

CAYMAN ISLANDS



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**THE LABOUR LAW, 1987
(LAW 30 OF 1987)**

THE LABOUR LAW
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Law 30 of 1987

I Assent

ALAN SCOTT

Governor

12th January 1988

**A LAW TO GOVERN TERMS AND CONDITIONS OF
EMPLOYMENT; TO PROVIDE REMEDIES FOR UNFAIR
DISMISSAL; TO PROVIDE FOR THE HEALTH, SAFETY AND
WELFARE OF EMPLOYEES; AND FOR
RELATED MATTERS.**

ENACTED by the Legislature of the Cayman Islands.

PART 1
PRELIMINARY

Short title and
commencement

1. This Law may be cited as the Labour Law, and shall come into operation on a day to be appointed by the Governor by notice published in the Gazette.

Interpretation.

2. In this Law, unless the context otherwise requires:

“Appeals Tribunal” means the tribunal established under section 69;

“basic wage” means the ordinary wage due to an employee under his contract of employment;

“child” means a juvenile under the age of fourteen years;

“casual employee” means a person who is employed upon an irregular or intermittent basis;

“charitable organisation” means one accepted and registered as such by the Director;

“complaint” means a formal complaint made to the Director under section 41 or 47;

“conditions of service” or “conditions of employment” refers to the elements of hire and termination of employment; to the remuneration, hours of work, duties and the surrounding terms of employment and to all other factors related to the employment arrangement;

“contract of employment” means any agreement, understanding or arrangement whatever, whether written or oral, express or implied, whereby it is agreed between an employee and an employer that the employee will be employed under a contract of service;

“Court” means the Summary Court save where the context indicates otherwise;

“Director” means the Director of Labour appointed under subsection (1) of section 64;

“employee” means any individual who enters into or works under or stands ready to enter into or work under a contract of employment with an employer whether the contract be oral or written, express or implied; and the term includes a person whose services have been interrupted by a suspension of work during a period of leave or temporary lay-off;

“employer” means any person who has entered into or stands ready to enter into a contract of employment with an employee, and includes any agent, representative or manager of such person who is placed in authority over an employee;

“Governor” means the Governor in Council;

“gratuity” means any money or other thing of value collected or received from a customer or client of any business which is in excess of the basic contractual liability of that customer and is, or is purported to be, collected or received in respect of the quality of service afforded to that customer, and, without prejudice to the generality of the foregoing, includes any sum, whether calculated on the basis of a fixed percentage or otherwise, levied on the amount charged to the customer of any hotel, condominium, restaurant, licensed premises or other place of entertainment, and expressed to be in respect of service;

“household domestic” means a person employed in a private home as a maid or gardener;

“inspector” means an inspector appointed under section 64;

“juvenile” means a person under the age of seventeen years;

"Maternity" means childbirth;

"Member" means the Member of Executive Council with Portfolio responsibility for this Law;

"National Minimum Basic Wage" means the current basic wage prescribed by the Governor pursuant to section 19;

"operator of a workplace" means each and every person responsible for operating, managing or supervising a workplace, and includes any person with actual, apparent or ratified authority to act on behalf of that person;

"overtime pay" has the meaning assigned to it by section 25;

"part-time employee" is an employee whose contract of employment requires him to work less than the standard work week;

"predecessor-employer" in relation to the employment of an individual as it affects his right to severance pay means a person by whom that individual was employed, and who subsequently transferred the business in which that person was employed to a new owner in circumstances that the employment of the employed individual is continued without a break by the new owner of the business;

"probation period" means a period of employment governed by section 7;

"public holiday" means a day declared to be a Public General Holiday in or pursuant to the Public Holidays Law (Revised);

"redundancy" means a situation in which by virtue of a lack of customers or of orders, retrenchment, the installation of labour-saving machinery, an employer's going out of business, force majeure, or any other reason, tasks which a person was last employed to perform no longer exist;

"remedial notice" means a notice under section 58;

"severance pay" has the meaning assigned to it by section 35;

"sick leave" mean leave taken pursuant to section 16;

"standard work week" has the meaning assigned to it by section 23(1);

"successor-employer" in relation to the employment of an individual as it affects his right to severance pay means a

person who takes over the business in which that individual is employed from a predecessor employer of that individual and continues to employ him in the same employment without a break;

“wage” means any money together with any other thing agreed to be paid or given by an employer to an employee as recompense, reward or remuneration for services rendered under a contract of employment but does not include tips or gratuities;

“workplace” means any premises in which any employee is employed to work and, without prejudice to the generality of the foregoing, includes any shop, office, licensed premises or factory.

Application

3. This Law shall not apply to -

- (a) the public service provided that the regulations and General Orders from time to time applying to the public service shall not prescribe or permit conditions of service which are less favourable to the employee than those required by this Law;
- (b) charitable organisations; or
- (c) churches.

Establishment of conditions above minimum standards

4. Nothing in this Law shall be construed as prohibiting an employer from establishing conditions of service more advantageous to any employee than those minimum employment standards established by this Law.

Conformity with the Law

5. (1) Subject to the preceding section any employer who offers or provides employment under terms and conditions of employment which do not conform to the provisions of this Law shall be guilty of an offence.

(2) Any provision in any contract of employment which contravenes any provision of this Law, or which establishes conditions of service which fall below the minimum employment standards established by this Law, shall be to the extent of such contravention, void and of no effect.

Statement of working conditions

6. (1) Every employer who enters into a contract of employment with an employee other than a casual employee or a person employed as a household domestic shall, within ten working days of entering into such contract, furnish the employee with a written statement of his conditions of employment in accordance with subsection (2).

(2) The written statement referred to in subsection (1) shall state -

- (a) the job title, a brief statement of the general responsibilities and duties of the employee and of any special requirements or conditions of the job;
- (b) the regular hours of work, together with any particular terms or conditions relating to the hours of work;
- (c) the rate of remuneration, or the method by which it may be calculated;
- (d) the intervals at which remuneration is to be paid;
- (e) in the case of employees whose pay is normally stated on some basis other than hourly, the hourly equivalent save that in the case of persons remunerated wholly or in part by commission the rate of commission should be stated;
- (f) the period of employment, if other than indefinite;
- (g) the period of probation, if any;
- (h) the employee's holiday entitlement or the method by which it may be calculated;
- (i) the employee's entitlement to sick leave; and
- (j) the length of notice which the employee is obliged to give and is entitled to receive to terminate the contract of employment.

(3) With respect to existing employees at the date on which this Law comes into operation, each employer shall, within thirty days after such effective date, furnish each such employee with a written statement which shall set forth like particulars to those required under subsection (2).

Provided that the provisions of this subsection shall not apply to any employer who has previously given to an employee a copy of his contract of service which sets out the particulars referred to in subsection (2).

