National Training Agency and reforms education law; (ILO Convention 142, and its Recommendation 195 on *Human Resource Development*, provide useful guidelines)
- 9) on acceptance and implementation of the new structure and all staff in place, a programme of internal training courses/ briefing sessions on:
 - the new functional and organizational structure for the DER;
 - the perspective and scope of labour administration;
 - integrated labour inspections;
 - approaches to management of industrial conflict,
 - skills in adjudication in industrial disputes (for tribunal adjudicators);

Operational Matters

- 10) to simplify the labour complaints procedure, using a single page complaints form for investigation (see Attachment C – example of labour complaints form) with a view to settlement within 21 days by an officer, failure of which should require a review and intervention of the Director with the view of settlement within 7 days, failure of which should require the

Director to refer the dispute to the Labour Tribunal for adjudication, (requires amendments to the law);

- 11) adopt a more efficient way of handling the requests for waiver of overtime entitlements as long as it is part of the law. (requires amendments to the law)
- 12) develop implementation plans on *Investors in People* with the private sector to establish a partnership venture between the public and private sector outside the remit of the DER;
- 13) There is technically no *conciliation/mediation* in the absence of trade unions to deal with collective disputes of interest. The conciliation or mediation process applies in the context of collective industrial disputes involving trade unions and employers in collective bargaining. In this situation, when there is an impasse or failure to arrive at their own solution over a dispute, the parties would normally request conciliation/mediation intervention to assist the parties to arrive at a mutually acceptable settlement of their dispute.

The labour complaints, on the other hand, are essentially individual disputes of rights – legal and contractual entitlements which are investigated by the DER with the view to settlement in keeping with legal and contractual entitlements. Refusal to comply with the settlement determined by the DER following careful investigations, may trigger a reference of the dispute to the Labour Tribunal for adjudication and award of appropriate remedy;

- 14) to prepare a ***Handbook on Employment Relations in the Cayman Island*** for staff, policy makers, employers, investors dealing with procedural and legislative matters of the labour code as a “one stop shop document”, may be, if expedient, in collaboration with stakeholders; there is a good precedent with the Contractors’ Association and its collaboration with the DER in developing a *Safety Policy for the Construction Industry*; and

- 15) It is also recommended that the ***Staff Handbook*** be rewritten in a user friendly form, taking into account the new functions and structure, legislation, procedures and processes in line with this report.

Other Recommendations:

i) Immigration Board and Work Permits

The present method of handling work permits is time consuming, and the system is overloaded. It needs to be more cost effective which requires changes in the current system and way of working. The concerned agencies should utilize ICT to improve its service to the Immigration Board. With the relevant, available software, information can be shared and accessed by officials of the Department of Employment Relations and the Department of Immigration. Prior liaising with the DER to identify available skilled nationals, and or the use of ICT, will enable a more efficient system and better use of personnel resources and time in processing of applications for work permits. A “comprehensive redesign and reform of the system” is required.

A technocratic approach is recommended for consideration. This approach requires the fulltime staff of the Immigration Department to first liaise with the Department of Employment Relations – employment services unit - to identify available skills, then process the work permit applications for the approval of the Chief Immigration, who may refer complicated applications to the Board, and to have the Board deal with appeals from the decisions of the Chief Immigration.

ii) **Business Staffing Plans**

- to place the *Business Staffing Plans* function under the remit of the Department of Employment Relations where it logically belongs under the employment services;

iii) **Small Business**

- to defer to the Cayman Islands Investment Bureau the *Small Business* responsibility of the DER;

The foregoing proposals should be negotiated with the relevant agencies within six months of the final report.

2. ORGANIZATIONAL STRUCTURE AND CAPACITY

Continuing the consultative approach, the Consultant discussed and identified:

- the range of functions falling under the purview of the Department of Employment Relations;
- the grouping of these functions under appropriate technical units;
- the responsibility and professional relationship of the Minister, the Chief Officer, the Director and the professional staff;
- the key tasks/responsibilities of:
 - the Director of the Department;
 - the Deputy Director;
 - the heads of Units and technical staff
- the current Organizational Chart, and necessary changes;
- the requirements for coordination and inter-agency collaboration; and
- the resources of personnel, physical facilities, modern technology, equipment, transport etc. for the effective discharge of labour administration services.

Current Staff Resources:

The current complement of staff is as follows:

- 1 Director of Employment Relations; (vacant)
- 2 Deputy Directors;
- 2 Assistant Directors;
- 13 Officers;
- 5 Administrative/support staff;
- 2 administrative labour Tribunal Staff.

Matters under the Purview of the Ministry:

Matters falling under the purview of the Ministry with responsibility for Employment Relations in line with national law and international best practice include:

- Statutory function of the Director of Employment Relations and labour officials;
- Advising the Government on employment and labour matters;
- General management and co-ordination of the labour administration function;
- National labour policy formulation, including labour legislation;
- Regional and international labour affairs, ILO relations - Conventions, and Recommendations, reporting and other obligations in collaboration with the Foreign and Commonwealth Office;
- Industrial relations including recommendations for good industrial relations policies and practices, and dispute settlement including conciliation, mediation (for collective industrial disputes of interest), and arrangements for adjudication by the *Labour Tribunal*;
- Individual labour complaints (disputes of rights) investigation and settlement, and promoting workers rights, and reference to the Labour Tribunal as appropriate;
- Labour-management cooperation at the enterprise and national levels;
- Promoting bi-partite, tripartite, and multipartite social dialogue, as appropriate, leading to social partnership agreements/accords;
- National occupational safety and health policy;
- A programme of work for all labour inspections of workplaces;
- Promoting observance, and enforcement of labour laws on conditions of service, on safety and health in the working environment, and on social protection;
- Employment policy issues and public employment services including human resource development through workforce training, higher education, and technical and vocational education and training;
- Registration and regulation of private employment agencies in keeping with international standards;
- Research, labour statistics and labour market information system;

- Advising on work permit applications in collaboration with immigration authorities;
- Policy and responsibility for the conditions, service, and welfare for all workers including migrant workers;
- Participating in manpower planning with national planning agencies;
- Advisory services to employers, workers and their organizations, relevant stakeholders in civil society, and outreach education and awareness programmes on employment and labour issues to the national community;
- Fostering and forging linkages with other ministries and agencies including tertiary educational institutions, TVET agencies, the University, and the Labour Tribunal for the coordination of labour administration services and synergies;
- Promoting national consultations through dialogue to advance national employment and labour policies, and to enable the forging of partnerships with employers and workers;
- Training and development of the staff of the DER;
- Management of resources and projects under the control of the DER; and
- Annual Employment Report – information and analysis of labour market, including labour statistics, policy and legislative changes, assessment of the country's employment and labour environment, and research findings of studies on labour and social issues.

Key Tasks/Responsibilities of DER Staff

Additional staff resources, readjustments of staff functions to assume the wider responsibilities in labour administration, the key tasks/responsibilities of the Director and Deputy Director of the DER and functions of the technical units, taking into account the foregoing matters under the purview of the Ministry, are summarized in Appendix I as an essential part of this Report, pages: 46 - 52) and are submitted as recommendations.

Proposed Functional and Organizational Chart for DER

The recommended organizational structure for the department is appended as Attachment A. It recommends a staff complement of 33 – 1 Director, 1 Deputy Director, 4 heads of units, 5 Senior Officers, 17 Officers, and 5 support staff, including the Senior Administrative Officer for labour relations, labour inspectorate, employment, and labour market and services of the DER. This assumes a separate staffing and Secretariat for the Labour Tribunal.

Assigned Tasks to DER Staff

The technical officers, below the level of head of unit, in addition to the duties inherent in their position as labour administrators, should also be assigned to undertake technical work in the assigned unit, (Appendix I: pages 48 - 52), labour inspections, investigations of labour complaints, and research on labour and employment matters. These would be in addition to their regular work as labour officials of administering the labour laws and national labour policy, investigating and settling individual labour complaints (within 28 days), completing weekly-targeted number of labour inspections, (a minimum of 5 inspections per week per inspector) employment related services, on-going advisory work, and the monitoring of the general employment situation in the Cayman Islands.

