



Agreement Signed In Spite of Objections

As far back as November 2014, the People's Campaign has been requesting that the Government look at "Comprehensive Immigration Reform, and to that end sent a letter to Premier Michael Dunkley on November 24, 2014 requesting to meet with the Premier to discuss the matter. The concerns raised by the People's Campaign have been echoed by the Opposition PLP, the Bermuda Trade Union Congress and others. However, in spite of the concerns raised, in February 2016 the OBA Government placed the "Immigration and Protection Act 2016" on the table to be debated in the House of Assembly which raised the ire of many in the community. In response, the Immigration Reform Action Group (IRAG) was formed and their first display of "civil disobedience" took place in the public gallery of the House of Assembly on Friday, February 12, 2016 when members of the group chanted "Say no to OBA immigration reform".

On Monday, March 7, 2016, MP Walton Brown Jr. launched a motion in the House of Parliament to counter the Government's amendment to the Immigration and Protection Act. MP Brown's motion read as follows:

Motion Adjourn Matter of Urgent Public Importance



"WHEREAS the public welfare is now challenged by proposed amendments to immigration law and the likelihood for growing and sustained unrest increases daily;

AND WHEREAS there is a need for an inclusive approach for the betterment of Bermuda on such law; accompanied by the movement away from brinkmanship dispositions;

BE IT RESOLVED that, pursuant to Part IV of the Parliament Act 1957, a parliamentary Joint Select Committee be appointed (1) to examine the wide range of issues involved in comprehensive immigration reform; (2) to propose for the consideration of Parliament

a set of comprehensive immigration reform measures; (3) and to submit its report within six months.

BE IT FURTHER RESOLVED that this report be consulted by Members of the Legislature prior to any Bill being tabled dealing with the subject matter.

The motion was defeated with all OBA members voting against the motion and all PLP members voting for the motion.

Shortly after the motion was defeated, IRAG then called on the Government to withdraw "the Bill" entitled the "Bermuda Immigration and Protection Amendment Act 2016" and to agree to a bipartisan

continued on page 12



Sol Signing



The BIU and Sol Petroleum signed a new three year Collective Agreement on February 5, 2016. Shown from left to right: Brother Chris Furbert, BIU President, Jonathan Brewin Sol's Chief Executive Officer, Brother Graham Nesbitt, Organiser, Nicholas Ball, Sol's Operations Manager, Brothers Edward Majors and Rupert Earl Smith, BIU Shop Stewards and Sister H. Molly Burgess, BIU General Secretary. ■



In Memoriam

**Kenyetta
"Burning Spear"
Young**

October 24, 1942 – April 4, 2015

"And God shall wipe away all tears from their eyes; and there shall be no more death, neither sorrow, nor crying, neither shall there be any more pain: for the former things are passed away."
– Revelations 21.4

Lovingly remembered by his wife, Carolyn "Curls" Young and family.

THE WORKERS VOICE

PUBLISHED BY THE
Bermuda Industrial Union
49 Union Square
Hamilton HM 12
Bermuda

T (441) 292-0044
F (441) 295-7992
E ifubert@biu.bm

EDITOR
Arnold Smith
ALS@btc.bm

ASSISTANT EDITOR
LaVerne Furbert
lfubert@biu.bm

LAYOUT AND DESIGN
Phaedra Howes

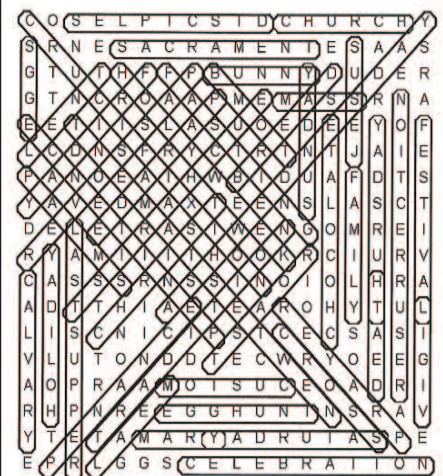
GENERAL COUNCIL REPRESENTATIVES
Shirlene Simons
David Bean

PRINTED BY
The Bermuda Industrial Union

PUZZLE • SOLUTION

EASTER

This is the solution to the puzzle located [here](#).



- | | | | |
|---------------|------------|---------------|--------------|
| ASH WEDNESDAY | DEATH | JESUS | PENITENCE |
| BREAD | DISCIPLES | LAST SUPPER | PRAYER |
| BUNNY | EGG HUNT | LENT | RESURRECTION |
| CALVARY | EGGS | MARY | ROAST |
| CELEBRATION | EUCCHARIST | MASS | SACRAMENT |
| CHOCOLATE | FAMILY | MEAL | SATURDAY |
| CHRIST | FASTING | NEW TESTAMENT | SUNDAY |
| CHURCH | FESTIVAL | PALMS | THURSDAY |
| CROSS | FRIDAY | PARADE | TOMB |
| CRUCIFIXION | HOLIDAY | PASSOVER | TRADITION |
| CUSTOM | HOLY WEEK | PENANCE | VIGIL |

Critics of the Agreement Do Not Understand What the Protest was About

In my opinion those critics of the “Agreement” reached on Thursday, March 17, 2016, really do not have an understanding of what the recent protest was really about and why hundreds, if not thousands of Bermudians congregated on Parliament Hill from Friday, March 11th until Thursday, March 17th. From what I’m reading on social media and by way of conversations with some of my friends, even some PLP Members of Parliament seem to be confused on the issue.

It is my understanding, and has been my understanding for a number of years that the Opposition PLP and others in the community have been calling for comprehensive immigration reform. In his Reply to the Budget Speech in February 2013, Shadow Minister of Finance, David Burt, wrote “Mr. Speaker, we must admit that our immigration system is outdated and broken. Our immigration system operates from a law that was written in 1956! It is from a different time when there was no internet, no globalisation, no class 4 insurers, no home rule, no constitution, no political parties, and a country still segregated. We must modernise because the realities of our situation state that we are going to need external help and assistance to provide a secure and stable future for Bermuda.”

