



## **PRESS STATEMENT**

**By:**

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

**THE MINISTER OF LABOUR**

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### **Employment and Labour Legislative Amendments**

I would like to take this opportunity to remind the public of the tabling of two critical pieces of legislation:

- The Employment Amendment Act 2020; and
- The Trade Union and Labour Relations (Consolidation) Act 2020.

The public will know what the overarching aim of the Ministry of Labour is the expansion of jobs within Bermuda. The Government previously announced that it would introduce amendments to the Employment Act and a consolidated Labour Act.

These amendments to the Employment Act seek to strengthen the benefits and protects of all employees in Bermuda's labour force, as well as modernize and clarify areas of the existing legislation to ensure that it is in line with international best practices.

The amendments to the Trade Union and Labour Consolidation Act will decrease the various challenges with the current legislation and will bring it in line with modern principles for laws governing the

relationship between businesses and trade unions, and between employers and employees.

These legislative changes are a long time coming as these changes will conclude a 7-year labour law reform process that included extensive collaboration and consultation with tripartite stakeholders.

Ultimately, the Employment Amendment Act 2020 and the Trade Union and Labour Relations (Consolidation) Act 2020 will constitute the Employment and Labour Code of Bermuda.

The amendments to these Acts will come into operation on 1 June 2021 to allow employees, employers and their respective representatives to familiarize themselves with its provisions and make the necessary changes to their current contracts of employment and/or handbooks, to ensure compliance.

I must add, that while the amendments will strengthen the rights of employees and organized labour, the Government must always aim to strike a balance between the legitimate expectations of the employee and their representatives and the Business community. And in so doing, despite reservations and pushback from Bermuda Employers Council and Chamber of Commerce, I am confident that these legislative amendments will support workers and enhance their rights. The following amendments are a significant step forward for Bermuda's labour force.

The entirety of the legislative changes are not fully supported by organizations representing employers or employees which indicated that the Government is seeking to be balanced and fair in its approach. It is noted that Unions oppose the prescribed process for decertification even

though it is an improvement from the existing provision and Employers do not think the time is right for any changes and generally not support changes that benefit the union or increased employee benefits.

The Ministry of Labour worked closely with the Attorney General's Chambers to produce an Employment Amendment Act and a Trade Union and Labour Relations (Consolidation) Act that is equitable and promotes good and fair employment practices.

Some of the major amendments to the Employment Act 2000 include:

1. Employers being required to provide employees with a midway performance review during their probationary period to ensure the employee is aware of areas requiring improvement – if he or she is to successfully complete the probation. Exclusions to this section are those services which require a longer probationary period due to the nature of work conducted;
2. Employees are no longer required to complete one year on the job before being entitled to paid time off from work to attend prenatal appointments.
3. Bereavement leave has been expanded to include grandparents, great-grandparents, grandchildren and great-grandchildren.
4. Upon the termination of an employee, employers will be required to pay any wages and other remuneration or benefits owed to the employee within seven days or at the next interval that the employee would have been paid.

Other new sections added to the Act include:

- **Entitling** employees to a meal break of at least 30 minutes after working continuously for five hours; and
- **Ensuring** employers have a workplace policy against bullying and sexual harassment that applies to all employees. This will ensure that all workers are protected from bullying and sexual harassment at work. It will follow the guidance set out by the ILO Convention on Violence and Harassment in the world of work.

I will now turn to the new Trade Union and Labour Relations Act 2020,

It is important to provide a summary of some of the more significant changes contained in this comprehensive and ground-breaking legislation.

For starters, the legislative changes will streamline and consolidate the number of tribunals across all the labour and employment legislation from nine tribunals into one that will be known as the Employment and Labour Relations Tribunal. Once the changes are complete, the one tribunal will handle all employment-related complaints and labour related disputes and significantly improve the current state of affairs.

Other amendments will include removing the option for the Minister to refer a dispute to a mediator, and establishing civil penalties of up to \$5,000 to replace most offences requiring court appearances.

Lastly, the Ministry of Labour remains committed to comprehensively engaging with employers, labour and the Government to reinvigorate the Bermuda economy for everyone.

Thank you.

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