



## **PRESS STATEMENT**

**By:**

**THE HON. JASON P. HAYWARD, JP, MP**

**THE MINISTER OF LABOUR**

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### **Trade Union and Labour Relations (Consolidation) Act 2021**

The Trade Union and Labour Relations (Consolidation) Act 2021 (the “Act”) is undoubtedly a significant advancement for the rights of workers and significantly strengthens the rights of Unions in the workplace. The Act also adds several new provisions which will optimise and improve labour relations.

I want to take this opportunity as the Minister responsible for labour to thank all those who assisted in producing this most progressive labour legislation. There have been significant changes to the current labour legislation consolidated into the Act that benefits explicitly the Unions and the workers of Bermuda:

1. Employers must respond to an application for certification within ten days, as opposed to fourteen days, to ensure the efficiency and integrity of the certification process;
2. Not less than 14 days before giving notice of redundancy, employers must inform employee’s trade union of the existence of and reason for the redundancies as well as consult with the trade union on possible measures to avert or mitigate the effects of the redundancies;

3. Before laying off an employee, as soon as practicable, employers are required to inform the employee's trade union of the existence, reasons and period during which the layoff is likely to take place;
4. The definition of 'management person' as it relates to the certification of unions within a workplace is amended to ensure that the positions that may form part of a bargaining unit are correctly classified while safeguarding union membership;
5. The Act has been amended to confirm that unions are not required to disclose the identity of any worker who has sought union membership in regards to the union certification process;
6. Where a union can show that more than 60% of the workers in a bargaining unit support an application for certification and the employer is in agreement, the Act is clear that certification will be automatic and a ballot will not be required;
7. The Unions now has successor rights under the Act. Where an employer sells or otherwise transfers an undertaking, the union that is the bargaining agent for the workers employed in the undertaking continues to be their bargaining agent, and the new employer is bound by any collective bargaining agreement that applies to the workers employed in the undertaking;
8. A successful certification application now triggers an automatic agency shop agreement;
9. The automatic agency shop agreement provides for partial contributions to be made to a union by persons who choose not to become members of the Union;
10. The Act ensures that those who can trigger a decertification ballot/make an application for decertification are only those persons who are current members of a union or persons that once supported the union;

11. The reporting of unfair industrial practice is no longer limited to essential industries;
12. The procedure for determining and penalty for interfering with the conduct of a ballot for certification is no longer a summary offence. However, a civil penalty now rests with the Employment and Labour Relations Tribunal, which may declare that a ballot is null and void or give the Manager appropriate direction, among other things. This provides the Tribunal with authority to deal with matters that have caused issues for unions in the past;
13. The referral of disputes is significantly streamlined, allowing for a faster, more effective referral process, as has been advocated by the unions for some time.

This Act advances worker's rights within a workplace and is a significant step forward for the Unions of Bermuda. June 1<sup>st</sup> will mark a momentous day for labour relations in Bermuda. The forefathers of our Country's labour movement would be pleased with both the amendments to the Employment Act 2000 and the Trade Union and Labour Relations (Consolidation) Act 2021, which now constitute the Bermuda Employment and Labour Code.