In addition, on June 18, 2014, the People’s Campaign for Equality, Jobs and Justice issued a press statement calling upon the government “to take action regarding the loophole that gives

PRC holders and unintended path to status through a sleeping provision in the Bermuda Immigration and Protection Act 1956”. In response to the aforementioned press statement, Minister of Home Affairs, Senator Michael Fahy told the Senate on July 23, 2014 that “the avenue to Bermuda status for certain PRC holders that was created by the previous government in 2001 will stand”. On July 24, 2014 the People’s Campaign organized a march from Victoria Park to the House Assembly which attracted hundreds of Bermudians. The People’s Campaign called on government to (1) immediately suspend the granting of status based upon (this) legislative loophole; and (1) to work on and be prepared to present a revised policy that would provide a reasonable and fair path to status for PRC holders.

Again, on November 24, 2014, the People’s Campaign wrote a letter to the Premier which included the following requests in regards to “Immigration Policy Reform”. Included in the letter were the following points:

- i) A review of the current Action section by section;
- ii) To begin with a review of the sections dealing with “status”. This would provide a clear outline addressing the issues surrounding long-term residency;
- iii) It was agreed that ALL critical stakeholders would be included in the process;
- iv) The Government would make a public announcement on this matter and a time frame for commencing.



Fast forward to March 7, 2016 when PLP MP, Walton Brown Jr., proposed a motion in response to the Junior Minister of Home Affairs, Sylvan Richards’ proposed motion entitled the “Bermuda Immigration and Protection Amendment Act 2016”. Mr. Brown’s motion called for a “Parliamentary Joint Select Committee to be appointed to (1) examine the wide range issues involved in comprehensive immigration reform; (2) to propose for the consideration of Parliament a set of comprehensive immigration reform measures; (3) and to submit its report within six months”. Mr. Brown’s motion was debated and defeated with every PLP Member of Parliament present voting for the motion and every OBA Member of Parliament voting against the motion.

As all other attempts to get the Government to listen to the concerns of the people of Bermuda went unnoticed, it was proposed that “civil disobedience” would be the order of the day. Several public protests were held, including one in the front of the Government Administration Building, blocking of early

continued on page 15

The Caribbean Maritime Institute (CMI)



Standing: Brother Graham Nesbitt, Organiser; Brother Sinclair Samuels, President, Marine & Ports Division, Brother Chris Furbert, BIU President; Brother George Peets, Divisional Secretary; Mr. Warren Jones, Stevedoring Services CEO, Brother Mark Gibbons, Vice President, Marine & Ports Division. Shown from left to right (seated): Brother Wycliffe Frater, OSHA Trainer/Safety Consultant; Osric Forrest, Director of the School of Advanced Skills; Violet Wright, Quality Assurance Manager and Phillip Matthews, Head of Logistics.

Recently, Executive members of the Caribbean Maritime Institute were in Bermuda to meet with Mr. Warren Jones, CEO of Stevedoring Services Ltd. While on the island they paid a courtesy visit to the BIU and met with BIU President, Brother Chris Furbert and the Executive team of the Marine & Ports Division.

The Caribbean Maritime Institute (CMI) is the premier educational in-

stitution of choice for higher learning, training, research and consultancy in the Western Hemisphere. Born out of co-operation between the Government of Jamaica and the Government of the Kingdom of Norway to train professional seafarers, the Institute has extended its reach globally and is today recognized as a centre of excellence for tertiary maritime education in the Caribbean.

The CMI enjoys the elite status of being the only International approved maritime education and training institution in Jamaica. The recent ISO certification of our quality system by Lloyds of London bears testament to the fact that CMI is a world class institution. The endorsement of our programmes by local and international certifying body has put us on the world stage. ■

The Schism that Haunts the PLP

Rumblings of a divide within the Progressive Labour Party (PLP) which has resulted in some members of the Opposition Shadow Cabinet being dismissed from their positions by the Opposition Leader would indicate that the PLP has to rid itself of the long-standing propensity to engage in splits within the group. This tendency revealed itself at the very origins and beginnings of the PLP when conservative members of that party broke off to join the forming United Bermuda Party. At that time, there was a clearly defined ideological difference between those who wanted to stay with the tenets of the PLP which was a working man's or labour identity to a more conservative or business orientation. Perhaps such a divide was inevitable given the nature of the make-up of the PLP.

Due to Bermuda's racial divide which excluded Bermuda's black population from all higher social and economic levels which was dominated by the white community and which included the political sphere. This had put the black community as a whole in one place. It was only after the white power structure made the political decision to include some elements of the black community in its newly formed United Bermuda Party that we saw the first of the splits that bedeviled the PLP.

As I mentioned the black community as a whole was excluded from the white power structure which included the political sphere, but when the white power structure saw the danger of a united Black front which would challenge their hold on power, they

started to weaken that prospect by opening the door for black membership.

To understand this, we must examine the nature of the make-up of the PLP which included the labour movement and members of the black business community and professional people which included lawyers and the like. It would appear that the black political movement is one single entity, but in fact, it has two elements with itself which drew its leadership from the labour and business structure in the black community. Thus when the architect of the white political structure, Sir Henry Tucker, was able to state with regard to opening the door to black participation in his political party, "We will allow black membership, but they will look like us" and what he meant was that they would share his political view, not so much in a racial sense. So I have shown the basis of the splits that have occurred in the PLP and it is really a natural occurrence.