Private Employment Agencies:

It is the responsibility of Labour Administration to register and regulate private employment agencies for the protection of those using such services in line with ILO Conventions including Convention No.181 on *Private Employment Agencies*. Legislation may be required to empower the Director of Employment Relations to regulate such agencies. Such legislation may provide for annual registration with appropriate fees, an amount deposited with the public treasury as an assurance against any legitimate and successful claim determined by the Labour Tribunal. (Key ILO Conventions – C 181)

Migrant Workers:

National policy and labour administration are to ensure the protection of migrant workers with fair and equitable treatment with respect to their status, remuneration, working and living conditions, social security, and access to social services in keeping with national law and applicable International Labour Standards and best practices. National policy should be in line with international standards as contained in ILO Conventions Nos. 97 and 143 addressing issues in relation to *Migrant workers*.

Consultation and Social Dialogue

Consultations and social dialogue need to be promoted, nurtured, and institutionalized to be sustained. The platform required to achieve this calls for a shared vision, high mutual trust, commitment by the Government and the social partners to the consultative dialogue process, and good faith encounters towards achieving consensus. This approach promotes active consultation and cooperation at the enterprise and national levels among public authorities as well as workers' and employers' and their organizations in order to foster understanding and good relations, and to find agreed solution to socio-economic challenges.

The Government is a key facilitator for partnership promotion and is a strategic actor with a lead role in this process. Solid Government's commitment is imperative since it has the ability to create an enabling environment and can engage the national consultative body to foster sustained social dialogue. The establishment of an appropriate body could be the forum for such ongoing consultations.

National Employment Advisory Committee

It is therefore recommended that a National Employment Advisory Committee under the Chairmanship of the Minister be established on a multipartite basis, comprising representatives of the Government, members of the Opposition in the

Legislative Assembly, employers organizations, Civil society (NGOs, professional bodies, independent persons to represent the voice of workers). This Committee should meet regularly to consider national issues impacting on labour, employment and national development including:

- Consideration of issues relating to the labour market;
- Review of labour legislation and recommend changes as considered necessary;
- National labour policy, and international labour standards;
- Promotion of management–labour partnership;
- Review of national minimum wage and other conditions;
- The active promotion of consultation through dialogue on labour, social and economic issues leading to enterprise, sectoral, or national agreements or accords, as appropriate in the national context;
- Employment issues – high level professional development, technical training, and the issue of migrant workers;
- Review the annual employment reports relating to the work of the Department of Employment Relations, and the Labour Tribunal; and
- The resources required for the effectiveness of labour administration services including the Labour Tribunal.

Secretariat for National Employment Advisory Committee

The Department of Employment Relations, as part of its function, should provide the secretariat services to national advisory bodies under the supervision of the Director of Employment Relations, and with the support of the Deputy Director and the heads of units, all of whom should attend these meetings as official duty to keep abreast, and for their own professional development.

Annual Employment Report of Cayman Islands

The Annual Employment Report of Cayman Islands is essential for public accountability, for information sharing and analysis of the work of the DER, and the Labour Tribunal including general labour market information and labour

statistics, assessment of the country's labour relations environment, research, and studies of labour and social issues, and future policy direction. This report should also be a useful reference for the Department, Government Ministries, the social partners, academic institutions and students, and all in the labour environment. It can serve as a guide for policy makers to improve the current situation, to initiate remedial action, and introduce new initiatives in employment and labour in the interest of the national community in the Cayman Islands.

The Minister and Technical Staff

The public administration system mandates that where any Minister has been charged with the responsibility for any department of Government, he/she exercises *general direction and control* over that department and, subject to such direction and control; every department of Government shall be under the *supervision* of a public officer whose office is referred to as the *Chief Officer*.

This *direction and control* is of a general and policy nature. While the Minister is primarily concerned with the determination of policy, the Chief Officer and the technical and other staff under the Chief Officer, faithfully implement the policy decisions of the Government of the day in an impartial and professional manner. The Chief Officer prepares papers for cabinet, and is also the accounting officer who manages the funds voted by the Legislative Assembly for the ministerial departments, and answerable to the Public Accounts Committee of the Assembly for public expenditure. The Chief Officer and the Minister's principal technical staff are further concerned with providing advice and assistance in policy determination and formulation. This calls for good and cordial working relationship between the Minister and the permanent staff of the civil service in a spirit of mutual respect and confidence between the Minister and the staff.

Reporting and Accountability by DER

The recommended reporting and accountability system for the staff of the DER, under the chair of the Director, is outlined in Appendix II: page 53 of this report.

Management System for Labour Administration

The recommended Management System under the supervision of a Senior Management Team with the Chief Officer as chair is outlined in Appendix III: pages 54 - 55 of this Report.

3. LEGISLATIVE FRAMEWORK and INTERNATIONAL STANDARDS

Summary of Recommendations for Legislative Changes

The following are the summary of the recommended legislative changes. This is followed by the detailed comments on certain provisions of the law, and an outline of relevant international instruments:

Name of the Department and Job Titles:

Amend the law to read *Department of Employment Relations*, and *Director of Employment Relations*, and *Deputy Director* instead of “Department of Human Resources” and “Director of Labour” as in the current Labour Law 2001.

Contract of Employment

Every employer should enter into a written contract of employment with each employee.

Labour Tribunal:

Establish a single-tier, autonomous Labour Tribunal to hear and determine any labour or employment matters or disputes referred to it by the DER for adjudication with appeals, on a point of law only, to the Courts. It should be a Tribunal removed from the DER with its own secretariat; hearings should be open to the public similar to the courts, and its awards written and available to the public.

National Minimum Wage:

Establish a national minimum wage. The national minimum wage may be set following recommendations of a Minimum Wage Advisory Committee having been informed by survey information, relevant studies, *national assessment of living conditions*, and submissions by interested organizations and persons.

Standard Work Week and Day

The standard work week should be a forty-hour, five-day work week, and a standard eight-hour work day.

Overtime Pay

All overtime work should be compensated at overtime rates for every hour worked in excess of the standard 8-hour day or standard 40-hour five-day work week.

Contracting Out of Overtime Rates of Pay

There should be no option in the law to contract out of overtime rates of pay as this defeats the purpose and intent of the law.

Work Accounts (essential employment records)

Employers should be required to keep accurate work accounts for each employee, and preserve such records for three years. This is essential for labour administration activities, in particular for the investigation of labour complaints, and for labour inspection purposes.

Complaints Procedure

Simplify the labour complaints procedure, using a single page complaints form for investigation with a view to settlement within 21 days by an officer, failure of which should require a review and intervention of the Director with the view of settlement within 7 days, failure of which should require the Director to refer the dispute to the Labour Tribunal for adjudication. (Example of Complaints Form – Attachment C)

Severance Pay:

The provision for severance pay of one week's pay for each complete year of service should be without a maximum is reasonable in the event of staff redundancy.

In-house Complaints Procedure:

Employers should establish an *In-house Complaints Procedure* as an option for handling complaints at the workplace for resolution before a worker files a complaint with the Director of Employment Relations. Workers should be free, anyway to file a complaint with the Director of DER.

Application of Labour Law

Application of labour laws should apply also to the public service, and churches and charitable organizations with employees. They must bear their employer responsibility in relation to the law.

Comments and Recommendations on Current and Proposed Labour Laws:

The following comments, information and observations relate to selected provisions of the labour laws taking into account international standards, national, regional, and international labour principles and policies which are outlined following these comments (pages 30 – 42)

- **The registration of trade unions, their administration and governance** (this is in line with the principle of freedom of association, and ILO C N0. 87, C N0. 98 applicable to the Cayman Islands, and with aspects of regional and international instruments); however, there are no organized trade unions of workers, but organized associations of employers;
- **Establishment of a Department of Labour, appointment of staff, their duties and powers** (in line with ILO C150 on *labour administration*, and CARICOM standards); the name of the department and staff titles need to be regularized in law by appropriate amendments;
- **Labour Tribunals** : A single-tier Tribunal with *'jurisdiction to hear and determine any matter relating to any dispute concerning any rights conferred by or under this law and make such decisions and orders as may be necessary to give effect to those rights'* is in line with other Labour Tribunals in the Caribbean. It is appropriate for all labour dispute complaints to be made first to the Department of Employment Relations for investigation with the view to settlement, failure of which would require the Director to refer the unsettled complaint to the Labour Tribunal for adjudication. This is an orderly arrangement; and access to the Tribunal should be by reference from the DER.