(4) Whenever, subsequent to the giving of a statement under subsection (1) or (3), any material change is made in any of the terms of employment set out in the statement, the employer shall forthwith furnish the employee with an amended statement embodying the change.

(5) An employer who fails to furnish a statement pursuant to the preceding provisions of this section within seven days of being requested in writing by the employee to whom it relates to do so is guilty of an offence.

Probation period

7. (1) A new employee may, if mutually agreed between himself and his employer, be employed on probationary terms for an initial period not exceeding six months in duration.

(2) At the end of the initial probationary period that period may be extended by mutual agreement for a term not exceeding a further six months, provided that such agreement must be in writing and signed by both parties thereto.

(3) During his probation period, an employee shall be given reasonable training in the duties of the position for which he was hired, and shall be kept informed of his progress.

(4) At any time during his probation period an employee's employment may be terminated but reasons for such termination shall be given to the employee.

(5) Upon confirmation of employment after a probationary period all earned benefits provided for by this Law shall be deemed to have accrued from the commencement of the probationary period.

Termination: Fixed
term contracts

8. Where the contract of employment is for a fixed term it shall terminate automatically and without further notice on the expiration of that term unless previously extended by prior agreement, or unless the terms of the contract specify otherwise.

Termination by
notice: Employer's
notice.

9. (1) Subject to sections 8, 44, 45 and 46 an employer must give advance notice in writing to the affected employee of an intention to terminate that person's employment, as follows -

- (a) with respect to an employee within his probation period, at least twenty-four hours notice;
- (b) with respect to all other employees, notice equal to the interval of time between the employee's pay days;
- (c) in no case need the period of notice exceed thirty days unless an employment contract calls for a longer notice period.

(2) Having given due advance notice to terminate employment, an employer may terminate the employment prior to the effective date of termination under the notice, provided that he pay the employee a sum equivalent to that which he would have paid if the employee had worked throughout the period.

(3) If the employer has not exercised the option provided in subsection (2), he may require the employee to render his normal services until the effective date of termination under the notice, at the regular wage last being received by the employee.

(4) An employer having given due advance notice to terminate employment and not having exercised the option provided in subsection (2), shall be discharged forthwith of any obligation to pay the involved employee's regular wage upon the employee voluntarily quitting his employment prior to the effective date of termination under the notice.

(5) The provisions of this section are subject to the provisions of Part 5 of this Law.

Termination by
notice - employee's
notice

10. (1) Subject to section 8 an employee must give advance notice to his employer of an intention to quit employment, as follows -

- (a) during his probation period, at least twenty-four hours notice;
- (b) in all other cases, notice equal to the interval of time between his pay days or, where a period of notice is required by his contract of employment, that period.

(2) Any employee who fails to give sufficient advance notice as required in subsection (1) may at the employer's option:

- (a) be dismissed prior to the date that he intended voluntarily to quit by the number of hours or days by which the employee's notice fell short of the required period of advance notice; and
- (b) forfeit all accrued vacation leave.

Statement upon
termination

11. (1) Where an employer has, subsequent to the expiration of an employee's probation period, terminated the employee's employment the employer shall, upon a request being made by the employee at any time within fourteen days after the termination of his employment, furnish within fourteen days to the said employee a written statement of the reason for the action, and if the employee so requests send a copy thereof to the Director.

(2) In all cases of termination of a contract of employment the employer shall, upon a request made by the employee concerned at any time within one year of the expiry of the period specified in the notice, furnish within fourteen days of such request a certificate specifying the dates of his engagement and termination and the type of work on which he was employed.

(3) An employer who furnishes a statement or certificate pursuant to subsection (1) or (2) respectively shall be conclusively bound by the contents thereof in any proceeding under this Law concerning the fairness of the dismissal or the employer's liability for severance pay.

(4) An employer who fails to furnish either a statement or a certificate pursuant to subsection (1) or (2) respectively, shall be prohibited from introducing evidence as to any facts which might have been recited in the said statement or certificate in any proceedings under this Law concerning the fairness of the dismissal or the employer's liability for severance pay.

(5) An employer who fails to furnish either a statement or a certificate pursuant to subsection (1) or (2) respectively is guilty of an offence.

(6) For the avoidance of doubt, the duty to furnish a statement or certificate pursuant to subsection (1) or (2) is discharged on the first occasion an employer furnishes such a statement or certificate in accordance with the said provisions.

PART 2

LEAVE

Application of leave provisions

12. This Part applies to every employee who is not a casual employee, and who has completed his probation period or any lawful extension thereof.

Vacation leave.

13. (1) Subject to section 14, every employee to whom this Part applies shall be entitled to, and his employer shall give him, earned vacation leave with pay of the number of working days that is necessary if taken in an unbroken period to give him two clear calendar weeks earned leave in each twelve month period of employment, provided that the entitlement to earned vacation leave under this subsection shall only arise when the employee has completed the twelve month period of employment to which it relates.

(2) Earned vacation leave shall be above and beyond and shall not include any public holiday leave as provided for by section 15; any sick leave as provided for by section 16; or any daily or weekly non-work periods as provided for by section 22.

(3) The dates for the taking of earned vacation leave shall be fixed by agreement between employer and employee.

(4) By mutual agreement the employer may advance vacation leave not yet earned.

(5) The earned vacation leave specified in subsection (1) is not a cumulative entitlement and shall be taken annually in an unbroken time period, unless the employer and employee agree otherwise.

(6) An employer shall not compel an employee to forego the taking of earned vacation leave even though he pays or offers to pay in lieu thereof and in addition to the employee's normal wage, the wage the employee would have received had he taken the leave.

(7) Any person whose employment is terminated for any reason shall, subject to subsection (2) (a) of section 10, thereupon receive in respect of every day of earned vacation leave due him at the time of such termination a cash sum equal to the remuneration for each such day. Where such remuneration would normally include any thing other than money then the amount due on termination shall include the cash equivalent of such thing, calculated in accordance with section 26 (1) (c).

(8) The rate of pay for each day of earned vacation leave shall not be less than the basic daily wage of the employee concerned at the commencement of the vacation leave.

Part-time employees

14. Part-time employees shall earn vacation leave in the ratio that their actual hours of employment bear to the standard work week.

Public holidays

15. (1) If an employee does not work on a public holiday he shall be paid the basic wage he would normally have received for work performed on that day had it not been a public holiday, provided he has worked his scheduled work day immediately before and his scheduled work day immediately after the said public holiday.

(2) Subject to sub-section (3), if an employee does work on a public holiday he shall be paid at double his normal rate of pay for the hours actually worked that day, and where he works less than the full day he shall, in addition be paid at the normal rate for any hours by which the time actually worked falls short of his normal working day.