There are always two sides in the political divide, labour and conservative. We see it in England, the supposed "mother" of parliamentary forms of government and in America, Republican and Democratic, and elsewhere where there is a democratic form of government. What makes it complicated in Bermuda is that due to our racial divide both of these political expressions remain concentrated in the black community. Not all conservative-leaning views or those who held such views, necessarily left to join a conservative political party for ideological reasons. I don't know

THE OTHER ALTERNATIVE



BY ALVIN WILLIAMS

what is behind the current schism within the PLP, but I suspect this has nothing to do with an ideological split, it might be more to do with personal differences. I have not been in the center of the political affairs of the PLP, but I was involved in the last serious split which occurred in the PLP which caused a severe political setback for the party.

On the surface it appeared to be an ideological split but in reality it was a disagreement over who was the leader and in that case, Dame Lois Browne-Evans. Of course the result was the formation of a third political party, the National Liberal Party, which in the end did not gain traction, but did result in a grave political setback for the PLP, now the political opposition, as a whole and political change in Bermuda.

Today the political circumstances are not the same. There is less confusion on the part of the people and this current OBA has introduced so many policies that are deemed to be against the interests of Bermudians, that there is a clear understanding that this government must be removed for

continued on page 19

“The Battle for Women’s Rights is the Unfinished Business of the 21st Century”

Editor’s Note: Below is the text of the speech by former Premier of Bermuda, Dame Jennifer Smith at the 8th Annual International Women’s Day Tea.

Good Afternoon!

Thank you to Sister Laverne Furbert and the Bermuda Industrial Union for inviting me to speak today.

Thank you to Cami Caines for that introduction – and thank you all for coming today.

I follow in a path set in 2008 when former First Lady, Wanda Henton-Brown was the first guest speaker. That path was enlarged by former Cabinet Minister Hon. Kim Wilson, former Cabinet Minister the Hon. Neletha Butterfield, former Premier the Hon. Paula A. Cox, former Assistant Cabinet Secretary Judith Hall-Bean, Rev. Judith Gardner, and Senator Kim Wilkerson.

Should we be surprised that the Bermuda Industrial Union gets a head start on everyone by celebrating International Women’s Day on the Saturday before the rest of the world?

Not at all!

For the women of the Bermuda Industrial Union have been a stronghold. Like their colleagues in the Progressive Labour Party, they have been, and remain, the backbone and the foundation, working alongside their male co-workers for worker’s rights, regardless of gender.



I speak of women like Dr. Barbara Ball – a doctor and a black belt in Karate; Sister Althea DePina; Sister Doreen Lightbourne – who ensured that the Worker’s Voice was always relevant and on topic; Sister Doris (Cholmondeley) Webster; Sister Olive Hewey; Sister Yvonne Broadbelt – an encourager – and Sister Molly – a titan in the struggle. Sister Carolyn Young (my cousin) and Sister Kathy Landy and Sister Ann Pindar – a unionist and a former PLP candidate; who at the 2014 PLP Founder’s Day Luncheon, surprised everyone when she revealed the role that she and Dame Lois had played in helping the PLP to get a written Constitution. And no – we cannot forget Sister Laverne – a champion for workers and voters.

International Women’s Day, was first celebrated in the United States in 1909. Two years later, the idea of an International Women’s Day was launched in Copenhagen and now, it

is celebrated around the world on March 8th every year.

“This lastly, gives us something to think about”

Great improvements have been made!

Resolution 1325 of The United Nations Security Council establishes rights and protection for women and girls during and after armed conflicts.

The Muputo Protocol (2005), which gives women social and political equality with men, control of their reproductive health, an end to female genital mutilation and the right to take part in the political process, was adopted by The African Union as part of the African Charter on Human and People’s Rights.

In 2014, The Council on Europe passed a legally binding instrument designed to prevent and combat

violence against women and domestic violence.

Yes, there are victories to celebrate!

There are women Premiers and Prime Ministers (and maybe a President to come). There are women astronauts and women at the head of Boardroom tables. Today, there are women role models in every sphere of life – yet, we are still not equal.

Women are not paid equally, not represented in equal numbers in business or politics. Globally, women are more likely than men to be poor and illiterate, with less access to property ownership, credit, training and employment; less access to education, and less access to health benefits. And the violence against women continues.

An article in Tuesday's Royal Gazette by Barry Ritholtz, titled "Why don't more women hold top finance jobs?" quoted the following statistics: "...there are now only 20 women chief executives of S&P 500 companies, down from 24 in 2015." "Meanwhile," the author continues, "...studies by Credit Suisse Research Institute have shown that increasing women on corporate boards is associated with better financial performance. McKinsey & Co and Catalyst have reached similar conclusions."

The goal of equality is far more difficult to reach than first imagined.

In 1947, the year I was born, the United Nations established a commission on the Status of Women. As a result of their report, 1975 was declared International Women's Year, with a World Conference on Women held in

Mexico City.

Yet, still, the fight for parity continues. There are countries with a high level of gender equality in one area, but not another. Finland, often praised for its high level of gender parity in public and business life, is described as having a weak legal approach to violence against women. And they are not alone.

Caribbean poet Mutryce A. Williams in a poem published in Caribbean News Now has commented that "The battle for women's rights is the unfinished business of the 21st century".

This premise is supported by the information contained on the United Nations' website, which states:

"Worldwide, women continue to contribute to social, economic, cultural and political achievement. And we have much to celebrate today. But progress towards gender parity has slowed in many places. The World Economic Forum predicted in 2014 that it would take until 2095 to achieve global gender parity. Then, one year later in 2015, they estimated that a slowdown in the already glacial pace of progress mean the gender gap wouldn't close entirely until 2133."

The 2016 United Nations theme "Pledge for Parity" is a timely one.

At its core, Gender Parity is the view that both men and women should receive equal treatment and not be discriminated against based on their gender.

Representation 2020 defines parity as "the point at which women and men

are just as likely to hold elected office."

UNICEF – the United Nations Children's Emergency Fund - describes gender equity as meaning that "women and men, girls and boys, enjoy the same rights, resources, opportunities and protection."