The law should also be amended to require the Labour Tribunal to hold hearings which are open to the public and to have all its decisions readily available for examination by the public as is the law and practice in other jurisdictions in the Caribbean including Turks and Caicos Islands

- **Statutory entitlement for various types of leave, hours of work, overtime pay, gratuities, severance pay, and retirement/resignation allowances.** These are essential, statutory protected entitlements

especially for the large number of lower level employees, including work permit, migrant workers, and in the absence of collective bargaining. Many of these workers appear at the Department and Tribunal to seek a waiver of their right to full overtime payment. This is a peculiar and unusual provision actively used, and consumes a lot of the time and resources of the DER and Labour Tribunal and defeats the purpose of the overtime provision in law.

- **Overtime pay - negotiation of less than full entitlement, contracting out for hours of established hours and those receiving benefits at least equivalent to overtime pay, no overtime entitlement:** The provision for overtime payment should be straightforward without variation. Contracting out by individual, vulnerable workers, many of whom are migrant workers with work permits, cannot be in any position to counter pressures to 'voluntarily agree to seek a waiver'. Employee contracting out of full overtime entitlement defeats the purpose and intent of the law. Among the British Overseas Territories, the 40-hour week is a statutory condition in Bermuda, British Virgin Islands, and in particular, Anguilla, where there is no contracting out, and where overtime is paid at time-and-a-half for all hours worked over the weekly 40 hours and at double time for all hours worked in excess of 48 hours for the work week. In the British Virgin Islands, overtime is paid for every hour worked in excess of 8 hours on any day, and for every hour worked in excess of 40 hours in the regular five-day work week at one-and-a-half times the relevant wage.

It is recommended that the law be amended to provide for full overtime rate of pay for all hours worked in excess of the daily and weekly hours with no option to waive the right.

- **Work Accounts** should be kept by all employers for each person employed. This is simply 'good house keeping' and good business practice to keep such records for all employees regardless of the number employed. Employment records are also essential for labour

administration activities particularly for labour inspection purposes and the investigation of labour complaints

- **National Minimum Wage and Minimum Wage Advisory Committee**; no minimum wage has been established, although there is statutory provision for the establishment of a Minimum Wage Advisory Committee to consider and recommend an appropriate minimum wage. This is in line with similar committees in the law of other Caribbean jurisdictions, and ILO Convention NO.131 on *Minimum Wage Fixing* to protect against excessively low wages by national comparison. It is also in tune with CARICOM labour policy, and the Universal Declaration of Human Rights “... everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection”.

Every effort must be made to avoid the perception of “importing and sustaining poverty” by maintaining depressed wages in a first world country. The *national assessment of living conditions* being conducted by the Ministry of Health and Human Services would be crucial in informing the consideration of a fair national minimum wage which will allow wage earners a minimum standard for decent living. The majority of persons and agencies, who were consulted, support a national minimum wage in the form of decent income befitting the dignity of citizens and residents to provide for their basic needs. This includes migrant workers.

A national minimum wage is required to counter the situation of unregulated, depressed wages which many workers are compelled by their circumstances to accept. It is in line with acceptable regional and international standards and practice. Turks and Caicos Islands has had a minimum wage (currently US\$5.00 per hour), since 1993. BVI has a minimum wage of US\$ 4.00 per hour.

It is recommended that a Minimum Wage Advisory Committee be appointed to consider and make recommendations on an appropriate national minimum wage as contemplated by the law.

- **Contracts of employment, termination, and unfair dismissal** – in line also with C No. 158 on *Termination of Employment*, and CARICOM model laws on *Termination of Employment*;
- **Health, Safety and Welfare at Work** – in line with aspects of C No. 155, and CARICOM model on OSH.
- **Prohibition of Discrimination** – the principles conform to aspects of C No. 111 on *discrimination (employment and occupation)* and CARICOM policy.
- **Interpretation:** “child” should be defined as one under 15 years or the maximum age for compulsory schooling as in the education law which ever is higher (C NO.138 refers)
- **Application of labour laws to all employees including public servants and employees of churches and charitable organizations:** There is nothing unusual concerning this provision. All organizations that employ workers regardless of their status must observe all the requirements of labour laws, and indeed all laws of the land.
- **Basic Terms of Employment in written contract of employment,** as against the current *statement of working conditions*. This is in keeping with employment protection provisions which are common in many Caribbean jurisdictions including Turks and Caicos Islands, Bermuda, British Virgin Islands, and Montserrat. It is also in line with CARICOM model legislation on *Termination of Employment* which provides for employment contracts, and in keeping with ILO principles.
- **Leave: additional or extension and regulation of leave:** *compassionate, sick, maternity, paternity, adoption*. These are not uncommon in law and in labour-management negotiated collective agreements across the Caribbean.

- **Provision for rest periods:** this is common in labour legislation and in negotiated agreements.
- **Provision for standard work week/day** of between 37.5 hours and 40 hours per week; this is a common norm in the Caribbean, and in keeping with ILO No. 47 of 1935 *Reduction of Hours of Work to Forty a Week* and which calls for the progressive introduction of the 40 – hour week as a social standard. This standard was renewed and repeated in Recommendation No. 116 of 1962 – *Reduction of Hours of Work* in keeping with the principle of the 40-hour week of C No. 47. The 37.5 five-day work week obtains in the public services in Caribbean Countries; while the law provides for a 40-hour work week in Anguilla, Bermuda, and British Virgin Islands among the British Overseas Territories. The 40-hour week is also common in the private sector across the Caribbean.
- **Provision for severance pay:** one week's wages for each complete year of service with no maximum is a fair service gratuity in a situation without a non-contributory pension as in the public service. Severance pay is wide-spread in the Caribbean labour law; and is also in line with CARICOM model legislation. The new provision of penalty is expedient for enforcement, if necessary.
- **Dismissals;** in line with acceptable standards; the inclusion of “non-discrimination” in redundancy provision is appropriate.
- **Tribunal remedies –awards and penalties, enforcement:** These are appropriate in the interest of compliance.
- **In-house Complaints Procedure:** This is a novel procedure in the Caribbean, for the resolution of disputes in-house in the absence of trade unions. This is a provision other countries can follow Cayman Islands as a good practice.
- **Discrimination:** This is in line with regional and international standards.

- **Precedence of Law:** This is acceptable and not an unusual provision to avoid legal conflict.

Modern Labour Laws should provide a suitable Labour Code, balancing rights and obligations in the national interest and by providing the framework to establish a more just modern society. Accordingly:

It is recommended that the foregoing proposed changes be enacted as soon as possible following consultations with *the National Employment Advisory Committee*, contemplated in this report (pages 18 - 19) and or with key stakeholders.

National Labour Policies

The national legislative framework is assessed in relation to applicable and relevant ILO Standards, the Universal Declaration of Human Rights, and CARICOM labour policies. These are outlined hereunder and used to compare with national law. These international treaties and instruments, which inform, influence, and shape the development and national labour policies and legislation, are outlined as follows:

The International Labour Organization (ILO) Standards – Conventions and Recommendations:

The ILO is the most influential and universally-recognized global tripartite organization on *employment and labour issues*, setting international standards for the conduct of labour-management relations. In the words of its Director General, Juan Somavia, the ILO is “*the global reference point for knowledge on employment and labour issues.*” (ILC 1999) now, and the future. All the ILO standards were reviewed during the last few years for their continuing relevance. All those standards referred to hereunder are certified as current and relevant by the Governing Body and the International Labour Conference of the ILO, and are in force as international treaties. Member States are required to bring their law and practice in line with the Core Conventions and those ratified or applicable to an Overseas Territory.

Fundamental Principles and Rights at Work (ILO Core Standards)

(a) Freedom of Association:

Convention No. 87: Freedom of Association and Protection of right to organize, 1948: Provides for workers’ and employers’ right, freely exercised to form and join organizations of their own choosing to further and defend their interests. Such organizations have the right to write their own constitutions and rules, elect their representatives or executives, administer and manage their own programme of activities without restriction and interference by public authorities in the lawful exercise of these rights.

Convention No. 98 – Right to organize and collective bargaining, 1949: Calls for adequate protection for unions exercising their right to organize, and the promotion of voluntary collective bargaining to regulate terms and conditions of employment. This convention does not deal with the position of civil servants; they are given these same rights under Convention No. 151 on *Labour Relations (Public Service)*.

