

CAYMAN ISLANDS



Supplement No. 7 published with Gazette No. 21 of 8th October, 2012.

LABOUR LAW

(2011 REVISION)

LABOUR TRIBUNALS REGULATIONS

(2012 REVISION)

Revised under the authority of the Law Revision Law (1999 Revision).

Labour Tribunals Regulations (2012 Revision)

The Labour Tribunals Regulations, 1997 made the 4th March, 1997 consolidated with the Labour Tribunals (Amendment) Regulations, 2011 made the 26th April, 2011.

Consolidated and revised this 31st day of July, 2012.

LABOUR TRIBUNALS REGULATIONS

(2012 Revision)

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LABOUR TRIBUNALS REGULATIONS

(2012 Revision)

1. These Regulations may be cited as the Labour Tribunals Regulations (2012 Revision). Citation

2. In these Regulations unless the context otherwise requires- Definitions
“member” means a member of a tribunal and includes a Chairman;
“Law” means the Labour Law (2011 Revision);
“tribunal” means a Labour Tribunal established under section 74 of the Law.

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

(2) For the first period of office following the coming into force of these Regulations, in the interests of obtaining continuity of policy and experience, the Governor shall appoint members other than the chairman for a period of one half of the period for which he appoints the chairmen of tribunals.

4. Where a member is absent or unable to attend a meeting of a tribunal the Governor may appoint a person to act temporarily in his place. Substitutes

5. 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. Resignations

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

7. (1) Each tribunal shall meet as often 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 of the tribunal shall determine. Meetings

(2) The quorum of each tribunal shall be two members.

(3) The chairman of a tribunal, or in his absence the deputy chairman, shall preside over every meeting of the tribunal.

(4) The decisions of each tribunal 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 the proceedings of a tribunal 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 proceedings and of the decisions reached at each meeting of each tribunal, and the reasons for reaching such decisions, shall be kept by the tribunal and shall be available for inspection by the parties to the proceedings.

(7) Subject to the provisions of the Law and to Regulations made under it, each tribunal shall have powers to regulate its own proceedings.

Pecuniary interests

8. (1) Subject to the provisions of regulation 10 if a member has any pecuniary interest, direct or indirect, in any issue or proceedings and is present at a meeting of the tribunal at which the issue or proceedings 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 proceedings 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 commits an offence and is liable on summary conviction to a fine not exceeding \$2,500 or to imprisonment for a term not exceeding six months, or both unless he proves that he did not know that the issue or proceedings 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 tribunal 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 record of the proceedings.

Pecuniary interests for the purposes of regulation 8

9. (1) For the purposes of regulation 8 a member shall be treated, subject to the following provisions of this section, and to regulation 10 as having indirectly a pecuniary interest in an issue or proceedings if-

- (a) he or any nominee of his is a member or a director of a company or other body which is a party to, or which has a direct pecuniary interest in, the issue or proceedings under consideration;

- (b) he is a partner, or is in the employment, of a person who is a party to, or who has a direct pecuniary interest in the issue or proceedings under consideration; or
- (c) he, or any partner of his is a professional adviser to a person who has a direct or indirect pecuniary interest in the issue or proceedings.

(2) In the case of married persons the interest of one spouse shall be deemed for the purpose of regulation 8 to be also the interest of the other.

10. (1) Where the member or members of a tribunal disabled by regulation 8 at any one time form so great a proportion of the whole as to impede the transaction of business, the issue or matter shall be transferred to another tribunal.

Pecuniary interests -
ancillary provisions

(2) Regulation 8 does not apply to an interest in an issue or matter which a member has as a member of the public.

(3) 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 8 shall not prohibit him from taking part in the consideration or discussion of the issue or proceedings or from voting on any question with respect to them, without prejudice, however, to his duty to disclose his interest.

11. The administrative support to and secretarial services of the tribunals shall be provided by the public officers appointed to provide secretarial and support services to the tribunals under regulations made under section 72 of the Law.

Secretary and staff

Publication in consolidated and revised form authorised by the Governor in Cabinet this 18th day of September, 2012.

Kim Bullings
Clerk of Cabinet

(Price \$ 2.40)

(Price \$ 1.60)