UNFPA – the United Nations Population Fund – notes that "Research has demonstrated that working with men and boys, as well as women and girls to promote gender equity contributes to achieving healthy development outcomes.

This last, gives us something to think about!

I spent last year at Harvard University, enrolled in their Advanced Leaders Fellows Programme, which gave us the ability to take any courses of interest, I signed up for one at the Graduate School of Education; and two at the Kennedy School. One course, at the Centre for Human Rights, was entitled "Human Rights and the Politics of Inclusion"; the other, "Modern Day Slavery and Bonded Labour."

I had never given any thought to the fact that politics determined inclusion. And I learned that the same kind of societal bias that operated against the inclusion of race, also operated against the inclusion of other's claiming rights. I learned that physical handicaps were more accepted than mental handicaps; and blindness was more socially acceptable than deafness.

Right now, in Bermuda today, we are being challenged to offer mental health benefits on parity with physical health

continued on page 15

Is an employer liable for acts of sexual harassment committed by employees?

by Delroy Duncan

In this third and final article in the series of articles on sexual harassment, I will look at a number of questions related to an employer's liability for acts of sexual harassment committed by employees.

These questions are important because many people would say, "How can an employer know what is going on between two employees?" or, "An employer cannot control sexual relations between two adults". You may ask "What happens if an employee is sexually harassed by a supervisor of the company or, did the company provide a written policy prohibiting sexual harassment?" These issues and other topics will be addressed under the following questions:

- I. Does the Human Rights Act 1981 make an employer liable for acts of sexual harassment committed by employees?
- II. When will an employer be liable for sexual harassment committed by a supervisor?
- III. When is sexual harassment considered to have taken place on the job?
- IV. Does a written policy protect an employer from liability for acts of sexual harassment committed by employees?
- I. Does the Human Rights Act 1981 make an employer liable for acts of sexual harassment committed by employees?**

The Human Rights Act 1981 ("the 1981 Act") does not contain a section

which clearly states that an employer will be liable for acts of sexual harassment committed by employees.

Section 6B of the 1981 Act prohibits employers from harassing employees, but does not include a reference to sexual harassment. However, Sections 9 (1) and 9(3) of the 1981 Act are set out below. These sections, when read sepa-



rately and jointly, clearly suggest that an employer can be found liable for acts of sexual harassment committed by supervisors and employees.

9 (1) No person shall abuse any position of authority which he occupies in relation to any other person employed by him or by any concern which employs both of such persons, for the purpose of harassing that other person sexually.

(3) A person who is an employee has a right to freedom in his workplace from sexual harassment by his employer, or by an agent of his employer, or by a fellow employee, and an employer shall take such action as is reasonably necessary to ensure that sexual harassment does not occur in the workplace.

Individuals and employees are personally liable for their acts and omissions. However, in some circumstances, the law of Bermuda will also make an employer liable to compensate employees for sexual harassment caused by another employee when those acts occur during the course of their employment. This approach to making an employer liable for the acts of employees is taken from the general legal principle called *vicarious liability*. Simply stated, *vicarious liability* makes an employer liable for the wrongful conduct of an employee.

Employers should beware, in the recent Bermuda human rights case of Apex Construction Management Limited v Battiston, Mason and Grant decided in April 2015; Chief Justice Kawaley made it plain that the potential liability of an employer for the conduct of an employee was not confined to *vicarious liability*. The case concerned discrimination in relation to employment on the ground of race, however, relying upon the Canadian Supreme Court legal authority *Robichaud v Canada* (Treasury Board) 1987 2 S.C.R. 84, the Chief Justice ruled that the primary purpose of the 1981 Act is to remove discrimination in Bermuda. The law of Bermuda will not be restricted by technical rules applying to vicarious liability when deciding whether an employer is liable for the conduct of supervisors or employees. In such circumstances, the law will be interpreted in a way to ensure relief is given to persons who have suffered unlawful discrimination. This means employers are more likely to be found liable for acts of sexual harassment committed by

continued on page 9

Is an employer liable for acts of sexual harassment committed by employees? continued from page 8

supervisors and employees.

Based upon the Apex Construction case and the Supreme Court of Canada legal authority Robichaud, it appears it is only a matter of time before the Supreme Court of Bermuda hands down a decision in which an employer is held liable for acts of sexual harassment committed by supervisors or employees. The courts of Canada have both extended and expanded the doctrine of vicarious liability to sex discrimination and sexual harassment cases, thus making employers responsible for the conduct of their employees.

II. When will an employer be liable for sexual harassment committed by a supervisor?

Sections 9 (1) and (3) of the 1981 Act clearly cover the potential liability of an employer for acts of sexual harassment suffered by an employee at the hands of a supervisor, or in circumstances where a supervisor does nothing to stop and/or report sexual harassment committed by another employee.

A series of cases decided in Canada suggest how the Courts of Bermuda may consider whether the behavior of a supervisor exposes an employer to liability for sexual harassment.

In Tomkins v Public Service Electric Gas Co. (Tomkins III) (3rd Cir.1977) the Court of Appeal decided that where an employer has actual or constructive knowledge of a supervisor's sexual advances and does not take prompt and appropriate remedial action, the employer may together with the supervisor be held liable for sexual harassment. Constructive knowledge simply means a person is aware of circumstances, which suggest they

know the facts but either ignore the facts or pretend not to see the facts.

In the case of Robichaud v Brennan 1982, 3 C.H.R.R the tribunal found the employer liable for acts of sexual harassment committed by its employee, a member of the management, *primarily because the employer decided not to deal with the complaints of sexual harassment at all.*

The case of Wall v University of Waterloo, (Ontario 1996) 27 C.H.R.R considered what authority a supervisor held over an employee making a complaint of sexual harassment. The Board of Inquiry decided that because the supervisor had authority to make decisions that could seriously affect the employee's position, the supervisor was part of the directing mind of the company. The company was therefore liable for the acts of sexual harassment committed by the supervisor.