(b) Prohibition of Forced Labour

Convention No. 29 – Forced Labour 1930: Calls for the suppression of the use of all forms of *forced or compulsory labour* except for five categories of work under certain conditions and guarantees – *compulsory military service, certain civic obligations, prison labour, work in case of emergency, and minor communal services*.

Convention No. 105 – Abolition of Forced Labour, 1957: Calls for the prohibition of:

- the recourse to forced or compulsory labour in any form in the following defined cases:
- *as a means of political coercion or education;*
- *mobilizing labour for purposes of economic development;*
- *as a means of labour discipline;*
- *as punishment for participating in strikes; and*
- *as a means of racial, social, national, or religious discrimination.*

(c) Combating Child Labour

Convention No. 138 – Minimum Age, 1973: The Convention calls:

- for the *abolition of child labour* and emphasizes that school is for children, not work; (normally any child under 15 years of age);
- for the minimum age for employment to be not less than the age of completion of compulsory education (normally not under 15 years);
- on states to pursue a national policy designed to abolish child labour;

- on states to progressively raise the minimum age for employment consistent with the full physical and mental development of young persons;
- on states to ensure that the minimum age shall not be less than 18 years for any type of work which is likely to jeopardize the health, safety, or morals (or 16 years under certain conditions of protection of health safety or morals, with adequate and specific instructions or vocational training) of young persons, the representative social partners having been consulted.

Convention No. 182 – The Worst Forms of Child Labour, 1999: The Convention is applicable to all persons *under 18 years of age*, and requires ratifying states to take effective and immediate measures to prohibit and eliminate as a matter of urgency. The worst forms of child Labour defined as:

- *“all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict”.*
- *“The use, in procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances”.*
- *“The use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs”.*
- *“Work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children” (Article 3).*

The Convention further calls for:

- international cooperation among states in eliminating the worst forms of child labour;
- effective measures to implement and enforce the provisions of the Convention;

- the recognition of the importance of education in eliminating child labour; and
- special measures to identify and reach out to *children at risk*, and to take account of the *special situation of girls*.

(d) Equality of Opportunity and Treatment

Convention No. 100 – Equal Remuneration, 1951: This Convention:

- requires the application of principle of equal remuneration for women and men for work of equal value.
- defines equal remuneration for work of equal value as *remuneration established without discrimination based on sex*, and which requires objective appraisal of jobs on the basis of the work to be performed, as one of the means of giving effect to this Convention with the co-operation of employers' and workers' organizations.

Convention 111 – Discrimination (Employment and Occupation), 1958: The Convention:

- requires the promotion of *equality of opportunity and treatment in relation to employment and occupation* and calls on states to declare and pursue a national policy designed to eliminate all forms of discrimination;
- defines discrimination as *any distinction, exclusion or preference based on race, colour, sex, religion, political opinion, national extraction or social origin affecting equality of opportunity or treatment in employment and occupation*; and
covers access to vocational training, employment, and terms and conditions of employment.

The foregoing **eight Conventions are the Fundamental Core Conventions of the ILO**, and are binding on all member states. These Conventions are incorporated in the *ILO Declaration on Fundamental Principles and Rights at Work*, adopted by the International Labour Conference (ILC) in June 1998. This decision marked a re-commitment and a re-affirmation of the obligation of the all

member states, by virtue of their membership in the ILO to promote in good faith in law and practice, the principles concerning:

- *the right of freedom of association and the right to collective bargaining, C87 & C 98;*
- *the elimination of all forms of forced or compulsory labour, C29 & C105;*
- *the effective abolition of child labour C138 & C182; and*
- *the elimination of all forms of discrimination in respect of employment and occupation, C100 & C111.*

The principles of these Conventions establish a social minimum at the global level, internationally recognized as enduring standards on human rights at the workplace. Comparatively, these principles and rights are enshrined in the *Turks and Caicos Islands Constitution Order 2006*, and its *Employment Ordinance 2004*. These rights and principles are also enacted in the legislation of Bermuda including its *Human Rights Act 1981:41*. This Act, which recognizes the inherent dignity and equal rights of all and are in line with its Constitution, the *Universal Declaration of Human Rights of the United Nations*, the *European Convention on Human Rights*, and applicable ILO Conventions, affirms these fundamental rights. These rights are also fully enacted in the *Employment Act No. 14 of 1999*, and the *Labour Relations Act No. 15 of 1999* of Grenada.

Other Relevant Conventions Impacting on Labour Administration

The following Conventions provide essential guidelines for the organization and conduct of effective labour administration:

Convention No. 151 – Labour Relations (Public Service) 1978:

Provides for the protection of public employees' right to organize and collective bargaining, and procedures for dispute settlement through negotiations, conciliation, mediation, and arbitration. (This Convention confers similar rights flowing from Convention No. 98).

Convention No. 81 – Labour Inspection, 1947:

This Convention provides for a system of regular labour and safety inspections of commercial and industrial workplaces and undertakings. The inspections are intended to secure the enforcement of legal provisions relating to conditions of work and the protection of employees. This Convention also deals with:

- the organization, structure, and functioning of inspection services;
- the responsibility of the central authority; and
- the functions of labour inspectors, for effective inspection services in industrial, commercial, and agricultural undertakings.

Convention No. 155 – Occupational Safety and Health, 1981:

This Convention provides for:

- a coherent national policy on occupational safety and health and the working environment;
- regular, systematic labour inspections in line with Convention No. 81 on *labour inspection*;
- protection against all forms of danger in the working environment in compliance with the law and good safety practice for all branches of economic activity.

Convention No. 88 – Employment Service, 1948:

This Convention requires the provision by the State of:

- free employment services in terms of recruitment, placement and training of workers, and
- the compilation of employment market information.

Convention No. 122 – Employment Policy, 1964:

This Conventions calls for an active policy designed to:

- promote full, productive and freely chosen employment;
- stimulate economic growth and development;

- raise living standards, meet manpower requirements, and to overcome underemployment.

Convention No. 142 - Human Resources Development, 1975:

This Convention requires ratifying states to:

- develop non-discriminatory policies and programmes of vocational guidance, and vocational training linked to employment;
- adopt and develop comprehensive and coordinated policies and programmes of vocational guidance and vocational training particularly through public employment services; and
- take into account the educational and training systems to be developed to address issues of *lifelong learning, competencies, qualifications, and employability* (as outlined in *Human Resources Development Recommendations of 1975, No. 150, and Recommendation No. 195 of 2004*)

Convention No. 131 – Minimum Wage Fixing Machinery, 1970:

This Convention provides for the protection against excessively low wages, and requires ratifying states to establish a system of minimum for all wage earners whose terms of employment make coverage appropriate for them.

Convention No. 95 – Protection of Wages, 1949:

This Convention provides for full and prompt payment of wages in a manner, which provides protection against abuse. It requires payment of wages in money to be paid only in legal tender, (payment by cheque is authorized under certain conditions).

Convention No. 97 – Migration for Employment (Revised), 1949:

The Convention requires member states to provide to the ILO Office, on request, information on:

- national policies, laws and regulations relating to *emigration and immigration*; and
- concerning migration for employment and conditions of work and livelihood of migrants.

The Convention also calls on member states to maintain adequate and free service to assist migrants for employment, and in particular, to provide them with accurate information. States are also to take steps against misleading propaganda relating to emigration and immigration, co-operate with other states where appropriate, provide medical services, social security, fair treatment, and protect their basic human rights without discrimination.

Convention No. 143 – Migrant Workers (supplementary provisions) 1975:

This Convention aims:

- At equality of opportunity and treatment;
- To combat and eliminate abusive conditions; and
- Calls for:
 - respect for basic human rights
 - suppression of illegal employment, and
 - policy guaranteeing equality of treatment in employment and occupation, social security, individual and collective freedom.

Convention No. 172 – Working Conditions (Hotels and Restaurants), 1991:

This Convention applies to workers employed within hotels, restaurants and similar establishments providing food, beverages or both, and provides for basic conditions of work. Ratifying states agree to:

- adopt and apply, in a manner appropriate to national law, conditions and practice, a policy designed to improve the working conditions of workers in this sector; and
- ensure that the workers concerned are not excluded from any minimum national standards including social security benefits for workers in general.