(3) For the avoidance of doubt the provisions of subsections (1) and (2) are not cumulative so that where an employee does work on a public holiday it is not necessary to add his entitlement under subsection (2) to the basic wage referred to in subsection (1).

(4) An employee may, by mutual agreement between himself and his employer, take time off in lieu of a public holiday in which case he shall not be paid double pay for working on any such holiday.

(5) In the case of employees at professional or managerial level and above the parties to a contract of employment may agree that the provisions of subsection (1) and (2) shall not apply, in which case the employee shall not be paid double pay for working on a public holiday.

Sick leave

16. (1) Subject to the provisions of this section, each employee is entitled to sick leave on workdays, or parts thereof, during which he is ill or otherwise physically incapacitated for work.

(2) Sick leave shall be taken only in connection with actual illness or other physical incapacitation for work, evidence of which, in the form of a doctor's certificate or other satisfactory means, must be furnished by the involved employee at any time upon request of the employer made pursuant to subsection (3) and in any event in respect of the third and any subsequent consecutive day of such leave.

(3) An employer may require an employee to furnish him with a medical certificate in respect of any purported sick leave no matter how short where the employer is of the opinion that it forms part of a pattern of absenteeism.

(4) In the event that the employer considers that the extent of sick leave taken renders the employee unfit to continue in his employment and terminates the employment therefore, the fairness of the termination shall be determined under Part 5 of this Law.

(5) Every employee who is ill or otherwise physically incapacitated so as to justify his absence from work under subsection (1) shall notify his employer of that fact as soon as reasonably practicable.

Sick leave pay.

17. For the first ten days of sick leave taken during any period of twelve consecutive months, calculated from the date of commencement of employment and any anniversary date thereof, an employee shall be paid the basic wage which he would have received had he worked on those days.

Maternity leave.

18. (1) Every female employee shall be entitled to twelve calendar weeks' maternity leave in any twelve month period.

(2) During the first twenty working days maternity leave the employee shall be entitled to the basic wage, and the employer shall pay her the basic wage, that she would have received had she worked on those days.

(3) At any time during the period of maternity leave the employer may require, and the employee shall thereupon furnish, a doctor's certificate to demonstrate that the leave is being taken on account of maternity.

(4) Subject to subsection (3) maternity leave may be taken in whatever proportions before and after actual childbirth that the employee wishes, provided that an employee shall not work where a doctor certifies that it would, by reason of pregnancy, be deleterious to the health of the employee for her to work, and an employer may at any time during pregnancy require an employee to be examined by a doctor with a view to determining whether it would be deleterious to her health to continue work.

PART 3

REMUNERATION AND HOURS OF WORK

National Minimum
Basic Wage.

19. (1) Subject to subsection (2), the Governor may by Order prescribe a National Minimum Basic Wage.

(2) An Order under subsection (1) may only be made, varied, amended or revoked after consideration of recommendations made to the Member by a Minimum Wage Advisory Committee established pursuant to section 20.

(3) Any National Minimum Basic Wage prescribed under sub-section (1) shall not apply to the payment of wages to juveniles required by any law to attend school.

Minimum Wage
Advisory Committee

20. (1) The Governor may establish a Minimum Wage Advisory Committee to investigate and enquire into all matters related to the appropriate level of a National Minimum Basic Wage, and to make recommendations as to the minimum rates of wages which should be payable.

(2) The Governor may make rules governing the procedure of any such Committee, but subject to any such rules and to the following provisions of this section, the Committee shall have power to regulate its own proceedings.

(3) The Committee shall consist of not less than eight members who shall be appointed by the Governor, and who shall comprise equal numbers of employers and employees, together with such other representatives of such other interests as he may see fit.

(4) The Governor shall designate one member of the Committee as Chairman thereof.

(5) The quorum of the Committee shall be five members, including the Chairman.

(6) All questions arising at any meeting of the Committee shall be determined by a majority of votes of all members, including the Chairman, who are present, and subject to sub-section (5), no such determination of the Committee shall be invalid by reason of any vacancy or absence among the members.

(7) The Committee may, at any time it deems it expedient to do so, call in the aid of one or more assessors, specially qualified in the opinion of the Committee in the matter under investigation.

(8) The Committee shall have power to take evidence from witnesses, to require the production of relevant documents, and to take evidence on oath.

(9) The Committee shall make such interim reports of its investigations and recommendations as the Member may from time to time require, and shall, as soon as possible after the conclusion of its investigations and deliberations, make a final report, including recommendations, to the Member.

Penalty for not
paying minimum
wage.

21. (1) Where a minimum basic wage has been fixed under section 19 it shall be an offence for an employer to employ or to pay any employee at a basic wage less than the minimum wage prescribed by the Order.

(2) Subsection (1) shall not apply to the payment of wages to juveniles to whom subsection (3) of section 19 applies.

(3) Where an employer has been convicted of an offence under subsection (1) then, if notice of an intention so to do had been served upon him with the summons or warrant, evidence may be given before sentence of any failure on the part of the employer to pay wages at the minimum rate to the employee concerned during the two years immediately preceeding the date on which the information was laid and, on proof or admission of the failure, the Court upon sentencing the employer may order him to pay to the employee in addition to any fine or other penalty such sum as in the opinion of the Court represents the difference between the amount which should have been paid during those years and that which was actually paid, plus interest at the rate of ten per cent per annum from the date any wage was due until it is paid.

(4) An order made under sub-section (3) may be enforced in the same manner as if it were a fine.

(5) In calculating the wage paid to an employee for the purposes of the application of the provisions of this section gratuities shall be disregarded.

Rest periods.

22. (1) Every employer shall permit each of his employees to enjoy in every period of seven consecutive days a period of rest comprising at least twenty-four consecutive hours.

(2) Any employer who does not comply with subsection (1) is guilty of an offence.

Standard work week.

23. (1) The standard work week shall not exceed forty-five hours in any period of one hundred and sixty-eight hours.

(2) The Governor may by Order revise this standard for any industry or enterprise specified in the Order.

Occasions for overtime pay.

24. (1) An employer shall pay overtime pay to an employee for every hour of work in excess of the standard work week.

(2) Notwithstanding subsection (1), the parties to a contract of employment may provide, either generally by an agreement in writing or specifically in relation to any period of less than one week by an oral agreement, that the employee shall work more than the hours provided for by the standard work week and shall receive time-off equivalent to the extra hours in lieu of overtime pay.

(3) Notwithstanding subsection (1), in the case of employees at professional or managerial level and above the parties to a contract of employment may agree that no overtime should be paid, in which

case the obligation to pay overtime to that employee in accordance with subsection (1) shall not apply.