Courts and Boards of Inquiry will take the following matters into consideration when determining an employer's liability for sexual harassment committed by a supervisor:

- Was a policy in place to deal with the conduct when the sexual harassment occurred?
- Did the employer have actual or constructive knowledge of the sexual harassment when it occurred?
- Did the employer investigate and appropriately deal with the complaint of sexual harassment?

As stated in a previous article in this series of discussions on sexual harassment, the Courts in Bermuda rely upon decisions handed down from Boards of Inquiry and Courts in Canada, particularly, when the cases are

decided in Ontario. For this reason, one can safely assume, it is only a matter of time before the Courts of Bermuda decide an employer is liable for acts of sexual harassment committed by a supervisor.

III. When is sexual harassment considered to have taken place on the job?

An important question which arises is whether an employer should be concerned with an employee's behaviour during his/her off duty time? In the Canadian Supreme Court case Robichaud v R, 2 S.C.R.84 the Court decided that sexual harassment does not necessarily occur only in the course of employment. The phrase in the course of employment is interpreted broadly to include matters related to employment such as a conference outside the work premises.

The Canadian Courts and tribunals have stated that in the course of employment includes harassment by supervisors during off duty hours. The reasoning has been explained on the basis that if employers can discipline employees for offences committed off duty, such as theft and the use of narcotics, which can damage an employer's business, why shouldn't the same result apply when acts of sexual harassment have been committed by an employee outside working hours?.

IV. Does a written policy protect an employer from liability for acts of sexual harassment committed by employees?

In the Canadian Supreme Court case of Robichaud previously referred to in this article, the Court stated that the existence of a policy against sexual

continued on page 19

The people of Bermuda march in solidarity against the OBA Governments “Immigration and Protection Act 2016”

Friday, March 11, 2016

DAY 1



Monday, March 14, 2016

DAY 2



Tuesday, March 15, 2016

DAY 3



Wednesday, March 16, 2016

DAY 4



Thursday, March 17, 2016

DAY 5



Agreement Signed In Spite of Objections continued from page 1

approach to Immigration Reform. This called was echoed by other groups, including the People's Campaign and various unions. On Thursday, March 10, 2016, the General Council of the BIU called on the people of Bermuda to withdraw their labour in protest on Friday, March 11, 2016 in response to a statement by Premier Dunkley which read in part "The Government proposes that the Bill be debated this session, and should the Bill pass, the implementation date would be later in the summer." Bermudians heeded the call of the General Council and on the next day hundreds of Bermuda gathered on the grounds of the House of Assembly. On Monday, March 14, 2016, the protestors formed a human chain around the perimeter of the House of Assembly which prevented Members of Parliament from entering the building. The protests continued until Thursday, March 17, 2016.

On Thursday, March 17, 2016, an agreement was reached between the Government of Bermuda and the group of protestors led by Brother Chris Furbert, BIU President and others with regards to the Immigration and Protection Amendment Act 2016 (the Bill). The representative group had met with Premier Dunkley and other Cabinet members several times during the week of March 15th but it was not until March 17th that an agreement was reached which was indicated in a letter from Premier Dunkley and signed by Chris Furbert and Crystal Caesar on behalf of those persons who met with the Premier and others.

In spite of the fact that the Immigration Reform Action Group (IRAG), the People's Campaign, the PLP and others had all called for the Government to withdraw the Bill.

The said letter was read to the protestors by Rev. Nicholas Tweed and a show of hands was requested which would indicate the approval or disapproval of the protestors. It was ascertained that the vast majority of people present raised their hands in approval. However, in spite of the numerous hands that went up to show support for the agreement that was reached, there have been many dissenting voices, either on talk radio or social media. One commenter on Facebook wrote "What seems clear is the deal signed is not in the best interest of the protestors/people". Another Facebook user wrote "Not only has it happened once but twice now where people were not present to vote.....but it should have included all the people." In addition to the many comments on Facebook, many people called to the Sherri Simmons show and voiced dissatisfaction with the signed agreement.

The Workers Voice reached out to BPSU President, Brother Jason Hayward and Rev. Nicholas Tweed for their views on the dissatisfaction expressed by some of the gathered protestors. "I think the concerns that persons have are very much genuine. There is seemingly both a lack of trust between the people who protested and the Government", said Brother Jason. "Additionally, there is a lack of trust with the process that will be used moving forward. And because of that lack of trust the agreement which seemingly includes proposed outcomes has been a hard pill to swallow for some".

Brother Jason added "It is also a case of different interest. Some people support the outcomes but are against the process, some are fundamentally against the outcomes regardless of the process, some believe there can't be outcomes without a consultative process and some person wanted to see the Government crumble".

Rev. Tweed's response was as follows: "It is unfortunate that the responses to the agreement that was reached reveal that there appears to have been multiple agendas at work. Based upon my understanding there were two principal issues involved. The first issue had to do with the sense that the process that was used by the government to bring the bill forward was not inclusive of all of the stake holders and those who would be impacted most by the bill. Hence the call for an open, transparent, and inclusive consultative process, that would be inclusive of all the stake holders. The second issue which is related to the first, was that because of the failure to engage in proper consultation the government should withdraw the bill as tabled."