Convention No. 160 – Labour Statistics, 1985:

This Convention requires the gathering, collating, analyzing, and publishing a regular series of labour/employment statistics in order to monitor trends and to initiate appropriate action

Convention N0. 158 – Termination of Employment, 1982:

Provides for the protection against termination of employment without valid reasons, which must be connected with the conduct or capacity of an employee, or based on operational requirements of an enterprise. The burden of proof rests with the employer.

Convention No. 181 – Private Employment Agencies 1997:

- Recognizes the role of Private Employment Agencies in a well-functioning labour market;
- The need to protect workers against the risks of abuses;
- Provision against discrimination, and child labour;
- Provides for no fees or costs to workers, in any form; and
- The requirement of state regulations to eliminate unethical practices.

Conventions Applicable to Cayman Islands:

The records show the following 11 Conventions are applicable to the Cayman Islands, **including ILO Core Convention Nos. 29, 87, 98, & 105**, as a result of its associated status with Jamaica 1925 -1957 by extension, and continuing with the UK, a member State of the ILO:

- Conventions No **17 & 19** – Concerning Workmen’s Compensation for Accidents;
- **Convention No. 29 - *Forced or Compulsory Labour***;
- Convention No. **50** – *The Regulation of Certain Special Systems of Recruiting Workers*;
- Conventions No. **64 & 65** – Concerning Written Contracts of Employment of Indigenous Workers;

- **Convention No. 81 - *Labour Inspection in Industry and Commerce*;**
- **Convention No. 85 – *Labour Inspectorates in Non-Metropolitan Territories*;**
- **Convention No 87 – Freedom of Association and Protection of the Right to Organize;**
- **Convention No. 98 – The Application of the Principles of the Right to Organize and Collective Bargaining; and**
- **Convention No.105 – The Abolition of Forced Labour.**

These Conventions, along with current labour legislation constitute part of Cayman Island's national labour policy.

Regional and Other International Instruments on Employment Matters

CARICOM Labour Policies:

i) CARICOM Model Labour Laws

In 1995 and 1997, the Caribbean Community's (CARICOM) Standing Committee of Ministers with responsibility for Labour, in an effort to promote harmonization of essential labour standards through the enactment of a common floor of labour laws and regulations within the Community, adopted the following model labour laws on:

- **termination of employment**, which provides for protection of employment through contracts, redundancy, and severance pay;
- **equality of opportunity and non-discrimination in employment**, providing for protection against unlawful discrimination, and employment discrimination. It also provides for an equal remuneration for work of equal value;
- **registration, status and recognition of trade unions and employers' organizations** which provides for compulsory recognition and exclusive bargaining rights to majority unions, certified by an independent tripartite body; and
- **occupational safety and health at the workplace and the environment**, providing for the registration and regulation of industrial establishments, and for occupational safety and health of persons at work.

These model laws were presented to member states with the view to enactment in national laws where appropriate, as either new labour laws, in whole or in part, or as the basis for updating existing labour laws. Collectively, the model laws give effect to several ILO Conventions, in addition to the UN Convention on the Elimination of all Forms of Discrimination against Women. They balance the power of the employer with the rights of the employee and trade unions. They also reflect both the provisions of settled law, and law in the making.

The Caribbean Community's (CARICOM) policies commit member states to observe labour policies as set out in its:

- ***Revised Treaty of Chaguaramas Establishing the Caribbean Community, 2001;***
- ***Charter of Civil Society, 1997; and***
- ***Declaration of Labour and Industrial Relations Principles, 1998.***

ii) The ***Revised Treaty of Chaguaramas Establishing the Caribbean Community Including the CARICOM Single Market and Economy***, Article 73 on *Industrial Relations* requires the Council on Human and Social Development in consultation with the Council for Trade and Economic Development to promote the objectives of: *full employment; adequate social security; cross-border mobility of labour; non-discrimination in the pursuit of employment; sound industrial relations through collective bargaining; the importance of international competitiveness for economic development; and consultations among governments and the social partners.*

iii) The ***Charter of Civil Society***, Article XIX provides for the right and protection of every worker to:

- *freely belong to and participate in trade union activities;*
- *negotiate and bargain collectively;*
- *be treated fairly at the workplace, and to enjoy a safe, hygienic and healthy working environment;*
- *reasonable remuneration, working conditions, and social security;*
- *utilize/establish machinery for the effective conduct of labour relations.*

iv) ***CARICOM's Declaration of Labour and Industrial Relations Principles*** outlines the general labour and industrial relations policies to which the CARICOM states aspire. The Declaration is informed by ILO labour standards (Conventions and Recommendations) and reinforces the standards relating to:

consultation and tripartism, freedom of association, collective bargaining, non-discrimination in employment and occupation, employment policy, labour administration, and industrial dispute settlement.

As a member or an associate member of the Caribbean Community (CARICOM), a country is committed and obligated to observe the labour policies of CARICOM as set out in its *Treaty, Charter of Civil Society*, and its *Declaration of Labour and Industrial Relations Principles*, 19998

The Universal Declaration of Human Rights, 1948 of the United Nations:

Article 23 states that:

- *Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.*
- *Everyone, without any discrimination, has the right to equal pay for equal work.*
- *Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.*
- *Everyone has the right to form and join trade unions for the protection of his interests.*

4. IMPLEMENTATION PLAN

Anticipated Components:

The time lines are suggested, assuming that the recommendations are accepted or modified for early implementation. It requires **administrative action** and **negotiations** on the part of the Ministry for organizational matters within three - six months after the final report (September 2007), and **legislative actions** by the **Legislative Assembly** for changes to the law – three to six months after the final report.

Organizational Matters

- New organizational Structure and Readjusted Integrated Functions;
- Assignments/appointments of suitably qualified staff in keeping with the new structure proposed;
- Establishing a Senior Management Team under the Chair of the Chief Officer for general oversight, reporting and accountability - for long term realization and maintenance of effective labour administration;
- Establishing of a National Employment Advisory Committee under the Chair of the Minister for institutionalized, on-going consultations on employment and labour issues in the context of national development – for long term realization and maintenance of an effective employment and national labour policy;
- Briefing sessions on the new organizational arrangements, and refresher internal training seminars for all staff in the reorganized Department of Employment Relations.
- Revision of the current *staff handbook* in keeping with new structure, internal procedures and processes; and
- The recommended *Handbook on the System of Employment Relations in Cayman Islands*.

- Preparing and publishing the Annual Employment Report of Cayman Islands each year by June for the period January – December of the previous year

Legislation

Legislative changes/enactments

- *Labour Law 2001* (if it is to continue in force for some time) – to deal with name of the department, staff titles, revised complaints procedures, creating a single-tier independent Labour Tribunal, and removing the option to contract out of overtime payment as recommended; and
- *Employment Law 2004* – to bring this law into operation after further consultations with the proposed National Employment Advisory Committee along with the recommended amendments flowing from this report or certain aspects in a new piece of legislation.

Negotiations with other Agencies

Negotiating with other Departments/Agencies for the transfer of certain services out of the DER and offering to assume certain services within 3 - 6 months after the final report is issued as follows:

- TVET and the Education Council to the Ministry (within three months);
- Small Business Development to Cayman Islands Investment Bureau (within six months);
- *Investor In People* – partnership with the Private Sector (within six months)
- Pensions to DER – Labour Inspectorate (within three months)
- Health Insurance to DER – Labour Inspectorate (within six months)

- Business staffing plans to DER – Employment Services (within six months)

Immediate Implementation

The recommendations under *Organization Matters* above can be implemented following the acceptance of the recommendations (within three - six months), except the handbooks which should be done within twelve months.