(4) Any employer who contravenes the requirements of subsection (1) is guilty of an offence.

(5) In addition to any fine imposed for an offence under subsection (4) the Court may, before or upon sentencing the employer, order him to pay to the employee any overtime pay due for any period in respect of which an offence was committed.

(6) Any sum ordered to be paid under subsection (5) may be enforced as a fine.

Overtime pay

25. Overtime pay shall consist of at least one-and-one half times an employee's basic hourly wage per hour.

Form of wages

26. (1) The remuneration payable under a contract of employment may be paid in money or in kind, which expression means payment by the provision of food, a dwelling place or such other allowances and privileges as may be agreed in the contract of employment, provided that:

- (a) at least fifty per centum of the total remuneration shall be paid in money;
- (b) no payment in kind shall include any noxious drugs or intoxicating liquor; and
- (c) any payment in kind must be fairly evaluated on the basis of its cost to the employer.

(2) The money wages of an employee shall be paid in legal tender, provided however that the payment of wages by cheque, by direct deposit or by postal order shall be permitted if it is with the express consent of the employee, which consent may be withdrawn on one calendar month's notice, provided that such consent may not be unreasonably withheld or withdrawn.

Deductions

27. (1) An employer shall not make any deductions from the wages payable to an employee under any contract of employment except in accordance with the following provisions of this section.

(2) In particular, without prejudice to the generality of subsection (1), and notwithstanding subsection (3) (e), an employer shall not make any deduction from the wages payable to an employee or require or receive any payment from an employee, or allow any other person to deduct, or require or receive any payment from an employee, in respect of any of the following -

- (a) the cost of anything done or required to be done by the employer in pursuance of this Law or any regulations made hereunder;

- (b) obtaining or retaining employment with the employer;
- (c) any fine imposed by the employer;
- (d) bad or negligent work, other than a deduction for any shortfall in a cash float provided to the employee; or
- (e) any injury to the materials or property of the employer, save when the injury is occasioned by the wilful misconduct of the employee.

(3) The following may be deducted:

- (a) any deduction imposed by any law;
- (b) any money advanced by the employer (whether paid to the employee himself or to some other person at his request) in anticipation of the regular payment of the employee's wages, provided the amount deducted accords with the agreement made between employer and employee at the time of the advance, and provided that no interest, discount, or similar charge may be imposed on such advance;
- (c) the actual or reasonable estimated cost to the employer of any materials, tools and implements which, although not obliged to provide, the employer has supplied to the workman at the latter's request;
- (d) any payment into any welfare, insurance or other similar fund which an employee has authorised to be deducted; and
- (e) subject to subsections (2) and (4), any sum of money the deduction of which an employee has expressly authorised in writing.

(4) The total which may be deducted in any period shall not exceed one-third of the gross money wage of the employee for that pay period, provided that this shall not apply to interest on and repayments of negotiated loans nor to the recovery of money advanced as contemplated in paragraph (b) of subsection (3) provided that the deduction accords with the agreement made at the time of the advance.

Periods and time of wage payments.

28. (1) Wages shall be paid on a regular periodic basis, and no period in respect of which wages earned by an employee are payable shall exceed one month.

(2) The payment of wages shall be made on ordinary working days only and within ordinary working hours.

Offence and employee's rights in respect of wages.

29. (1) Any employer who -

- (a) enters into any agreement or contract or gives any remuneration for employment contrary to sections 26, 27 or 28;

- (b) makes any deduction from the wages of any employee or receives any payment from any employee contrary to the provisions of the said sections; or
- (c) otherwise contravenes the provisions of the said sections of this Law.

is guilty of an offence.

(2) In addition to the offence under subsection (1) an employee shall be entitled to recover by action in the appropriate Court so much of his wages, exclusive of sums lawfully deducted, as shall not have been actually paid to him together with interest thereon at the rate of ten per cent per annum.

Work accounts

30. (1) Every employer who employs ten or more persons shall keep an accurate work account in respect of each employee, which shall record his time worked (by pay periods), his leave taken (by type), and the basic and other wages paid to him for each pay period.

(2) In the case of an employee paid on a piece-work basis the work account shall show the work done instead of the time worked.

(3) An employer to whom subsection (1) applies shall preserve each work account, with respect to each entry therein, for at least two years.

(4) Upon demand by any employee, an employer required to maintain a work account under sub-section (1) in respect of that employee shall make it available to him for inspection.

(5) Any employer who contravenes any provision of this section, is guilty of an offence.

Statement of wages

31. (1) An employer shall, in respect of any given wage payment, if so requested by the recipient employee within one week of the making of the payment, furnish that employee forthwith with a precise statement in writing showing how the said payment was made up.

(2) Without prejudice to the generality of subsection (1), whenever an employer makes any deduction from an employee's wages, a statement furnished pursuant to subsection (1) shall include the amount deducted and the nature of the deduction.

(3) Any employer who fails to furnish a statement pursuant to subsection (1) is guilty of an offence.

Gratuities

32. (1) Any gratuities collected or received by an employer from customers shall be distributed among employees in accordance with the provisions of a scheme prescribed or registered under the provi-

sions of this section, and in the absence of any such scheme, by agreement with the employees.

(2) The Governor may prescribe a formula to be used by all employers, or all employers of a certain class, for determining the distribution of gratuities among employees.

(3) Where no regulations have been made in respect of any given employer or class of employers the Director may, by agreement with that employer or class of employers, register a formula to be used by that employer or class of employers for determining the distribution of gratuities among employees.

(4) Any employer who fails to comply with a formula imposed upon him by regulations made under subsection (2) or by registration under subsection (3) is guilty of an offence.

Time of distribution

33. (1) All gratuities to which section 32 refers shall be distributed within 3 weeks of the end of the calendar month in which they were collected or received.

(2) Any employer who fails to comply with subsection (1) is guilty of an offence.

Recording of gratuities

34. (1) All employers in any undertaking, trade or business where gratuities to which section 32 applies are regularly received or collected from customers shall keep accounts recording all such gratuities received or collected, and the manner in which they were distributed.

(2) Without prejudice to any other powers the Director may upon demand inspect any accounts kept pursuant to subsection (1).

(3) Any employer who fails to keep the accounts required by subsection (1), or who does not permit the Director to inspect them upon demand pursuant to subsection (2), is guilty of an offence.

PART 4

SEVERANCE PAY

Right to severance pay generally

35. (1) Every employee whose term of continuous employment with an employer and any predecessor-employer has in aggregate exceeded one year is entitled to receive upon termination of his employment by his employer for any reason, other than a dismissal which is within paragraphs (a), (b) or (c) of section 44, severance pay, being payment in money calculated in accordance with the provisions of this Part.