Rev. Tweed concluded "I think in the final analysis people should accept that the bill is withdrawn. The fact that the withdrawal of the bill does not remove the issues the bill was designed to address should not now become a dividing point. It is this recognition that necessitated that an inclusive consultative process was agreed upon that would guarantee that all of the stakeholders would have a place at the table. This will ensure that the concerns of the people are not only heard but protected and is I believe the responsible thing to do." ■

Seaman's Service



The BIU Executive members and members of the Portworkers Division attended the Annual Seaman's Service at the Chapel of Ease in St. David's on Sunday, January 17, 2016. ■



UNION CORNER Magic 102.7 FM

An interactive radio show
Tuesdays from 5:30 pm to 6:30 pm

www.biu.bm



March, 21, 2015

Dear Bermudian People,

We have just experienced a very stressful and challenging episode. But according to the CURB information this is another scheme in an ongoing series of schemes foisted on us by an insidious relentless powerful economic power. We have been given some breathing space by the brave and insightful people amongst us. I think we all can agree that the overwhelming majority of black people viewed that immigration bill with the contempt that it deserved. Even blacks in the government hated it.

Where do we go from here? Will changes in this immigration policy help our people? The answer is undoubtedly yes. However we are faced with as big, if not a bigger problem, and that is the economic state of blacks in this country. If we refuse to see the clear writing on the proverbial wall we are in danger of becoming a permanent underclass in this country.

Remember we are not guests in Bermuda. Our place here has been paved by the blood, sweat and tears of our ancestors who labored under the lash of the powerful business owners of this country. We are the only non-immigrants here. Our place here has been earned. How is it that newly-arrived guests are offered

the same status and rights? Is it just that they are put on the same standings as blacks who have labored for centuries under Bermuda's systematic overt and covert oppression?

Our fate is in our hands. Either we take responsibility or we remain in the economic ditch. It's a simple matter. We have not understood the nature of racism. Dr. Claud Anderson explained that racism is a group concept, a competition for the ownership and control of economic power and influence. It's a group effort and a race for resources. Once the group wins they fight to keep others out. It's not the same as bigotry or discrimination. Racism is about economic resources for the group. Given that concept it's totally impossible for blacks to be racists. We don't own and control any assets of any appreciable value as a group. Who are we going to exclude?

So my dear black people let us refuse to sit around arguing about the deal. Let's exercise shuraa. Those with the insight to lead the fight on behalf of all of us have invited the collective intelligence to give input. This is an excellent example of shared responsible leadership. Let us avail ourselves of the chance to shape our future in this country of ours.

We need to change our debilitating old habits and one of them is talk for the sake of talk. Let our conversation

be directed towards a positive outcome, not just out-and-out criticism. We must learn to love one another. We must rekindle the respect that I witnessed amongst black people as a young boy. We are the offspring of those same people. Love and respect and decency are still embedded in our DNA. We haven't lost it. We are a people of faith and trust. Trust that G'd has not brought us on this long journey to leave us poor and frustrated, fodder for the economic powerhouses of this world. No my people! Nor will he do the work or solve the problems. A people get only what they strive for. And the fruit of their labor soon comes into view.

So black people of Bermuda it's time to roll up our collective sleeves and go to work on our plan for our future. A plan that no power could resist if we go in G'd's name. Let's put away jealousy, envy mistrust, and self hate. These devices have not served our cause; in fact they have contributed to our demise and disunity. Our blackness has been a magnet for mistreatment let it now be a magnet for our renaissance.

We must begin to see ourselves, not as anti others but to view ourselves as pro black.

Respectively submitted by,

Y.Kamal Carlton Best. ■

“The Battle for Women’s Rights is the Unfinished Business of the 21st Century” continued from page 7

benefits.

In Modern Day Slavery and Bonded Labour, I became aware of the very real nightmare world that some (mostly the poor and uneducated) are subjected to. Slavery is alive and well and not just in far off countries; and not just against women – it is impacting women and men; girls and boys.

It boggles the mind the saying that we are not free, until all are free.

So, I’m not entirely convinced that we should concentrate solely on women’s rights. I think the fight is much wider than that.

Yes, it is a fact, women are targeted more than men; but should we, as women, as mothers who care for both sons and daughters – focus only on our gender?

Or, should we set the example we want to see?

Shouldn’t we seek freedom and protection and equality of wages for everyone, regardless of gender?

Keith Lawrence and Dr. Raymond Cordington, authors of *“Racial Dynamics in Bermuda in the 21st Century: Progress and Challenges”* state in their foreword: *“This is not about making people feel better; it is about making things better. It’s about ensuring that racial inequity – where the playing field is grossly uneven simply because of one’s race – is truly something of the past.”*

I would substitute the word “gender” for the word “racial”.

And say: *“This is not about making people feel better; it is about making things better. It’s about ensuring that gender inequity – where the playing field is grossly uneven simply because of one’s gender – is truly something of the past.”*

I recognize that the subject of gender equity is sometimes contentious – especially when discussed in the realm of religion – the ordination of women is an unresolved topic in some areas still.

There are cultural and societal differences that impede our efforts to have the same standards across country boundaries around the world. But, regardless of national, ethnic, family, or gender, we are all part of the human race; we need each other to survive. I believe we must work to achieve a world where basic Human Rights are inalienable, available to every man, or woman, boy, or girl.

There is a song that says it better – no, I am not going to sing. The song says: *“I need you, you need me. We are all a part of God’s body.”*

“The battle for women’s rights is the unfinished business of the 21st century”. But this battle is not just for women – it is for all!

Thank you.
Dame Jennifer Smith,
DBE, JP, DHumL

Permission to quote “The battle for women’s rights is the unfinished business of the 21st century” by Mutryce A. Williams was granted by Caribbean News Now and the poet. ■

Critics of the Agreement Do Not Understand What the Protest was About continued from page 3

morning traffic on East Broadway and one which actually took place in the gallery at the House of Parliament. The small group that organized these protests eventually dubbed the “Immigration Reform Action Group (IRAG). IRAG called for two things only (1) for the Government to remove the Bill from the Order Paper; and (2) to agree to comprehensive bipartisan immigration reform. However, it was not until the unions became involved that the government started to listen to the people.

