

CAYMAN ISLANDS



Labour Law

LABOUR RELATIONS BOARD REGULATIONS, 1997

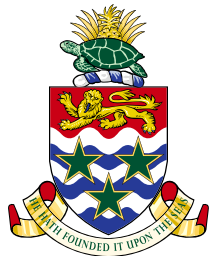
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Arrangement of Regulations

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**LABOUR RELATIONS BOARD REGULATIONS,
1997**

(SL 2 of 1997)

The Governor in Council, in exercise of the powers conferred in sections 72 and 84 of the Labour Law (1996 Revision) makes the following Regulations —

Title

1. These Regulations may be cited as the Labour Relations Board Regulations, 1997.

Definitions

2. In these Regulations unless the context otherwise requires —

“**Board**” means the Labour Relations Board established under section 72 of the Law;

“**member**” means a member of the Board and includes the Chairman; “**Law**” means the *Labour Law (1996 Revision)*;

“**secretary**” means the secretary to the Board appointed under regulation 13;

“**Tribunal**” means a Labour Tribunal established under section 73 of the Law.

Members’ terms of office

3. (1) The members shall, subject to subregulation (2), hold office for a period not exceeding 2 years and shall be eligible for reappointment for further periods of 2 years.

- (2) For the first period of office following the commencement of these Regulations, in the interests of obtaining continuity of policy, the Governor shall appoint one half of the members for a period of one half of the normal period of service.

Election of Deputy Chairman

4. The Board shall, every year, elect from among their members a deputy chairman who shall, in the absence of the chairman, preside at all meetings of the Board, and shall have all the powers and exercise all the functions of the chairman.

Substitutes

5. (1) In the case of a member being either absent or unable to attend the Governor may appoint a person to act temporarily in his place.
(2) Persons appointed to act as substitutes under subregulation (1) shall be representative of the same class of interests, for the purposes of section 72(2) of the Law, as the members in place of whom they are appointed to act.

Resignations

6. A member may at any time resign his office, and such resignation shall take effect from the date of receipt by the Governor of written notice thereof.

Revocation of appointment

7. The Governor may at any time revoke the appointment of a member.

Meetings

8. (1) The Board shall meet as may be necessary or expedient for the transaction of business, and such meetings shall be held at such places and times and on such days as the Chairman shall determine.
(2) The quorum of the Board shall be 5 members.
(3) If both the Chairman and the deputy Chairman are absent from a meeting the other members shall elect one of their number to preside over them for the duration of that meeting.
(4) The decisions of the Board shall be by a majority of votes of members present and voting, and in addition to an original vote, the member presiding shall have a second or casting vote in any case in which the voting is equal.
(5) The validity of any proceedings of the Board shall not be affected by any vacancy among the members or by any defect in the appointment of a member.
(6) A record of the decisions reached at each meeting of the Board, and the reasons for reaching such decisions, shall be kept by the secretary and shall be confirmed as early as possible at the next subsequent meeting of the Board by such members present as were present at the original meeting.



- (7) Subject to the provisions of the Law and to Regulations made under it, the Board shall have powers to regulate their own proceedings.

Members' remuneration

9. Those members who are not public officers shall receive such remuneration in respect of each meeting attended, and the Chairman and the deputy Chairman shall receive such additional remuneration, as the Governor shall determine by regulations made under section 84 of the Law.

Pecuniary interests

10. (1) Subject to the provisions of regulation 12, if a member has pecuniary interest, direct or indirect, in any issue or matter and is present at a meeting of the board at which the issue or matter is the subject of consideration, he shall at the meeting and as soon as practicable after its commencement disclose the fact and shall not take part in the consideration or discussion of the issue or matter or vote on any question with respect to it and shall be excluded from the meeting for the duration of the consideration, discussion and voting procedure.
- (2) If any person fails to comply with the provisions of subregulation(1) he shall be guilty of an offence and liable on summary conviction to a fine not exceeding \$2,500 or imprisonment for a term not exceeding 6 months, or both, unless he proves that he did not know that the issue or matter in which he had a pecuniary interest was the subject of consideration at that meeting.
- (3) If any person is convicted of an offence under subregulation (2), his appointment to the Board shall automatically be revoked and he shall not be eligible for re-appointment at any time in the future.
- (4) A disclosure under subregulation (1) shall be recorded in the minutes of the board

Pecuniary interests for the purposes of regulation 10

11. (1) For the purposes of regulation 10 a member shall be treated, subject to the following provisions. of this regulation, and to -regulation -12 - as. having indirectly a pecuniary interest in an issue or matter if —
- (a) he or any nominee of his is a member or director of a company or other body which is a party to the issue or which has a direct pecuniary interest in the matter under consideration;
- (b) he is a partner, or is in the employment, of a person who is a party to the issue or who has a direct pecuniary interest in the matter under consideration; or
- (c) he, or any partner of his is a professional adviser to a person who has a director indirect pecuniary interest in the issue or matter.

