



MINISTERIAL STATEMENT

by:

The Hon. Jason P. Hayward, JP, MP

Minister for the Ministry of Economy and Labour

Employment Amendment (No. 2) Act 2026

11 September 2026

Good morning, **Mr. Speaker.**

I am pleased to table in the Honourable House today a Bill entitled the Employment Amendment (No. 2) Act 2026, which seeks to strengthen the procedural and enforcement framework governing the Employment and Labour Relations Tribunal.

Mr. Speaker,

Members will recall that in June of this year, I laid before this Honourable House the policy paper entitled *Strengthening the Enforcement Powers of Bermuda's Employment and Labour Relations Tribunal*. This paper outlined several proposed changes to the Employment Act 2000 to improve the operation of the Tribunal and strengthen the consequences

Mr. Speaker,

The Bill strengthens the protections available to employees during periods when they are not ordinarily required to be at work by extending the circumstances in which an employer is restricted from taking disciplinary action or terminating an employee. These circumstances have been extended to include rest days and periods of approved leave, while maintaining appropriate exceptions where situations warrant such action.

Mr. Speaker,

The Bill also addresses the case management powers of the Tribunal. The Tribunal deals with matters that can have significant consequences for both employees and employers. It is therefore important that those matters can proceed without avoidable delay.

Accordingly, the Bill provides the Tribunal with additional authority to establish a framework for dealing with the scheduling of hearing dates, adjournments and circumstances where a party does not adequately engage with the Tribunal's scheduling process.

Mr. Speaker,

Additionally, the Bill adjusts the timeframe for the delivery of Tribunal decisions, moving from 30 calendar days to 30 business days. This provides Tribunal members with a more workable period within which to consider the evidence and submissions, and to prepare a properly reasoned decision.

Mr. Speaker,

Where a Tribunal Order requires a party to take a particular action or make a payment, there should be an effective means of addressing continued non-compliance.

The Bill therefore introduces a statutory framework for dealing with persons who fail to comply with Tribunal Orders, including the establishment of a Naming Register for Unpaid Tribunal Awards. The framework is intended to encourage compliance and provide appropriate consequences where non-compliance persists, thereby supporting the effective enforcement of Tribunal Orders.

Mr. Speaker,

The Employment and Labour Relations Tribunal is an important institution within Bermuda's employment relations framework. Its effectiveness depends not only on its ability to hear and determine matters but also on it having the procedural tools necessary to manage its work and a legislative framework that gives practical effect to its Orders.

The Ministry considers the Bill a necessary and measured development of that framework.

The Ministry will continue to review Bermuda's employment legislation to ensure that it remains responsive to the needs of employees, employers, their respective representatives and the wider economy, while maintaining fairness, due process and confidence in Bermuda's employment relations system.