



MINISTERIAL STATEMENT

By:

The Hon. Lovitta F. Foggo, JP, MP

Minister for the Ministry of Labour, Community Affairs and Sports Role of the Labour Relations Section

Friday, May 10 2019

Mr. Speaker, I am pleased to rise today to provide to the Members of this Honourable House an overview of the role and functions of the Labour Relations Section in light of the various concerns and queries that the Ministry of Labour, Community Affairs and Sports has received recently.

Mr. Speaker, the Labour Relations Section sits within the Ministry of Labour, Community Affairs and Sports Headquarters and comprises of the Labour Relations Manager, an Administrative Assistant and three Labour Relations Officers.

Mr Speaker, the role of this Section is to:

- Educate employers and employees on Bermuda's labour laws, i.e the Employment Act 2000, the Labour Relations Act 1975, the Trade Union Act 1965 and the Labour Disputes Act 1992.;
- To investigate and mediate labour complaints while remaining neutral;
- Make appropriate referrals of unsettled complaints to the appropriate body for determination;
- To facilitate the process of union certification and decertification;
- To prepare for the UK Office, International Labour Organization Reports; and
- To promote amicable and productive industrial relations within Bermuda.

Mr. Speaker, the Labour Relations Section has various functions under each of the aforementioned Acts which I will now expound upon.

1. The Employment Act 2000

- a. This Act sets out the minimum standards for the terms and conditions of employment for persons working full time in Bermuda and comprises the majority of the work managed by the Labour Relations Section.
- b. The Labour Relations Officer conducts an investigation into a complaint made pursuant to this Act and mediates the parties to a resolution.
- c. If a resolution cannot be reached, the complaint will be referred to the Employment Tribunal for determination.

2. The Labour Relations Act 1975

- a. This Act establishes and governs the procedure for the settlement of labour disputes within essential industries and essential services.
- b. The Labour Relations Officer conducts an investigation of a labour dispute pursuant to this Act and mediates the parties to a resolution.
- c. If a resolution cannot be reached, the labour dispute will be referred to the Minister responsible for Labour for consideration and referral to the appropriate board or arbitration panel, i.e.:
 - i. The Permanent Arbitration Tribunal;
 - ii. The Essential Industrial Disputes Settlement Board;
 - iii. A Mediator;

- iv. A Sole Arbitrator; or
- v. An Arbitrator and Assessors

3. The Labour Disputes Act 1992

- a. This Act establishes a Labour Disputes Tribunal where it is expedient for the settlement of certain labour disputes within a non-essential service or industry.
- b. If a resolution cannot be reached and both parties do not consent to the referral of a labour dispute under the Labour Relations Act 1975, the labour dispute will be referred to the Minister for consideration and referral to the Labour Disputes Tribunal.

4. The Trade Union Act 1965

- a. This Act governs the certification and decertification of unions in the private and public sectors.
- b. The Labour Relations Officer reviews the certification application, assists the parties in determining the appropriate bargaining unit and conducts a secret ballot of the workers to certify whether or not a union will act as their sole bargaining agent.
- c. Parties have a right to appeal the Order granting or refusing certification.
- d. The Labour Relations Officer, upon receipt of an application for decertification from the workers within a bargaining unit, enquires into the appropriateness of the existing bargaining unit and conducts a secret ballot of the workers to determine whether or not the certification of the union will be cancelled.

Mr. Speaker,

As announced in the Throne Speech, the Minister of Labour, Community Affairs and Sports, working together with the unions and employer groups, will modernize the current labour legislation i.e. the Employment Act 2000, the Labour Relations Act 1975, the Labour Disputes Act 1992 and the Trade Union Act 1965, to ensure protections for employees whether unionized or not.

Mr. Speaker, The Ministry of Labour, Community Affairs and Sports has received a number of complaints from workers and members of the public pertaining to unfair contractual terms and the perceived disproportionate treatment of Bermudian and expatriate workers.

Workers are urged to address any and all concerns and/or complaints with the Labour Relations Section which is responsible for the investigation and conciliation of all employment and labour related disputes.

Mr. Speaker, The Labour Relations Section is located at 23 Parliament Street, Hamilton in the old Magistrates' Court building. They are open Monday to Friday from 8:45am to 5:00pm and can be reached on 297-7714/16 and welcome walk-ins as well as appointments.

Mr. Speaker, The Section will be shortly be commencing an educational campaign to advise employees of their rights under the various Acts. I urge any employee who requires assistance or advice to contact the section who are there to provide advice and assistance.

Thank you, **Mr. Speaker.**