

CAYMAN ISLANDS



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**THE LABOUR (AMENDMENT) LAW, 1989  
(LAW 18 OF 1989)**

**ALAN SCOTT**

Governor

5th February 1990

## **A LAW TO AMEND THE LABOUR LAW**

ENACTED by the Legislature of the Cayman Islands.

Short title.

1. This Law may be cited as the Labour (Amendment) Law, 1989.

Amendment of s.2.

2. Section 2 of the Labour Law, in this Law referred to as the principal Law, is amended by -

- (a) inserting the following new definitions immediately after the definition of "employee" -

"employees of managerial level" include persons who plan, organise, control, co-ordinate or direct the business of an employer or a part of such business;

"employees of professional level" include persons who perform professional functions in the fields of physical and natural sciences, engineering, law, medicine, religion, education, literature, art, entertainment or sport:";

- (b) deleting the full stop at the end of the definition of the word "workplace" and adding "; but does not include, in respect of a household domestic employed there, a private home."

Amendment of s.6.

3. Section 6 of the principal Law is amended by adding the following new section immediately after subsection (5) -

"Re-employment within 30 days of termination to be regarded as continuous employment.

6A. Any person who is re-employed by the same employer within thirty days of the termination of his employment, shall not be regarded as a new employee, but his employment shall be regarded as continuous with his earlier period of employment for the purposes of the calculation of his period of probation and of any benefits under this Law."

Amendment of s.13.

4. Section 13 of the principal Law is amended by inserting the following into line five of subsection (7) after the word "day," where it appears -

"Once an employee has completed his probationary period, payment of such a sum in respect of earned vacation leave shall be granted on a pro-rata basis if or when his employment is terminated notwithstanding that he has not completed the 12-month period to which it relates."

Amendment of s.15

5. Section 15 of the principal Law is amended by addition of the following new subsection -

"(6) Notwithstanding the provisions of section 12 an employee serving a probationary period under the provisions of section 7 of this Law shall be entitled to payment for public holidays."

Amendment of s.18.

6. Section 18 subsection (1) of the principal Law is amended by addition of the following proviso at the end thereof -

"PROVIDED that if the employee has not completed 12 months of employment with her employer her maternity leave shall be calculated on a pro-rata basis for the time that she has worked."

Amendment of s.23.

7. Section 23 (1) of the principal Law is amended by addition of the following immediately after the word "hours," at the end thereof "and the standard work day shall not exceed nine hours."

Amendment of s.24.

8. Section 24 of the principal Law is amended by -

- (a) addition of the following words "or a standard work day" immediately after the word "week" where it appears at the end of subsection (1);

- (b) addition of the following new section -

Overtime  
pay not  
necessary if  
parties agree  
to the  
contrary.

24A. Non-managerial employees may agree with an employer that no overtime will be paid for the extra hours worked by such employee provided that such agreement shall be requested by the employee and entered into voluntarily by him. Any such agreement shall be approved by and registered with the Director and shall not take effect until and unless this section is complied with. The Director shall, before approving and registering such agreement, satisfy himself that the agreement was requested by the employee and voluntarily entered into and he may require such evidence as he deems necessary to so satisfy himself."

Amendment of s. 25.

9. Section 25 of the principal Law is amended by -

- (a) inserting the number "(1)" immediately after the number "25" in the first line;
- (b) inserting ", unless the employer and the employee agree in writing to the contrary," immediately after "shall" in the first line of subsection (1);
- (c) adding the following new subsection -

"(2) Any agreement entered into under this section shall be subject to the provisions of section 24A being complied with."

Amendment of s. 32.

10. Section 32 subsection (1) of the principal Law is amended by inserting "(not being employees of managerial level)" immediately after the word "employees" in the second line.

Amendment of s. 35.

11. Section 35 of the principal Law is amended by -

- (a) addition of the following words immediately after the word "receive" where it appears in the third line of subsection (1) -

" , in addition to any other payments which may be due to that employee.":

- (b) addition of the following new subsection -

"(3) For the avoidance of doubt severance pay shall be payable to an employee for the full period of his employment, including any period of employment prior to the coming into effect of this Law, if that employment is terminated after the commencement of this Law."

Amendment of s.69.

12. Section 69 of the principal Law is amended by-

- (a) addition of the letter "(a)" immediately after the number "(1)" in the first line;
- (b) deleting the word "two" where it appears in the second line of subsection (1) and substituting the word "four" therefor;
- (c) addition of the following new subparagraph in subsection (1) -  
"(b) A quorum shall consist of 3 members.";
- (d) addition of the following new subsection -

"(3) In the case of a temporary absence or inability of the Chairman to act, the Governor may appoint another member of the Tribunal to act as a Deputy Chairman, and a member so appointed shall, when so acting, be entitled to perform all of the functions of the Chairman."

Amendment of s.70.

13. Section 70 of the principal Law is amended by -

- (a) deleting the word "or" where it appears at the end of subparagraph (a) of subsection (1);
- (b) deleting the semicolon and adding the words "notice: or" immediately after the word "remedial" in paragraph (b) of subsection (1);
- (c) adding the following new subparagraph in subsection (1) -  
"(c) the refusal of the Director to register an agreement under sections 24A or 25;"
- (d) by addition of the following new subsection immediately after subsection (9) -

"(10) Decisions of the Director and of the Appeals Tribunal under this Law may be made public at the discretion of the respective body and neither the Director nor any Member of the Tribunal shall be liable in any Civil Court for any act done or ordered to be done in good faith in the discharge of his functions under this Law, unless it is proved that he acted maliciously and without reasonable cause."

Passed the Legislative Assembly this 21st day of November, 1989.

**ALAN SCOTT**  
President.

**GEORGETTE MYRIE**  
Clerk of the Legislative Assembly.