As a result of member unions in the Bermuda Trade Union Congress encouraging their members to become involved, some movement was noticed. BIU President, Chris Furbert, on behalf of the BIU’s General Council, called on the people of Bermuda to withdraw their labour in protest of the Government’s impending bill on Friday, March 11, 2016. Thousands of people heeded the call and returned to Parliament Hill on Monday, March 14, 2016 and formed a human barricade which prevented Members of Parliament from entering the building. The protest action continued until Thursday, March 17, 2016 when an agreement was reached after former Premier, Sir John Swan intervened and the parties went back to the table.

In my opinion, those persons who are still complaining about the agreement that was reached, are not understanding what was at stake. ■



THE CREDIT UNION



Over 200 million **satisfied** members in over 100 countries around the world; from Alaska in the North to Chile in the South and to Fiji in the East and Macedonia in the West. Over 55,000 Credit Unions serving the un-served and the under-served.

- 
- ✓ *Your savings are insured at no direct cost to you*
 - ✓ *Returns on savings are equitably distributed in the form of dividends*
 - ✓ *Interest earned on deposits in line with interest charged on loans*
 - ✓ *Members receive training in financial management*

BECOME A CREDIT UNION MEMBER TODAY!

Telephone: 292-0385
e-mail: creditunion@mbrscu.bm
website: www.bermudascrreditunionscoop.bm
49 Union Square, Hamilton HM 12



'A HEALTHY YOU'
Submitted by
Nurse Beverley Howell



LIFESTYLE
MEDICINE
INSTITUTE

What is **CHIP**?

The **C**omplete **H**ealth **I**mprovement **P**rogram (**CHIP**) is designed to substantially lower high levels of blood glucose, blood pressure, blood cholesterol, heartburn, angina and to lessen depression. It facilitates the reversal of narrowed arteries. This world-class program is conducted in hospitals, corporations and churches throughout North America and beyond. Thousands have been helped. You can be one of them because **CHIP** is available **Bright Temple AME Church**. Dr. Hans Diehl is the primary speaker in this dynamic, scientifically sound, and often humorous 18 session lecture series. **CHIP** results have been reported in more than a dozen articles published in peer reviewed journals, such as: The American Journal of Cardiology, Journal of the American Dietetic Association, Preventive Medicine, Journal of Occupational and Environmental Medicine This lecture series is enriched by additional learning activities facilitated by certified local CHIP facilitators. CHIP creates a clear and compelling solution to the alarming personal and national health care crisis. **CHIP** is facilitated by **Nurse Beverley Howell BScN (Hons) R.N. MA; Certified & Licensed Corporate, Community and Medical CHIP Facilitator.** **CHIP** includes Two biometric screenings, including weight, blood pressure, pulse, waist measurement, cholesterol, LDL, HDL, triglycerides, glucose; Two clinical lifestyle evaluations; Personalized counseling; 18 dynamic health and lifestyle sessions; textbook '**LEARN MORE**', workbook '**LIVE MORE**' and recipe book '**EAT MORE**'; Food demonstrations and samples.

CHIP is an outstanding educational experience for those who have or wish to avoid:

• **High Blood Pressure • Diabetes • High Cholesterol • Obesity**

Think about this:

"Health is not everything but without it, everything is nothing" Dr. Hans Diehl

CHIP Seminar Schedule: Monday, Tuesday and Thursday 5:00 p.m. ~ 8:00 p.m.

The Rise and Rise of Chronic Disease

The Common Denominator of Chronic Disease

Eat More and Weigh Less

The Heart of the Matter - Heart Healthy

Bone Health Essentials

Lifestyle is the Best Medicine

Fiber, Your New Best Friend

Disarming Diabetes

Controlling Blood Pressure and Discovering Protein

Cancer Prevention

Understanding Your Results and Taking Action

Become What You Believe and Your DNA is Not Your Destiny

Re-engineering Your Environment

Fix How You Feel

Practicing Forgiveness

Stress Relieving Strategies

From Surviving to Thriving

Join over 65,000 CHIP graduates from around the world and discover... **what can CHIP do for you?**

Cholesterol levels **drop** an average of **10 – 20%** and as much as **40%**. Weight loss averages **7 pounds** in just 30 days. • Diabetes and Blood Pressure medications are often **reduced** or sometimes **eliminated** •

Better sleep and **higher energy levels** are commonly reported.

Consider being **'Healthy by Choice Not by Chance'**

If you are concerned about Diabetes? High Blood Pressure? High Cholesterol? Fatigue?

Overweight? Consider Taking Charge of YOUR Health TODAY! It's NEVER too late to do so with a Fork & Knife!

To join the either of the next **2 CHIP classes April 4 ~ 28 or Sept. 28 ~ Oct. 26**

Contact Certified & Licensed CHIP Corporate, Community and Medical Facilitator
Beverley Howell BScN (Hons) R.N. MA at **236 - 2892** or email btchip@hotmail.com

EAP CLIPS: FEBRUARY 2016

HOW TO TURN DISTRESS INTO DE-STRESS

Stress sneaks up on us – which means we spend less effort on prevention than we do on coping with anxiety. But we must deal with stress in our lives because it's more than a headache and a bad mood – stress can kill you. Stress is one of the key factors in heart attack and stroke, and leads to obesity, high blood pressure, a compromised immune system, and a whole host of emotional problems.

We don't overtly choose stress, which means we can't just close our eyes and make it go away. Stress is a response to real life, but the filter between what's really going on and the meaning you assign to it can, in fact, be part of the problem. In other words, putting your challenges into the right perspective and remaining positive is a key element of coping with stress. There are ways to get there, but when they don't work there are professionals who can help.

THE THREE FORMS OF STRESS

There are three primary ways we experience stress, each with separate responses and healthy, proactive approaches to de-stressing for what might otherwise compromise our health. They are physical stress, emotional stress, and "work" stress, the latter involving time management and conflict resolution. These areas overlap, sometimes until the lines blur. But when you work toward de-stressing one area, the others benefit.