(2) In the case of the bankruptcy or winding up of an employer any liability for severance pay shall be paid in priority to all other

debts, and shall be paid in full unless the property available is insufficient to meet them.

36. (1) Severance pay shall consist of one week's wages, at the employee's latest basic wage, for each completed twelve month period of his employment with his employer and any predecessor-employer, subject to a maximum of 12 week's pay.

(2) In the case of part-time employees their entitlement to severance pay shall be calculated on the basis of the ratio that their actual hours of employment bear to the standard work week.

37. (1) Subject to the other provisions of this section, simultaneously upon the termination of the employment of any employee entitled to severance pay the employer shall pay to that employee severance pay calculated in accordance with the provisions of this Part.

(2) If the termination be stated as temporary, no severance pay need be paid to the employee at the time of such temporary termination save in the following circumstance:-

- (a) where the date of recall, if one is given at the time of termination, be six months or more in the future, severance pay shall be payable on the date of termination;
- (b) if no date of recall is given at the time of termination severance pay shall be payable six months from the termination if the employee shall not then have been recalled; in which case, interest at ten per cent **per annum on the amount of severance pay due** shall be payable for the interval between the original termination date and the date of actual payment.

(3) Where payment of severance pay has been made, with interest where due under subsection (2) (b), and the employee is subsequently recalled to his former or substantially equivalent employment or is again hired by the same employer, he shall be considered to be newly hired and his term of employment, for subsequent severance pay purposes, shall be considered to have commenced on the date of his recall or rehire.

38. Where an employee's employment is terminated upon the transfer in ownership of the business in which he is employed, the following provisions apply -

- (a) Where without any break in service the employee is offered the same employment by a successor-employer in that same business, or part of business, he is not entitled to severance pay by reason of that termination.

Severance pay when recalled - temporary termination.

Severance pay where employer's business transferred

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- (b) Where he accepts such employment with the successor-employer his tenure of employment, for subsequent severance pay purposes, shall date from his original hiring by the first of a series of predecessor - employers.

Liability of
predecessor and
successor employers

39. (1) Where an employee accepts employment with a successor-employer in accordance with section 38(b) then, in the event of a subsequent termination of that employment by that successor-employer, the successor-employer shall be responsible for the payment of the employee's severance pay computed on the basis of his full tenure of employment by himself and all predecessor-employers.

(2) Where an employee's employment is temporarily terminated with a date of recall given him less than six months in the future or with no date of recall given him, and if within six months thereafter the employer transfers his business to another, then (using the standards set forth in section 37) if severance pay subsequently becomes due without the employee having been recalled, the transferring employer and the person to whom his business was transferred shall be jointly and severally liable for the payment of the severance pay plus interest.

Record of hiring
dates

40. (1) Every employer shall maintain an accurate record of the hiring date of each of his employees, together with the dates of all temporary terminations and re-employments, and for the purposes of this section the said hiring date shall be that on which the employee was first hired, either by the employer or by a predecessor-employer.

(2) Upon the request of any employee, the employer shall make that employee's record of hiring available to him for inspection.

(3) Any person who fails to comply with the provisions of subsection (1) or (2) shall be guilty of an offence.

(4) Where upon the commencement of this section there was no present record of an employee's hiring by virtue of the fact that the requirement of subsection (1) was not in effect upon the relevant dates, the employer and the employee shall determine the hiring date by agreement, and in default of agreement the question of the employee's hiring dates shall be determined pursuant to section 41.

Determination of
dispute

41. (1) Should any question arise as to the date of hiring or as to whether or in what amount severance pay is due to an employee, then the employee, or the employer, or their respective representatives, may seek a resolution of the question by filing a complaint as to severance pay in writing with the Director.

(2) Should the question involve a group of employees under similar circumstances they may file a joint complaint.

(3) Should there be filed at or about the same time a number of complaints raising the same or substantially similar issues, the Director may direct that they be consolidated into a single proceeding.

PART 5 UNFAIR DISMISSAL

42. (1) The provision of this part shall only apply to an employee who has:

- (a) completed his probation period; or
- (b) in the case of an employee not employed on probationary terms, completed six months of continuous employment with his employer.

(2) Any termination by an employer of an employee's employment shall be fair if it is within the provisions of sections 43 or 44.

43. For the purposes of this Part, an employee is not unfairly dismissed if his employment is terminated at the expiration of a fixed term specified at the time of his employment.

44. A dismissal shall not be unfair if the reason assigned by the employer for it is -

- (a) misconduct of the employee within section 45(1);
- (b) that it is pursuant to section 45(3), namely misconduct following the receipt of a written warning;
- (c) that it is pursuant to section 46(2), namely failure of the employee to perform his duties in a satisfactory manner following the receipt of a written warning;
- (d) that the employee was redundant;
- (e) that the employee could not continue to work in the position he held without contravention (on his or on the employer's part) of a requirement of this or any other Law; or
- (f) some other substantial reason of a kind which would entitle a reasonable employer to dismiss an employee holding the position which the employee held,

and under the circumstances the employer acted reasonably.

45. (1) An employer may terminate forthwith the employment of an employee where the employee has been guilty of misconduct in

Unfair dismissal
general

Termination after
fixed term of
employment

Dismissal for good
cause

Termination for
misconduct

or in relation to his employment so serious that the employer cannot reasonably be expected to take any course other than termination. Such misconduct includes, but is not limited to situations in which the employee has -

- (a) conducted himself in such a manner as clearly to demonstrate that the employment relationship cannot reasonably be expected to continue;
- (b) committed a criminal offence in the course of employment without the consent, express or implied, of the employer;
- (c) behaved immorally in the course of his duties; or
- (d) is under the influence of a controlled drug (other than one lawfully prescribed by a health practitioner) or alcohol during the hours of his employment.

(2) Where an employee is guilty of misconduct in or in relation to his employment that is not sufficiently serious to justify his employer terminating his employment under subsection (1) but is such that the employer cannot reasonably be expected to tolerate a repetition, the employer may give the employee a written warning which shall describe the misconduct in respect of which the warning is given and state the action the employer intends to take in the event of any further misconduct.

(3) Where an employee has been given a written warning under subsection (2), if he is, within twelve months following the receipt of the written warning, guilty of any misconduct of any kind in relation to his work, the employer may terminate the employment of the employee, or take such other action as may have been specified in the written warning, without further notice.

(4) For the avoidance of doubt, misconduct includes, but is not limited to, absenteeism.

Termination by
employer for
unsatisfactory
performance

46. (1) Where an employee is no longer performing his duties in a satisfactory manner, the employer may give the employee a written warning which shall describe in what manner his performance is unsatisfactory and state the action the employer intends to take in the event of continuance.

