

CAYMAN ISLANDS



LABOUR (AMENDMENT) BILL, 2020

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A BILL FOR A LAW TO AMEND THE LABOUR LAW (2011 REVISION) TO PROVIDE FOR SERVICE OF DOCUMENTS, INFORMATION, PARTICULARS AND OTHER RECORDS BY ELECTRONIC MEANS; TO GIVE THE CABINET THE POWER TO GRANT AN EXTENSION OF THE PERIOD FOR COMPLIANCE WITH, OR AN EXEMPTION FROM, ANY PROVISION OF THAT LAW OR REGULATIONS MADE UNDER THAT LAW IN THE CASE OF A DISASTROUS EVENT; AND FOR INCIDENTAL AND CONNECTED PURPOSES

PUBLISHING DETAILS

Sponsoring Ministry/Portfolio: Ministry of Employment and Border Control



Memorandum of OBJECTS AND REASONS

This Bill seeks to amend the Labour Law (2011 Revision) (the “principal Law”) to provide for service of documents, information, particulars and other records by electronic means and to give the Cabinet the power to grant an extension of the period for compliance with, or an exemption from, any provision of that Law or Regulations made under that Law in the case of a disastrous event.

Clause 1 provides the short title of the legislation.

Clause 2 amends the principal Law to change references to the “Governor” (Governor in Cabinet) to the “Cabinet”.

Clause 3 amends the principal Law to provide for the service of documents, information, particulars and other records by electronic means.

Clause 4 amends the principal Law by inserting a new section 87 which gives the Cabinet the power, by Order published in the Gazette or any other official means of Government communication, to grant an extension of the period for compliance with, or an exemption from, any provision of this Law or Regulations made under this Law if at any time there has been an earthquake, or there has been or there is an immediate threat of a hurricane, flood, fire, outbreak of pestilence, outbreak of infectious disease or other calamity, whether similar to the aforementioned or not. Clause 4 also gives the Cabinet the power by Order to —

- (a) give the Director the power to issue temporary certificates relating to the extension or exemption; and
- (b) impose conditions and establish procedures for the grant of the extension or exemption.

An Order made under clause 4 may make different provisions in relation to different cases or circumstances; apply in respect of particular persons or particular cases or particular classes of persons or particular classes of cases, and define a class by reference to any circumstances; and contain such savings, transitional, consequential, incidental or supplementary provisions as appear to the Cabinet to be necessary or expedient for the purposes of the Order.

An Order made under clause 4 may be given retrospective effect.



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Arrangement of Clauses

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ENACTED by the Legislature of the Cayman Islands.

Short title

1. This Law may be cited as the Labour (Amendment) Law, 2020.

Amendment of the Labour Law (2011 Revision)

2. The *Labour Law (2011 Revision)*, in this Law referred to as the “principal Law”, is amended as follows —
 - (a) in section 2, by deleting the definition of the word “Governor”; and
 - (b) by deleting the word “Governor” wherever it appears and substituting the word “Cabinet”.



Amendment of section 84 – service and sending of documents

3. The principal Law is amended in section 84 by inserting after subsection (3) the following subsections —

“(4) Notwithstanding subsections (1), (2) and (3), any document, information, particulars or other record required to be served, sent, delivered or submitted to a person under this Law may be sent to that person —

(a) by electronic means to the e-mail address provided by that person; and

(b) in the form of an electronic record.

(5) *The Electronic Transactions Law (2003 Revision)* shall apply in respect of an electronic record sent under subsection (4)(b).

(6) In this section —

“**electronic**” has the meaning assigned to it by section 2 of the *Electronic Transactions Law (2003 Revision)*; and

“**electronic record**” has the meaning assigned to it by section 2 of the *Electronic Transactions Law (2003 Revision)*.”.

Insertion of section 87 – Cabinet’s power to grant extension or exemption

4. The principal Law is amended by inserting after section 86 the following section —

“Cabinet’s power to grant extension or exemption

87. (1) If at any time there has been an earthquake, or there has been or there is an immediate threat of a hurricane, flood, fire, outbreak of pestilence, outbreak of infectious disease or other calamity, whether similar to the aforementioned or not, the Cabinet may, by Order published in the *Gazette* or any other official means of Government communication —

(a) grant an extension of the period for compliance with, or an exemption from, any provision of this Law or Regulations made under this Law;

(b) give the Director the power to issue temporary certificates relating to the extension or exemption; and

(c) impose conditions and establish procedures for the grant of the extension or exemption.

(2) An Order made under subsection (1) may —



- (a) make different provisions in relation to different cases or circumstances;
 - (b) apply in respect of particular persons or particular cases or particular classes of persons or particular classes of cases, and define a class by reference to any circumstances; and
 - (c) contain such savings, transitional, consequential, incidental or supplementary provisions as appear to the Cabinet to be necessary or expedient for the purposes of the Order.
- (3) An Order made under subsection (1) may be given retrospective effect.”.

Passed by the Legislative Assembly the day of , 2020.

Speaker

Clerk of the Legislative Assembly