Separate/Independent Implementation

The establishment of an independent single-tier Labour Tribunal as recommended (within six months)

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Key Tasks/Responsibilities:

i) Director of Employment Relations

- Reports to the Chief Officer
- Statutory duties and responsibilities;
- Liaising with, and advising the Minister on employment and labour matters, always keeping the Chief Officer informed on matters referred to the Minister;
- Management of the labour administration functions and the Department of Employment Relations;
- National labour policy development and formulation, including labour legislation;
- Advising the Ministry on regional and international labour affairs, ILO relations – Conventions; Recommendations, reporting and other obligations in collaboration with the Foreign and Commonwealth Office;
- *Conciliation/Mediation* in any collective *industrial dispute of interest*, and reference for adjudication to the *Labour Tribunal*;
- Active promotion of bipartite, tripartite, and multipartite consultations, as appropriate, through social dialogue leading to partnership agreements/social accords;
- Active advisory and outreach services to employers and workers and their organizations and other agencies in civil society as a dispute preventative strategy and consensus building;
- Research on employment and social issues impacting on labour and the timely publication of reports;
- Maintaining linkages and with other ministries and agencies for the effective co-ordination of the labour administration services;
- Policy on staff training and development for the Department;
- Review of regular reports from technical staff;
- Management, supervision, and appraisal of staff;

- General oversight of the Department's finance vote;
- Preparation of monthly reports on the work of all units for the Chief Officer and Minister;
- Management and co-ordination of the work of the Policy and Labour Relations, and Employment Services and Training Units, along with the Cayman Brac Office, and the annual programme of work and their execution for other units under the Deputy Director of Employment Relations;
- Liaising and collaborating with the Labour Tribunal for coordination and synergy;
- Annual Employment report of the Cayman Islands for each year by the end of March for the preceding year, for submission to the Minister for transmission to Cabinet and the Legislative Assembly, and for publication; and
- Such other related duties as may be assigned by the Chief Officer.

ii) Deputy Director of Employment Relations

Reports to the Director of Employment Relations, and is responsible for:

- Management and co-ordination of the work of the Labour Inspectorate, and Labour Market and Statistical *Units*, along with the Administrative Services Section;
- Annual programme of work of the Labour Inspectorate, and the Labour Market and Statistical *Units*, including systematic regular labour inspections, enforcement and ultimately, prosecution as may be required;
- Contribution to the development of, and the implementation of a national occupational safety and health policy;
- Preparation of codes and guidelines for safe working practices;
- Preparation of cases and recommendations for prosecution, as considered necessary;

- Conciliation/mediation in any *collective industrial disputes of interest* and arrangements for adjudication by the *Labour Tribunal* process through the Director of Employment Relations;
- Organizing in-house training courses and personnel development initiatives for the staff of the department;
- Advisory and outreach services to employers, employees and their organizations and civil society;
- Review of regular reports from staff under his/her supervision for transmission to the Director of Employment Relations;
- Supervision, and performance appraisal of staff, in collaboration with the Director of Employment Relations, in units under his/her charge;
- Undertaking research assignment on employment and social issues impacting on the labour portfolio;
- Assisting the Director of Employment Relations in the discharge of the statutory duties and responsibilities required of the Department of Employment Relations;
- Performing the duties of Director of Employment Relations in the absence of the Director; and
- Such other related duties as may be assigned by the Director of Employment Relations.

The foregoing key tasks/responsibilities for the Director and Deputy Director constitute the essential elements for the position/job description respectively.

iii) Proposed Labour Administration Units and Responsibilities:

The Labour Administration functions, in line with the requirements of national labour laws and policies, and of the ILO Convention No.150 and Recommendation No.158 on *Labour Administration*, and other international standards are outlined under **four technical units** taking into account the following elements of Labour Administration:

- Labour Standards;
- Regional and International Affairs;

- Industrial Relations/Labour Relations;
- Employment, Manpower and Employment Services;
- Labour and Safety Inspections;
- Research and Labour Statistics; and

based on the consultation and my review, it is recommended that the foregoing listed functions – *matters falling under the purview of the Department of Employment Relations* – which are in line with national law and international best practice be incorporated under the following four technical units for the Department of Employment Relations, and for the assignment of staff to undertake the relevant duties in a designated unit. The technical staff, assigned to the respective units should constitute the staff of the specialized units, subject to rotation assignment periodically for staff development purposes.

1) Policy and Labour Relations Unit:

- National Labour Policy and Legislation;
- ILO Standards and related matters;
- CARICOM labour agenda;
- Promotion of sound industrial relations policies and practices in employment relations;
- Industrial relations including any collective industrial dispute settlement - *Conciliation/Mediation* and arrangements for adjudication by the *Labour Tribunal*;
- Active promotion of *bipartism, tripartism, multipartism* through dialogue, leading to partnership agreements/social accords;
- Provide secretariat services to national consultative advisory bodies on employment and labour matters;
- Active advisory and outreach services to employers, employees and their organization and the national community;
- Research on employment and labour issues;
- Investigating and settling individual labour complaints;

- Referring unresolved labour complaints disputes to the Labour Tribunal for adjudication; and
- Promoting the rights, responsibilities, and obligations of workers and employers in their employment relations.

(Key ILO Standards: C 150, 151, 131, 144, 158, along with the Core Conventions - 29, 105, 87, 98, 138, 182, 100 & 111)

2) Employment Services and Training Unit

- Employment Services – recruitment and placement;
- Liaising with the Ministry of Education on returning scholars, and on TVET
- Reviewing and advising on business staffing plans
- Processing and advising on applications for work permit applications;
- Training of workers in collaboration with the related agencies for higher education, technical and vocational training, apprenticeship, and work attachments in the context of human resource development;
- Provide career guidance and counselling services at secondary schools and tertiary level institutions, and its own programme of activities;
- Participation in manpower planning with national agencies; and
- Registering and regulating private employment agencies with particular reference to migrant workers, and collaborating with labour inspectorate on migrant workers' conditions of service.

(Key ILO Standards: C 88, 122, 142, 97, 143, R 195)

The above units – (1) and (2) – are recommended to be under the direction and supervision of the Director of Employment Relations together with his/her overall responsibilities as listed under *key tasks/responsibilities of the Director of Employment Relations* and the Cayman Brac Office.

3) Labour Inspectorate Unit

- Promote a coherent national Occupational Safety and Health (OSH) policy;

- Implement an active programme of work for integrated, systematic and regular labour inspections (statutory terms and conditions including working time, remuneration systems, gratuities, social protection – pensions and health insurances, child labour) and occupational safety and health (OSH) inspections;
- Protect workers from all forms of danger and exposure in the working environment, and all branches of economic activity;
- Provide technical advisory service to employers and workers and their organizations;
- Promote observance of labour laws, advise employers on corrective action, and ensure compliance; and
- Institute prosecution as last resort, as appropriate, for breaches of the law.
(Key ILO Standards: C81, 85,155)

4) Labour Market and Statistical Unit

- Research on employment, labour, social and economic issues impacting on the labour portfolio;
- Conducting /participating in employment and wages surveys;
- Collation and publication of labour market information and labour statistics as elements in the Department's annual report;
- Analysis of the labour market for inclusion in the Department's annual report; and
- Contribute to and co-ordinate collection of labour market and statistics for the preparation of the annual report of the Department.
(Key ILO Convention – C 160)

It is recommended that units – (3) and (4) above be placed under the supervision and responsibility of the Deputy Director of Employment Relations together with the overall duties and responsibilities as outlined under the heading *key tasks/responsibilities of the Deputy Director of Employment Relations* along with the *Administrative Services unit*, which provides in-house support services in

finance, office administration, filing and records management, house keeping and related services.

The listed responsibilities under each of the foregoing units are the essential elements for the job description of the respective heads of units and the relevant technical officers.

Reporting and Accountability by DER

It is recommended:

- that the Director of Employment Relations institute a system requiring all Officers to submit promptly weekly written reports\statistics of their work, together with the completed complaints and inspections forms, accident reports etc., duly reviewed and signed by the Director of Employment Relations, and filed as official record ; and
- that the Director of Employment Relations convenes weekly meetings with the Deputy Director together with all the technical staff to:
 - review the past week's work output, and programme of work for the coming week;
 - consider the outputs and quality of work;
 - discuss issues, problems, and challenges for the sharing of knowledge and experience as a staff development exercise;
 - provide guidance and ensure consistency on the interpretation and application of the laws, and sound industrial relations principles based on international labour standards; and in case of internal differences on interpretation, a firm ruling should be given by the Director of Employment Relations (after legal advice as necessary); and
 - agree on policy recommendations, as appropriate, for the Director of Employment Relations to take up at the regular meetings with the Chief Officer and the Minister.

Management System for Labour Administration

A management system is recommended for support of effective labour administration services, well co-coordinated and well managed under the supervision of a **Senior Management Team** comprising of the:

- The Chief Officer as Chair;
- The Deputy Chief Officers of the Ministry
- Director of Employment Relations;
- The President of the Labour Tribunal;
- Deputy Director of Employment Relations; and
- Such other officers (legal officer/consultant) as determined from time to time by the Chief Officer/Director of Employment Relations

The Senior Management Team should meet at least monthly on an agreed regular day and time, as far as possible.