(2) Where an employee has been given a written warning under subsection (1), if he does not, during the period of one month following the receipt of the written warning, commence performing his duties in a satisfactory manner, the employer may terminate his employment at the end of that one month period without further notice.

Resolution of
disputes

47. (1) Should any questions arise as to whether an employee has been unfairly dismissed, the employee may seek a resolution of the question by filing a complaint of unfair dismissal with the Director.

(2) A complaint under subsection (1) must be filed within 90 days of the date of dismissal.

(3) Should the complaint involve a group of employees under similar circumstances they may file a joint complaint.

(4) Should there be filed at or about the same time a number of complaints raising the same or substantially similar issues, the Director may direct that they be consolidated into a single proceeding.

Reference to Letter
Dismissal

48. (1) Where upon a complaint of unfair dismissal, the Director has determined that the dismissal was unfair he may order the payment by the employer to the person dismissed of a sum of money by way of compensation for unfair dismissal.

(2) In making an award of compensation under subsection (1) the Director shall have regard to:

- (a) the length of the continuous employment of the person dismissed immediately preceding the dismissal;
- (b) the likelihood of the person dismissed finding other comparable employment;
- (c) the salary of the person dismissed immediately preceding the dismissal;
- (d) the period up to the likely retirement age of the person dismissed and any entitlement to a pension which he may then have;
- (e) the degree of unfairness of the dismissal; and
- (f) such other matters as may be prescribed.

(3) The amount of an award of compensation under subsection (1) shall not exceed one week's wages for each completed year of service and shall not exceed twelve weeks' wages in aggregate.

(4) In the case of any action before any court in respect of a dismissal for which an award has been made under subsection (1), the court shall, in making any award of damages, take into account and deduct from the award of damages any sum awarded by the Director under subsection (1).

PART 6

HEALTH, SAFETY AND WELFARE AT WORK

General Application

49. (1) Except as is otherwise indicated herein, the provisions of this part shall apply to all workplaces.

(2) The Governor may by regulations extend the application

of the provisions of this Part to such installations or operations as may not be within the definition of "workplace", but to which it appears reasonable to extend it.

(3) Except where otherwise expressly provided, the provisions of this Part shall be in addition to, and not in substitution for or diminution of, the provisions of any other Law and of the Common Law.

Registration of work
places

50. (1) Every person who operates a workplace on the date on which this Law comes into force, shall, within one month thereafter, file with the Director a written notice stating the particulars prescribed in subsection (3), and every person who commences to operate a workplace subsequent to the date on which this Law comes into force shall, within one month of such commencement, file a similar notice.

(2) Whenever there is a material change in any of the particulars appearing in any notice filed under subsection (1), the person operating the workplace shall within one month of it taking place file with the Director a written notice setting forth such change.

(3) The particulars to be submitted by the operator of a workplace are -

- (a) the name of the operator of the workplace;
- (b) the address and location of the workplace;
- (c) a brief description of the work carried on in the workplace;
- (d) whether machines are used, and, if so, their nature;
- (e) the total number of persons employed in the workplace; and
- (f) where persons are employed in shifts, the maximum number employed at any one time.

General duty of
employers

51. It shall be the duty of every employer to ensure so far as is reasonably practicable the health, safety and welfare at work of his employees.

Health

52. For the purpose of safeguarding the health of persons employed or performing any duty therein, the operator of every workplace shall -

- (a) keep it in a clean state;
- (b) keep it from becoming overcrowded;
- (c) maintain a reasonable temperature therein appropriate to the type of work being performed;
- (d) provide adequate ventilation therein;
- (e) provide adequate lighting therein;

- (f) provide, where appropriate, effective means for draining floors; and
- (g) provide suitable and sufficient sanitary conveniences.

Safety

53. For the purpose of ensuring the safety of persons employed or performing any duty therein, the operator of every workplace shall ensure that -

- (a) adequate measures are taken for the prevention of fire therein;
- (b) adequate means of escape are provided for persons employed therein;
- (c) machinery used therein is operated and maintained in such a manner as to be safe for all employees; and
- (d) Any and all buildings comprised in the workplace and all parts thereof are of sound construction and properly maintained.

Welfare

54. For the purpose of contributing to the welfare of persons employed or performing any duty therein, the operator of every workplace shall ensure that -

- (a) there is an adequate supply of wholesome drinking water;
- (b) such facilities, as are reasonable under the circumstances, for employed persons to sit during the course of their employment, are provided and maintained;
- (c) readily accessible first aid equipment is provided and maintained; and
- (d) such other facilities (such as canteens, mess rooms and rest rooms) as are reasonable under the circumstances are provided and maintained.

Special protective measures

55. It shall be the responsibility of the operator of every workplace to ensure that -

- (a) no person shall be permitted to partake of food or drink in any room where any lead, arsenic or other poisonous substance is used;
- (b) suitable goggles or protective screens are provided to protect the eyes of any persons employed in a process involving a special risk of injury to the eyes;
- (c) where a work process involves a reasonable possibility of injury to other parts of an employee's body, suitable protective equipment is furnished;
- (d) where persons are employed in any process involving exposure to wet or to any injurious or offensive substance, suitable protective clothing and appliances are provided and maintained; and
- (e) where a process involves heat or steam, facilities adequate to protect workers therefrom are provided and maintained.

Notification of accidents

56. The operator of every workplace shall forthwith notify the Director of any industrial accident not of a minor nature which occurs within the workplace or to any person in the employment of the operator and also of the occurrence of any occupational disease among any person or persons in his employment.

Duties of persons employed

57. (1) Any person employed in a workplace shall make use of all means, appliances, conveniences or other things provided in pursuance of this Law for the health, safety or welfare of employees, to the extent that his employment involves its use.

(2) No employee shall wilfully interfere with, misuse, or damage any such means, appliance, convenience or other things provided in pursuance of this Law.

(3) No employee shall wilfully and without reasonable cause do anything likely to endanger himself or others.

(4) All employers shall follow any procedures in respect of any particular substances or materials prescribed in regulations made under this Law.

Remedial notices

58. (1) For the purposes of the enforcement of the provisions of this part the Director may, where he is of the opinion that any steps are required to be taken by any person to ensure compliance with the provisions of this Part or of any regulations made hereunder, serve upon that person a notice, hereafter referred to as a "remedial notice."

(2) A remedial notice shall state the requirement of this Part to which it relates, the steps to be taken and the time within which such steps must be taken.

(3) Any person served with a remedial notice may appeal against the issue of such notice to the Appeals Tribunal in accordance with the provisions of section 70. Subject to subsection (4) any such appeal shall operate as a stay of the requirements of the notice pending the determination of the appeal. Where the notice is upheld the Appeals Tribunal shall fix such further time for compliance with the notice as may seem to it appropriate.

