



# Legislative Assembly of the Cayman Islands

## PRIVATE MEMBER'S MOTION NO. 10/2014-2015

Amendment to the Labour Law (2011 Revision)

**WHEREAS** the Cayman Islands has been subject to the global recession since 2008;

**AND WHEREAS** the unemployment rate has risen steadily since 2008;

**AND WHEREAS** the Labour Law is expected to provide protection for the Labour force;

**AND WHEREAS** it has long been recognized that the provisions of the Labour Law are inadequate to protect Caymanians from unscrupulous employers;

**AND WHEREAS** the Government has indicated that it will bring amendments of the Labour Law to the Legislative Assembly;

**AND WHEREAS** there have been numerous complaints by Caymanian employees of employers releasing them from their employment, under the guise of downsizing due to economic hardship;

**AND WHEREAS** employees being released other than in accordance with the redundancy provisions of the Labour Law are being paid severance pay of one week wage per year of employment, and given an additional one week wage per year of employment, as gratis pay;

**AND WHEREAS** many employers are being advised that if they pay said severance pay and a gratis it can be considered an unfair dismissal pay award in accordance with the Labour Law if employees challenge their dismissal;

**AND WHEREAS** employers are applying for work permits to fill the positions previously held by Caymanians improperly dismissed on grounds of redundancy;

**AND WHEREAS** the National Workforce Development Agency and the relevant Immigration Boards are never made aware of the tactics being used by employers, and continue to issue Work Permits;

**BE IT THEREFORE RESOLVED THAT** the Government consider amending the Labour Law to require employers who claim downsizing through redundancy of Caymanian employees, where foreign work permit holders are employed, to prove such redundancy to the Labour Department and notify the relevant Immigration Boards;

**AND BE IT FURTHER RESOLVED THAT** the Government consider increasing the amount of award by a Labour Tribunal for Unfair Dismissal to an amount equal to up to 3 years wages at the employee's latest basic wage at the day of dismissal.

Moved by:

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Mr. V. Arden McLean, JP, MLA  
Elected Member for East End

Seconded by:

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Mr. D. Ezzard Miller, JP, MLA  
Elected Member for North Side

Tabled in the Office of the Clerk this 2<sup>nd</sup> day of September, 2014.

Passed by the Cayman Islands Legislative Assembly this 17th day of September, 2014.

Clerk of the Legislative Assembly