Functions of the Senior Management Team

- Reviews operations, targets, and outputs of the Department;
- Ensures implementation of government's programme and policies in the employment and labour sector;
- Reviews and formulates policies, and considers new initiatives;
- Reviews labour legislation and institutions;
- Considers International Labour Standards, particularly the fundamental rights and priority Conventions for reference to the National Employment Advisory Committee;
- Reviews and vets research findings and labour market information for cabinet notes, circulation to other policy makers, or for publication;
- Forges strategic links with other key ministries and agencies;
- Develops and implements strategic plans/objectives;

- Reviews labour administration services, staffing and other resources for the Department;
- Receives reports/briefings on the work of the Labour Tribunal; and
- Provides reports to the Minister on the outcomes of these meetings.

Reports to the Minister

In regular meetings and reporting to the Minister, the Chief Officer/

Director of Employment Relations/the President of the Labour Tribunal:

- Recommends new policy, policy changes, and new initiatives;
- Provides research findings and labour market information;
- Advises on national labour policy, legislation, International Labour Standards, social dialogue/social partnership, and participation in national manpower planning and investment initiatives; and
- Reports to the Minister on new initiatives and major activities of the Department of Employment Relations, the Labour Tribunal, staffing and other resource requirements.

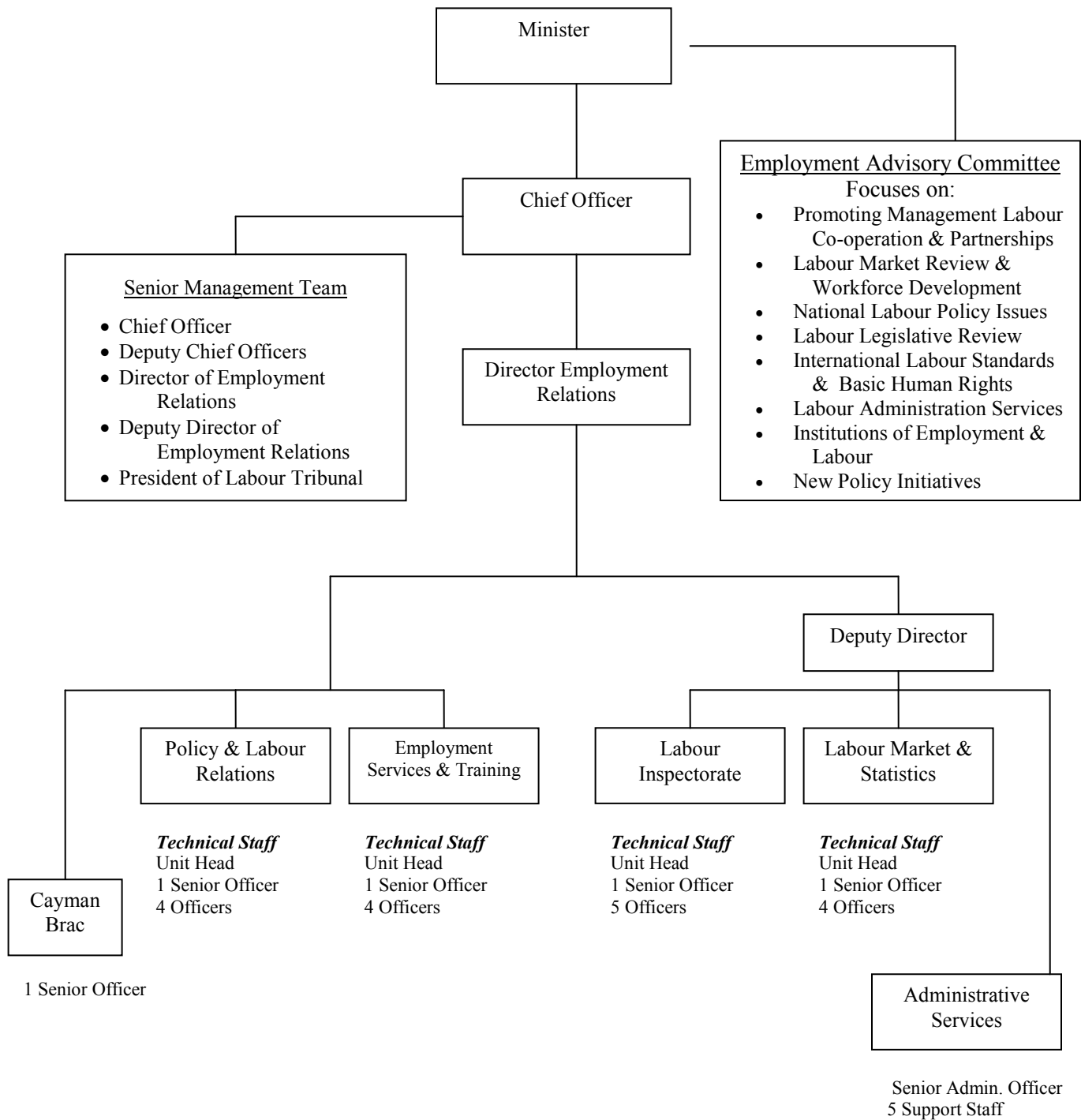
Acknowledgement

I acknowledge with sincere appreciation the commitment, guidance, and support given by Hon. Alden McLaughlin, Minister with responsibility for Employment Relations; Ms Angela Martins, Chief Officer; Mr. Vaughn Carter, Deputy Chief Officer; Mr. Stran Bodden, Deputy Officer, Mr. Locksley Haylock, C&M Officer, and the many persons and representatives of various agencies. The interactions and the information received were invaluable. The Consultant took into consideration the various views expressed in writing this report and recommendations

Samuel J. Goolsarran

Labour-Management Consultant

29 September 2007



ATTACHMENT B: (Example of General Integrated Labour Inspection Form)

Ministry of _____
 Department of Employment Relations _____

SECTION ONE**RINSPECTION OF BUSINESSES / OTHER ENTERPRISES**

Name of Business	Address/Telephone No.	Owner/Manager

Date and Time of Visit	Name of Inspector

TYPE OF ESTABLISHMENT (please tick as appropriate)

Airport shop	☐	Bakery shop	☐	Retail liquor	☐	Motor vehicle	☐
Harbour shop	☐	Petrol/ filling station	☐	Butcher	☐	Supermarket	☐
Hotel shop	☐	Lumber/ hardware	☐	Drug store/ Pharmacy	☐	Construction	☐
Family shop	☐	Dry goods	☐	Restaurant	☐	Other (specify)	

Employees	Male	Female	Total
18 Years And Over			
Under 18			
TOTAL			
Nationals			
Non-nationals			

Holiday With Pay
Statutory-- ☐
Contractual - ☐

	Yes	No	Remarks and Action Taken
Employment Contract Provided to Each Employee			
Minimum Wage Apply			
Over-time Apply			
Weekly Hours of Work Apply			
Service Charge Apply			
Provision of Seats for Cashiers/Other Staff			
Provision of Restroom Facilities			
Provision of First Aid Kit			
Provision of Sufficient Supply of Drinking Water			
Provision of Suitable Privy Accommodation			
Safe Means of Access to Every Place where employees work			

Note: Completed reports must be submitted together with the weekly report to Director of Employment Relations for review and guidance for further action.

	Yes	No	Remarks and Action Taken
Adequate facilities for washing and drying hands			
Fire escape and fire fighting equipment			
Doors to open outwards			
Provision of handrails on stairs			
Audible fire warning			
Exhibition of Documents (as required by law)			
Over crowding			
Exhibition of any labour law required			

SECTION THREE

WAGE RATES BY OCCUPATION

Number	Category	Lowest	Highest	Hourly	Weekly	Fortnightly	Monthly

STATUS OF EMPLOYEES

Total		Permanent		Temporary		Part-Time	
Male	Female	Male	Female	Male	Female	Male	Female

Working Hours:	Total regular hours worked:
Shift:	

Other conditions of Service: e.g. Sick leave provisions, Pension plans etc.