(4) Notwithstanding subsection (3) or subsection (3) of section 70, where the Director, after consultation with the Chief Environmental Health Officer, is of the opinion that there exists an imminent danger to the health or safety of employees he may state that opinion in the remedial notice, in which case the operation of such notice shall not be automatically stayed by reason of any appeal, but any person proposing to appeal against the issue of such notice may apply forthwith to the Grand Court for a stay of the effect of the notice pending the hearing of the appeal and the Grand Court may

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General duties of employers

Health

grant such a stay upon such terms as may to it seem just, including the requirement that any works be carried out or that any appeal be brought with specified time limits.

(5) Without prejudice to the generality of subsection (1) a remedial notice may require:

- (a) the cessation, immediate or otherwise, of any activity, operation or process;
- (b) the vacation, immediately or otherwise, of any premises;
- (c) the alteration of any premises or plant; or
- (d) the introduction of such temporary measures as may be expedient pending the institution or completion of permanent measures.

(6) The Director shall not serve a remedial notice that requires the closure of a workplace unless he has first obtained the consent in writing of the Member.

Offences against Part 59

59. (1) Any employer who contravenes the general duty imposed by section 51 is guilty of an offence.

(2) Any operator of a workplace who fails to discharge any obligation imposed upon him by section 51, 52, 53, 54, 55 or 56 is guilty of an offence.

(3) Any employee who contravenes any of the provisions of section 57 is guilty of an offence.

(4) Any person served with a remedial notice who fails to comply with the requirements thereof within the time specified therein, or within such further period as the Appeals Tribunal may allow under section 58(3), is guilty of an offence and is liable on summary conviction to a fine not exceeding one hundred dollars and to a further fine not exceeding fifty dollars per day for each day on which non compliance occurs after conviction.

(5) Where an act or default for which an employer or the operator of a workplace is liable is in fact the act or default of some other person, that other person shall also be guilty of an offence and liable to the same penalty as if he were the employer or operator.

Responsibility for enforcement

60. The Director shall investigate complaints of violations of this Part and, on a regular basis, make routine checks of employers' compliance therewith.

Time for commencement of prosecution

61. Notwithstanding the provisions of any other law to the contrary, where, with respect to and in consequence of any accident in a workplace, a report is made by an authority appointed to hold a formal investigation under any law, or a coroner's inquest is held, and it appears from the report or from the proceedings at the inquest

that any of the provisions of this Part or any regulations made hereunder were not complied with at or before the time of the accident, summary proceeding against any person liable to be proceeded against in respect of such non-compliance may be commenced at any time within six months after the making of the report or the conclusion of the inquest as the case may be.

Power of the Courts to modify agreements and apportion expenses.

62. In any premises the whole or any part of which has been let or is being used as a workplace -

- (a) where an agreement between the owner and the operator of the workplace prevents one or other from making alterations in the premises which are necessary to conform to any requirement or standard imposed by or under this Part or any regulations made hereunder, the Grand Court, upon the application of either party in an action joining the other, may after a hearing issue an order setting aside or modifying the agreement to permit the making of the necessary alterations; and
- (b) where alterations in the premises are necessary to conform to any requirement or standard imposed by this Part or any regulations made hereunder, the Grand Court, upon the application of the owner or the operator of the workplace in an action joining the other, may after a hearing issue an order apportioning the expenses of any such alterations.

Power to make regulations.

63. The Governor may make regulations prescribing -

- (a) the standards to be achieved in respect of any of the obligations of this Part, or the methods required to attain them;
- (b) special conditions, safeguards or procedures to be applied to any particular substances or materials;
- (c) safety measures to be taken in respect of machinery either generally or of any specified type, including but not limited to the fencing of such machinery or of any parts thereof;
- (d) safety measures to be taken in respect of any process, activity or operation of any type whatsoever; and
- (e) substances the use of which is prohibited.

PART 7

ADMINISTRATION

Appointment of Director and inspector.

64. (1) There shall be established a Labour Office, comprising the Director of Labour, and such number of inspectors as may be necessary for the due administration of this Law.

(2) The Director and inspectors shall be employed by the Government of the Cayman Islands, and their appointment and terms and conditions of employment shall be subject to the Public Service Commission Law and any Regulations made thereunder and to the General Orders in force from time to time.

(3) The expense of establishing the Labour Office and all expenses arising out of or incidental to the performance of its functions shall be borne out of the general revenue of the Cayman Islands

Responsibilities of Director

65. Whether or not a complaint has been filed the Director shall be charged with securing the proper observance of the provisions of this Law.

Powers of Director and inspectors

66. (1) The Director and any inspector shall for the performance of their functions under this Law have power -

- (a) to enter any workplace without previous notice at any time during the working hours of that particular workplace;
- (b) to carry out any examination, test, or inquiry which he may consider necessary to satisfy himself that the provisions of this Law are being observed;
- (c) to question, alone or in the presence of witnesses, any employer or employee on any matters concerning the application of this Law; and
- (d) to require the production of any records or documents required to be maintained by the provisions of this Law and to copy or make abstracts of any such records or documents.

(2) The Director and any inspector may institute criminal proceedings for any offence under this Law, and may appear before the Summary Court to conduct the prosecution in respect of any such offence.

Procedure to be followed on a complaint to Director

67. (1) Upon receipt of a complaint the Director shall within seven days notify the employer concerned, and shall give him a copy of the complaint and of any documents filed in support thereof, and shall invite his written representations upon the complaint.

(2) At the expiry of twenty-one days from receipt of the complaint the Director shall fix a date for a hearing, being not less than one month nor more than three months from then.

(3) The date of the hearing shall be notified forthwith to the employee and to the employer, who shall both be invited to attend.

(4) The Governor may make regulations prescribing the procedure to be followed at any hearing to be held in accordance with

subsection (2), but in default of such regulations the Director shall determine the procedure to be followed.

(5) If any party fails to attend the hearing the Director shall nevertheless hear any other party attending, and shall proceed to consider the case on the basis of the complaint, the hearing and any written representations made by the party failing to attend.

(6) The Director shall give a reasoned decision in writing within twenty-eight days of the conclusion of the hearing. A copy of his decision shall be delivered to all parties invited to attend under subsection (3).

(7) The decision of the Director upon a complaint shall, subject to section 70, be final and binding between the parties.

68. (1) Subject to subsection (3) of section 70, any refusal to comply with any decision of the Director made under section 41 (severance pay) or section 48 (unfair dismissal) is an offence.

(2) An award made by the Director under section 41 (severance pay) or section 48 (unfair dismissal) may be enforced in like manner to a judgment of the Grand Court for the payment of a sum of money.

