

## ***THE DEPARTMENT OF LABOUR & INDUSTRIAL RELATIONS***

### **OPENING STATEMENT**

The Department of Labour & Industrial Relations is an integral part of the Ministry of Labour, Home Affairs and Public Safety.

### **LEGISLATION UNDER WHICH LABOUR DEPARTMENT OPERATES**

The Department of Labour & Industrial Relations is responsible for or operates under the following Acts:

- i. Trade Union Act, 1965, Amended 1971;

**This Act was amended in 1998 to provide for a compulsory ballot to be held if requested by 35% of the employees in the business or enterprise. A further amendment has been (will be) placed before the House granting a similar benefit for middle managers.**

- ii. The Labour Relations Act, 1975, Amended 1991;

- iii. The Trade Disputes Act, 1992;

**Legislation is currently being prepared creating a single amalgamated Act for Regulating Trade Unions and the Conduct of Industrial Relations in Bermuda. It is hoped to present this to the House after consultation with the relevant social partners and before the summer recess.**

- iv. Workmen's Compensation Act, 1965;

**This Act, together with the afore-mentioned Acts and as promised by Government in the Throne Speech, is also under study with plans for comprehensive amendment. It has not been amended or upgraded for some time and Government is concerned that many of the benefits provided bear no relationship to current economic realities relating to cost of living.**

- The Labour Relations Amendment Act, 1991,
- The Employment Act, 2000

## **STRATEGIES AND ACTIONS**

The Department conducts a series of workshops and seminars which enables the social partners to the Labour & Industrial Relations contract to be kept informed of local and international employment policies and industrial relations practices.

The Department also maintains a record of the more troublesome areas in local grievance handling and dispute resolution. This provides the Officers with relevant items for study and discussion at future workshops.

## **MAINTENANCE AND RESTORATION OF THE LABOUR RELATIONS SYSTEM**

The large proportion of the Department's work involves the maintenance and **restoration of the labour relations system**. This primarily requires the Officers in addition to the unionized workforce to address the grievances of the non-unionized workforce.

## **BOARDS AND COMMITTEES**

The following Boards and Committees provided for through Labour Legislation for the purpose of dealing with unsolved labour disputes:

- **The Permanent Arbitration Tribunal** deals with disputes in essential and non-essential services.
- **The Essential Industries Disputes Settlement Board** which was established in 1991 to prevent industrial action or disruption of services in **industries** which are deemed to be essential. Currently only the hotel industry has been so designated;
- **The Labour Advisory Council** which was established as a permanent body early in 1963 to advise on matters concerning the establishment of labour policy and legislation and to keep the state of industrial relations under review. It is this body to which any proposed Labour Legislative amendments or bills will be referred for review and consultation. The Department finds the council's advice to be extremely valuable, and
- **The Employment Tribunal** promotes the fair treatment of employers and employees by providing minimum standards of employment, by establishing procedures and notice periods for the termination of

employment, provides employees with protection against unfair dismissal.

## **CONFERENCES/SEMINARS**

The Ministry of Labour, Home Affairs & Public Safety sponsors the Bermuda delegation, which attends the International Labour Convention in Geneva, Switzerland.

## **DISPUTE RESOLUTION IN THE UNIONIZED SECTOR**

The Labour Section also assists in employment disputes resolutions in the unionized sector governed by Collective Agreements. These include:

- **Interest Mediations** with the Labour Section working both formally and informally to assist parties, which experience differences in the interpretation of these Collective Agreements. In the past year the Labour Officers assisted with thirteen (13) such cases:
- **Grievance Mediations** is another busy area for Labour Officers. A large number of Collective Agreements and Legislation include provisions for referring grievances to the Labour Relations Officers for resolution. At the first stage the Department offers conciliation/mediation.

## **INTERNATIONAL LABOUR STANDARDS**

International labour standards are central to the activities of the International Labour Organization. Over the years, the governments of member states and their employers' and workers' organizations have built up a system of international standards in all work-related matters, such as the abolition of forced labour, freedom of association, equality of treatment and opportunity, employment promotion and vocational training, social security, conditions of work, prevention of work-related accidents, maternity protection, minimum age for entering the labour market, and protection of migrants and categories of workers such as seafarers, fishermen, nursing personnel or plantation workers.

In June of each year, after considerable preparatory work, representatives of governments, and employers' and workers' organizations of all member countries meet at the International Labour Conference in Geneva, to adopt

or revise those standards which will become international labour conventions or recommendations. These international instruments deal with people and their work. The conventions are binding in countries, which ratify them. They currently number 174. The total number of ratifications now exceeds 6000.

These standards are subject to constant supervision by the I.L.O. Each member country agrees to present periodically to the International Labour Office a report on the measures taken to apply, in law and in practice, the conventions which it has ratified.

The complete review of our commitment to the I.L.O. conventions or labour standards provides a necessary starting point for a re-affirmation of the Government's commitment and obligation to the people it serves.

Economic growth and social change have led to a demand for the Government to provide more services.

The review will form the basis for the future development of social policy and legislative standards being enacted as representative of change and current realities.