- (2) Subparagraph (1) does not apply to membership of or employment under any public body, and a member of a company or other body shall not by reason only of his membership be treated as having an interest in an issue or matter if he has no beneficial interest in any securities of that company or other body.
- (3) In the case of married persons the interest of one spouse shall be deemed for the purpose of regulation 10 to be also the interest of the other.

Exclusion of disability, etc.

- 12.** (1) Regulation 10 does not apply to an interest in an issue or matter which a member has as a member of the public.
- (2) Where a member has an indirect pecuniary interest in an issue or matter by reason only of a beneficial interest in securities of a company or other body, and the nominal value of those securities does not exceed \$ 1,000 or one-thousandth of the total nominal value of the issued share capital of the company or other body, whichever is the less, and if the share capital is of more than one class, the total nominal value of shares of any one class in which he has a beneficial interest does not exceed one-thousandth of the total issued share capital of that class, regulation 10 shall not prohibit him from taking part in the consideration or discussion of the issue or matter or from voting on any question with respect to it, without prejudice, however, to his duty to disclose his interest.

Secretary and staff

- 13.** (1) There may be appointed a secretary to the Board and such other staff as from time to time are necessary for the purposes of the carrying out of the functions of the Board.
- (2) The secretary and support staff shall be public officers as defined in section 5 of the Cayman Islands (Constitution) Order, 1972, and shall be under the direction and control of the Director.

Expenses

- 14.** The expenses of the formation and administration of the Board and of and incidental to the performance of its functions shall be borne out of the general revenue of the Islands.

Services provided by the Board

- 15.** The Board shall provide the following services in addition to those authorised by the Law —
- (a) overseeing the processing, according to the Law and regulations, of all complaints made to the Director including their settlement, adjudication or referral to a Tribunal;



- (b) administering the processing of all other matters referred to them by the Director, including their settlement, mediation or adjudication;
- (c) consultation and liaison with employers and employees and their representatives in respect of all complaints and other matters that may be referred to or considered by the Director or the Tribunals;
- (d) the establishment of arrangements and procedures to identify trends, and to undertake and publish the results of research, relating to employment matters in the Islands; and

Confidentiality

- 16.** (1) Subject to subregulation (2), a person who is a member, officer, employee, agent or adviser of the Board and who discloses any information relating to —
- (a) the affairs of the Board; or
 - (b) any matter referred or any application made to the Board or the Director under the provisions of the Law or of these Regulations; or
 - (c) any proceedings before or considered by the Board or the Director; or
 - (d) the affairs of any employer or employee,
- that he has acquired in the course of his duties or in the exercise of the Board's functions under the Law or these regulations, commits an offence and is liable on summary conviction to a fine not exceeding \$2,500 and to imprisonment for a term not exceeding 6 months, or both.
- (2) Subregulation (1) does not apply to a disclosure —
- (a) lawfully required or permitted by any court of competent jurisdiction within the Islands; or
 - (b) lawfully required by the Minister responsible for the time being for employment ;
 - (c) for the purpose of assisting the Board to exercise any functions conferred on them by the Law or by these regulations or by any other Law or by regulations made thereunder; or
 - (d) in respect of the affairs of an employer, employee, or of any other person, with the consent of such employer, employee or person, as the case may be, which consent has been voluntarily given; or
 - (e) if the information disclosed is or has been available to the public from any other source; or
 - (f) where the information disclosed is in a summary or in statistics expressed in a manner that does not enable the identity of any person to which the information relates to be ascertained;
 - (g) lawfully required by any person or authority;

- (h) made to a constable investigating an offence committed or alleged to have been committed within the Islands; or
- (i) made to a constable where it appears .to the person making then disclosure that an offence has been committed.

Status of decisions

- 17.** All decisions by or on behalf of the Board or the Director in the adjudication of complaints and other issues made under the Law or these Regulations shall be judicial and not administrative decisions and shall be communicated, with the reasons for the decision, in writing, and shall inform the parties of their rights of appeal, if any.

Immunity

- 18.** Neither the Board, nor any member shall be liable in damages for anything done or omitted in the discharge or purported discharge of their respective functions under the Law or these regulations unless it is shown that the act or omission was in bad faith.

Made in Council this 4th day of March, 1997.

C.H.PARSONS

Clerk of the Executive Council.