COPING WITH PHYSICAL STRESS

We hold stress within our bodies, creating very real consequences. Much like an overinflated balloon on the verge of bursting, we need to relieve the pressure of stress with physical activities, the more strenuous the better. Find a sport, even a hobby, that takes your mind off your problems and allows you to exert yourself in other ways, and your body will thank you for it. If that doesn't work, find a way to completely relax and unwind on a regular basis.

COPING WITH EMOTIONAL STRESS

Stress is always emotional, which is why you should find ways to put your problems into perspective. The best way to de-stress your emotions is to face the problem and make a plan that provides hope of a positive outcome. When you allow stress to manage you, it wins. So take charge of your challenges and the stress will dissipate. Don't hesitate to get counseling from a professional. If you don't get a handle on your emotions, physical consequences are right around the corner.

COPING WITH WORK STRESS

Work and personal relationships are the most common sources of stress, both physical and emotional. It usually involves our inability to accept a situation and the loss of hope for improvement. The most stressful response is to do nothing, to just endure. Take charge of your life and address the issue – talk to your employer about what concerns you. If you can't see light at the end of the tunnel, consider changing positions or even companies. Change can involve pain, but when it gives you hope for better things, stress quickly melts away.

Some approaches work to de-stress all three areas: meditation techniques, less sugar and caffeine in your diet, relaxing music, and breathing techniques, especially when you feel anxious. And most of all find a way to bring laughter back into your life. It's the best de-stressing technique there is.

If you need assistance please call **EMPLOYEE ASSISTANCE PROGRAMME OF BERMUDA**.

Log-on for additional information



**Employee
Assistance
Programme
Bermuda**

**P.O. Box HM 381, Hamilton HM BX
Web: www.eap.bm Phone: 441.292.9000
Fax: 441.292.8002 E-mail: info@eap.bm**

**If you need to talk...
we are here to listen.**



MEMBER BENEFITS

DISCOUNTS OFFERED TO BIU MEMBERS

- | | |
|--------------------------|--------------------------------|
| • Union Gas Limited | 5% off Mondays (cash only) |
| • Grotto Bay | 5% off of Famous Sunday Brunch |
| • Reefs Hotel & Spa | 10% off Food services |
| • El Shaddai Florist | 10% off |
| • ERU AT'ILE | 10% off |
| • Island Construction | 10% off Tires |
| • Newstead Belmont Hills | 10% off Hotel stay, Spa & Golf |
| • Hunt's Food & Supplies | 10% off Fridays |

Members must produce a valid membership card

Is an employer liable for acts of sexual harassment committed by employees continued from page 9

harassment together with a mechanism to handle employee complaints, could provide an employer with a good defence.

An employer can take three proactive protective measures.

Firstly, the employer must make sure that a comprehensive sexual harassment policy is in place. That policy should be readily available to all employees and include sensitivity training programs for managers, supervisors and employees on sexual harassment issues. The policy must include the process by which a complaint of sexual harassment can be brought to the attention of management.

Secondly, the employer must implement the policy, supervisors and managers must be made aware of the signs of sexual harassment and know what plan of action to follow. The company's policy and procedure should let employees know the company is committed to a sexual harassment free work place.

Thirdly, employers must effectively and thoroughly investigate incidents of sexual harassment reported by employees.

The source material for this article is the 2006 Bermuda Supreme Court case *Harris v Rice and Thorne* and the Third Edition of the book "Sexual Harassment in the Workplace" by Aggarwal and Gupta.

The Schism that Haunts the PLP

continued from page 5

Bermudian interests to come to the fore. A lot of hard political lessons have been learnt, the idea that you should withhold your vote to protest the government is not an adequate response to a government that does not govern in their interests. This showed clearly in the result of the recent by-election with the higher than usual voter turn-out which was a negative response to the OBA government and not an endorsement of the current leader of the PLP. In the end it will be the political supporters of the PLP which will put an end to the schism that has long haunted the PLP. ■

Easter

Find and circle all of the words that are hidden in the grid.
The remaining 34 letters spell a secret message.

C O S E L P I C S I D C H U R C H Y
 S R N E S A C R A M E N T E S A A S
 G T U T H F F P B U N N Y D U D E R
 G T N C R O A A P M E M A S S R N A
 E E T I I S L A S U O E D E E Y O F
 L C D N S F R Y C T R T N T J A I E
 P A N O E A I H W B I D U A F D T S
 Y A V E D M A X T E E N S L A S C T
 D E L E T R A S I W E N G O M R E I
 R Y A M I I I T H O O K R C I U R V
 C A S S S R N S S I N O I O L H R A
 A D T T H I A E T E A R O H Y T U L
 L I S C N I C I P S T C E C S A S I
 V L U T O N D D T E C W R Y O E E G
 A O P R A A M O T S U C E O A D R I
 R H P N R E E G G H U N T N S R A V
 Y T E T A M A R Y A D R U T A S P E
 E P R L G G S C E L E B R A T I O N

ASH WEDNESDAY
 BREAD
 BUNNY
 CALVARY
 CELEBRATION
 CHOCOLATE
 CHRIST
 CHURCH
 CROSS
 CRUCIFIXION
 CUSTOM

DEATH
 DISCIPLES
 EGG HUNT
 EGGS
 EUCHARIST
 FAMILY
 FASTING
 FESTIVAL
 FRIDAY
 HOLIDAY
 HOLY WEEK

JESUS
 LAST SUPPER
 LENT
 MARY
 MASS
 MEAL
 NEW TESTAMENT
 PALMS
 PARADE
 PASSOVER
 PENANCE

PENITENCE
 PRAYER
 RESURRECTION
 ROAST
 SACRAMENT
 SATURDAY
 SUNDAY
 THURSDAY
 TOMB
 TRADITION
 VIGIL

SOLUTIONS ON PAGE 2