SECTION TWO

SAFETY HEALTH AND WELFARE PARTICULARS

(Please tick as appropriated)

DOORS		PROVISIONS	AD.	INAD.	NONE	REMARKS
Open inward		Fire escape and exits				
Open outward		Fire warning				
Sliding		Fire protection				
Roller shutter		Ventilation				
Clear entrance		Lighting				
		Rest room				
		Lunch room				
SANITATION		First aid equipment				
Good						
Fair		CHANGING FACILITIES				
Poor		Male				
Bad		Female				
DRINKING WATER			MALE	FEMALE	NONE	REMARKS
Tap		Sanitary conveniences				
Water cooler		Urinals				
Other containers		Wash Basins				
		Shower / Baths				
TRAINED FIRST-AIDERS						
Yes						
No						

	YES	NO	ERRORS/ BREACHES
Wages Records examined			

	YES	N O	COMMENTS
Is there a Personnel Department?			
Is there a Personnel Manager?			
Number of employees in the Personnel Department?			

OTHER STAFF

CATEGORY	NUMBER	CATEGORY	NUMBER
Managerial		Administrative	
Professional		Support	
Technical		Other	

SECTION THREE: Construction Industry (attach the technical section of the current or revised form to this form).

Construction Inspection Form Attached? YES ----- NO -----

Other Remarks and Recommendations, and Further Action by the Inspector/Department

Name of Inspector (please print): _____

Signature of Inspector: _____ Date: _____

Reviewed by Supervisor (name) _____ Date _____

Form submitted with weekly report to Director of Employment Relations on: _____

Further action directed by the Director of Employment Relations as follows: _____

Director of Employment Relations

Date

Attachment C

Example of a Labour Dispute Complaint Form

Ministry

of _____

Department of _____

Date Received:..... Date completed:.....
Name of Complainant:..... Male:..... Female:.....
National:..... Non-national:..... Nationality:.....
Address of Complainant:..... Tel. No:.....
Position Job/Title:..... Last Day at Work:.....
Date of Birth:..... ID. No:.....
Nature of Complaint:.....
Date Employment commenced:..... Date Employment ended:.....
Wage/Salary..... Hours of Work:.....
N.I.S. Status: Enrolled?..... Contributions Up To Date?:.....

Name of Employer/Company:..... Tel No:.....
Type of Business Industry:.....
Address of Employer/Business:.....

Particulars of Complaint

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

Officer's Report

Dispute fully settled? Yes:..... No:.....
A dismissed worker is re-instated/re-engaged? Yes:..... No:.....
Amount recovered for worker: Wages: \$..... O.T.: \$.....
Notice pay: \$..... Holiday pay: \$..... Severance pay: \$.....
Service charge: \$..... Other: \$.....
Signature of Complainant:..... Date:.....
If unresolved within 21 days, referred to the Director on..... for
review and if necessary, Labour Commissioner refers the dispute within 7 days to the Labour
Tribunal for Adjudication.

Name of Officer:..... Signature:..... Date:.....

References and Documents Reviewed Include:

1. *Labour Law (2001 Revision)*
2. *The Trade Union Law (CAP.171-1998 Revision)*
3. *The Labour Tribunal Regulations, 1997*
4. *Labour (Gratuities Distribution) Regulations, 1992, 1994*
5. *The Employment Law 2004(Law 3 of 2004)*
6. *The Cayman Islands(Constitution)Order 1972*
7. Relevant ILO Standards of the *International Labour Code*
8. *The Universal Declaration of Human Rights*
9. CARICOM Instruments: Model Labour Legislation; *Treaty of Chaguaramas*; *Charter of Civil Society*; and *Declaration of Labour and Industrial Relations Principles*
10. International Conventions Applicable to Cayman Islands
11. *Government of the Cayman Islands – 2007/8 Strategic Policy Statement*
12. *A Report on a Proposal for Establishing New Employment Relations in the Cayman Islands – Cayman Islands Chamber of Commerce*
13. *Employment Law Reform in the Cayman Islands: the Long and Winding Road – Debra Morris*
14. Recent Reports of the Department of Employment Relations and statements by current and former Ministers of Labour/Employment Relations
15. *The Cayman Islands' Labour Force Survey Report – Spring 2006*
16. *Occupational Wage Survey 2005*
17. *Health and Safety at Work: Safety Policy for the Construction Industry*
18. *Department of Employment Relations Staff Handbook*
19. *Immigration Law (2006 Revision) and (Amendment-(No.2)2006*
20. Goolsarran, S.J. *Caribbean Labour Relations Systems: An Overview*, ILO Port of Spain, 2005

List of Persons/Agencies Contacted

1. The Hon. Alden McLaughlin, Minister of Education, Training, Employment, Youth, Sports & Culture (Ministry of ETEYS&C)
2. Ms. Angela Martins, Chief Officer – Ministry of ETEYS&C
3. Mr. Vaughn Carter, Deputy Chief Officer – Ministry of ETEYS&C
4. Mr. Stran Bodden, Deputy Chief Officer – Ministry of ETEYS&C
5. Mr. Phillip Scott, Director(ag) of the Dept. of Employment Relations (DER)
6. Mr. Locksley Haylock, C&M Officer – DER
7. Ms. Joan Watler, Deputy Director - DER
8. Mr. Robert Whittaker, Assistant Director - DER
9. Ms. Jean Soloman, Project Prepare Coordinator - DER
10. Mr. Gene Hydes, Senior Compliance Officer -DER
11. Ms. Tricia Powell, Compliance Officer- DER
12. Mr. Rohan Marshall, OSH Officer- DER
13. Ms. Debbie Prendergast, OSH Officer-DER
14. Ms. Jennifer Smith, Assistant Director- DER
15. Ms. Donna Wilson, Job Placement Officer - DER
16. Mr. Peter Beckford, Chief HR Officer- DER
17. Mr. Yoshneck Mutomba, LMIS Officer - DER
18. Ms. Tonya Powell, Administrative Assistant - DER
19. Ms. Angelyn Hernandez, CEO, Chamber of Commerce
20. Mr. Wil Pineau, Managing Director, Chamber of Commerce
21. Ms. Sandra Soloman, Compliance Officer, DER Cayman Brac
22. Mr. Ernie Scott, District Commissioner, Cayman Brac
23. Mr. Moses Kirkconnell, MLA, Cayman Brac
24. Ms. Adrian Jones, Principal Cayman Brac High School
25. Ms. Yvonne Williams, Representative of TVET
26. Ms. Ellen Lazzari, Chair, Cayman Brac Labour Tribunal
27. Mr. Dax Basdeo, Executive Director, Cayman Islands Investment Bureau
28. Mr. Ralph Lewis, General Manager, Cayman Islands Development Bank
29. Mr. Franz Manderson, Chief Immigration Officer
30. Mr. David Ritch, Chairman of Work Permit Board
31. Mr. Mario Ebanks, Deputy Chairman, Business Staff & Planning Board
32. Ms. Stacey M. VanDevelde, Senior Manager, Human Resources, KPMG
33. Mr. Mick Withworth, Computer Services – Team Leader
34. Mr. David Elams, Computer Services
35. Mr. Patrick, Computer Services Manager
36. Ms. Darice Powell, Team Member, Computer Services
37. Ms. Juliet Du Feu, Managing Director of AS I See it Solutions Ltd.,
Consultant
38. Mr. Dan Scott, Senior Partner, Ernst & Young

39. Mr. Charles Quinn, President of the Law Society
40. Mr. James Bergstrom, Member of the Bar Association
41. Mr. Shaun McCann, Senior Partner of Campbell's
42. Dr. Hassan Syed, President of UCCI
43. Mr. Steve Hawley, Senior Partner, Phoenix Const. President, CICA
44. Ms. Denise Archer, Labour Tribunal Secretariat - DER
45. Mr. Edlin Myles, Chairman Labour Tribunal
46. Mr. Dwene Ebanks Labour Tribunal Member
47. Mr. Phil Hinds, Labour Tribunal Member
48. Mr. Huw St. J. Moses, Member Appeals Tribunal
49. Mr. John Epp, Complaints Commissioner
50. Ms. Tanya Golaub, Legal Research Officer –DER
51. Mr. Cyril Theriault, Superintendent of Pensions –Ministry of ETEYS&C
52. Educational Consultants (2) at the time of visit
53. Mr. Rod McDowall, President of Water Sports Association
54. Ms. Sharon Banfield, Deputy Director of Tourism
55. Members of the Legislative Assembly
56. Two Meetings of all Staff of the DER.
57. Officials of the Departments of Labour of Anguilla, Bermuda, British Virgin Islands, and the Turks & Caicos Islands