69. (1) There shall be established an Appeals Tribunal, consisting of a Chairman and two other members, for the purpose of hearing appeals against decisions of the Director pursuant to section 70.

(2) The members of the Tribunal shall be appointed by the Governor, and shall hold office for a period of one year, but may be re-appointed from time to time for such further periods of one year as the Governor may consider appropriate.

70. (1) Any person aggrieved by -

- (a) any decision of the Director upon a complaint where the award exceeds five hundred dollars; or
- (b) the service of a remedial;

may, within fourteen days of notification of the decision or service of the notice, appeal to the Appeals Tribunal provided that an employee may appeal an award of less than five hundred dollars where he claims that the award should have exceeded five hundred dollars.

(2) An appeal under subsection (1) shall be brought by giving notice in writing to the chairman of the Appeals Tribunal.

(3) The giving of a notice of appeal pursuant to subsection (2) shall operate as a stay upon any award made by the Director.

68. (1) Subject to subsection (3) of section 70, any refusal to comply with any decision of the Director made under section 41 (severance pay) or section 48 (unfair dismissal) is an offence.

69. (1) There shall be established an Appeals Tribunal, consisting of a Chairman and two other members, for the purpose of hearing appeals against decisions of the Director pursuant to section 70.

Power
regulation

Appeals from decisions
of Director

Appointer
Director &
inspector.

(4) The notice of appeal under subsection (2) shall also be served upon the Director, and in the case of an appeal from a decision of the Director upon a complaint, upon all persons who were invited to appear before the Director under section 67 (3).

(5) Upon receipt of a notice the Chairman of the Tribunal shall fix a date for the hearing of the appeal, being not less than one month nor more than three months from the date of his receipt of the notice of appeal, and shall give notice of that date forthwith to the appellant and to all parties who were entitled to receive the notice of appeal pursuant to subsection (4).

(6) All persons entitled to receive the notice of appeal pursuant to subsection (4) shall be entitled to appear at and be heard upon the hearing of the appeal, or upon any adjourned hearing.

(7) The Governor may prescribe the procedure to be followed at the hearing of an appeal under this section, but in default of such prescription the procedure shall be at the discretion of the Chairman of the Tribunal.

(8) Within twenty-eight days from the conclusion of the hearing of the appeal the Tribunal shall reach a decision upon the appeal and shall deliver a notification of that decision, together with written reasons therefore, to every party who appeared at the hearing of the appeal.

(9) The decision of the Tribunal upon an appeal shall, subject to section 71, be final and binding upon all parties.

Appeals to Grand Court

71. (1) An appeal may be made to the Grand Court from a decision of the Appeals Tribunal upon a point of law only.

(2) Subject to subsection (1) no decision of the Director or the Appeal Tribunal shall be open to challenge or review in any Court of Law upon any grounds whatsoever.

(3) An appeal pursuant to subsection (1) shall not operate as a stay of any award, order or decision of the Director or the Appeals Tribunal, or of the effect of any notice, unless the Grand Court so orders.

(4) An application for a stay shall be made by ex parte application.

PART 8

GENERAL PENALTIES AND MISCELLANEOUS

Discrimination
because of race, etc

72. (1) No person (whether an employer or an employee) shall discriminate with respect to any person's hire, promotion, dismissal,

tenure, wages, hours or other conditions of employment, by reason of race, colour, creed, sex, age or political beliefs

(2) Subsection (1) shall not be construed as prohibiting the taking of any personnel action genuinely related to an employee's ability to discharge the duties of the employment in question.

(3) Any person who contravenes the requirements of subsection (1) is guilty of an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding twelve months, or to both.

Penalties

73. (1) Every person who commits an offence against this Law or any regulations made hereunder for which no other penalty is provided is liable on summary conviction for a first offence to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or to both, and in the case of a second or subsequent offence to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding twelve months, or to both.

(2) Where any provision of this Law creates a continuing offence, then in addition to the penalty under subsection (1) any person who commits such an offence shall be liable to a further fine not exceeding fifty dollars for every day or part of a day during which the offence has continued.

Specific offences

74. (1) Any person who -

- (a) wilfully makes a false entry in any register, notice, certificate, or document required by, under, or for the purposes of this Law or any regulations made hereunder to be kept or served or sent;
- (b) wilfully makes or signs a false declaration required by, under, or for the purposes of this law or any regulation or order hereunder; or
- (c) knowingly makes use of any such false entry or declaration as aforesaid,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding twelve months, or to both.

(2) Any person who —

- (a) obstructs or delays the Director or an inspector in the due exercise of any power conferred on him by or under this Law;
- (b) refuses to answer or falsely answers, any inquiry authorised by or under this Law;
- (c) fails to produce any register, book, document or other record he is required by or under this Law to produce; or
- (d) prevents, or attempts to prevent, any person from

appearing before or being examined by the Director or an inspector.

shall be guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months, or to both; and, in the case of a second or subsequent conviction within two years from the last conviction for a previous offence to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding twelve months, or to both.

Special provisions as to evidence

75. Where an entry in a register or record is required to be made by this Law, or any regulation made hereunder, by or on behalf of an employer or the operator of a workplace, any such entry shall be admissible against him in any proceedings as evidence of the facts stated in it.

Service and sending of documents

76. (1) Any notice, complaint, decision or other document required or authorised to be served under this Law may be served on any person by sending it by prepaid registered post to his last known address, or -

- (a) on any individual by handing it to him, or by leaving it at his residence;
- (b) on any firm by handing it to any partner thereof, or by leaving it at the principal place of business of such firm;
- (c) on any limited company by handing it to an officer of the company, or by leaving it at its registered office;
- (d) on the operator of a workplace (even though it be a limited company) in any such manner as aforesaid.

(2) Any such document intended to be served upon the operator of the workplace may be addressed to "the operator" at the proper address of the workplace without further name or description.

(3) The foregoing provisions of this section shall apply (with the necessary modifications) to the sending of any documents required or authorised to be sent under this Law.

General regulation making power

77. (1) The Governor may make regulations for carrying the provisions of this Law into effect, for prescribing all matters or things which are required or permitted to be prescribed under this Law and, without prejudice to the generality of the foregoing, for -

- (a) prescribing the form of any notice, application, complaint or other document required by this Law;
- (b) varying any time periods established or required by this Law.

(2) Any regulations made under this Law may create offences, the maximum penalty for which shall not exceed that set by section 73.

Repeals

Cap. 95
Cap. 104
Cap. 174

78. (1) The following Laws are repealed -

- (a) the Masters and Servants Law;
- (b) the Minimum Wage Law; and
- (c) the Truck Law.

Passed the Legislative Assembly this 9th day of December, 1987.

ALAN SCOTT
President.

GEORGETTE MYRIE
Clerk of the Legislative Assembly.